



Federal Election Commission
Washington, DC 20463

Case Number: ADR 158
Source: RR 03L-01
Case Name NARAL Pro-Choice America PAC
and John Botts, Treasurer

NEGOTIATED SETTLEMENT

This matter was initiated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. Following review of the matter, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended, ("FECA") and resolve this matter, the Federal Election Commission ("Commission") entered into negotiations with Cassandra Lentchner, Esq., representing NARAL Pro-Choice America PAC and John Botts, Treasurer ("Respondents"). It is understood that this agreement will have no precedential value relative to any other matters coming before the Commission.

Negotiations between the Commission and Respondents addressed the issues raised in this referral. The parties agree to resolve the matter according to the following terms:

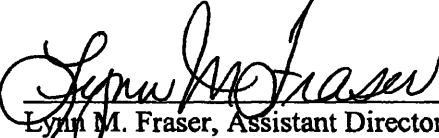
1. The Commission entered into this agreement as part of its responsibility for administering the FECA, and in an effort to promote compliance on the part of Respondents. The Commission's use of alternative dispute resolution procedures ("ADR") is authorized in "The Administrative Dispute Resolution Act of 1996," 5 U.S.C. § 572 and is an extension of 2 U.S.C. § 437g.
2. Respondents voluntarily enter into this agreement with the Commission.
3. The Reports Analysis Division ("RAD") reviewed Respondents' reports filed for the 2002 election cycle. RAD alleges that the review disclosed that Respondents failed to file two (2) 24-Hour Notices for independent expenditures totaling \$241,956.50. An independent expenditure on behalf of Ted Strickland ("Strickland") in the amount of \$42,132.50 was made on October 29, 2002. An independent expenditure on behalf of Jean Shaheen ("Shaheen") in the amount of \$199,824.00 was made on October 24, 2002. These expenditures were made after the 20th day, but more than 24 hours, before 12:01 a.m. of the day of the 2002 General election.

4. The statute and implementing regulations require that any PAC or Party Committee that makes independent expenditures in connection with a federal election may also have to file a 24-Hour Notice. The 24-Hour Notice is triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 Hours, before the day of the election. 2 U.S.C. §§ 434(b)(6)(B)(iii), 434(c)(2) and 11 C.F.R. § 104.4(b)
5. Respondents contend that the independent expenditure on behalf of Strickland was reported on the original pre-general report as a cost estimate based on the contract Respondents had entered into. Respondents noted that due to a computer software error the estimated amounts for the Strickland independent expenditures were combined as aggregate totals with other independent expenditures for Strickland. Respondents stated that when they realized the software error and received the final invoice for Strickland independent expenditures, an amended report reflecting the actual amount of \$42,132.50 was filed.
6. Respondents contend that they filed the report of the 24-Hour Notice for the Strickland independent expenditures on October 29, 2002. In addition, Respondents maintained that to the best of their knowledge the 24-Hour Notice on the Shaheen independent expenditure was also filed. Respondents presented documentation that the report was prepared on October 24, 2002, and they thought it was filed on October 26, 2002. Respondents had previously disclosed independent expenditures for Shaheen. Respondents have no explanation why the Commission has no record of the October 26, 2002 24-Hour Notice on the Shaheen independent expenditure.
7. Respondents, in an effort to in order to resolve this matter agree to pay a civil penalty of \$2,000.
8. Respondents agree that all information provided to resolve this matter is true and accurate to the best of their knowledge and that they sign this agreement under penalty of perjury pursuant to 28 U.S.C. § 1746.
9. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may submit any unpaid civil penalty to the U.S. Treasury for collection or undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.
10. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the terms of the settlement within thirty (30) days from the effective date of this agreement.

11. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 158 (RR 03L-01), and effectively resolves this matter. No other statement, promise or agreement, either written or oral, made by either party, not included herein, shall be enforceable.

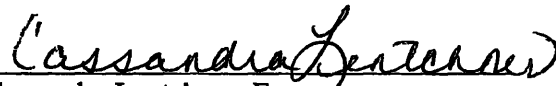
FOR THE COMMISSION:

Allan D. Silberman, Director
Alternative Dispute Resolution Office

By: 
Lynn M. Fraser, Assistant Director
Alternative Dispute Resolution Office

7/13/04
Date Signed

FOR THE RESPONDENTS:


Cassandra Lentchner, Esq.
Counsel for Respondents

6/30/04
Date Signed

44. 19. 025. 314