

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: July 14, 2021

ANALYST: Nick Tarone

I. COMMITTEE: MI Planned Parenthood Votes
C00568931
John Keserich, Treasurer (5/18/21 – Present)
Libby McGaughey (9/25/14 – 5/17/21)
PO Box 15041
Lansing, MI 48901

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)

MI Planned Parenthood Votes (“the Committee”) failed to timely file one (1) 48-Hour Report totaling \$245,306.71 to support five (5) independent expenditures disclosed on the Amended 2020 October Quarterly Report, received October 23, 2020, made up to and including the 20th day before the day of the 2020 General Election (Attachment 2).

On October 16, 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 seventeen (17) independent expenditures totaling \$258,360.77, made in support of or in opposition to four (4) federal candidates (Images 202010169296947608-16).

On the same day, the Committee filed an Amended 2020 October Quarterly Report. The report included a Schedule E disclosing six (6) independent expenditures³ totaling \$258,360.77, made in support of or in opposition to four (4) federal candidates (Images 202010169297135046-48).

Also, on the same day, the Committee filed one (1) 24-Hour Report⁴ to support twenty (20) independent expenditures, totaling \$762,964.63, disseminated on September 15, 2020, September 24, 2020, October 4, 2020, October 6, 2020, October 14, 2020, and October 15, 2020 (Images 202010169297135021-30).

On October 23, 2020, John Keserich, the Committee's Custodian of Records, called for technical assistance with using FECFile, the Committee's electronic filing software application, and help with amending their reports to update independent expenditures disclosed by the Committee. In addition, Mr. Keserich admitted the Committee had not timely filed several 48-Hour Reports, as originally disclosed in their 24-Hour Report of independent expenditures, received October 16, 2020. The Reports Analysis Division (RAD) Analyst stated, after taking a cursory review of 24-Hour Report, received October 16, 2020, that the Committee would likely receive a Request for Additional Information (RAI) referencing the Amended 2020 October Quarterly Report for failing to timely file the required 48-Hour Reports (Attachment 3).

On the same day, the Committee filed an Amended 2020 October Quarterly Report. The report disclosed no changes to Schedule E from the previous amendment (Images 202010239336505200-02).

Also, on the same day, the Committee filed an Amended 24-Hour Report.⁵ The Amended 24-Hour Report disclosed twenty (20) independent expenditures, totaling \$751,904.11, a decrease of \$11,060.52, with dissemination dates from September 15, 2020 through October 15, 2020. However, none of the changes involved independent expenditures that had been disclosed on the 2020 October Quarterly Report (Images 202010239336505111-20).

On December 20, 2020, an RAI was sent to the Committee referencing the Amended 2020 October Quarterly Report, received October 23, 2020. Among other items, the RAI noted the Committee may have failed to timely file one (1) or more of the required 48-Hour Reports regarding independent expenditures. A chart was included with

³ The original report disclosed twelve (12) independent expenditures made to the vendor, "Community Outreach Group;" however, the amendment combined these independent expenditures into four (4) independent expenditures. However, the total amount disbursed to the vendor, "Community Outreach Group," of \$208,867.12 did not change. In addition, the original report disclosed six (6) independent expenditures made to the vendor, "The New Media Firm;" however, the amendment combined these independent expenditures into two (2) independent expenditures. However, the total amount disbursed to the vendor, "The New Media Firm," of \$49,493.65 did not change.

⁴ Please note that the Committee incorrectly filed a 24-Hour Report instead of the required 48-Hour Report of Independent Expenditures, made up to and including the 20th day before the 2020 General Election.

⁵ Please note, the Amended 24-Hour Report, received October 23, 2020, amended the original 24-Hour Report filed on October 16, 2020 (Images 202010239336505111-20).

the RFAI which identified six (6) independent expenditures, totaling \$258,360.77⁶, for which a 48-Hour Report had not been timely filed (Images 202012200300099231-33).

On January 21, 2021, Mr. Kesperich called in response to the RFAI and explained that he had prepared an amendment to address the inadequate purposes for independent expenditures and the conflicting office sought information for independent expenditures issues cited in the RFAI. However, he stated that he was unsure how to address the late 48-Hour Reports. The RAD Analyst explained that the Committee could provide additional information on the public record via an FEC Form 99 (Miscellaneous Electronic Submission) (Attachment 3).

On January 22, 2021, the Committee filed an Amended 24-Hour Report.⁷ The Amended 24-Hour Report, received January 22, 2021, did not disclose any substantial changes from the previous amendment, other than changing two (2) purposes of expenditure (Images 202101229405267149-58).

On March 8, 2021, the Committee returned the RAD Analyst's phone call. Among other issues discussed, the Analyst explained to Mr. Kesperich that the matter noted on the Amended 2020 October Quarterly Report, received October 23, 2020, may be referred to another Commission office for potential further action. The Analyst stated that the Committee may file an FEC Form 99 to provide a narrative statement explaining why the Committee had failed to timely file the required 48-Hour Reports (Attachment 3).

On the same day, the Committee filed an Amended 2020 October Quarterly Report. The report included six (6) independent expenditures, totaling \$258,360.77, made in support of or in opposition to four (4) federal candidates. Other than providing adequate purposes of expenditure for the independent expenditures referenced in the RFAI, the report disclosed no change in Schedule E from the prior amendment (Images 202103089440301575-77).

On March 15, 2021, the Committee filed an FEC Form 99 in response to the RFAI referencing the Amended 2020 October Quarterly Report, received October 23, 2020. The Committee stated,

“Thank you for your letter on December 20, 2020 indicating three areas of discrepancies on our October 2020 quarterly report. We have made the appropriate and necessary amendments for items numbers two and three.

⁶ Please note the Request for Additional Information (RFAI) questioned the disclosure of one (1) additional independent expenditure totaling \$13,054.06, disseminated on September 24, 2020, for which the Committee failed to timely file one (1) 48-Hour Report. However, this issue is not included in the referral because the activity falls below the established internal referral threshold per *2019-2020 RAD Review and Referral Procedures*.

⁷ Please note, the Amended 24-Hour Report, received January 22, 2021, amended the original 24-Hour Report filed on October 16, 2020 (Images 202010239336505111-20).

In regards to item one, the late 24 hour reporting, there was a critical gap in our understanding of when 24 hour reporting was required. As soon as we became aware of the mistake we immediately filed all needed reports. We take full responsibility for missing the deadlines and we have assigned extra personnel training and additional time to ensure that this won't be an issue moving forward. Thank you for your time and consideration regarding our reports. We look forward to working with you in the future”
(Image 202103159440542078).

On April 21, 2021, the Committee filed an Amended 2020 October Quarterly Report. The report included six (6) independent expenditures, totaling \$258,360.77, made in support of or in opposition to four (4) federal candidates. Other than updating one (1) Office Sought field for the candidate “James, John” from “President” to “Senate,” there were no changes from the previous amendment (Images 202104219445124368-70).

On May 20, 2021, the Committee filed an Amended 24-Hour Report.⁸ The Amended 24-Hour Report, received May 20, 2021, did not disclose any changes from the previous amendment, other than changing the Treasurer signature from the current Treasurer, “Keserich, John, Thomas,” to the prior Treasurer, “McGaughey, Libby,” (Images 202105209447006647-56).

On May 27, 2021, the Committee filed an Amended 24-Hour Report⁹. The Amended 24-Hour Report, received May 27, 2021, did not disclose any changes from the previous amendment, other than changing the Treasurer signature from the prior Treasurer, “McGaughey, Libby,” to the current Treasurer, “Keserich, John, Thomas” (Images 202105279447484325-34).

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

⁸ Please note, the Amended 24-Hour Report, received May 20, 2021, amended the original 24-Hour Report filed on October 16, 2020 (Images 202010239336505111-20).

⁹ Please note, the Amended 24-Hour Report, received May 27, 2021, amended the original 24-Hour Report filed on October 16, 2020 (Images 202010239336505111-20).

O-Index

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O-Index (2021-2022)															
Cmte. ID: C00568931 Cmte. Name: MI PLANNED PARENTHOOD VOTES															
Treasurer Name: KESERICH, JOHN THOMAS Address: PO BOX 15041, LANSING, MI 48901															
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	1	202103159440542684				-	-	-	-	-	-	-
MS-T			3/15/2021	1	202103159440542078				-	-	-	-	-	-	-
MS-T			3/15/2021	1	202103159440542445				-	-	-	-	-	-	-
MS-T			5/6/2021	1	202105069446307659				-	-	-	-	-	-	-
RQ2	24		5/12/2021	2	202105120300118326			5/12/2021	-	-	-	-	-	-	-
RQ2	24		5/12/2021	2	202105120300118328			5/12/2021	-	-	-	-	-	-	-
RQ2	24		5/12/2021	2	202105120300118330			5/12/2021	-	-	-	-	-	-	-
RQ2	24		5/12/2021	2	202105120300118332			5/12/2021	-	-	-	-	-	-	-
RQ2	24		5/12/2021	2	202105120300118334			5/12/2021	-	-	-	-	-	-	-
RQ2	24		5/24/2021	2	202105240300118867			5/24/2021	-	-	-	-	-	-	-
RQ2	24		5/24/2021	2	202105240300118869			5/24/2021	-	-	-	-	-	-	-
RQ2	24		5/24/2021	2	202105240300118871			5/24/2021	-	-	-	-	-	-	-
F24A	24		1/22/2021	10	202101229405267149				-	-	-	-	-	-	-
F24A	24		1/22/2021	5	202101229405267239				-	-	-	-	-	-	-
F24N	24		1/22/2021	1	202101229405267244				-	-	-	-	-	-	-
F24A	24		5/13/2021	2	202105139446688111				-	-	-	-	-	-	-
F24N	24		5/13/2021	1	202105139446688120				-	-	-	-	-	-	-
F24A	24		5/13/2021	5	202105139446688411				-	-	-	-	-	-	-
F24A	24		5/13/2021	1	202105139446688421				-	-	-	-	-	-	-
F24A	24		5/27/2021	10	202105279447484325				-	-	-	-	-	-	-
F24A	24		5/27/2021	1	202105279447484335				-	-	-	-	-	-	-
F24A	24		5/20/2021	10	202105209447006647				-	-	-	-	-	-	-
F1A		A	5/18/2021	4	202105189446935221				-	-	-	-	-	-	-
F24A	24		6/14/2021	2	202106149448998571				-	-	-	-	-	-	-
F24A	24		6/10/2021	2	202106109448896170				-	-	-	-	-	-	-
F24A	24		6/10/2021	4	202106109448897996				-	-	-	-	-	-	-
F24A	24		6/10/2021	1	202106109448898430				-	-	-	-	-	-	-
Totals										\$0	\$0				

O-Index (2019-2020)															
Cmte. ID: C00568931 Cmte. Name: MI PLANNED PARENTHOOD VOTES															
Treasurer Name: KESERICH, JOHN THOMAS Address: PO BOX 15041, LANSING, MI 48901															
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
RQ7	YE		2/19/2020	2	202002190300056843	7/1/2019	12/31/2019	2/19/2020	-	-	-	-	-	-	-
RQ2	Q3	A	12/20/2020	3	202012200300099231	7/1/2020	9/30/2020	12/20/2020	-	-	-	-	-	-	-
RQ2	12G	A	2/8/2021	5	202102090300104946	10/1/2020	10/14/2020	2/8/2021	-	-	-	-	-	-	-
RQ2	30G	N	2/4/2021	2	202102040300104725	10/15/2020	11/23/2020	2/4/2021	-	-	-	-	-	-	-
F3XN	Q1	N	5/2/2019	5	201905029149617332	1/1/2019	3/31/2019		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	Q2	N	8/2/2019	5	201908029161354269	4/1/2019	6/30/2019		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	Q3	N	2/21/2020	5	202002219187246562	7/1/2019	9/30/2019		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	YE	N	2/21/2020	5	202002219187246567	10/1/2019	12/31/2019		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	Q1	N	4/14/2020	5	202004149216678991	1/1/2020	3/31/2020		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	Q2	N	7/14/2020	5	202007149244554763	4/1/2020	6/30/2020		\$2,101	\$0	\$0	\$2,101	-	-	\$0

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F3XN	Q3	N	10/16/2020	21	202010169296947596	7/1/2020	9/30/2020		\$2,101	\$1,487,450	\$276,288	\$1,213,263	-	-	\$0
F3XA	Q3	A	10/16/2020	14	202010169297135035	7/1/2020	9/30/2020		\$2,101	\$1,487,450	\$269,916	\$1,219,636	-	-	\$0
F3XA	Q3	A	10/23/2020	15	202010239336505188	7/1/2020	9/30/2020		\$2,101	\$1,487,450	\$289,561	\$1,199,990	-	-	\$0
F3XA	Q3	A	3/8/2021	15	202103089440301563	7/1/2020	9/30/2020		\$2,101	\$1,487,450	\$289,561	\$1,199,990	-	-	\$0
F3XA	Q3	A	4/21/2021	15	202104219445124356	7/1/2020	9/30/2020		\$2,101	\$1,487,450	\$289,561	\$1,199,990	-	-	\$0
F3XN	12G	N	10/23/2020	27	202010239336472906	10/1/2020	10/14/2020		\$1,219,636	\$475,000	\$1,300,590	\$394,045	-	-	\$0
F3XA	12G	A	1/22/2021	22	202101229405267437	10/1/2020	10/14/2020		\$1,199,990	\$0	\$1,058,470	\$141,520	-	-	\$0
F3XA	12G	A	4/21/2021	22	202104219445124371	10/1/2020	10/14/2020		\$1,199,990	\$0	\$1,058,470	\$141,520	-	-	\$0
F3XN	30G	N	12/3/2020	11	202012039341021310	10/15/2020	11/23/2020		\$141,520	\$193,484	\$185,839	\$149,165	-	-	\$0
F3XA	30G	A	4/22/2021	11	202104229445359713	10/15/2020	11/23/2020		\$141,520	\$193,484	\$185,839	\$149,165	-	-	\$0
F3XN	YE	N	1/31/2021	6	202101319424650535	11/24/2020	12/31/2020		\$149,165	\$0	\$12,773	\$136,392	-	-	\$0
F3XA	YE	A	4/21/2021	6	202104219445124398	11/24/2020	12/31/2020		\$149,165	\$0	\$12,773	\$136,392	-	-	\$0
F3XA	YE	A	5/6/2021	6	202105069446307652	11/24/2020	12/31/2020		\$149,165	\$0	\$12,773	\$136,392	-	-	\$0
F24N	24		10/21/2020	1	202010219326779691				-	-	-	-	-	-	-
F24N	24		10/22/2020	6	202010229333234556				-	-	-	-	-	-	-
F24N	24		10/20/2020	2	202010209297967070				-	-	-	-	-	-	-
F24N	24		10/19/2020	5	202010199297289935				-	-	-	-	-	-	-
F24N	24		10/16/2020	10	202010169297135021				-	-	-	-	-	-	-
F24N	24		10/27/2020	1	202010279336628600				-	-	-	-	-	-	-
F24A	24		10/23/2020	4	202010239336505028				-	-	-	-	-	-	-
F24N	24		10/23/2020	2	202010239336505107				-	-	-	-	-	-	-
F24A	24		10/23/2020	10	202010239336505111				-	-	-	-	-	-	-
Totals										\$1,680,935	\$1,546,644				

O-Index (2017-2018)															
Cmte. ID: C00568931 Cmte. Name: MI PLANNED PARENTHOOD VOTES															
Treasurer Name: KESERICH, JOHN THOMAS Address: PO BOX 15041, LANSING, MI 48901															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER															
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RQ2	Q2	N	8/29/2018	2	201808290300019112	4/1/2018	6/30/2018	8/29/2018	-	-	-	-	-	-	-
RQ7	30G		12/20/2018	2	201812200300028068	10/1/2018	10/25/2018	12/20/2018	-	-	-	-	-	-	-
F3XN	MY	N	7/24/2017	5	201707249069799873	1/1/2017	6/30/2017		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	YE	N	1/26/2018	5	201801269090650198	7/1/2017	12/31/2017		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	Q1	N	4/13/2018	5	201804139108037841	1/1/2018	3/31/2018		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	Q2	N	7/16/2018	5	201807169115720820	4/1/2018	6/30/2018		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	Q3	N	10/15/2018	5	201810159124975274	7/1/2018	9/30/2018		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	30G	N	12/6/2018	5	201812069134727760	10/26/2018	11/26/2018		\$2,101	\$0	\$0	\$2,101	-	-	\$0
F3XN	YE	N	1/31/2019	5	201901319144463839	11/27/2018	12/31/2018		\$2,101	\$0	\$0	\$2,101	-	-	\$0
Totals										\$0	\$0				

MI PLANNED PARENTHOOD VOTES (C00568931)

Amended 2020 October Quarterly Report, received October 23, 2020

48-Hour Report Not Timely Filed

Name of Payee	Dissemination Date (Schedule E)	Expenditure Amount	Candidate Supported/ Opposed	Election	Report Received¹⁰
Community Outreach Group	9/15/2020	\$52,216.78 <i>48-Hour Report Required</i>	JOSEPH R BIDEN JR	2020 General (11/3/2020)	10/16/2020
The New Media Firm	9/15/2020	\$36,439.59 <i>48-Hour Report Required</i>	JOHN JAMES	2020 General (11/3/2020)	10/16/2020
Community Outreach Group	9/15/2020	\$52,216.78 <i>48-Hour Report Required</i>	JOHN JAMES	2020 General (11/3/2020)	10/16/2020
Community Outreach Group	9/15/2020	\$52,216.78 <i>48-Hour Report Required</i>	GARY PETERS	2020 General (11/3/2020)	10/16/2020
Community Outreach Group	9/15/2020	\$52,216.78 <i>48-Hour Report Required</i>	DONALD J. TRUMP	2020 General (11/3/2020)	10/16/2020

¹⁰ Please note that the Committee incorrectly filed a 24-Hour Report instead of the required 48-Hour Report of Independent Expenditures, made up to and including the 20th day before the 2020 General Election.