

23L-55

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: September 26, 2023

ANALYST: Michael Dobi

I. COMMITTEE:

McClellan for Congress
C00829812
Scott M. Hubay, Treasurer
PO Box 818
Richmond, VA 23218

II. RELEVANT STATUTE:

52 U.S.C. § 30104(b)(4)
11 C.F.R. § 104.3(b)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)

McClellan for Congress (“the Committee”) failed to disclose all financial activity on its 2023 12-Day Pre-Special Report filed on February 9, 2023. On March 23, 2023, the Committee filed an Amended 2023 12-Day Pre-Special Report which disclosed \$56,029.88 in additional disbursements (Attachment 1).

On February 9, 2023, the Committee filed the original [2023 12-Day Pre-Special Report](#) covering the period from December 9, 2022 through February 1, 2023. The report disclosed \$421,191.47 in disbursements on Line 17 (Operating Expenditures) of the [Detailed Summary Page](#).

On February 18, 2023, the Committee filed an [Amended 2023 12-Day Pre-Special Report](#). The report disclosed no change in activity.

On March 23, 2023, the Committee filed an [Amended 2023 12-Day Pre-Special Report](#). The report disclosed \$477,221.35 in disbursements on Line 17 of the [Detailed Summary Page](#), a total increase of \$56,029.88 from the original report (Attachment 1).

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On July 9, 2023, a [Request for Additional Information \(RFAI\)](#) was sent to the Committee referencing the Amended 2023 12-Day Pre-Special Report, received on March 23, 2023. The RFAI requested clarification regarding the substantial increase in disbursements disclosed in the Amended 2023 12-Day Pre-Special Report.

On August 17, 2023, the Committee filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#) responding to the Amended 2023 12-Day Pre-Special Report RFAI, stating in part:

“Due to software issues, certain expenditures were not properly recorded and added to the committee's reporting software. Once the error was found, an amendment was filed on 03/23/2023 to properly reflect the correct disclosure of these operating expenditures. The Committee has taken additional steps to ensure that this does not happen again including increased frequency of data audits.”

Since July 10, 2023, the Reports Analysis Division (RAD) logged two (2) communications with the Committee which reflect efforts to help the Committee voluntarily comply with the Act. RAD spoke to the Treasurer, Scott Hubay, on August 16, 2023, notifying them that the matter would be referred to another office at the Commission for further review. RAD advised the Committee to file an FEC Form 99 to provide an explanation for the increase in disbursements (Attachment 2).

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

Filings and correspondence related to the Committee can be found here: [McClellan for Congress](#).

McClellan for Congress (C00829812)

[2023 12-Day Pre-Special Report / Amended 2023 12-Day Pre-Special Report, received 3/23/23](#)

Overview of Additional Disbursements

Report Line	Original 2023 12-Day Pre-Special Report	Amended 2023 12-Day Pre-Special Report, received 3/23/2023	Variance Amount
Line 17: Operating Expenditures	\$421,191.47	\$477,221.35	\$56,029.88
		Total:	\$56,029.88