

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: April 19, 2011

ANALYST: Daniel Buckley

I. COMMITTEE: National Nurses United for Patient Protection
 (C00490375)
 Carolyn Hietamaki, Treasurer
 888 16th Street NW, Suite 640
 Washington, DC 20006

II. RELEVANT STATUTE: 2 U.S.C. §434(g)(1)
 2 U.S.C. §434(b)(4)
 11 C.F.R. §104.4(c)

III. BACKGROUND:

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

National Nurses United for Patient Protection (“the Committee”) failed to timely file five (5) 24-Hour Notices to support five (5) independent expenditures totaling \$34,409.49 made after the 20th day before, but more than 24 hours prior to, the 2010 General Election (Attachment 2).

On December 2, 2010, the Committee filed the 2010 30 Day Post-General Report covering the period of October 14, 2010 to November 22, 2010 which included a Schedule E (Itemized Independent Expenditures) disclosing twenty-six (26) independent expenditures, totaling \$191,883.21, made in support of or in opposition to seven (7) federal candidates. The Committee failed to file five (5) 24-Hour Notices for five (5) independent expenditures totaling \$34,409.49 (Images 10931939087-99).

On February 11, 2011, a Request for Additional Information (“RFAI”) was sent to the Committee referenoing the 2010 30 Day Post-General Report. Among other issues,

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the RFAI stated that the Committee may have failed to file one or more of the required 24-Hour Notices for independent expenditures on behalf of a federal candidate. A chart was included with the RFAI identifying the five (5) independent expenditures, totaling \$34,409.49, for which 24-Hour Notices were not filed (Image 11330004881).

On March 16, 2011, the Committee filed a Miscellaneous Electronic Text Submission (FEC Form 99) in response to the RFAI referencing the 2010 30 Day Post-General Report. The FEC Form 99 stated in part:

“Second, you note that the Committee failed to file a 24-hour notice for certain independent expenditures regarding five candidates that occurred on Sunday, October 31, 2010. The Committee filed all required 24-hour notices regarding independent expenditures that occurred prior to that date, including notices filed on October 31 to report independent expenditures regarding the same five candidates that occurred on Saturday, October 30. However, the Committee misunderstood the schedule for filing 24-hour notices immediately prior to the general election: it believed that the cut-off date of Sunday, October 31 pertained to the last 24-hour notice itself that was due, rather than the occurrence of independent expenditures that would trigger a later final 24-hour notice (on Monday, November 1). This misunderstanding was entirely inadvertent and the failure to file the notice was entirely unintentional. The Committee has now filed the missing notice. You note that the Commission may take further action concerning this matter. We respectfully request that the Commission view this matter as a clerical oversight rather than a potential enforcement matter. Should the matter be referred for further action, however, we request it be referred directly to the Alternative Dispute Resolution Office” (Image 11930497468).

Also on March 16, 2011, the Committee filed 24-Hour Notices for the five (5) independent expenditures identified in the RFAI as having missing 24-Hour Notices (Image 11990304411-13). That same day, the Committee filed an Amended 2010 30 Day Post-General Report which disclosed no change in the five (5) independent expenditures previously questioned for missing the required 24-Hour Notices (Image 11990304304-16).

Between March 23, 2011 and March 28, 2011, the Reports Analysis Division (RAD) Analyst attempted to contact the Committee's treasurer and left several voice mail messages. Brian Foucart, a consultant for the committee, returned the call while the analyst was out of the office and on March 31, 2011, the Analyst called Mr. Foucart back. The Analyst explained that the issue regarding the late 24-Hour Notices would be referred for further action. The Analyst stated that if the Committee wished to place any additional clarifying information on the public record, they should do so by April 7, 2011. That same day, the Analyst also conveyed this information to Margie Marks, assistant to Martha Kuhl, Secretary-Treasurer of the Committee (Attachment 3).

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

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