

RAD Referral 21L-38
COMMUNITY CHANGE VOTERS
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21L-38

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: June 10, 2021

ANALYST: Clyde Hinton

I. COMMITTEE: Community Change Voters
C00612820
Jeff Berman, Treasurer
1536 U Street, NW
Washington, DC 20009

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

III. BACKGROUND:

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

Community Change Voters (“the Committee”) failed to timely file one (1) 24-Hour Report to support one (1) independent expenditure totaling \$150,000.00 disclosed on the Amended 2020 12-Day Pre-General Report, received December 1, 2020, made after the 20th day but more than 24 hours before the 2020 General Election (Attachment 2).

On October 9, 2020, the Committee filed one (1) 48-Hour Report to support two (2) independent expenditures totaling \$815,000.00 disseminated on October 1, 2020 and October 9, 2020 (Image 202010099285099776).

On October 21, 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 two (2) independent expenditures totaling \$815,000.00 made in support of one (1) federal candidate (Image 202010219325922506).

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On December 1, 2020, the Committee filed an Amended 2020 12-Day Pre-General Report. The report included a Schedule E disclosing three (3) independent expenditures totaling \$815,000.00 made in support of (2) federal candidates. The report disclosed no change in the total amount of activity to the Schedule E from the original report received on October 21, 2020 (Images 202012019337387970-71).

Also, on December 1, 2020, the Committee filed one (1) Amended 48-Hour Report to support three (3) independent expenditures totaling \$815,000.00 disseminated on October 1, 2020, October 9, 2020, and October 16, 2020 (Images 202012019337388940-41).¹ The Amended 48-Hour Report disclosed a federal candidate and office sought which was not previously disclosed by the Committee.

On February 9, 2021, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2020 30-Day Post-General Report. Among other items, the RFAI noted that the Committee may have failed to timely file one (1) or more of the required 24-Hour Reports regarding independent expenditures. A chart was included with the RFAI identifying eight (8) independent expenditures, totaling \$179,876.40, for which one (1) or more of the required 24-Hour Reports had not been timely filed (Images 202102090300105055-57).²

On March 15, 2021, the Committee filed an FEC Form 99 (Miscellaneous Electronic Submission) which stated, in part:

“As indicated in the RFAI and the attachment, the Committee did fail to timely report certain independent expenditures in support of Joseph R. Biden, Jaime Harrison, and Rafael Warnock. Each of these was inadvertent and were subsequently corrected in amended reports filed by the Committee. The Committee also has taken steps to determine how these errors occurred and to prevent such errors in the future. The in-kind expenditures reflected in the entries on Lines 2, 5, and 7 are for the value of the licenses obtained by the Committee to use video content developed by Way to Lead PAC and Citizen Engagement Laboratory, respectively, on digital advertisements purchased by the Committee through its vendors BoulderStrategies, LLC and Do Big Things, LLC. The dissemination dates reflect the dates on which the advertisements containing the licensed content began running. Due to the same miscommunications error described above surrounding the ads themselves, these in-kinds initially went unreported until being disclosed by the Committee on an amended 24-hour

¹ Please note that the Committee incorrectly filed an Amended 48-Hour Report, received December 1, 2020, instead of the required 24-Hour Report of Independent Expenditures made up to and including the 20th day before the 2020 General Election.

² The RFAI inadvertently referenced one (1) independent expenditure that had been disseminated on October 16, 2020, but paid for on October 9, 2020, as being disclosed on the 2020 30-Day Post-General Report rather than the Amended 2020 12-Day Pre-General Report, received December 1, 2020. The RFAI should have referenced the Amended 2020 12-Day Pre-General Report, received December 1, 2020 as that was the report that disclosed the independent expenditure in question.

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report filed on October 22, 2020 and on its Post-General Report. The entry on Line 6 reflects the cost of digital ads that were launched on the Committees behalf by Do Big Things, LLC on October 15, 2020 and ran through November 3, 2020. On a 48-hour report filed on October 9, 2020 (and on its original Pre-General Report), the Committee had disclosed an \$810,000 purchase of digital ads from Do Big Things, LLC that began running on October 9, 2020. At the time of that report, the Committee expected the entirety of the ad buy to be spent on ads exclusively supporting Biden and, accordingly, reported the entire purchase as an independent expenditure for Biden. Subsequently, those plans changed, and on or around October 16, 2020 a decision was made for this vendor to run digital ads supporting Harrison using \$150,000 of the \$810,000 previously paid to Do Big Things, LLC, and such ads began running on that date. Unfortunately, the fact of this change (and thus, the inaccuracy of the Committees previous disclosure of this purchase) was not then effectively communicated within the Committee, and the Harrison expenditure went unreported until such time as the Committee prepared to file its Post-General Report. On December 1, the Committee filed an amendment to its Pre-General Report to correct the reported expenditure in support of Biden on Schedule E from \$810,000 to \$660,000, with the remaining \$150,000 spent in support of Harrison; the Committee also filed an amended 48-hour report reflecting that change. The other two expenditures listed on the attachment reflect amounts spent on digital phone and text messaging services by Community Change Action in connection with phonebanks supporting Biden conducted on behalf of the Committee. These costs were incurred in error and went unnoticed and unreported by the Committee until such time as it was preparing its Post-General Report. Recognizing that the reporting delays detailed above resulted from deficiencies in the Committees internal communications in relation to these digital activities, the Committee has already identified those deficiencies and taken steps to improve its processes to ensure timely and accurate communication of information about independent expenditure activity in the future" (Images 202103159440542681-82).

On March 22, 2021, the RAD Analyst called Mr. Richard Eisenberg, the Committee's Counsel; however, he was unavailable. The Analyst left a voicemail message requesting a return phone call (Attachment 3).

On March 23, 2021, the RAD Analyst spoke with Mr. Eisenberg and informed him that the Committee's FEC Form 99 response regarding the late filed 24-Hour Report was inadequate. The Analyst also stated that this matter may be referred to another Commission office for potential further action. The Analyst concluded the call by providing his contact information should the Committee have any further questions regarding this matter (Attachment 3).

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

O-Index (2021-2022)															
Cmte. ID: C00612820					Cmte. Name: COMMUNITY CHANGE VOTERS										
Treasurer Name: BERMAN, JEFF					Address: 1536 U STREET NW, WASHINGTON, DC 20009										
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE)					Cmte. Designation: U (UNAUTHORIZED)					Filing Frequency: QUARTERLY FILER					
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			3/15/2021	2	202103159440542681				-	-	-	-	-	-	
MS-T			3/15/2021	1	202103159440542683				-	-	-	-	-	-	
F3XN	30R	N	1/30/2021	7	202101309418299318	1/1/2021	1/25/2021		\$509,930	\$0	\$6,943	\$502,987	\$308,750		\$308,750
Totals										\$0	\$6,943				

O-Index (2019-2020)															
Cmte. ID: C00612820					Cmte. Name: COMMUNITY CHANGE VOTERS										
Treasurer Name: BERMAN, JEFF					Address: 1536 U STREET NW, WASHINGTON, DC 20009										
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE)					Cmte. Designation: U (UNAUTHORIZED)					Filing Frequency: QUARTERLY FILER					
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	12G	A	2/11/2021	3	202102110300105642	10/1/2020	10/14/2020	2/11/2021	-	-	-	-	-	-	
RQ2	30G	N	2/9/2021	3	202102090300105055	10/15/2020	11/23/2020	2/9/2021	-	-	-	-	-	-	
F3XN	MY	N	7/31/2019	16	201907319161284259	1/1/2019	6/30/2019		\$137,670	\$280,876	\$297,376	\$121,171	-	-	
F3XN	YE	N	1/31/2020	14	202001319184590672	7/1/2019	12/31/2019		\$121,171	\$27,750	\$19,139	\$129,781	-	-	
F3XN	Q1	N	4/13/2020	10	202004139216651104	1/1/2020	3/31/2020		\$129,781	\$650,000	\$10,758	\$769,022	-	-	
F3XN	Q2	N	7/15/2020	12	202007159249756595	4/1/2020	6/30/2020		\$769,022	\$1,275,000	\$64,599	\$1,979,422	-	-	
F3XN	Q3	N	10/15/2020	20	202010159295821538	7/1/2020	9/30/2020		\$1,979,422	\$1,318,200	\$798,498	\$2,499,124	\$308,750		
F3XN	12G	N	10/21/2020	12	202010219325922495	10/1/2020	10/14/2020		\$2,499,124	\$5,000	\$1,705,318	\$798,806	\$308,750		
F3XA	12G	A	12/1/2020	13	202012019337387959	10/1/2020	10/14/2020		\$2,499,124	\$5,000	\$1,705,318	\$798,806	\$308,750		
F3XN	30G	N	12/3/2020	22	202012039337568702	10/15/2020	11/23/2020		\$798,806	\$205,000	\$387,253	\$616,553	\$308,750		
F3XN	12R	N	12/20/2020	8	202012209393377490	11/24/2020	12/16/2020		\$616,553	\$0	\$106,407	\$510,145	\$308,750		
F3XN	YE	N	1/30/2021	9	202101309418299041	12/17/2020	12/31/2020		\$510,145	\$80,000	\$80,215	\$509,930	\$308,750		
F24A	24		1/10/2019	4	201901109143785265				-	-	-	-	-	-	
F1A		A	3/26/2020	5	202003269216013406				-	-	-	-	-	-	
F24N	48		9/23/2020	3	202009239284959191				-	-	-	-	-	-	
F24N	48		10/9/2020	1	202010099285099776				-	-	-	-	-	-	
F24N	24		10/16/2020	3	202010169297136897				-	-	-	-	-	-	
F24A	24		10/22/2020	4	202010229336444696				-	-	-	-	-	-	
F24N	24		10/22/2020	1	202010229336445130				-	-	-	-	-	-	
F24N	24		12/3/2020	1	202012039337568162				-	-	-	-	-	-	
F24A	48		12/1/2020	2	202012019337388940				-	-	-	-	-	-	
F24N	24		12/22/2020	1	202012229393459345				-	-	-	-	-	-	
Totals										\$3,841,826	\$3,469,566				

O-Index (2017-2018)															
Cmte. ID: C00612820					Cmte. Name: COMMUNITY CHANGE VOTERS										
Treasurer Name: BERMAN, JEFF					Address: 1536 U STREET NW, WASHINGTON, DC 20009										
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE)					Cmte. Designation: U (UNAUTHORIZED)					Filing Frequency: QUARTERLY FILER					
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			6/14/2017	2	201706149056525421				-	-	-	-	-	-	
MS-T			6/14/2017	1	201706149056525708				-	-	-	-	-	-	
F3XN	MY	N	7/12/2017	15	201707129066602245	1/1/2017	6/30/2017		\$121,303	\$25,300	\$141,531	\$5,071	-	-	
F3XN	YE	N	1/27/2018	29	201801279090675351	7/1/2017	12/31/2017		\$5,071	\$722,778	\$721,457	\$6,391	-	-	
F3XN	Q1	N	4/13/2018	7	201804139108049066	1/1/2018	3/31/2018		\$6,391	\$0	\$2,101	\$4,290</td			

F3XN	Q3	N	10/15/2018	22	201810159125438735	7/1/2018	9/30/2018		\$216,467	\$288,380	\$293,405	\$211,442	-	-	\$0
F3XA	Q3	A	1/10/2019	24	201901109143785135	7/1/2018	9/30/2018		\$216,467	\$338,380	\$343,405	\$211,442	-	-	\$0
F3XN	12G	N	10/25/2018	8	201810259133342479	10/1/2018	10/17/2018		\$211,442	\$0	\$18,628	\$192,813	-	-	\$0
F3XN	30G	N	12/6/2018	31	201812069134993816	10/18/2018	11/26/2018		\$192,813	\$1,127,567	\$1,166,486	\$153,894	-	-	\$0
F3XN	YE	N	1/31/2019	8	201901319144309066	11/27/2018	12/31/2018		\$153,894	\$0	\$16,224	\$137,670	-	-	\$0
F24N	24		5/9/2018	1	201805099112004699				-	-	-	-	-	-	-
F24N	24		5/26/2018	1	201805269113618159				-	-	-	-	-	-	-
F1A		A	7/25/2018	5	201807259119315744				-	-	-	-	-	-	-
F24N	24		10/21/2018	1	201810219128311831				-	-	-	-	-	-	-
F24N	24		11/1/2018	4	201811019133576636				-	-	-	-	-	-	-
F24N	24		10/26/2018	3	201810269133546735				-	-	-	-	-	-	-
Totals									\$3,124,121	\$3,107,753					

Community Change Voters (C00612820)

Amended 2020 12-Day Pre-General Report, received December 1, 2020

24-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	Election	48-Hour Report Filed ³
Do Big Things, LLC	10/16/2020	\$150,000.00 <i>24-Hour Report Required</i>	Jaime Harrison	2020 General (11/3/2020)	12/1/2020 ⁴

³ Please note that the Committee incorrectly filed an Amended 48-Hour Report, received December 1, 2020, instead of the required 24-Hour Report of Independent Expenditures made up to and including the 20th day before the 2020 General Election.

⁴ Per the FEC Form 99 filed on March 15, 2021, the 48-Hour Report filed on October 9, 2020 inadvertently attributed this independent expenditure to a different candidate.