

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: August 19, 2011

ANALYST: David Butler

- I. COMMITTEE: Montana Republican State Central Committee
(C00008086)
Debora A. Brown, Treasurer (7/1/11 - Present)
Shirley J. Warehime, Treasurer (1/30/89 - 6/30/11)
P.O. Box 935, 1005 Partridge Drive
Helena, MT 59624
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(4)
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 Notice)

Montana Republican State Central Committee ("the Committee") failed to timely file one (1) 24-Hour Notice to support one (1) independent expenditure totaling \$40,000 made after the 26th day before, but more than 24 hours prior to, the 2010 General Election (Attachment 2).

The Prior Notice listing the official filing date for the 30 Day Post-General Report was sent via email to the Committee on September 27, 2010. The notice 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 2010 may have to disclose this activity within 48- or 24-hours based upon the date and the amount of the expenditures. See 11 CFR 104.4, the Web Page:

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http://www.fec.gov/info/charts_ie_dates_2010.shtml, or the Campaign Guide. These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate (Attachment 3).

On October 28, 2010, Shirley Warehime, the Committee's treasurer, left a voicemail message for the Reports Analysis Division (RAD) Analyst asking for help with filing 24-Hour Notices for independent expenditures. The Analyst called Ms. Warehime and left a message for her and Executive Director, Bowen Greenwood, explaining where they could find instructions for filing 24-Hour Notices on the Federal Election Commission website and asked them to return his call if they had any additional questions (Attachment 4).

Later that day, Ms. Warehime called the Analyst and asked for additional assistance with disclosing independent expenditures that the Committee had just disseminated. Ms. Warehime stated that the Committee had paid for the independent expenditures in a prior reporting period and disclosed them on Line 30(b) (Federal Election Activity). She asked if filing a 24-Hour Notice was necessary or if the pre-payments constituted prior notification. The Analyst researched Ms. Warehime's questions and called her back to confirm that a 24-Hour Notice should be filed to disclose the date of dissemination of the independent expenditures. The analyst also explained how to disclose the independent expenditures on the Committee's next report, the 2010 30 Day Post-General Report (Attachment 4).

On November 2, 2010, Ms. Warehime called and left a message for the Analyst asking how to proceed if the Committee had failed to file a 24-Hour Notice for an independent expenditure that should have been filed the past weekend. The Analyst returned Ms. Warehime's call and left a message that the 24-Hour Notice should still be filed (Attachment 4).

On December 3, 2010, the Committee filed the 2010 30 Day Post-General Report covering the period from October 14, 2010 to November 22, 2010 which included a Schedule E (Itemized Independent Expenditures) disclosing two (2) independent expenditures, totaling \$104,585, made in opposition of one (1) federal candidate. The Committee failed to file one (1) 24-Hour Notice for one (1) independent expenditure totaling \$40,000 (Image 10992453950).

On December 7, 2010, the Committee filed an Amended 2010 30 Day Post-General Report. This amended report disclosed no change in the independent expenditure transactions that were disclosed on the original 2010 30 Day Post-General Report (Image 10932069317).

On May 4, 2011, a Request for Additional Information ("RFAI") was sent to the Committee referencing the Amended 2010 30 Day Post-General Report, received December 7, 2010. Among other issues, 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 one (1) independent expenditure, totaling \$40,000, for which a 24-Hour Notice was not filed (Images 11330008725-28).

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On June 6, 2011, Ms. Warehime called to ask how to respond to the RFAI referencing the Amended 2010 30 Day Post-General Report. The Analyst advised her to submit a late 24-Hour Notice and any further clarifying information in a Miscellaneous Electronic Submission (FEC Form 99) (Attachment 4).

On June 8, 2011, the Committee filed an FEC Form 99 which stated, in part:

“A 24-hour notice for the expenditure to 47 North Communications for \$40,000 was not filed. The expenditure was made from funds on deposit on October 29-Friday. Notice of the expenditure was not given to the treasure (sic) to prepare a 24-hour notice until Monday-November 1. The election was on Tuesday, November 2. Additional factors considered, the expenditure was for an extension of the TV campaign noticed by the 24-hour notice filed on October 27. Both payments were from funds placed on deposit with the vendor on August 8, 2010 and reported in our September report” (Image 11931601411).

Also on June 8, 2011, the Committee filed a 24-Hour Notice for the independent expenditure identified in the RFAI as having a missing Notice (Image 11931602199), and an Amended 2010 30 Day Post-General Report which clarified the purposes of expenditure for the independent expenditures on Schedule E. There were no other changes with respect to the independent expenditure previously questioned for missing a 24-Hour Notice (Image 11931602831).

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

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