

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE #3834

**RECEIVED**

By Office of the Commission Secretary at 9:06 am, Jun 15, 2020



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

June 15, 2020

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2020 12 Day Pre-Primary Report (Ohio) for the Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to timely file the 2020 12 Day Pre-Primary Report for the Ohio Primary Election in accordance with 52 U.S.C. § 30104(a). The 12 Day Pre-Primary Report was due on April 16, 2020 and the Primary Election was held on April 28, 2020<sup>1</sup>.

The committee listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, the committee should be assessed the civil money penalty highlighted on the attached circulation report.

<sup>1</sup> On 3/5/2020, the committee on the attached RTB Circulation Report timely filed the 12P due for the original election on 3/17/2020. On 3/27/2020, the Ohio Governor changed the congressional primary election from 3/17/2020 to 4/28/2020. The change was in response to the COVID-19 pandemic. Prior notice regarding the revised reporting requirements was sent to the committee on 3/30/2020.

**Recommendation**

1. Find reason to believe that the political committee and its treasurer, in her official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

Federal Election Commission  
Reason to Believe Circulation Report  
2020 PRE-PRIMARY Election Sensitive 04/16/2020 AUTH (OH)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3834	C00154625	KAPTUR FOR CONGRESS	MARCY KAPTUR	LYDIA CORNETT	\$1,258,528	0		Not Filed	\$209,755 (est)	\$10,901

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Reason To Believe Recommendation - 2020 )  
 12 Day Pre-Primary Report (Ohio) for the )  
 Administrative Fine Program: )  
 KAPTUR FOR CONGRESS, and ) AF# 3834  
 CORNETT, LYDIA CPA as treasurer; )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 29, 2020 the Commission took the following actions on the Reason To Believe Recommendation - 2020 12 Day Pre-Primary Report (Ohio) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 15, 2020, on the following committee:

AF#3834 Decided by a vote of 4-0 to: (1) find reason to believe that KAPTUR FOR CONGRESS, and CORNETT, LYDIA CPA in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Trainor, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
Certification for Administrative Fines  
June 29, 2020



July 9, 2020

Date

Attest:

**Laura Sinram**

Digitally signed by

Laura Sinram

Date: 2020.07.09

15:27:33 -04'00'

Laura E. Sinram

Acting Secretary and Clerk of the  
Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

July 10, 2020

Lydia Cornett, in official capacity as Treasurer  
Kaptur for Congress  
P.O. Box 899  
Toledo, OH 43697

**Response Due Date**

**08/19/2020**

C00154625

AF#: 3834

Dear Ms. Cornett,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period April 1, 2020 through April 8, 2020, shall be filed no later than April 16, 2020. 52 U.S.C. § 30104(a). Because records at the Commission indicate that you did not file this report prior to four (4) days before the election, the report is considered not filed for the purpose of calculating the civil money penalty. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On June 29, 2020, the FEC found that there is reason to believe ("RTB") that Kaptur for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before April 16, 2020. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$10,901. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$10,901 is due within forty (40) days of the finding, or by August 8, 2020, and is based on these factors:

Sensitivity of Report: Election Sensitive  
Level of Activity: \$209,755  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

## KAPTUR FOR CONGRESS

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**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or August 8, 2020. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Nevertheless, a challenge to an RTB finding and/or calculated civil money penalty must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to [administrativefines@fec.gov](mailto:administrativefines@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited

KAPTUR FOR CONGRESS

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to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Kaptur for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

### **5. Settlement Offers**

## KAPTUR FOR CONGRESS

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Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

Sincerely,



James E. "Trey" Trainor III  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$10,901 for the Pre-Primary Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or

KAPTUR FOR CONGRESS

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credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

FOR: Kaptur for Congress

FEC ID#: C00154625

AF#: 3834

PAYMENT DUE DATE: August 8, 2020

PAYMENT AMOUNT DUE: \$10,901

**Kaptur for Congress Committee**  
**Post Office Box 899**  
**Toledo, OH 43697**

August 17, 2020

Federal Election Commission  
1050 First St NE  
Washington, DC 20463

**RE: APPEAL of AF#3834**

SENT VIA EMAIL: [AdministrativeFines@FEC.GOV](mailto:AdministrativeFines@FEC.GOV)

Dear Commission Members:

Reference is made to correspondence from the Federal Election Commission to the Kaptur for Congress Committee (“Committee”) regarding our 12-day Pre-Primary filing for 2020. By this letter, we appeal the proposed Administrative Action and fine (#AF3834) by the FEC. Committee has not retained counsel in this matter.

Due to the challenges presented by the onset of COVID-19, the status of the Ohio Primary was a matter of much confusion, litigation and ultimately legislation. Late in the day on March 16<sup>th</sup> Ohio’s Governor, apparently without legal authority, cancelled in person voting on Ohio’s Primary Day (March 17) out of an abundance of caution for the potential spread of COVID 19 that in-person voting would present. Because the Primary was to take place March 17th, Committee had already filed Pre-Primary reports as required 12 days in advance of the established election date. Committee also exhibited compliance by filing six 48-hour contribution disclosure reports in the time between the 12-day report filing and the Primary date.

What ensued in Ohio after the Governor's pronouncement left much question as to what the legal status of the Primary was. After a protracted back and forth between the legislature, Secretary of State, state courts, and boards of elections around the state and two changes to the last date votes would be accepted, the legislature determined that only mail-in absentee voting would be allowed for an additional 42 days until April 28. Notably, voters in Ohio were not able to cast in person votes after March 17. Committee, having met its obligation to file a Pre-Primary report was unaware that additional filings would be required. FEC communication records with Committee will show a contact from Committee on the matter of Primary reporting obligations. Once Committee embarked on its Pre-Primary reporting regimen, it was unaware it could mechanically file a second Primary report. Underscoring Committee’s belief that it was fully compliant, Committee filed all subsequent reports before it learned that the FEC was seeking a refiling of Pre-Primary reports from Ohio. Finally, Committee’s subsequent reports demonstrate a consistent pattern of reporting all contributions and disbursements after March 17th as dedicated to the General Election.

Federal Election Commission  
August 17, 2020

Page Two

On March 25, 2020, the Ohio legislature passed HB 197 reasserting that only the legislature can schedule an election. The bill, signed by the Governor of Ohio on March 27, 2020 further asserts that the Primary Election will be deemed as held on March 17 when it reasserts on page 344 (attached) March 17 as the Primary Election but with the addition of 42 days:

*(G) The boards of elections and the Secretary of State shall complete the unofficial count, the canvass of the election returns, and all other post-election procedures with respect to the March 17, 2020, primary election, and any special election held on the day of the primary election, on the dates provided in the Revised Code, except that each deadline shall be calculated by adding 42 days.*

Importantly, the law on page 345 (attached) affirms the Committee's course of action and indicates a *factual error in the reason to believe finding* by the FEC:

*(H) For the purpose of the contribution limits described in section 3517.102 of the Revised Code, the date of the 2020 primary election is March 17, 2020.*

The FEC further considers appeals based on use of best efforts to file in a timely manner when prevented from doing so by *reasonably unforeseen circumstances beyond Committee's control*. Disaster-related incidents are part of this calculation, and COVID-19 has been declared a national emergency by President Trump. All 50 states have been approved for disaster declarations, and fallout and damage continue. Specifically, the pandemic created circumstances that led to this misunderstanding compounded by a prolonged election. Because voting in Ohio's primary had already begun before confusion over the date arose and action by the state legislature reaffirmed that March 17<sup>th</sup> would remain the date considered as Ohio's Primary Election, Committee could not have reasonably anticipated that the FEC would view the Primary differently than the State of Ohio and thus impose new filing dates and requirements.

Finally, after Committee's notification from the FEC regarding our Pre-Primary reporting, conversations with FEC staff determined that as a result of Committee's compliant reporting, no days remained unaccounted for in its filings at the time of the FEC notification #AF3834. Our review discovered that only a small number of days and contributions and expenditures, notably without any 48-hour reporting lapses under a new Primary timeframe, are affected by the extended Primary when those filings are considered. On this basis, the *calculation used for the potential fine appears incorrect* and further supports a decision by the Commission to accept our appeal to vacate the proposed fine as well as further action against the Committee in this matter.

Thank you for this opportunity to appeal the application of Administrative Fines. We look forward to a favorable review by the Commission.

Sincerely,



Lydia Cornett, CPA  
Treasurer

(133rd General Assembly)  
 (Amended Substitute House Bill Number 197)

## AN ACT

To amend sections 122.075, 125.831, 131.45, 133.01, 133.06, 133.07, 133.18, 135.142, 305.31, 306.322, 307.671, 307.672, 307.674, 307.678, 307.695, 319.301, 321.03, 321.20, 323.154, 323.155, 351.01, 351.03, 351.141, 718.01, 718.021, 929.01, 1545.041, 1545.21, 1711.15, 1711.16, 3316.03, 3316.06, 3317.01, 4301.20, 4582.024, 4582.26, 4582.56, 4723.43, 4729.01, 4761.17, 5104.31, 5701.08, 5701.11, 5701.12, 5703.04, 5703.211, 5703.54, 5703.94, 5703.95, 5705.03, 5705.13, 5705.19, 5705.195, 5705.213, 5705.252, 5705.29, 5705.315, 5705.34, 5705.35, 5705.36, 5705.49, 5709.201, 5709.43, 5709.48, 5709.53, 5709.61, 5709.80, 5709.85, 5709.93, 5713.03, 5713.30, 5713.351, 5715.13, 5715.36, 5721.06, 5721.191, 5721.39, 5725.98, 5726.50, 5726.98, 5727.02, 5727.11, 5727.23, 5727.32, 5727.33, 5727.80, 5727.83, 5727.84, 5729.98, 5733.042, 5733.05, 5733.052, 5733.055, 5733.40, 5733.98, 5735.026, 5735.06, 5739.01, 5739.011, 5739.02, 5739.021, 5739.028, 5739.03, 5739.034, 5739.08, 5739.09, 5739.21, 5740.02, 5743.05, 5743.08, 5743.33, 5743.65, 5745.14, 5747.01, 5747.011, 5747.012, 5747.013, 5747.02, 5747.058, 5747.061, 5747.07, 5747.082, 5747.11, 5747.231, 5747.41, 5747.51, 5747.52, 5747.55, 5747.98, 5748.08, 5748.09, 5751.01, 5751.08, 5751.09, 5751.50, 5751.51, 5751.98, and 5753.11; to enact sections 4723.433, 4723.434, 4723.435, 5739.091, 5739.092, 5751.40, 5751.41, and 5751.42; and to repeal sections 901.13, 5705.211, 5727.87, 5733.46, 5739.105, 5747.75, and 5751.23 of the Revised Code and to amend Section 757.40 of H.B. 166 of the 133rd General Assembly to continue essential operations of state government and maintain the continuity of the state tax code in response to the declared pandemic and global health emergency related to COVID-19, to make appropriations, and to declare an emergency.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 122.075, 125.831, 131.45, 133.01, 133.06, 133.07, 133.18, 135.142, 305.31, 306.322, 307.671, 307.672, 307.674, 307.678, 307.695, 319.301, 321.03, 321.20, 323.154, 323.155, 351.01, 351.03, 351.141, 718.01, 718.021, 929.01, 1545.041, 1545.21, 1711.15, 1711.16, 3316.03, 3316.06, 3317.01, 4301.20, 4582.024, 4582.26, 4582.56, 4723.43, 4729.01, 4761.17, 5104.31, 5701.08, 5701.11, 5701.12, 5703.04, 5703.211, 5703.54, 5703.94, 5703.95, 5705.03, 5705.13, 5705.19, 5705.195, 5705.213, 5705.252, 5705.29, 5705.315, 5705.34, 5705.35, 5705.36,

Code;

(c) Instructions for the applicant to return the provisional ballot in the same manner as absent voter's ballots and a return envelope in which the applicant may return the provisional ballot;

(d) Instructions for the applicant to ascertain the status of the applicant's provisional ballot, as described in section 3505.181 of the Revised Code.

(D)(1) Only the following electors may apply for and cast absent voter's ballots in person at the office of the board of elections on April 28, 2020, not later than 7:30 p.m., instead of applying to receive those ballots by mail:

(a) An elector to whom division (C)(1)(a) of this section applies, who has a disability, and who wishes to cast absent voter's ballots using a direct recording electronic voting machine or marking device that is accessible for voters with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. Each board shall have at least one such machine or device available for use at the office of the board.

(b) An elector to whom division (C)(1)(a) of this section applies and who is unable to receive mail at the place where the elector resides or at another location.

(2) All eligible electors waiting in line to cast ballots in person under division (D) of this section as of 7:30 p.m. on April 28, 2020, shall be permitted to cast absent voter's ballots.

(E)(1) Absent voter's ballots and provisional ballots cast at any time before or after the effective date of this section by electors who were registered to vote in this state as of February 18, 2020, for the March 17, 2020, primary election, or for any special election held on the day of the primary election, shall be eligible to be counted if they are received at the office of the appropriate board of elections not later than 7:30 p.m. on April 28, 2020. The board shall place a secure receptacle outside the office of the board for the return of ballots under this section. Except as otherwise provided in divisions (E)(2) and (3) of this section, ballots received after 7:30 p.m. on April 28, 2020, shall not be counted.

(2) Ballots received by mail at the office of the board after 7:30 p.m. on April 28, 2020, and not later than May 8, 2020, are eligible to be counted if they are postmarked on or before April 27, 2020, and are not postmarked using a postage evidencing system, including a postage meter, as defined in 39 C.F.R. 501.1.

(3) Ballots cast by uniformed services and overseas absent voters that are received by mail at the office of the board after 7:30 p.m. on April 28, 2020, and not later than May 8, 2020, are eligible to be counted if they were submitted for mailing not later than 12:01 a.m. at the place where the voter completed the ballots on April 28, 2020, regardless of whether the ballots are postmarked.

(F)(1) If the election officials find that the identification envelope statement of voter containing absent voter's ballots for the March 17, 2020, primary election, or for any special election held on the day of the primary election, is incomplete or that the information contained in that statement does not conform to the information contained in the Statewide Voter Registration Database concerning the voter, as described in section 3509.06 of the Revised Code, the voter shall provide the necessary information to the board of elections in accordance with that section not later than May 5, 2020.

(2) An individual who casts a provisional ballot under this section and who is required under

sections 3505.181 to 3505.183 of the Revised Code to provide identification or additional information to the board of elections shall provide the necessary identification or information to the board in accordance with those sections not later than May 5, 2020.

(G) The boards of elections and the Secretary of State shall complete the unofficial count, the canvass of the election returns, and all other post-election procedures with respect to the March 17, 2020, primary election, and any special election held on the day of the primary election, on the dates provided in the Revised Code, except that each deadline shall be calculated by adding 42 days.

(H) For the purpose of the contribution limits described in section 3517.102 of the Revised Code, the date of the 2020 primary election is March 17, 2020. However, the statements of contributions and expenditures required to be filed under division (A)(2) of section 3517.10 of the Revised Code after the primary election shall be filed not later than 4:00 p.m. on June 5, 2020.

(I) In implementing this act, the Secretary of State shall proceed as though the Department of Administrative Services has suspended, under section 125.061 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that otherwise would apply to the Secretary of State. The Secretary of State shall comply with division (E) of that section.

SECTION 33. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020 and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.

	1	2	3	4	5
A	SOS SECRETARY OF STATE				
B	Dedicated Purpose Fund Group				
C	5RG0	050627	Absent Voter's Ballot Application Mailings	\$ 7,000,000	\$ 0
D	TOTAL Dedicated Purpose Fund Group			\$ 7,000,000	\$ 0
E	TOTAL ALL BUDGET FUND GROUPS			\$ 7,000,000	\$ 0

ABSENT VOTER'S BALLOT APPLICATION MAILINGS  
The foregoing appropriation item 050627, Absent Voter's Ballot Application Mailings, shall

<https://www.cleveland.com/open/2020/03/ohio-senate-passes-coronavirus-relief-bill-extending-primary-voting-until-april-28-waiving-school-testing-requirements.html>

## Ohio legislature passes coronavirus relief bill extending primary voting until April 28, waiving school testing requirements

Updated Mar 25, 2020; Posted Mar 25, 2020



Members of the Ohio Senate bow their heads in prayer at the start of Wednesday's session, during which they passed legislation making sweeping changes to the state's primary election and education requirements, among many other things, in response to the coronavirus crisis. (The Ohio Channel)

4,153  
shares

By [Jeremy Pelzer, cleveland.com](#) and [Andrew J. Tobias, cleveland.com](#)

COLUMBUS, Ohio — State lawmakers on Wednesday unanimously passed sweeping legislation to address a number of pressing issues caused by the coronavirus crisis, including extending mail-in primary voting until April 28, allowing high-school seniors to graduate, freezing school-voucher eligibility, and banning water utilities from disconnecting service.

With limited floor debate, the Ohio House and Senate approved House Bill 197, which were worked out in advance by legislative leaders from both parties, as well as Gov. Mike DeWine.

DeWine will sign the bill "soon," according to a post on his official Twitter account.

Lawmakers in both chambers adopted special voting procedures to observe social distancing, including spacing out their desks, staggering how many legislators were in the chamber at a given time and in the Senate's case, encouraging casual dress, which they said was more likely to be cleaned frequently.

House Speaker Larry Householder said staff used a forehead thermometer to check the temperatures of members as they walked onto the floor to make sure they didn't have a fever.

"This is an unusual time, and Ohio families are going through some very unusual circumstances," said Householder, a Perry County Republican. "And their government is as well."

Since the coronavirus arose in China late last year, it has spread around the world, infecting more than 438,000 people -- [including at least 704 Ohioans 10 of whom had died as of Wednesday](#). Many of the provisions in the legislature's coronavirus response bill codified executive orders made by DeWine in recent days as he's ordered sweeping closures of businesses and restrictions on everyday Ohioans lives to try to control the spread of COVID-19.

Amended [House Bill 197](#) includes measures to:

**[Extend mail-in balloting for the March 17 primary until late April](#):** There will be no in-person voting for Ohio's 2020 primary election under HB197 (except for disabled voters needing special assistance), but mail-in balloting would be allowed to continue through April 28. As the Ohio Department of Health [closed polling places on March 17](#), Secretary of State Frank LaRose moved the ending of the primary for June 2. **But lawmakers balked at this, and the bill they passed gives voters until April 28, the date sought by the Ohio Democratic Party in a lawsuit.** State Sen. Matt Huffman, a Lima Republican, said Wednesday that it would be inaccurate to say that the election is being moved to late April: "We're merely allowing additional voting for the March 17 election." Voter-rights groups have said the election wrap-up date is too soon, among other concerns, and have said they may sue.

**Waive K-12 testing and allow graduation:** The bill waives testing requirements and report cards for this school year, and it allows high-school seniors to graduate if their school determines they were on track to do so before classes were interrupted. Another measure waives limitations on distance learning for Ohio K-12 schools, and allows schools to use distance learning to make up for [the three weeks Ohio schools will be closed](#).

**Freeze school-voucher eligibility:** If lawmakers don't act by March 31, the number of Ohio public schools where EdChoice private-school vouchers are available [will balloon from about 500 to around 1,200](#), as more schools – including many in affluent areas – have been designated as "underperforming." As state funding is limited, individual districts would have to pay a large chunk of the expanded vouchers. The Senate's bill would keep the voucher eligibility at existing levels.

**Allow for school meal programs this summer:** HB 197 temporarily exempts schools and other entities from state food-processing requirements so they can continue serving meals to students.

**Prohibit water service disconnections:** The legislation authorizes the Ohio Environmental Protection Agency to prohibit public water systems from shutting off service to customers for non-payment. The Public Utilities Commission of Ohio [already arranged for most utilities to](#)

[pledge not to disconnect service](#) during the coronavirus crisis, but the PUCO doesn't regulate public water systems.

**Expand unemployment insurance:** The bill codifies [an executive order by DeWine](#) to temporarily waive the typical waiting period required to qualify for unemployment benefits, and erase (for now) the requirement that people who get jobless benefits must seek work.

**Permit public meetings electronically:** Normally, most government bodies must conduct business in person, but the bill temporarily allows public meetings to be held remotely, so long as the public has access.

**Extend tax-filing deadline to July 15:** Ohio lawmakers pushed back the state's income-tax filing deadline to conform with [federal changes](#).

**Allow dipping into Ohio's rainy-day fund:** Lawmakers didn't approve a withdrawal from the state's \$2.7 billion Budget Stabilization Fund. But the bill gives permission for DeWine to do so if he sees fit.

**Allow some state workers to be rehired:** The measure allows the rehiring of recently retired workers at the state's prisons agency, youth prisons, Department of Mental Health and Addiction Services, Department of Veterans Services, and Department of Developmental Disabilities.

**Extend the validity of state and local licenses for 90 days:** State Sen. Matt Dolan, a Chagrin Falls Republican, said this provision will help people who are reluctant to go to a public building to renew a permit, or if the agencies themselves are closed ([as is the case with most Ohio Bureau of Motor Vehicles locations](#)).

**Give recent nursing grads temporary licenses:** Nursing-school graduates who have not yet passed their licensure examination would be able to obtain a temporary license lasting until Dec. 1 or 90 days after the governor's state of emergency ends (whichever comes first).

Most of the measures included in the bill are temporary, ending Dec. 1 or when the state of emergency is lifted. Householder said the legislature is unlikely to re-convene any time soon, although he said there could be action taken down the road.

"If he [DeWine] needs more tools for his toolbox, and he needs more appropriations, we may come back," he said. "But at this time, we have no plans to come back for session or committees until things get better."

Before amending and passing HB 197, senators from both parties spoke in favor of the changes, saying they were needed to address a major crisis that has resulted in [most Ohioans being ordered to remain at home](#) as the virus spreads.

"We are recognizing that in this time of need, we want to ease the burden on Ohio citizens and allow the functions of government to continue during the time of this crisis," Dolan said on the Senate floor.

Senate Minority Leader Kenny Yuko, a Richmond Heights Democrat, said in a floor speech that the bill is a “joint effort” that “nailed the concern” that all Ohioans have.

“All of this was absolutely very, very necessary,” Yuko said.

“These are extraordinary times. This is an extraordinary bill,” said State Rep. Jamie Callender, a Lake County Republican.

State lawmakers had considered adding [some non-coronavirus-related items to the bill as well](#), including proposals to change how public corruption cases are handled and lowering the bar for state issue campaigns attempting to make the ballot. However, Senate President Larry Obhof, a Medina Republican, said those measures were not included in the final version of the legislation.

“We tried very hard to make sure that what ended up in the final version of this bill was specific to the coronavirus and the state’s response to that and the needs created by that -- and in a few other cases, like EdChoice, things that were time-sensitive,” Obhof told reporters after the vote.



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 16, 2020

## **REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW (“OAR”)**

AF# 3834 – Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer (C00154625)

### **Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$1,230 civil money penalty.

### **Reason-to-Believe Background**

The 2020 Ohio Pre-Primary Report was due on April 16, 2020. The report is election sensitive and was not filed prior to four days before the Ohio Primary Election held on April 28, 2020; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(2).

On June 29, 2020, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Ohio Pre-Primary Report and made a preliminary determination that the civil money penalty was \$10,901 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on July 10, 2020 to notify them of the Commission’s RTB finding and civil money penalty.

### **Legal Requirements**

The Federal Election Campaign Act (“Act”) states that the treasurer of a principal campaign committee shall file a pre-election report no later than 12 days before any primary election in which the candidate seeks election. 52 U.S.C. § 30104(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

## Summary of Respondents' Challenge

On August 17, 2020, the Commission received the written response (“challenge”) from the Treasurer. She explains:

Due to the challenges presented by the onset of COVID-19, the status of the Ohio Primary was a matter of much confusion, litigation and ultimately legislation. Late in the day on March 16th Ohio’s Governor, apparently without legal authority, cancelled in person voting on Ohio’s Primary Day (March 17) out of an abundance of caution for the potential spread of COVID 19 that in-person voting would present. Because the Primary was to take place March 17th, Committee had already filed Pre-Primary reports as required 12 days in advance of the established election date. Committee also exhibited compliance by filing six 48-hour contribution disclosure reports in the time between the 12-day report filing and the Primary date.

What ensued in Ohio after the Governor’s pronouncement left much question as to what the legal status of the Primary was. After a protracted back and forth between the legislature, Secretary of State, state courts, and boards of elections around the state and two changes to the last date votes would be accepted, the legislature determined that only mail-in absentee voting would be allowed for an additional 42 days until April 28. Notably, voters in Ohio were not able to cast in person votes after March 17...

The Treasurer states the Committee believed that it had complied with reporting requirements, noting that it had already filed the Pre-Primary Report in conjunction with the March 17, 2020 Primary Election and had also contacted the FEC regarding these Primary reporting obligations. The Treasurer also states that the Committee filed all subsequent reports before learning that the FEC was expecting a second Pre-Primary Report.

The Treasurer also states there is a factual error in the Commission’s RTB finding because the State of Ohio considered the Primary Election to be held March 17, 2020 “but with the addition of 42 days.” Further, the Committee used its best efforts to file but were prevented from doing so by a reasonably unforeseen circumstance.

Disaster-related incidents are part of this calculation, and COVID-19 has been declared a national emergency by President Trump. All 50 states have been approved for disaster declarations, and fallout and damage continue. Specifically, the pandemic created circumstances that led to this misunderstanding compounded by a prolonged election. Because voting in Ohio’s primary had already begun before confusion over the date arose and action by the state legislature reaffirmed that March 17th would remain the date considered as Ohio’s Primary Election, Committee could not have reasonably anticipated that the FEC would view the Primary differently than the State of Ohio and thus impose new filing dates and requirements.

The Committee concludes by stating that only a small number of days, contributions, and expenditures were covered under the new Pre-Primary Report coverage period. Therefore, it believes the civil money penalty was incorrectly calculated. The Treasurer requests that the Commission waive the penalty and take no further action.

## **Analysis**

The Ohio Primary Election was originally scheduled for March 17, 2020. For political committees involved in the election, a Pre-Primary Report covering January 1, 2020 through February 26, 2020 was due March 5, 2020. The Committee timely filed this report.

In response to the COVID-19 pandemic, on March 27, 2020, Ohio Governor DeWine signed legislation that extended Ohio's primary absentee voting until April 28, 2020.<sup>1</sup> By delaying the selection of general election nominees, the legislation established April 28, 2020 as the new Ohio Primary Election date for purposes of the Federal Election Campaign Act and FEC regulations. *See* 11 C.F.R. § 100.2(a) and (c)(1). In response, the Commission updated the reporting dates and deadlines associated with this election. For political committees involved in the election, an additional Pre-Primary Report covering April 1, 2020 through April 8, 2020 was due April 16, 2020.

The respondents contend they were not aware of the additional 2020 Pre-Primary reporting requirement. However, Commission records indicate the Committee was notified of the requirement on multiple occasions. On March 31, 2020, the Commission's Information Division sent the revised 2020 Ohio Primary Prior Notice to info@marykaptur.com, the email address listed on the Committee's Statement of Organization. The notice specifically highlighted the Committee's requirement to file the additional 2020 Ohio Pre-Primary Report by April 16, 2020. In addition, the Information Division published a *Record* article and a Tip for Treasurers to advise committees that the Commission was adjusting reporting deadlines to reflect changes in states' election dates. Committees were encouraged to consult the dates and deadlines page on the FEC website for additional information.

On April 17, 2020, the day following the filing deadline, the Commission's Electronic Filing Office sent a late notification email to info@marcykaptur.com and kaptur4congress@aol.com because the report had not yet been filed. On June 2, 2020, RAD sent the non-filer notification to info@marcykaptur.com.

### *Factual Error Defense*

The respondents contend the Commission's RTB finding is based on a factual error. Specifically, they contend the date of the Ohio Primary Election was not changed and was March 17, 2020.

On March 27, 2020, the Governor of Ohio signed House Bill 197 that extended Ohio's primary absentee voting until April 28, 2020. By delaying the selection of general election nominees, the legislation established April 28, 2020 as the new Ohio Primary Election date for

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<sup>1</sup> <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-197>

purposes of the Federal Election Campaign Act and FEC regulations. 11 C.F.R. § 100.2(a) and (c)(1). Therefore, this defense does not succeed. The Reviewing Officer confirms the Committee was required to file the additional Pre-Primary Report due April 16, 2020.

“Best Efforts” Defense

The respondents contend they used their best efforts to timely file the 2020 Pre-Primary Report but were prevented from doing so due to impacts of COVID-19, which they state is a circumstance that was unforeseen and beyond the Committee’s control. “Specifically, the pandemic created circumstances that led to this misunderstanding compounded by a prolonged election.”

The “best efforts” defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances. The Commission states in its *Explanation and Justification for Revised 11 CFR § 111.35(b)(3) – “Best Efforts” Defense*, 72 Fed. Reg. 14662, 14664-14666 (Mar. 29, 2007) that respondents must show

...that the reasonably unforeseen circumstances in fact *prevented* the timely and proper filing of the required report...[T]his rule requires a strict causal relationship between the circumstances described in the challenge...and the respondent’s inability to file the report timely. It is not sufficient for reasonably unforeseen circumstances to make it merely more difficult than usual for the respondent to file on time. The circumstance must cause the respondent to be *unable* to file in a timely and proper manner, despite the respondent attempting to use all available methods of filing. (emphasis included)

While the Reviewing Officer recognizes COVID-19 and its related impacts may potentially be considered a reasonably unforeseen circumstance beyond a committee’s control, the respondents did not demonstrate that the unforeseen circumstances directly *prevented* the respondents from filing the report by the April 16, 2020 filing deadline. Nor did the respondents demonstrate that they filed the report no later than 24 hours after the end of a circumstance considered to be unforeseen and beyond the respondents’ control. Therefore, the “best efforts” defense does not succeed.

Error in Calculation of Civil Money Penalty

The respondents contend the civil money penalty was incorrectly calculated at RTB. At the time of the RTB finding, the Commission used an estimated level of activity (\$209,755) to calculate the penalty because the additional 2020 Pre-Primary Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(i). The Committee filed the 2020 July Quarterly Report on July 15, 2020, which includes the Pre-Primary Report coverage period of April 1, 2020 through April 8, 2020. The Committee subsequently filed an Amended 2020 July Quarterly Report on September 15, 2020. For the April 1, 2020 through April 8, 2020 period, the report discloses \$16,800 in total

receipts and \$0 in total disbursements.<sup>2</sup> Therefore, the actual level of activity for the 2020 Pre-Primary Report coverage period is \$16,800. Using the schedule of penalties at 11 C.F.R § 111.43(b) for the level of activity bracket of \$10,000 - \$24,999.99, the civil money penalty is \$1,230 x [1 + (.25 x 0 previous violations)] or \$1,230.

### Conclusion

While the Reviewing Officer recognizes there may have been confusion regarding the additional 2020 Pre-Primary reporting requirement, failure to know filing dates is specifically included at 11 C.F.R. § 111.35(d) as an example of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Further, the respondents' factual error and "best efforts" defenses did not succeed. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$1,230 civil money penalty, reduced from the RTB civil money penalty of \$10,901.

### **OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3834 involving Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3834 that Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,230 civil money penalty (reduced from the RTB civil money penalty of \$10,901); and
3. Send the appropriate letter.

### **Attachments**

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

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<sup>2</sup> The level of activity includes the sum of all itemized receipts and disbursements from 4/1/20 – 4/8/20 that should have been disclosed on the additional 2020 Pre-Primary Report.

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Kaptur for Congress:
  - A) Non-Filer Letter, dated June 2, 2020, referencing the 2020 12 Day Pre-Primary Report (Ohio) (sent via electronic mail to: info@marcykaptur.com).
  - B) Reason-to-Believe Letter, dated July 10, 2020, referencing the 2020 12 Day Pre-Primary Report (Ohio) (sent via electronic mail to: info@marcykaptur.com).
4. I hereby certify that I have searched the Commission’s public records and find that Kaptur for Congress filed a 2020 12 Day Pre-Primary Report with the Commission on March 5, 2020, and the 2020 July Quarterly Report, which included activity covering the reporting period for the 12 Day Pre-Primary Report (Ohio), with the Commission on July 15, 2020.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed on the 15<sup>th</sup> day of October, 2020.

*Kristin D. Roser*

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Kristin D. Roser  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-7

June 2, 2020

CORNETT, LYDIA CPA, TREASURER  
KAPTUR FOR CONGRESS  
P.O. BOX 899  
TOLEDO, OH 43697

IDENTIFICATION NUMBER: C00154625

REFERENCE: 12 DAY PRE-PRIMARY REPORT (4/1/2020 - 4/8/2020)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note, the Federal Election Commission has suspended its mail operations in an effort to limit the spread of coronavirus (COVID-19). While most agency operations are unaffected, the Commission will not process any documents submitted on paper, including non-electronically filed reports. We will process the reports once normal operations have resumed. Reports sent by registered mail, overnight delivery, or certified mail, are considered filed with the FEC as of the date of the postmark. Reports submitted by first-class mail or delivery service will be considered filed within 24 hours after the Commission resumes normal mail operations. The FEC does not have statutory authority to extend filing deadlines, but it may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control. If you have already filed the report by express, certified or registered mail, please notify us immediately of the certified, registered or express tracking number and the date that the report was sent.

Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at [www.fec.gov](http://www.fec.gov).

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not

KAPTUR FOR CONGRESS

Page 2 of 2

include a grace period and begins on the day following the due date for the report.

If you have any questions regarding this matter, please contact Chris Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

Sincerely,

A handwritten signature in black ink that reads "Debbie Chacona". The signature is written in a cursive, flowing style.

Deborah Chacona  
Assistant Staff Director  
Reports Analysis Division

250

**DECLARATION OF RHIANNON MAGRUDER**

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee of a candidate file a pre-election report no later than 12 days before any primary election in which the candidate seeks election. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time April 16, 2020 for the 2020 Pre-Primary Report to be timely filed.
- 3) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
  - a) Cover, Summary, Detailed Summary Pages, and relevant pages of Schedule A of the Amended 2020 July Quarterly Report filed by Kaptur for Congress. The report includes the coverage period of April 1, 2020 through June 30, 2020 and was electronically filed on September 15, 2020.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 16<sup>th</sup> day of October, 2020.

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission



**SUMMARY PAGE**  
of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 57

Write or Type Committee Name  
Kaptur for Congress

Report Covering the Period: From:  /  /  To:  /  /

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e))....	87137.88	769658.01
(b) Total Contribution Refunds (from Line 20(d)) .....	0.00	5000.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	87137.88	764658.01
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17) .....	46042.45	304313.83
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	46042.45	304313.83
<b>8. Cash on Hand at Close of Reporting Period (from Line 27).....</b>	678675.96	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	0.00	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	0.00	

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 05/2016)

Write or Type Committee Name

Kaptur for Congress

Report Covering the Period: From:  /  /  To:  /  /

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A) .....	18837.50	191005.50
(ii) Unitemized .....	550.38	13502.51
(iii) TOTAL of contributions from individuals .....	19387.88	204508.01
(b) Political Party Committees .....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	67750.00	565150.00
(d) The Candidate .....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	87137.88	769658.01
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate .....	0.00	0.00
(b) All Other Loans .....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)) .....	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.) .....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) .....	87137.88	769658.01

**DETAILED SUMMARY PAGE**  
of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 57

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	46042.45	304313.83
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans .....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	5000.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	5000.00
21. OTHER DISBURSEMENTS .....	117000.00	467420.00
22. <b>TOTAL DISBURSEMENTS</b> (add Lines 17, 18, 19(c), 20(d), and 21) ►	163042.45	776733.83

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	754580.53
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	87137.88
25. SUBTOTAL (add Line 23 and Line 24).....	841718.41
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	163042.45
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	678675.96

# SCHEDULE A (FEC Form 3) ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: (check only one)		PAGE 6 OF 57	
<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
		<input type="checkbox"/> 15	

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
Kaptur for Congress

**A.** Full Name (Last, First, Middle Initial)  
Wedding, Carol, , ,

Mailing Address 4551 Carskaddon Ave

City Toledo	State OH	Zip Code 43615-1205
----------------	-------------	------------------------

FEC ID number of contributing federal political committee.

Name of Employer Imaging Systems Technology	Occupation Engineer
--	------------------------

Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼

Date of Receipt  
 /  /

Transaction ID : VR01DMWXVC6

Amount of Each Receipt this Period

Memo Item

\* Earmarked Contribution: See Below

**B.** Full Name (Last, First, Middle Initial)  
ActBlue

Mailing Address PO Box 382110

City Cambridge	State MA	Zip Code 02238-2110
-------------------	-------------	------------------------

FEC ID number of contributing federal political committee.

Name of Employer	Occupation Conduit total listed in Agg. field
------------------	--

Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼

Date of Receipt  
 /  /

Transaction ID : VR01DMWXVC6E

Amount of Each Receipt this Period

Memo Item

Note: Above Contribution earmarked through this organization.

**C.** Full Name (Last, First, Middle Initial)  
Alger, Harriet, , ,

Mailing Address 1704 Portside Dr

City Vermilion	State OH	Zip Code 44089-9158
-------------------	-------------	------------------------

FEC ID number of contributing federal political committee.

Name of Employer Not Employed	Occupation Not Employed
----------------------------------	----------------------------

Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼

Date of Receipt  
 /  /

Transaction ID : VR01DMW4T19

Amount of Each Receipt this Period

Memo Item

\* Earmarked Contribution: See Below

<b>SUBTOTAL</b> of Receipts This Page (optional)..... ▶	<input type="text" value="2812.50"/>
<b>TOTAL</b> This Period (last page this line number only)..... ▶	<input type="text" value="2812.50"/>

# SCHEDULE A (FEC Form 3) ITEMIZED RECEIPTS

Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: (check only one)		PAGE 17 OF 57	
<input type="checkbox"/> 11a 12	<input type="checkbox"/> 11b 13a	<input checked="" type="checkbox"/> 11c 13b	<input type="checkbox"/> 11d 14
		<input type="checkbox"/> 15	

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
Kaptur for Congress

**A.** Full Name (Last, First, Middle Initial)  
BWX TECHNOLOGIES, INC POLITICAL ACTION COMMITTEE

Mailing Address 2016 Mount Athos Rd

City Lynchburg	State VA	Zip Code 24504-5447
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FEC ID number of contributing federal political committee. **C** C00365502

Name of Employer	Occupation
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Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
10000.00

Date of Receipt  
M M / D D / Y Y Y Y Y  
04 / 01 / 2020

Transaction ID : VR01DMWQXK6

Amount of Each Receipt this Period  
2500.00

Memo Item

**B.** Full Name (Last, First, Middle Initial)  
Owens Corning Better Government Fund

Mailing Address 1 Owens Corning Pkwy  
2G

City Toledo	State OH	Zip Code 43659-0001
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FEC ID number of contributing federal political committee. **C** C00200089

Name of Employer	Occupation
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Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
10000.00

Date of Receipt  
M M / D D / Y Y Y Y Y  
04 / 03 / 2020

Transaction ID : VR01DMVJ716

Amount of Each Receipt this Period  
5000.00

Memo Item

**C.** Full Name (Last, First, Middle Initial)  
American Postal Workers Union Committee

Mailing Address 1300 L St NW  
Ste 200

City Washington	State DC	Zip Code 20005-4128
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FEC ID number of contributing federal political committee. **C** C00010322

Name of Employer	Occupation
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Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
10000.00

Date of Receipt  
M M / D D / Y Y Y Y Y  
04 / 06 / 2020

Transaction ID : VR01DMVJ708

Amount of Each Receipt this Period  
2500.00

Memo Item

<b>SUBTOTAL</b> of Receipts This Page (optional)..... ▶	10000.00
<b>TOTAL</b> This Period (last page this line number only)..... ▶	

# SCHEDULE A (FEC Form 3) ITEMIZED RECEIPTS

Use separate schedule(s) for each category of the Detailed Summary Page	FOR LINE NUMBER: (check only one)		PAGE 18 OF 57	
	<input type="checkbox"/> 11a 12	<input type="checkbox"/> 11b 13a	<input checked="" type="checkbox"/> 11c 13b	<input type="checkbox"/> 11d 14

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
Kaptur for Congress

**A.** Full Name (Last, First, Middle Initial)  
Teamsters DRIVE C00032979

Mailing Address 25 Louisiana Ave NW

City Washington	State DC	Zip Code 20001-2198
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FEC ID number of contributing federal political committee. **C** C00032979

Name of Employer	Occupation
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Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
9000.00

Date of Receipt  
M M / D D / Y Y Y Y Y Y  
04 / 06 / 2020

Transaction ID : VR01DMVJ6W6

Amount of Each Receipt this Period  
4000.00

Memo Item

**B.** Full Name (Last, First, Middle Initial)  
FLUOR CORPORATION POLITICAL ACTION COMMITTEE (FLUOR PAC)

Mailing Address 6700 Las Colinas Blvd

City Irving	State TX	Zip Code 75039-2902
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FEC ID number of contributing federal political committee. **C** C00034132

Name of Employer	Occupation
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Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
10000.00

Date of Receipt  
M M / D D / Y Y Y Y Y Y  
04 / 23 / 2020

Transaction ID : VR01DMW4T50

Amount of Each Receipt this Period  
5000.00

Memo Item

**C.** Full Name (Last, First, Middle Initial)  
BCTGM International Union PAC

Mailing Address 10401 Connecticut Ave

City Kensington	State MD	Zip Code 20895-3951
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FEC ID number of contributing federal political committee. **C** C00127621

Name of Employer	Occupation
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Receipt For: 2020  
 Primary  General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
1500.00

Date of Receipt  
M M / D D / Y Y Y Y Y Y  
04 / 29 / 2020

Transaction ID : VR01DMW8XE0

Amount of Each Receipt this Period  
1500.00

Memo Item

<b>SUBTOTAL</b> of Receipts This Page (optional)..... ▶	10500.00
<b>TOTAL</b> This Period (last page this line number only)..... ▶	



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 16, 2020

Lydia Cornett, in her official capacity as Treasurer  
Kaptur for Congress  
PO Box 899  
Toledo, OH 43697

C00154625  
AF#: 3834

Dear Ms. Cornett:

On June 29, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Kaptur for Congress and you, in your official capacity as Treasurer (“respondents”), violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$10,901 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a reduced civil money penalty. A copy of the Reviewing Officer’s recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Please note, the agency's offices remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Nevertheless, if you choose to submit a response to the recommendation, it must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to the Commission Secretary at [secretary@fec.gov](mailto:secretary@fec.gov). The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted responses will be deemed received on the date it is electronically received by staff. Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review

**RECEIVED**

By Office of the Commission Secretary at 8:56 am, Dec 18, 2020

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

December 18, 2020

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Staff Director *AP*

From: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3834 – Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer (C00154625)

On June 29, 2020, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Ohio Pre-Primary Report and made a preliminary determination that the civil money penalty was \$10,901 based on the schedule of penalties at 11 C.F.R. § 111.43.

On August 17, 2020, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated October 16, 2020 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$1,230 civil money penalty (reduced from the RTB civil money penalty of \$10,901).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

**OAR Recommendations**

1. Adopt the Reviewing Officer recommendation for AF# 3834 involving Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3834 that Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,230 civil money penalty (reduced from the RTB civil money penalty of \$10,901); and
3. Send the appropriate letter.

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3834  
 Final Determination Recommendation: )  
 Kaptur for Congress and Lydia Cornett )  
 CPA, in her official capacity as Treasurer )  
 (C00154625) )

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 16, 2021, the Commission decided by a vote of 6-0 to take the following actions in AF 3834:


1. Adopt the Reviewing Officer recommendation for AF# 3834 involving Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3834 that Kaptur for Congress and Lydia Cornett CPA, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$1,230 civil money penalty (reduced from the RTB civil money penalty of \$10,901).
3. Send the appropriate letter.

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

Laura  
Sinram

  
Digitally signed by Laura Sinram  
Date: 2021.02.19 13:15:06 -05'00'

\_\_\_\_\_  
 Laura E. Sinram  
 Acting Secretary and Clerk of the  
 Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 22, 2021

Lydia Cornett, in her official capacity as Treasurer  
Kaptur for Congress  
PO Box 899  
Toledo, OH 43697

C00154625  
AF#: 3834

Dear Ms. Cornett:

On June 29, 2020, the Federal Election Commission (“Commission”) found reason to believe (“RTB”) that Kaptur for Congress and you, in your official capacity as Treasurer (“respondents”), violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 Pre-Primary Report. By letter dated July 10, 2020, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$10,901 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On August 17, 2020, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission’s RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Kaptur for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed for the 2020 Pre-Primary reporting period (\$16,800), assess a civil money penalty in the amount of \$1,230 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on October 16, 2020.

On February 16, 2021, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Kaptur for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed for the 2020 Pre-Primary reporting period (\$16,800), assessed a civil money penalty in the amount of \$1,230 (reduced from the RTB civil money penalty of \$10,901). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS****4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.


**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Shana M. Broussard  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at final determination is \$1,230 for the 2020 Pre-Primary Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

COMMITTEE NAME: Kaptur for Congress

FEC ID#: C00154625

AF#: 3834

PAYMENT AMOUNT DUE: \$1,230

THIS IS THE END OF ADMINISTRATIVE FINE CASE #3834