

## REPORTS ANALYSIS REFERRAL

TO

## OFFICE OF ALTERNATIVE DISPUTE RESOLUTION

DATE: November 27, 2006

ANALYST: Jennifer Thangavelu

- I. COMMITTEE: Stop Union Political Abuse (SUPA)  
(C00399246)  
Linda Chavez, Treasurer  
21145 Whitfield Place, Suite 106  
Sterling, VA 20165
- II. RELEVANT STATUTES: 2 U.S.C. §434(b)(6)(B)(iii)  
2 U.S.C. §434(g)(2)  
11 CFR §104.4(b)(2)

## III. BACKGROUND:

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

Stop Union Political Abuse (SUPA) ("the Committee") failed to timely file three (3) 48-Hour Notices to support eight (8) independent expenditures totaling \$39,117.37 made between January 1<sup>st</sup> and the 20<sup>th</sup> day before the 2006 Senate Primary Election held in the State of New York on September 12, 2006 (Attachment 2).

Prior Notices listing the official filing dates for quarterly filers were sent to the Committee on December 28, 2005 and March 22, 2006. The notices included a section titled *48- and 24-Hour Reports of 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 1<sup>st</sup> and the 20<sup>th</sup> 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. See 11 CFR 104.4." (Attachment 3)

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On April 15, 2006, the Committee filed a 2006 April Quarterly Report covering the reporting period of January 1, 2006 through March 31, 2006 (Image 26940088384). The report included a Schedule E (Itemized Independent Expenditures) disclosing nine (9) independent expenditures, totaling \$41,117.37, made in opposition of one (1) federal candidate and designated for the 2006 Senate Primary Election in New York. Based upon the information and expenditures disclosed on the report, the Committee failed to file three (3) 48-Hour Notices for eight (8) independent expenditures totaling \$39,117.37 (Images 26940088413-17).

On June 14, 2006, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2006 April Quarterly Report. The RFAI noted, among other issues, that the Committee may have failed to file one or more of the required 48-Hour Notices for independent expenditures disclosed on the report. In addition, 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. A chart was included with the RFAI identifying the eight (8) independent expenditures, totaling \$39,117.37, for which 48-Hour Notices were not filed<sup>1</sup> (Image 26039100379-81).

On July 17, 2006, Robin Sexton, the consultant responsible for the preparation and filing of the Committee's reports, called the Reports Analysis Division ("RAD") analyst in response to the RFAI for the 2006 April Quarterly Report. Ms. Sexton asked whether she should file the Committee's missing 48 Hour Notices even though they would not be timely filed. The RAD analyst advised her to file the 48 Hour Notices (Attachment 4).

Also on July 17, 2006 at 21:10, the Committee filed an Amended 2006 April Quarterly Report covering the reporting period of January 1, 2006 through March 31, 2006 (Image 26940261857). The Amended report included no changes to any of the independent expenditures outlined within Schedule E (Itemized Independent Expenditures).

On July 31, 2006, the RAD analyst called Ms. Sexton and left a voicemail message. The Analyst advised her that the Committee's failure to file the 48 Hour Notices for independent expenditures disclosed during the 2006 April Quarterly reporting period was an issue referable to the Commission's Office of Alternative Dispute Resolution. The Analyst requested that the Committee provide any additional information by Monday, August 7, 2006 (Attachment 4).

On August 4, 2006, the Committee filed three (3) 48-Hour Notices to support the eight (8) independent expenditures totaling \$39,117.37 made in opposition of one (1) federal candidate originally disclosed on the 2006 April Quarterly Report (Images 26960288533-35 and 26930306178).

On September 11, 2006, the Committee filed another Amended 2006 April Quarterly Report covering the reporting period of January 1, 2006 through March 31, 2006 (Image 26940320926). The Amended report included no changes to any of the

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<sup>1</sup> Please note that the chart erroneously included one (1) independent expenditure (Advanced Mailing Services, dated 3/15/06) which did not require a 48-Hour Notice.

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independent expenditures outlined within Schedule E (Itemized Independent Expenditures).

To date, no further communication has been received from the Committee regarding this matter.

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