

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF ALTERNATIVE DISPUTE RESOLUTION

DATE: July 20, 2007

ANALYST: Sylvette Seay

- I. COMMITTEE: Blue America PAC (C00427617)
Howard Klein, Treasurer
P.O. Box 27201
Los Angeles, CA 90027
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(6)(B)(iii)
2 U.S.C. §434(g)(1)
11 C.F.R. §104.4(c)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 24-Hour Notices)

Blue America PAC (“the Committee”) failed to file six (6) 24-Hour Notices to support six (6) independent expenditures totaling \$25,005.84 made after the 20th day, but more than 24 hours before the 2006 General Election (Attachment 2).

A Prior Notice listing the official filing date of the 30 Day Post-General Report for quarterly filers during the 2006 calendar year was sent to the Committee on October 2, 2006. 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 the general 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 and October 18, 2006. The 24-hour reporting requirement will be triggered each time the committee makes independent expenditures in connection with the general election aggregating \$1,000 between October 19 and November

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5, 2006. See 11 CFR 104.4. These reports are not required when a Party Committee or PAC makes a contribution directly to a candidate.” (Attachment 3)

On January 23, 2007, the Committee filed a 30 Day Post-General Report, covering the reporting period of October 19, 2006 to November 27, 2006, which included a Schedule E, supporting Line 24, (Itemized Independent Expenditures) disclosing six (6) independent expenditures totaling \$25,005.84 made on behalf of two (2) federal candidates. The Committee failed to file six (6) 24-Hour Notices for these six (6) independent expenditures totaling \$25,005.84 to support candidates in the 2006 General Election (Images 27930067160,27930067161, and 27930067162).

On February 23, 2007, a Request for Additional Information (“RFAI”) was sent to the Committee referencing the 2006 30 Day Post-General Report. The RFAI stated that the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures. 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 six (6) independent expenditures, totaling \$25,005.84, for which 24-Hour Notices were not filed (Images 27039393250-52).

On March 15, 2007 at 17:14, the Committee filed a miscellaneous electronic submission (Form 99) in response to the RFAI referencing the 2006 30 Day Post-General Report. The miscellaneous electronic submission stated, in part,

“...While we did our best to ensure our compliance with all regulations, we were completely unaware of the 24 hour filing requirements. Unfortunately, this is not an error that can be corrected and we apologize for our failures. There was no intent to avoid required disclosures.” (Image 27930297377)

On April 3, 2007, the Reports Analysis Division (“RAD”) analyst called Howard Klein, the Committee’s Treasurer, regarding the missing 24-Hour Notices associated with the 2006 30 Day Post-General Report. The Analyst stated that she was calling as a courtesy and that the Committee was being referred to the Alternative Dispute Resolution Office. The Analyst further explained that the Committee could file another miscellaneous electronic submission to clarify why the notices were not filed, and that it would need to be filed within one week. Mr. Klein requested that either an email or letter be sent to the Committee detailing this information. The Analyst explained that another communication would not be sent on this issue, but that the referral would be based on the information outlined in the February 23, 2007 RFAI. Mr. Klein stated that the Committee has now hired an attorney to file these reports and that he just signs them (Attachment 4).

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

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