

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: August 23, 2005

ANALYST: William Wiquist

- I. COMMITTEE: New York State Committee of the Working Families Party (C00350991)  
Lawrence J. Hanley, Treasurer  
88 3<sup>rd</sup> Avenue  
Brooklyn, NY 11217
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(6)(B)(iii)  
2 U.S.C. §434(g)(1) and (2)  
11 CFR §104.4(b)(2) and (c)

## III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to File 48 and 24-Hour Notices)**

New York State Committee of the Working Families Party ("the Committee") failed to file one (1) 48-Hour Notice for an independent expenditure totaling \$19,152.32 made up to and including the 20<sup>th</sup> day before the 2004 General Election. The Committee also failed to file four (4) 24-Hour Notices for independent expenditures totaling \$64,765.48 made less than 20 days, but more than 24 hours, before the 2004 General Election held on November 2, 2004 (Attachment 2).

On September 27, 2004, the Prior Notice listing the official filing dates for quarterly filers was sent to the Committee. The notice included a section titled *48- and 24-Hour Reports on Independent Expenditures* which read as follows, "Any PAC or Party Committee that makes independent expenditures in connection with an election may also have to file 48-hour or 24-hour reports. The 48-hour reporting requirement will be triggered each time the committee makes independent expenditures aggregating \$10,000 or more between January 1st and the 20th day before the election. The 24-hour reporting requirement will be triggered each time 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. These reports are *not* required when a Party Committee or PAC makes a contribution directly to a candidate." (Attachment 3)

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On December 7, 2004, the Committee filed a 2004 30 Day Post-General Report which included a Schedule E (Itemized Independent Expenditures) disclosing ten (10) independent expenditures totaling \$98,917.80, all made on behalf of one (1) federal candidate. Based upon the information and expenditures disclosed on this report, it appeared that the committee was required to file two (2) 48-Hour Notices and four (4) 24-Hour Notices with the Commission (Image 24981750264).

On March 11, 2005, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2004 30 Day Post-General Report. The RFAI noted that the Committee may have failed to file one or more of the required 48- and 24-Hour Notices regarding independent expenditures in support of a federal candidate. Additionally, the RFAI stated that, although the Commission may take further legal action, the Committee's prompt response concerning the matter would be taken into consideration (Image 25038752022).

On April 8, 2005, the Committee filed an Amended 2004 30 Day Post-General Report which included a Schedule E (Itemized Independent Expenditures) disclosing ten (10) independent expenditures totaling \$88,917.80, all made on behalf of one (1) federal candidate. Based upon the information and expenditures disclosed on the report, it appeared that the committee was now required to file one (1) 48-Hour Notice and four (4) 24-Hour Notices with the Commission (Image 25980456464).

On April 25, the Committee filed a miscellaneous electronic text in response to the RFAI referencing the 30 Day Post General Report. The Committee addressed the issue of the missing 48-Hour notices by stating, "Although Working Families Party was unaware of the §104.4(b) 48-Hour filing requirement for independent expenditures, said expenditures were properly included in the 30 Day Post-General Report which was filed in a timely manner. Additionally, Working Families Party has updated their internal procedural policies manual in order to ensure that 48-hour notices are properly filed in the future." The Committee also addressed the issue of the missing 24-Hour notices by stating, "Working Families Party was unaware of the §104.4(c) 24-hour filing requirement for "last minute" independent expenditures, said expenditures were properly included in the 30-Day Post-General Report which was filed in a timely manner. Additionally, Working Families Party has updated their internal procedural policies manual in order to ensure that 24-hour notices are properly filed in the future." (Image 25990557860)

On April 25, 2005, the Reports Analysis Division ("RAD") analyst called the Committee and spoke with Mr. Dan Cantor, the Committee's Executive Director. The Analyst informed Mr. Cantor that the Committee reported numerous independent expenditures on the 2004 30 Day Post-General Report which required 48- and 24-Hour Notices to be filed with the Commission. The Analyst also advised Mr. Cantor that these notices were not filed and that this matter was referable to the Office of General Counsel (OGC). Mr. Cantor asked how the Committee could rectify this problem and the Analyst said that the Committee could not rectify it since the election has passed. The Analyst informed Mr. Cantor that the Committee could electronically file the notices for public record and add any clarifying information regarding the matter (Attachment 4).

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To date, there has been no further communications received by the Committee regarding this matter.

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