

21L-43

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 8, 2021

ANALYST: Kevin Fortkiewicz

I. COMMITTEE: Ditch Fund
C00688739
Jennifer May, Treasurer
PO Box 15320
Washington, DC 20003

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)

Ditch Fund (“the Committee”) failed to timely file five (5) 48-Hour Reports totaling \$54,673.43 to support thirty-six (36) independent expenditures disclosed on the 2020 October Quarterly Report, made up to and including the 20th day before the 2020 General election (Attachment 2).

On August 31, 2020, the Committee filed one (1) 48-Hour Report to support ten (10) independent expenditures, totaling \$56,428.65, disseminated on August 29, 2020 and August 30, 2020 (Images 202008319267062286-90).

On September 2, 2020, the Committee filed one (1) 48-Hour Report to support four (4) independent expenditures, totaling \$27,314.33, disseminated on August 31, 2020 (Images 202009029267075973-74).

On September 22, 2020, the Committee filed one (1) 48-Hour Report to support thirty-three (33) independent expenditures, totaling \$270,967.38, disseminated on September 20, 2020 and September 21, 2020 (Images 202009229284687189-205).

On September 24, 2020, the Committee filed one (1) 48-Hour Report to support fifteen (15) independent expenditures, totaling \$215,380.28, disseminated on September 22, 2020 and September 23, 2020 (Images 202009249284961748-55).

On October 15, 2020, the Committee filed its 2020 October Quarterly Report, covering the period from July 1, 2020 through September 30, 2020. The report included a Schedule E (Itemized Independent Expenditures) disclosing 551 independent expenditures, totaling \$3,377,388.99, made in support of or opposition to two (2) federal candidates (Images 202010159295655385-660).

On November 22, 2020, a Request for Additional Information (RAI) was sent to the Committee referencing the 2020 October Quarterly Report. Among other issues, the RAI 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 RAI identifying thirty-five (35) independent expenditures totaling \$44,500.00, for which a 48-Hour Report had not been filed (Images 202011220300093345-47).

On December 28, 2020, Jennifer May, the Committee's Treasurer, called the Reports Analysis Division (RAD) Analyst and said she would be filing amendments soon for the 2020 October Quarterly Report, as well as the 2020 12-Day Pre-General and 2020 30-Day Post-General Reports (Attachment 3).

Also, on December 28, 2020, the Committee filed an Amended 2020 October Quarterly Report. The report included a Schedule E disclosing 552 independent expenditures, totaling \$3,387,562.42, made in support of or opposition to two (2) federal candidates (Images 202012289394414764-5039). The report also included memo text which stated:

"This amendment is in response to the Request for Additional Information dated November 22, 2020. The Committee has amended its filing to clarify the purpose description. Ditch Fund filed timely 48 hour independent expenditure reports. Due to an issue with the filing software, an additional \$54,673.43 in independent expenditures - which had been entered into the filing software for filing with the FEC - were inadvertently excluded. The Committee is amending its 48 hour independent expenditure reports to include the additional expenditures" (Image 202012289394401103).

Additionally, on December 28, 2020, the Committee amended the 48-Hour Report filed on August 31, 2020. The amendment increased the total number of independent expenditures to eleven (11), totaling \$57,328.65, but disclosed no other changes to the independent expenditures itemized on the original report (Images 202012289394401012-17).

Additionally, on the same date, the Committee amended the 48-Hour Report filed on September 2, 2020. The amendment increased the total number of independent expenditures to nine (9), totaling \$34,090.51, but disclosed no other changes to the independent expenditures itemized on the original report (Images 202012289394401018-22).

Additionally, on the same date, the Committee amended the 48-Hour Report filed on September 22, 2020. The amendment increased the total number of independent expenditures to forty (40), totaling \$286,540.81, but disclosed no other changes to the independent expenditures itemized on the original report (Images 202012289394401057-76).

Additionally, on the same date, the Committee amended the 48-Hour Report filed on September 24, 2020. The amendment increased the total number of independent expenditures to forty-one (41), totaling \$251,780.28, but disclosed no other changes to the independent expenditures itemized on the original report (Images 202012289394401077-97).

On January 31, 2021, an RFAI was sent to the Committee referencing the Amended 2020 October Quarterly Report, received December 28, 2020. The RFAI noted that the Committee may have failed to timely file one or more of the required 48-Hour Reports regarding independent expenditures. A chart was included with the RFAI identifying one (1) independent expenditure totaling \$10,173.43, for which a 48-Hour Report had not been timely filed (Images 202101310300102883-85).

On March 12, 2021, the RAD Analyst called Ms. May's phone number, which was answered by Paul Wevers, a Representative for the Committee. The Analyst asked if he could speak to Ms. May, and Mr. Wevers explained Ms. May was not available and asked to take a message. The Analyst explained that the Committee may be referred to another Commission office for potential further action for late filed 48-Hour Reports on the 2020 October Quarterly and Amended 2020 October Quarterly Reports. The Analyst explained there was still time to respond by providing additional information on the public record via an FEC Form 99 (Miscellaneous Electronic Submission). Mr. Wevers said he would inform Ms. May (Attachment 3).

On March 18, 2021, the Committee filed an FEC Form 99 referencing the Amended 2020 October Quarterly Report, received December 28, 2020. The Committee stated:

"We are responding to the Request for Additional Information dated January 31, 2021 regarding the Amended October Quarterly Report. When reviewing the October Quarterly Reporting period, there was 1 payment to Beacon Media totaling \$10,173.43 for Production that was inadvertently missed when filing the Independent Expenditure reports. Upon noticing this discrepancy, an amended report was filed and a corresponding IE report. The Committee has carefully tracked and reported its expenditures throughout its 2020 activities, including filing Independent Expenditure reports for over

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\$11 million. The Committee has reviewed its procedures to ensure that future omissions do not occur” (Image 202103189441300728).

Additionally, on March 18, 2021, the Committee filed an Amended 2020 October Quarterly Report. The report disclosed no changes to Schedule E from the previous amendment, received December 28, 2020 (Images 202103189441314710- 985).

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

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O-Index (2021-2022)															
Cmte. ID: C00688739 Cmte. Name: DITCH FUND															
Treasurer Name: MAY, JENNIFER Address: PO BOX 15320, WASHINGTON, DC 20003															
Cmte. Type: V (NON-QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) 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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			3/18/2021	1	202103189441300728				-	-	-	-	-	-	-
RQ2	30R	N	3/28/2021	2	202103280300113977	12/17/2020	1/25/2021	3/28/2021	-	-	-	-	-	-	-
F3XN	30R	N	2/4/2021	1383	202102049425074201	12/17/2020	1/25/2021		\$517,236	\$220,278	\$545,381	\$192,134	-	-	\$0
F3XA	30R	A	4/14/2021	1382	202104149443344988	12/17/2020	1/25/2021		\$1,156,698	\$220,278	\$545,381	\$831,596	-	-	\$0
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F1A		A	5/2/2021	4	202105029446141129				-	-	-	-	-	-	-
Totals										\$220,278	\$545,381				

O-Index (2019-2020)															
Cmte. ID: C00688739 Cmte. Name: DITCH FUND															
Treasurer Name: MAY, JENNIFER Address: PO BOX 15320, WASHINGTON, DC 20003															
Cmte. Type: V (NON-QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) 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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			9/18/2019	1	201909189163372161				-	-	-	-	-	-	-
RQ2	MY	N	2/12/2020	4	202002120300055087	1/1/2019	6/30/2019	2/12/2020	-	-	-	-	-	-	-
RQ2	YE	N	2/12/2020	14	202002120300055091	7/1/2019	12/31/2019	2/12/2020	-	-	-	-	-	-	-
RQ2	Q3	A	1/31/2021	3	202101310300102883	7/1/2020	9/30/2020	1/31/2021	-	-	-	-	-	-	-
RQ2	Q3	N	11/22/2020	3	202011220300093345	7/1/2020	9/30/2020	11/22/2020	-	-	-	-	-	-	-
RQ2	12G	N	2/4/2021	4	202102040300104591	10/1/2020	10/14/2020	2/4/2021	-	-	-	-	-	-	-
RQ2	30G	N	2/11/2021	14	202102110300105561	10/15/2020	11/23/2020	2/11/2021	-	-	-	-	-	-	-
RQ2	12R	N	3/10/2021	10	202103100300110853	11/24/2020	12/16/2020	3/10/2021	-	-	-	-	-	-	-
F3XN	MY	N	7/11/2019	937	201907119150561361	1/1/2019	6/30/2019		\$107,855	\$1,450,879	\$520,784	\$1,037,950	-	-	\$0
F3XA	MY	A	3/18/2020	938	202003189203872241	1/1/2019	6/30/2019		\$107,855	\$1,450,879	\$520,784	\$1,037,950	-	-	\$0
F3XN	YE	N	1/31/2020	6703	202001319185568312	7/1/2019	12/31/2019		\$1,037,950	\$3,864,874	\$2,390,770	\$2,512,054	-	-	\$0
F3XA	YE	A	3/18/2020	6709	202003189203884991	7/1/2019	12/31/2019		\$1,037,950	\$3,864,874	\$2,390,770	\$2,512,054	-	-	\$0
F3XN	Q1	N	4/15/2020	1287	202004159219591423	1/1/2020	3/31/2020		\$2,512,054	\$2,274,707	\$921,970	\$3,864,791	-	-	\$0
F3XA	Q1	A	12/28/2020	1287	202012289394395528	1/1/2020	3/31/2020		\$2,512,054	\$2,274,817	\$921,972	\$3,864,900	-	-	\$0
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F3XA	Q2	A	12/28/2020	4017	202012289394396898	4/1/2020	6/30/2020		\$3,864,900	\$2,913,231	\$1,524,072	\$5,254,059	-	-	\$0
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F24A	24		7/12/2020	3	202007129244492216					-	-	-	-	-	-
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F24N	48		7/16/2020	5	202007169250347080					-	-	-	-	-	-
F24N	48		7/18/2020	4	202007189250404205					-	-	-	-	-	-
F24N	48		7/19/2019	9	201907199151511989					-	-	-	-	-	-
F24N	48		7/26/2020	4	202007269260817899					-	-	-	-	-	-
F24N	48		7/23/2019	11	201907239151644658					-	-	-	-	-	-

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F24N	48		7/24/2020	4	202007249260815159				-	-	-	-	-	-	-
F24N	48		7/28/2019	9	201907289151684021				-	-	-	-	-	-	-
F24N	48		7/28/2020	4	202007289260930032				-	-	-	-	-	-	-
F24N	48		7/30/2020	4	202007309261191742				-	-	-	-	-	-	-
F24N	48		8/5/2020	4	202008059261249409				-	-	-	-	-	-	-
F24N	48		8/1/2020	4	202008019261202203				-	-	-	-	-	-	-
F24N	48		8/7/2020	5	202008079261280084				-	-	-	-	-	-	-
F24N	48		8/4/2019	8	201908049161355589				-	-	-	-	-	-	-
F24N	48		8/3/2020	4	202008039261205522				-	-	-	-	-	-	-
F24N	48		7/22/2020	4	202007229260727707				-	-	-	-	-	-	-
F24N	48		7/20/2020	5	202007209259972482				-	-	-	-	-	-	-
F24N	48		8/16/2019	7	201908169162886695				-	-	-	-	-	-	-
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F24N	48		9/2/2020	2	202009029267075973				-	-	-	-	-	-	-
F24N	48		8/28/2019	8	201908289163108306				-	-	-	-	-	-	-
F24N	48		8/23/2020	4	202008239266864422				-	-	-	-	-	-	-
F24N	48		8/27/2020	5	202008279267043968				-	-	-	-	-	-	-
F24N	48		8/29/2020	6	202008299267057731				-	-	-	-	-	-	-
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F24N	48		8/26/2019	10	201908269163103705				-	-	-	-	-	-	-
F24N	48		8/13/2020	4	202008139261303221				-	-	-	-	-	-	-
F24N	48		8/9/2020	4	202008099261287572				-	-	-	-	-	-	-
F24N	48		8/11/2020	4	202008119261294878				-	-	-	-	-	-	-
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F1A		A	9/18/2019	5	201909189163399870				-	-	-	-	-	-	-
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F24N	48		9/15/2019	5	201909159163324340				-	-	-	-	-	-	-
F24N	48		9/19/2019	7	201909199163407655				-	-	-	-	-	-	-
F1A		A	9/20/2019	5	201909209163454202				-	-	-	-	-	-	-
F24N	48		9/18/2020	4	202009189267368746				-	-	-	-	-	-	-
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F24N	48		9/26/2019	5	201909269163573175				-	-	-	-	-	-	-
F24N	48		9/28/2020	7	202009289284979674				-	-	-	-	-	-	-
F24N	48		9/24/2020	8	202009249284961748				-	-	-	-	-	-	-
F24N	48		9/20/2020	5	202009209276589975				-	-	-	-	-	-	-
F24N	48		9/26/2020	12	202009269284975948				-	-	-	-	-	-	-
F24N	48		9/28/2019	3	201909289163575768				-	-	-	-	-	-	-

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F24N	48		9/5/2020	5	202009059267084438				-	-	-	-	-	-	-
F24N	48		9/10/2020	5	202009109267131570				-	-	-	-	-	-	-
F24N	48		9/8/2020	4	202009089267123811				-	-	-	-	-	-	-
F24N	48		9/7/2020	2	202009079267091239				-	-	-	-	-	-	-
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F24N	48		10/2/2020	9	202010029285004106				-	-	-	-	-	-	-
F24N	48		10/4/2020	8	202010049285007592				-	-	-	-	-	-	-
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F24A	48		10/14/2020	7	202010149293894382				-	-	-	-	-	-	-
F24N	48		10/14/2020	10	202010149293894389				-	-	-	-	-	-	-
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F24N	24		10/18/2020	3	202010189297191363				-	-	-	-	-	-	-
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F24N	24		10/20/2020	4	202010209298272847				-	-	-	-	-	-	-
F24A	24		10/22/2020	2	202010229333229222				-	-	-	-	-	-	-
F24N	24		10/22/2020	2	202010229333229528				-	-	-	-	-	-	-
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F24N	24		10/17/2020	2	202010179297145987				-	-	-	-	-	-	-
F24N	24		10/24/2020	1	202010249336527943				-	-	-	-	-	-	-
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F24N	24		10/28/2020	1	202010289336632458				-	-	-	-	-	-	-
F24N	24		10/25/2020	1	202010259336530525				-	-	-	-	-	-	-
F24N	24		10/26/2020	1	202010269336571685				-	-	-	-	-	-	-
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F24N	24		10/31/2020	4	202010319336677403				-	-	-	-	-	-	-
F24N	24		10/29/2020	4	202010299336667393				-	-	-	-	-	-	-
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F24N	48		11/15/2019	1	201911159165508735				-	-	-	-	-	-	-
F24N	48		11/8/2019	13	201911089165338484				-	-	-	-	-	-	-
F24N	48		11/11/2019	4	201911119165352282				-	-	-	-	-	-	-
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F24N	48		11/10/2019	12	201911109165350601				-	-	-	-	-	-	-
F24N	48		11/24/2019	2	201911249166076994				-	-	-	-	-	-	-
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F24N	48		11/23/2019	4	201911239166076772				-	-	-	-	-	-	-
F24N	48		11/19/2019	5	201911199165575019				-	-	-	-	-	-	-
F24N	48		11/30/2019	3	201911309166087371				-	-	-	-	-	-	-
F24N	48		11/29/2019	3	201911299166086816				-	-	-	-	-	-	-
F24N	48		12/1/2019	3	201912019166087591				-	-	-	-	-	-	-
F24N	48		11/27/2019	4	201911279166085390				-	-	-	-	-	-	-
F24N	48		11/26/2019	1	201911269166084327				-	-	-	-	-	-	-
F24N	48		11/28/2019	3	201911289166086139				-	-	-	-	-	-	-
F24N	24		11/1/2020	2	202011019336679477				-	-	-	-	-	-	-
F24N	48		11/4/2019	9	201911049165324967				-	-	-	-	-	-	-
F24N	24		11/2/2020	3	202011029336739165				-	-	-	-	-	-	-
F24N	48		12/8/2019	11	201912089166161421				-	-	-	-	-	-	-
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F24N	48		12/20/2019	12	201912209166693530				-	-	-	-	-	-	-
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F24A	48		12/28/2020	6	202012289394401012				-	-	-	-	-	-	-
F24A	48		12/28/2020	5	202012289394401018				-	-	-	-	-	-	-
F24A	48		12/28/2020	20	202012289394401057				-	-	-	-	-	-	-
F24A	48		12/28/2020	21	202012289394401077				-	-	-	-	-	-	-
F24N	48		12/13/2019	7	201912139166286841				-	-	-	-	-	-	-
F24N	48		12/16/2019	18	201912169166294051				-	-	-	-	-	-	-
F24N	48		12/17/2019	19	201912179166312808				-	-	-	-	-	-	-
Totals										\$23,780,048	\$22,731,205				

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Cmte. ID: C00688739 Cmte. Name: DITCH FUND															
Treasurer Name: MAY, JENNIFER Address: PO BOX 15320, WASHINGTON, DC 20003															
Cmte. Type: V (NON-QUALIFIED NON-PARTY WITH NON-CONTRIBUTION ACCOUNT) 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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
F3XN	12G	N	10/25/2018	25	201810259133289845	10/1/2018	10/17/2018		\$0	\$74,881	\$11,695	\$63,186	-	-	\$0
F3XN	30G	N	12/6/2018	17	201812069134876982	10/18/2018	11/26/2018		\$63,186	\$28,459	\$5,067	\$86,577	-	-	\$0

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F3XN	YE	N	1/31/2019	24	201901319145447273	11/27/2018	12/31/2018		\$86,577	\$26,385	\$5,107	\$107,855	-	-	\$0
F1N		N	10/3/2018	4	201810039124276886				-	-	-	-	-	-	-
F24N	48		11/23/2018	1	201811239133807495				-	-	-	-	-	-	-
Totals										\$129,725	\$21,870				

Ditch Fund (C00688739)

2020 October Quarterly Report, received October 15, 2020

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Opposed	Election	48-Hour Report Filed
Facebook, Inc.	8/29/20	\$900.00 <i>48-Hour Report Required</i>	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	8/31/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	8/31/20	\$900.00 <i>48-Hour Report Required</i>	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/21/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/21/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/21/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/21/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/21/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/21/20	\$900.00 <i>48-Hour Report Required</i>	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/22/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/22/20	\$900.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$500.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$500.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$500.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$1,000.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$2,000.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$2,500.00	Mitch McConnell	G2020	12/28/20

Ditch Fund (C00688739)

2020 October Quarterly Report, received October 15, 2020

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Opposed	Election	48-Hour Report Filed
Google	9/22/20	\$2,500.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$3,000.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$3,500.00	Mitch McConnell	G2020	12/28/20
Google	9/22/20	\$5,500.00 <i>48-Hour Report Required</i>	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/23/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/23/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/23/20	\$900.00	Mitch McConnell	G2020	12/28/20
Facebook, Inc.	9/23/20	\$900.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$500.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$500.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$500.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$500.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$1,000.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$1,000.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$1,000.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$1,500.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$1,500.00	Mitch McConnell	G2020	12/28/20
Google	9/23/20	\$1,500.00 <i>48-Hour Report Required</i>	Mitch McConnell	G2020	12/28/20

Ditch Fund (C00688739)

Amended 2020 October Quarterly Report, received December 28, 2020

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination	Expenditure Amount	Candidate Supported	Election	48-Hour Report Filed
Beacon Media, LLC	9/21/20	\$10,173.43 <i>48-Hour Report Required</i>	Amy McGrath	G2020	12/28/20