



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

Joan Christian, Treasurer  
Cynthia McKinney for Congress  
P.O. Box 371125  
Decatur, GA 30037

**FEB 4 2009**

**RE: MUR 6107**  
**Cynthia McKinney for Congress and**  
**Joan Christian, in her official capacity as treasurer**

**Dear Ms. Christian:**

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") became aware of information suggesting Cynthia McKinney for Congress (the "Committee") and you, in your official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 22, 2008 and January 16, 2009, respectively, the Commission found reason to believe that the Committee and you, in your official capacity as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b), provisions of the Act, and approved the enclosed Factual and Legal Analysis that sets forth the basis for the Commission's determination.

We have also enclosed a brief description of the Commission's procedures for handling possible violations of the Act. In addition, please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519. In the meantime, this matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed Designation of Counsel form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

We look forward to your response.

On behalf of the Commission,



Steven T. Walther  
Chairman

Enclosures  
Factual and Legal Analysis

cc: Cynthia McKinney

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**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Cynthia McKinney for Congress  
and Joan Christian, in her official  
capacity as treasurer

**MUR 6107**

**I. INTRODUCTION**

This matter was generated by information obtained by the Commission in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). Pursuant to 2 U.S.C. § 438(b), the Commission conducted an audit of Cynthia McKinney for Congress and Joan Christian, in her official capacity as treasurer ("the Committee"). The audit covered the period from January 1, 2005 through December 31, 2006. Based upon the audit, the Commission found that the Committee received 14 contributions from individuals and political committees, totaling \$21,300, that exceeded the limits established by 2 U.S.C. §§ 441a(a)(1)(A) and 441a(a)(2)(A). Of the excessive contributions, \$11,100 were eligible for redesignation and/or reattribution. Of the remaining \$10,200 in excessive contributions that exceeded the limit per election and were not eligible for redesignation and/or reattribution, the Committee provided evidence that \$500 was not excessive, but \$9,700 remains unresolved.

The Commission's audit further discovered that the Committee did not properly disclose its financial activity in 2005 and 2006. In 2005, the Committee overstated its opening cash balance by \$9,356, failed to report \$13,193 in receipts from individuals and political committees, reported \$2,280 in contributions from individuals not supported by deposit and had a \$10 unexplained difference. Further, the Committee failed to report \$8,703 in disbursements, and reported \$246 in disbursements incorrectly. As a result of these misstatements, the Committee overstated its 2005 closing cash on hand by \$6,910. In 2006, because of 2005's misstatements,

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the Committee's 2006 opening cash balance was overstated by \$6,910. Additionally, the Committee failed to report \$96,489 in receipts from individuals, reported \$5,708 from individuals and political committees not supported by deposit, and had a \$225 unexplained difference. Further, it failed to report \$92,259 in operating expenditures, \$80,630 in disbursements to poll workers and had a \$2 unexplained difference. As a result of these misstatements, the Committee overstated its 2006 closing cash on hand by \$89,245.

## **II. FACTUAL & LEGAL ANALYSIS**

The Committee received 14 excessive contributions, totaling \$21,300. The Federal Election Campaign Act of 1971, as amended, ("the Act") prohibits committees from knowingly accepting contributions that exceeded \$2,100 per election from any one person. 2 U.S.C. §§ 441a(a)(1)(A), 441a(f). If a committee receives a contribution that appears to be excessive, the committee must either: 1) return the questionable contribution to the donor; or 2) deposit the contribution into its federal account and keep enough funds in the account to cover all potential refunds until the legality of the contribution is established. 11 C.F.R. § 103.3(b)(3) and (4). The Committee provided evidence that \$500 was not excessive.

Of the excessive contributions, \$11,100 were eligible for redesignation and/or reattribution. The Commission's regulations provide that a treasurer of a political committee may redesignate a contribution that exceeds the contribution limits to another election if, among other things, the treasurer of the recipient authorized political committee notifies the contributor in writing, within 60 days from the date of the receipt of the contribution, that the contribution was redesignated and that the contributor may request a refund of the contribution. 11 C.F.R. § 110.1(b)(5)(ii)(B) and (C). The Commission's regulations further provide that a committee may reattribute the excessive portion of a contribution to another individual whose name appears

on the written instrument used to make the contribution, 11 C.F.R. § 110.1(k)(3)(ii)(B)(1), and the treasurer is required within 60 days of receipt of the contribution to notify the contributor of the reattribution and the option to request a refund. 11 C.F.R. § 110.1(k)(3)(ii)(B)(2) and (3).

The Committee failed to obtain signed redesignations or reattributions from contributors or provide notifications to contributors of such redesignations or reattributions within 60 days.

Since the Committee received 14 contributions which exceeded the Act's limitations, the Commission finds reason to believe the Committee violated 2 U.S.C. § 441a(f).

The Committee did not properly disclose its financial activity in 2005 and 2006. Under the Act, each treasurer of a political committee is required to file reports of receipts and disbursements in accordance with 2 U.S.C. § 434(a). Each report shall disclose the amount of cash on hand at the beginning and end of the reporting period, the total amount of all receipts for the reporting period and calendar year, and the total amount of all disbursements for the reporting period and the calendar year. 2 U.S.C. § 434(b) (1), (2) and (4). Since the Committee failed to properly disclose its cash on hand, receipts and disbursements for 2005 and 2006, the Commission finds reason to believe that the Committee violated 2 U.S.C. § 434(b).