



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

**SENSITIVE**

**MEMORANDUM**

February 11, 2025

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

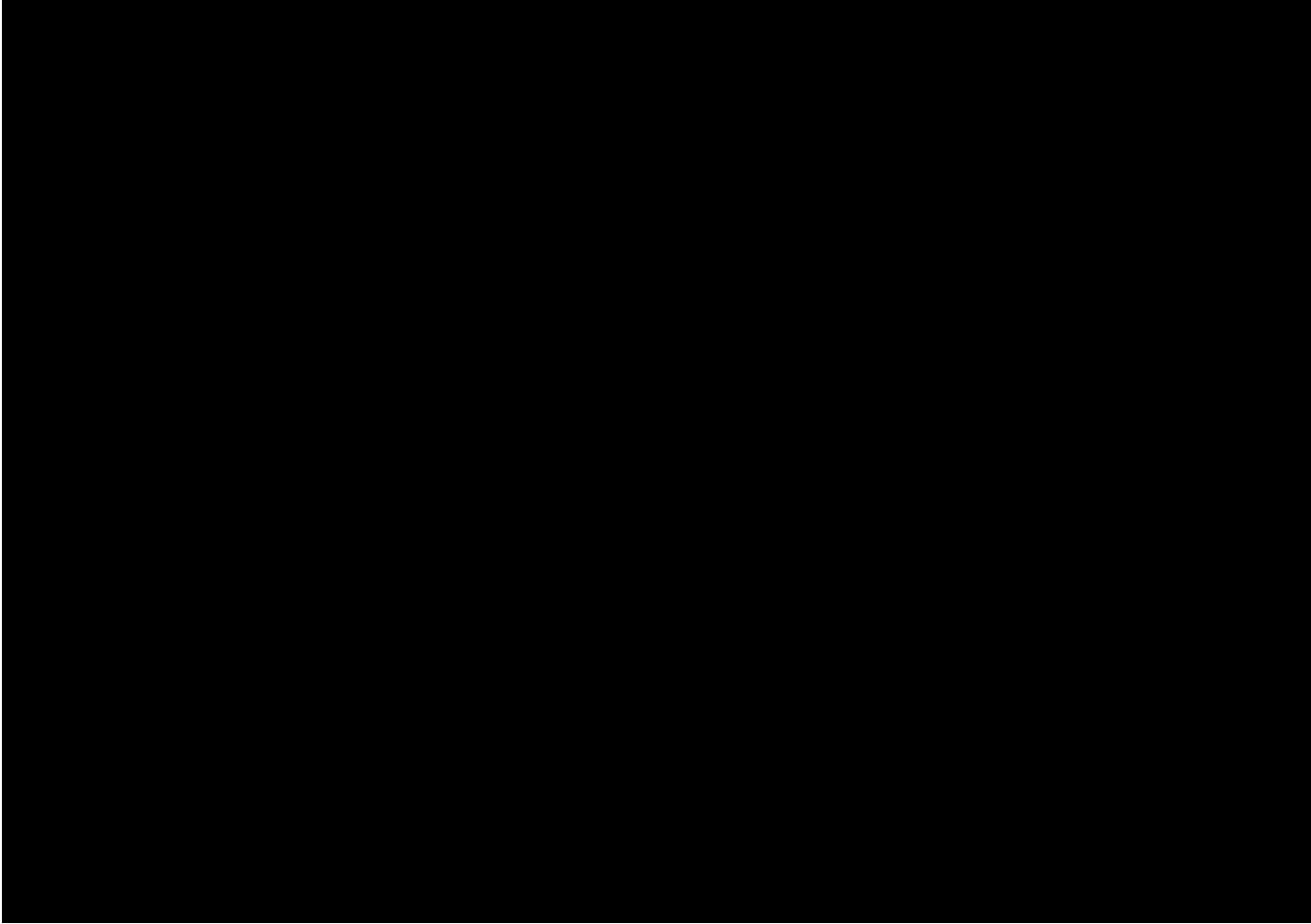
SUBJECT: Recommendation to Approve Negotiated Settlement  
ADR 1184 - Mark Kelly for Senate and Dacey Montoya,  
Treasurer (C00696526)

RESOLUTION TERMS: Develop and certify the implementation and distribution of a policy document detailing the Committee's procedures for identifying and remedying excessive contributions; certify that a representative of the Committee participated in an FEC training program; and pay a civil penalty of \$6,150.

Attached for your review is a signed Negotiated Settlement pertaining to ADR 1184 (RAD 24L-32). The ADR Office received this referral from the Reports Analysis Division (RAD) on September 24, 2024.

**SUMMARY:** RAD referred Mark Kelly for Senate and Dacey Montoya, Treasurer (Respondents or the Committee) for failing to remedy excessive 2022 primary and general election contributions, totaling \$81,881.97, within the permissible timeframe. At the time of the referral, \$3,925.00 in 2022 primary and general election contributions remained unremedied. These contributions have now all since been remedied, although outside of the 60-day timeframe.

The Committee filed a Form 99 (Miscellaneous Electronic Submission) on December 30, 2024, detailing its efforts to remedy the unremedied excessive contributions included in the referral. During negotiations, the Committee stated that the errors occurred due to an unprecedented number of contributions received during the election cycle and the failure of its filing software to identify duplicate contributors. Further, the Committee highlighted that the contributions in this matter comprise less than one-tenth of a percent (.09%) of the total contributions the Committee received during the 2022 election cycle.



**RECOMMENDATIONS:**

1. Approve the attached Negotiated Settlement of Mark Kelly for Senate and Dacey Montoya, Treasurer.
2. Approve the appropriate letters.
3. Close the file on this matter.