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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 24, 2009

Keith A. Davis, Treasurer
Marco Rubio for US Senate
4031 South Le Jeune Road
Coral Gables, FL 33146

Response Due Date:
January 28, 2010

Identification Number: C00458844

Reference: October Quarterly Report (7/1/09 - 9/30/09)

Dear Treasurer:

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This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Senate Public Records Office by the response date noted above. Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 3 items:

1. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached). You should examine all of your contributions to check for additional excessive contributions. The Committee's procedures for processing contributions should also be reviewed.

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution to a candidate for federal office in excess of $2,400 per election. An authorized committee may not make a contribution to a candidate for federal office in excess of $2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of $5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (2 U.S.C. § 441a(a) and (f); 11 CFR § 110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the

clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if, within sixty (60) days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below:

For reattributions, excessive contributions from individuals can be retained, if within sixty (60) days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor, or (2) the committee reattributes, by presumption, the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within sixty (60) days of receipt, the excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election, or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

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If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

Please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/ or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20 of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

The acceptance of excessive contributions is a serious problem. Again, the committee's procedures for processing contributions should be examined and corrected in order to avoid this problem. Although the Commission may take further legal action, prompt action by you to refund, redesignate, and/or reattribute of the excessive amount will be taken into consideration.

2. Commission Regulations require that a committee discloses the identification of all individuals who contribute in excess of $200 in an election cycle. (11 CFR § 104.3(a)(4)(i)) Identification for an individual is defined as the full name (initials are not acceptable), complete mailing address, occupation, and name of employer. (11 CFR § 100.12) Your report discloses contributions from individuals for which the identification is not complete.

The following employer and occupation entries appear on your report and are not considered acceptable: "Circle C. Ranch/Information Requested," "Information Requested/Attorney," "Information Requested/Information Requested," "Information Requested/Real Estate Broker," "Information Requested/Realtor," "None/None," "Seacoast National/Information Requested," "Self-Employed/Business Owner," "Self-Employed/Sales," "Self-Employed/Self-Employed," and "Small Business Owner/Small Business Owner."

You must provide the missing information or clarify the information provided. If you are unable to do so, you must demonstrate that "best efforts" have been used to obtain the information. To establish "best efforts," you must provide the Commission with a detailed description of

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your procedures for requesting the information. Establishing "best efforts" is a three-fold process.

First, your original solicitation must include a clear and conspicuous request for the contributor information and must inform the contributor of the requirements of federal law for the reporting of such information. (11 CFR § 104.7(b)(1)) See 11 CFR § 104.7(b)(1)(B) for examples of acceptable statements regarding the requirements of federal law.

Second, if the information is not provided, you must make one follow-up, stand alone effort to obtain this information, regardless of whether the contribution(s) was solicited or not. This effort must occur no later than 30 days after receipt of the contribution and may be in the form of a request via mail, e-mail or telephone documented in writing. (11 CFR § 104.7(b)(2)) Follow-up requests should be done, if necessary. The requests must:

- clearly ask for the missing information, without soliciting a contribution;
- inform the contributor of the requirements of federal law for the reporting of such information, and
- if the request is written, include a pre-addressed post card or return envelope.

Third, if you receive contributor information after the contribution(s) has been reported, you should either a) file with your next regularly scheduled report, an amended memo Schedule A listing all the contributions for which additional information was received; or b) file on or before your next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s). (11 CFR § 104.7(b)(4))

Please amend your report to provide the missing information and a detailed description of your procedures for requesting the information. For more information on demonstrating "best efforts," please refer to the Campaign Guide for Congressional Committees and Candidates.

3. Your report discloses the receipt of a contributions from limited liability corporations. Generally, these types of contributions are attributed to each person based on their percentage of ownership in the firm. However, any other acceptable formula may be used. Each person who has contributed in excess of $200 since 11/3/04 should be identified, on a memo Schedule A,

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by name, address, occupation, name of employer, amount of contribution, and aggregate total. (11 CFR § 110.1(g))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

A written response or an amendment to your original report(s) correcting the above problems should be filed with the Senate Public Records Office. Please contact the Senate Public Records Office at (202) 224-0322 for instructions on how and where to file an amendment. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1165.

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Sincerely,

Rebecca Hough

Rebecca Hough
Senior Campaign Finance Analyst
Reports Analysis Division

Excessive and/or Prohibited Contributions
Marco Rubio for US Senate (C00458844)
October Quarterly Report (7/1/09 - 9/30/09)

P = Primary Election
G = General Election

CONTRIBUTOR NAME		DATE	AMOUNT	ELECTION
ANDERSON	ROBERT	9/4/2009	$2,500.00	P, 2010
BOARDMAN	D D	9/30/2009	$2,500.00	P, 2010
BROWN	CAROLE B MS	7/1/2009	$1,000.00	P, 2010
BROWN	CAROLE B MS	9/29/2009	$3,800.00	P, 2010
CROW	HOWARD MR	9/30/2009	$2,400.00	P, 2010
CROW	HOWARD MR	9/30/2009	$2,400.00	P, 2010
GERSON	MARK L MR	9/1/2009	$2,400.00	P, 2010
GERSON	MARK L MR	9/30/2009	$7,200.00	P, 2010
GODWIN	LARRY MR	6/23/2009	$2,400.00	P, 2010
GODWIN	LARRY MR	9/29/2009	$93.00	P, 2010
GODWIN	LARRY MR	9/30/2009	$2,400.00	P, 2010
KLEPACH	BERNARD MR	9/29/2009	$9,600.00	P, 2010
SMITH	DAVID A MR	9/30/2009	$2,500.00	P, 2010

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