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September 14, 2011

Lynn M. Fraser, Director
Alternative Dispute Resolution Office
Federal Election Commission
999 E Street, NW
Washington, DC

Dear Lynn:

Enclosed are the signed originals of the negotiated settlement agreement with OneAmerica Votes and Washington Community Action Network.

Sincerely,

John Pomeranz

Enclosures

Federal Election Commission
Washington, DC 20463

Case Number: ADR 582
Source: P-MUR 510
Respondents: OneAmerica Votes &
Washington Community Action Network

NEGOTIATED SETTLEMENT

This matter was brought to the attention of the Federal Election Commission ("Commission") by *sua sponte* submissions filed by OneAmerica Votes and by Washington Community Action Network. Following a review of the record, and in an effort to promote compliance with the Federal Election Campaign Act of 1971, as amended ("the FECA"), and to resolve this matter, the Commission entered into negotiations with John Pomeranz, Esq. representing OneAmerica Votes (Respondent OneAmerica Votes) and Washington Community Action Network (Respondent Washington CAN) (collectively "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 Respondent addressed the issues raised in these submissions. The parties have agreed to resolve the matter according to the following terms:

1. The Commission has entered into this agreement as part of its responsibility for administering the FECA and in an effort to promote compliance of the FECA on the part of Respondents. The Commission's use of ADR procedures 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. The Respondent has voluntarily entered into this agreement with the Commission.

3. Respondent OneAmerica Votes filed a *sua sponte* submission on November 23, 2010. Respondent OneAmerica Votes admitted that it made independent expenditures totaling $23,512.30 for various mailings, canvassing efforts, and telephone banks in support of several federal candidates in Washington State prior to the 2010 general election, but it (i) failed to file timely reports of those expenditures in accordance with 2 U.S.C. § 434(c) and (g) and (ii) failed to comply fully with disclaimer requirements on the literature it produced in accordance with 2 U.S.C. § 441(d).

4. Respondent Washington CAN filed a *sua sponte* submission on November 23, 2010. Respondent Washington CAN admitted that it made independent expenditures totaling $8,965.90 for a canvassing effort that was in support of U.S. Senate candidate Patty Murray (including distribution of literature paid for by Respondent OneAmerica Votes) prior to the 2010 general election, but that it (i) failed to file timely reports of those expenditures in accordance with 2 U.S.C. § 434(c) and (g) and (ii) failed to comply fully with disclaimer requirements on the literature it distributed in accordance with 2 U.S.C. § 441(d).

5. The FECA requires every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under this section including a certification that the expenditure was independent, whether the independent expenditure was in support of, or in opposition to, a specific candidate, and identifying any individual who made a contribution in excess of $200 for the purpose of the independent expenditure. 2 U.S.C. § 434(c). The FECA also requires, based on the timing of the independent expenditures, that 24 Hour and 48 Hour Notices be filed with the Commission. 2 U.S.C. § 434(g).

6. The FECA requires that whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate that the person or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising or makes a disbursement for an electioneering communication (as defined in section 304(f)(3)) (2 U.S.C. § 434(f)(3)), such communication shall clearly identify who authorized and paid for the communication and meet the specifications as provided in the statute. 2 U.S.C. § 441(d).

7. Respondents contend that subsequent to their *sua sponte* filings, they cooperated fully with Commission staff and provided all information requested. Respondents filed complete reports of their independent expenditures and amended those reports to comply with directions from Commission staff regarding how the expenditures should be reported to be in compliance with the FECA.

8. Respondents contend that they are small, community based organizations with limited resources that were making independent expenditures for the first time in the wake of recent court rulings clarifying their constitutional right to engage in such activities. By way of explanation for their self-reported violations, Respondents state that, based on their understanding of reports in the news media and confusing communications with state regulators, Respondents believed that their activities related to the 2010 federal elections triggered no reporting obligations and that the disclaimers on the literature distributed stating, for example, that it was "paid for by OneAmerica Votes" were sufficient.

9. Respondents, in an effort to avoid similar errors in the future agree to: (a) consult with campaign finance specialists to ascertain their legal obligations prior to any future election-related communication referring to a candidate for office; (b) designate compliance specialist at each organization to be responsible for compliance with applicable federal and state election laws and, in order to make it possible for that compliance officer to accomplish that duty, provide all necessary training, resources, and support from other staff and consultants responsible for accounting systems and administration; (c) develop and implement a compliance training program and provide it to the executive director of each organization and the managers of any program likely to engage in communications referring to a candidate for office with a summary of the types of communications that might trigger reporting or other obligations under applicable federal or state election laws to help those officers and employees identify situations in which the compliance officer or counsel should be consulted; and (d) develop and sponsor at least one free training for other community organizations prior to the 2012 general election on compliance with federal and state election laws.

10. 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.

11. The parties agree that if Respondents fail to comply with the terms of this settlement, the Commission may undertake civil action in the U.S. District Court for the District of Columbia to secure compliance.

12. This agreement shall become effective on the date signed by all parties and approved by the Commission. Respondents shall comply with the terms of this agreement as set out in paragraph 9 above.

13. This Negotiated Settlement constitutes the entire agreement between the parties on ADR 582 (P-MUR 510) and resolves those issues identified in paragraphs 3 and 4 above. No other statement, promise or agreement, either written or oral, made by either party not included herein, shall be enforceable.