

RAD Referral 21L-15

LIUNA Minnesota & North Dakota/Laborers' District Council of Minnesota & North Dakota

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21L-15

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: April 22, 2021

ANALYST: Jack Baisden

- I. COMMITTEE:
- LIUNA Minnesota & North
Dakota/Laborers' District Council of
Minnesota & North Dakota
C00684332
Joel A. Smith, Treasurer
81 E. Little Canada Road
Saint Paul, MN 55117
- II. RELEVANT STATUTE:
- 52 U.S.C. § 30104(g)(2)
11 CFR § 104.4(b)(2)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 48-Hour Reports)

LIUNA Minnesota & North Dakota/Laborers' District Council of Minnesota & North Dakota ("the Committee") failed to timely file one (1) 48-Hour Report totaling \$77,993.14 to support four (4) independent expenditures disclosed on the 2020 12-Day Pre-General Report, made up to and including the 20th day before the 2020 General Election (Attachment 2).

On October 22, 2020, the Committee filed its 2020 12-Day Pre-General Report, covering the period from October 1, 2020, through October 14, 2020. The report included a Schedule E (Itemized Independent Expenditures) disclosing sixteen (16) independent expenditures totaling \$116,931.22, made in support of eight (8) Federal candidates (Images 202010229326872580-87).

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On January 11, 2021, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2020 12-Day Pre-General Report. Among other items, the RFAI noted that the Committee may have failed to file one (1) or more of the required 48-Hour Reports regarding independent expenditures. A chart was included with the RFAI identifying the four (4) independent expenditures, totaling \$77,993.14, for which a 48-Hour Report had not been filed (Images 202101110300100704-07, Attachment 2).

On January 14, 2021, Sarah Nohrenberg, a representative of the Committee, called the Reports Analysis Division (RAD) Analyst. The Analyst advised Ms. Nohrenberg to file the missing 48-Hour Report as soon as possible and stated the matter could be referred to another Commission office for potential further action (Attachment 3).

On the same day, the Committee filed an Amended 2020 12-Day Pre-General Report. The report disclosed no changes in independent expenditures (Images 202101149404571533-40).

Also, on the same day, the Committee filed one (1) 48-Hour Report to support four (4) independent expenditures totaling \$77,993.14, disseminated on October 13, 2020 (Images 202101149404569232-33).

Also, on the same day, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) in response to the RFAI referencing the 2020 12-Day Pre-General Report. The Committee stated, in part:

“Please be advised that LIUNA MN & ND inadvertently failed to report its Independent Expenditures exceeding \$10,000 within the required 48-hour reporting period. We were not aware of this requirement and as a result there were 4 Independent Expenditures reported late on our Pre-General Report dated 10/22/2020. The date of dissemination of these Independent Expenditures was 10/13/2020. After opening our Super PAC in 2018 we made inadvertent errors. As of this date, we have not had the opportunity to participate in any of your webinars but plan on doing so in the very near future. To assist in our 2020 FEC filing we brought on a lawyer who provided direction but we failed on the 48-hour requirement. Per Jack Baisden's advice, we created a new 48-hour report for the Independent Expenditures in question. We apologize for any confusion this matter has caused” (Image 202101149404571518).

On February 4, 2021, Ms. Nohrenberg called the RAD Analyst on an unrelated matter. The Analyst informed the Committee that the matter of the late filed 48-Hour Report from their 2020 12-Day Pre-General Report may be referred to another Commission office for potential further action. The Analyst explained that the Committee could provide any additional or clarifying information on an FEC Form 99 (Attachment 3).

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To date, no further communications have been received from the Committee regarding this matter.

LIUNA Minnesota & North Dakota/Laborers' District Council of Minnesota & North Dakota (C00684332)

2020 12-Day Pre-General Report, received October 22, 2020

48-Hour Report Not Timely Filed

| Name of Payee | Date of Dissemination (Schedule E) | Expenditure Amount | Candidate Supported | Election | 48-Hour Report Filed |
|------------------------|---|--|----------------------------|--------------------------|-----------------------------|
| Postmaster | 10/13/2020 | \$23,937.68 | Joseph R Biden, Jr | 2020 General (11/3/2020) | 1/14/2021 |
| Seven Corners Printing | 10/13/2020 | \$15,058.89 <i>48-Hour Report Required</i> | Joseph R Biden, Jr | 2020 General (11/3/2020) | 1/14/2021 |
| Postmaster | 10/13/2020 | \$23,937.68 | Tina Flint Smith | 2020 General (11/3/2020) | 1/14/2021 |
| Seven Corners Printing | 10/13/2020 | \$15,058.89 <i>48-Hour Report Required</i> | Tina Flint Smith | 2020 General (11/3/2020) | 1/14/2021 |