

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 2, 2023

ANALYST: Jamie Curran

I. COMMITTEE: Straight Talk Politics PAC
C00743682
Wesley Smith, Treasurer
1750 Lundy Ave
#612286
San Jose, CA 95101

II. RELEVANT STATUTE: 52 U.S.C. § 30104(g)(1)
11 C.F.R. § 104.4(c)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 24-Hour Reports)

Straight Talk Politics PAC (“the Committee”) failed to timely file one (1) 24-Hour Report to support one (1) independent expenditure totaling \$525,000.00 disclosed on the 2022 30-Day Post-General Report, made after the 20th day but more than 24 hours before the day of the election.

On November 28, 2022, the Committee filed one (1) [24-Hour Report](#) to support one (1) independent expenditure totaling \$525,000.00 disseminated on October 25, 2022.

On November 29, 2022, the Committee filed the [2022 30-Day Post-General Report](#) covering the period from October 20, 2022 to November 28, 2022. The report included a [Schedule E \(Itemized Independent Expenditures\)](#) disclosing two (2) independent expenditures totaling \$932,000.00 opposing two (2) Federal candidates.

On February 6, 2023, a [Request for Additional Information \(RAI\)](#) was sent to the Committee referencing the 2022 30-Day Post-General Report. The RAI noted that the Committee may have failed to timely file one (1) or more of the required 24-Hour Reports of independent expenditures. A chart was included with the RAI identifying one (1)

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independent expenditure, totaling \$525,000.00, for which a 24-Hour Report had not been timely filed (Attachment 1).

On March 8, 2023, the Committee filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#) in response to the RFAI referencing the 2022 30-Day Post-General Report. The Committee stated:

“This letter is in response to your request for additional information regarding a late 24 independent expenditure report.

Regarding the Delino LLC expenditure of 10/25/22, the Committee discovered that it had inadvertently failed to file this report. Upon discovery of the error, the Committee immediately filed a 24 Hour Report on 11/28/22 reporting the transaction.

The Committee has, as a result of this discovery to implement policies and procedures to ensure that such an oversight does not occur again.”

Since March 14, 2023, the Reports Analysis Division (RAD) logged four (4) communications with representatives of the Committee which reflect efforts to help the Committee voluntarily comply with the Act. RAD was able to successfully connect with the Committee on one (1) of these occasions and notified Brandon Philipczyk, Compliance Consultant for the Committee, that the matter would be referred to another office at the Commission for further review. To date, no further communications have been received from the Committee regarding this matter (Attachment 2).

Filings and correspondence related to the Committee can be found here: [Straight Talk Politics PAC](#).

Straight Talk Politics PAC (C00743682)[2022 30-Day Post-General Report](#)24-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Opposed	24-Hour Report Received
Delino LLC	10/25/2022	\$525,000.00 <i>24-Hour Report Required</i>	VANCE, JD	11/28/2022