

## REPORTS ANALYSIS DIVISION REFERRAL

TO

## OFFICE OF GENERAL COUNSEL

DATE: September 27, 2013

ANALYST: David Butler

- I. COMMITTEE: Campaign For Working Families  
C00325076  
Dorie Velezis, Treasurer  
2800 Shirlington Road, Suite 930  
Arlington, VA 22206
- II. RELEVANT STATUTE: 2 U.S.C. §434(g)  
11 CFR §104.4(b) and (c)

## III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to File 48-Hour Reports and Failure to Timely File 24-Hour Reports)**

Campaign For Working Families ("the Committee") failed to file one (1) 48-Hour Report to support two (2) independent expenditures totaling \$124,037.17, disclosed on the 2012 12 Day Pre-General Report, made up to and including the 20<sup>th</sup> day before the 2012 General Election. In addition, the Committee failed to timely file one (1) 24-Hour Report totaling \$27,500.00 to support one (1) independent expenditure disclosed on the 2012 30 Day Post-General Report, made after the 20<sup>th</sup> day but more than 24 hours before the 2012 General Election (Attachment 2).

**2012 12 Day Pre-General Report**

On October 25, 2012, the Committee filed its 2012 12 Day Pre-General Report covering the period from October 1, 2012 through October 17, 2012, which included a Schedule E (Itemized Independent Expenditures) disclosing seven (7) independent expenditures totaling \$244,205.61, made in support of, or in opposition to, four (4) federal candidates. The Committee failed to file one (1) 48-Hour Report to support two

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(2) independent expenditures totaling \$124,037.17 for the 2012 General Election (Attachment 2, Images 12940474209-3).

On May 3, 2013, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2012 12 Day Pre-General Report. The RFAI noted that the Committee may have failed to file one (1) or more 48-Hour Report(s) for the independent expenditures disclosed on Schedule E. A chart was included with the RFAI identifying two (2) independent expenditures, totaling \$124,037.17 for which a 48-Hour Report had not been filed (Images 13330030577-9).

On June 7, 2013, the Committee responded to the RFAI with a Miscellaneous Electronic Submission ("Form 99"), stating in part:

"[Campaign For Working Families (CWF)] has records of preparing a 48-hour independent expenditure report in FECFile for the two October 17 [2012] expenditures listed in your letter, and at that time, CWF believed that the report was filed. However, due to either a technical error in FECFile or an inadvertent error by CWF, the 48-hour report was not filed. CWF had contacted the FECFile support staff earlier in 2012 related to a corrupted FECFile database, and these issues persisted through 2012. CWF suspects that this technical issue may have contributed to the draft report not being filed, but cannot confirm that this is the case. Drawing from the information contained on the draft 48-hour independent expenditure report in FECFile, the two expenditures were properly disclosed on CWF's [2012] 12-day Pre-General Report filed on October 25, 2012. Therefore, the two expenditures were disclosed six days after the 48-hour independent expenditure report was due, and prior to the general election" (Image 13962831800).

#### 2012 30 Day Post-General Report

On October 29, 2012, the Committee filed a 24-Hour Report of Independent Expenditures (Schedule E). The report disclosed four (4) independent expenditures dated October 29, 2012, totaling \$19,281.52 and designated to the 2012 General Election. (Image 12940744161).

On December 6, 2012, the Committee filed its 2012 30 Day Post-General Report covering the period from October 18, 2012 through November 26, 2012, which included a Schedule E (Itemized Independent Expenditures) disclosing nine (9) independent expenditures totaling \$181,248.52, made in support of four (4) federal candidates. The Committee failed to timely file one (1) 24-Hour Report to support one (1) independent expenditure totaling \$27,500.00 for the 2012 General Election (Attachment 2, Image 12962973618).

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On December 6, 2012, the Committee filed an Amended 24-Hour Report<sup>1</sup> to disclose one (1) additional "last minute" independent expenditure totaling \$27,500.00 (Image 12962989523).

On May 3, 2013, a Request for Additional Information (RAI) was sent to the Committee referencing the 2012 30 Day Post-General Report. The RAI noted that the Committee may have failed to timely file one or more of the required 24-Hour Reports regarding "last minute" independent expenditures. A chart was included with the RAI identifying the one (1) independent expenditure, totaling \$27,500.00, for which a 24-Hour Report had not been timely filed (Images 13330030580-2).

On June 7, 2013, the Committee responded to the RAI with a Form 99, stating in part:

"[Campaign For Working Families (CWF)] reported costs associated with an October 29, 2012, independent expenditure on a 24-hour independent expenditure report filed that same day. When CWF was preparing its [2012] 30 Day Post-General Report, it realized that it had inadvertently not included on its October 29 [2012] independent expenditure report the one expense listed in your letter. Upon discovering this inadvertent clerical error, CWF immediately filed an amended 24-hour independent expenditure report on December 6, 2012, disclosing the payment listed in your letter alongside the previously disclosed expenditures. In addition, CWF included all expenses related to the October 29 independent expenditure on CWF's [2012] 30 Day Post-General Report filed on December 6, 2012" (Image 13962831801).

On June 19, 2013, the Committee's Treasurer, Dorie Velez, called the Reports Analysis Division ("RAD") Analyst regarding other matters. During the call, the Analyst informed Ms. Velez that the Committee may be referred for further action to the Commission regarding the Committee's failure to file a 48-Hour Report to support two (2) independent expenditures on the 2012 12 Day Pre-General Report and the failure to timely file a 24-Hour Report to support one (1) independent expenditure on the 2012 30 Day Post-General Report. The Analyst noted the Committee's responses filed June 7, 2013, and told Ms. Velez that she could place additional information on the public record (Attachment 3).

To date, no additional information has been provided by the Committee regarding these matters.

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<sup>1</sup> In a Form 99 filed June 7, 2013, the Committee referred to the 24-Hour Report filed December 6, 2012, as "an amended 24-hour independent expenditure report" (Image 13962831801).