

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

March 23, 2022

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

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

Krista J. Roche *KJR*
Director, ADR Office

Rosa Marshall *RM*
Assistant Director, ADR Office

SUBJECT: Recommendation to Approve Negotiated Settlement
ADR 1058 - Kennedy for Massachusetts (C00512970)
and Keith D. Lowey, Treasurer

RESOLUTION TERMS: Pay a civil penalty of \$2,900 and work with Commission staff to terminate political committee status and reporting obligations.

Attached for your review is a signed Negotiated Settlement pertaining to ADR 1058 (RAD 21L-65). The ADR Office received this referral on November 4, 2021.

SUMMARY: The Reports Analysis Division (RAD) referred Kennedy for Massachusetts and Keith D. Lowey, Treasurer (Respondents or the Committee) for failing to timely refund or redesignate contributions in excess of the limit totaling \$32,150 during the 2020 election cycle. The Committee refunded all of these contributions outside of the permissible timeframe.

The Committee filed a Form 99 (Miscellaneous Electronic Submission) on July 8, 2021, at 16:22 detailing the Committee's efforts to remedy the excessive contributions. During negotiations, the Committee stated that a substantial internal review of its donation records took place shortly after the primary election to correct its records. This review revealed that certain donor contribution records were

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inadvertently duplicated in its donor database. Once discovered, the Committee's database was corrected and all but two of the contributions were refunded by September 30, 2020, and were disclosed on the Committee's 2020 October Quarterly Report. The last two refunds were disclosed on the Committee's 2021 April Quarterly and 2021 July Quarterly Reports. The Committee notes that it intends to terminate its political committee status upon resolution of this matter.

RECOMMENDATIONS:

1. Approve the attached Negotiated Settlement of Kennedy for Massachusetts and Keith D. Lowey, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.