

## REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: May 21, 2013

ANALYST: Paul Stotzer

- I. COMMITTEE: Rethink PAC  
C00503870  
David N. Martin, Treasurer  
202 Bonham Rd.  
Dedham, MA 02026-5404
- II. RELEVANT STATUTE: 2 U.S.C. §434(g)(1)  
11 CFR § 104.4(c)

## III. BACKGROUND:

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

Rethink PAC ("the Committee") failed to timely file one (1) 24-Hour Report to support one (1) independent expenditure totaling \$59,000.08 disclosed on the 2012 30 Day Post-General Report made less than 20 days, but not more than 24 hours before the 2012 General Election (Attachment 2).

On November 26, 2012, the Committee filed a 24-Hour Report of Independent Expenditures (Schedule E). The report disclosed one (1) independent expenditure dated November 1, 2012, totaling \$59,000.08 and designated to the 2012 General Election (Image 12961278566; Attachment 2).

On December 6, 2012, the Committee filed a 2012 30 Day Post-General Report, covering the period from October 1, 2012 to November 26, 2012, which included a Schedule E (Itemized Independent Expenditures) disclosing five (5) independent expenditures totaling \$1,002,830.38 made in opposition to one (1) federal candidate. The Committee failed to timely file one (1) required 24-Hour Report to support one (1) independent expenditure totaling \$59,000.08 for the 2012 General Election (Image 12962830742; Attachment 2).

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On February 27, 2013, a Request for Additional Information (RAI) was sent to the Committee referencng the 2012 30 Day Post-General Report. The RFAI noted the Committee may have failed to timely file one (1) or more of the required 24-Hour Reports for the independent expenditures (Image 13330026263).

On April 2, 2013, the Committee submitted a Miscellaneous Electronic Submission (Form 99), which stated, in full:

“During a routine review of committee disbursements conducted in preparation for filing the 2012 Post-General report, committee staff discovered that an independent expenditure made on November 1, 2012 had not been properly reported within 24 hours as required under FEC regulations. In the interest of insuring [sic] that the public record is accurate, the committee filed the necessary 24-hour notice on November 26, 2012. Committee staff have reviewed procedures to ensure that any future independent expenditures are reported in a timely manner, consistent [sic] with FEC regulations” (Image 13961238344).

On April 25, 2013, the Reports Analysis Division (RAD) Analyst called David Martin, the Committee’s treasurer, to inform him that the late 24-Hour Report was a matter referable for further action by the Commission. The Analyst stated that the Committee’s Form 99 filed in response to the RFAI referencng the 2012 30 Day Post-General Report was received by the Commission. The Analyst further informed Mr. Martin that the Committee could disclose any further information regarding the late 24-Hour Report by filing a Form 99 to be placed on the public record. Mr. Martin stated that the Committee made an error and he did not think there was anything else to disclose (Attachment 3).

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

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