

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: February 5, 2018

ANALYST: Joshua Rebollozo

I. COMMITTEE:

Rights & Democracy Action  
C00626697  
Peri Stockinger, Treasurer (10/16/17 - Present)  
Maria Fitzsimmons, Treasurer (6/24/17 - 10/15/17)  
Traven Leyshon, Treasurer (9/29/16 - 6/23/17)  
83 Hanover Street, Suite 26  
Manchester, NH 03101

II. RELEVANT STATUTE:

52 U.S.C. §30104(g)(1)  
11 CFR §104.4(c)

III. BACKGROUND:

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

Rights & Democracy Action (“the Committee”) failed to timely file two (2) 24-Hour Reports supporting four (4) independent expenditures totaling \$31,191.02 disclosed on the Amended 2016 30 Day Post-General Report, received October 25, 2017, made after the 20<sup>th</sup> day but more than 24 hours before the 2016 General Election (Attachment 2).

On October 24, 2016, the Committee attempted to file a report detailing independent expenditures made totaling \$2,840.37 using FEC Form 5 (Report of Independent Expenditures Made and Contributions Received). This form is for persons other than political committees and should not be used by registered political committees. As such, the Commission’s Electronic Filing Office notified the Committee that the filing would not be accepted, and assisted with filing via the correct FEC Form 3X (Report of Receipts and Disbursements) (Attachment 4).

On December 28, 2016, a Non-Filer Notification (RQ-7) was sent to the Committee notifying them of the failure to file the 2016 30 Day Post-General Report (Image 201612290300074142).

On February 22, 2017, the Committee filed the original 2016 30 Day Post-General Report covering the period from October 20, 2016 through November 28, 2016. The report disclosed \$29,857.50 in independent expenditures on Line 24 (Independent Expenditures) of the Detailed Summary Page (Image 201702229050501665).

On April 23, 2017, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2016 30 Day Post-General Report. The RFAI noted that the Committee may have failed to file one or more of the required 24-Hour Reports for the independent expenditures disclosed on the report. A chart was included with the RFAI identifying four hundred forty-two (442) independent expenditures, totaling \$25,882.70, for which 24-Hour Reports had not been filed (Image 201704230300084831).

On October 5, 2017, the Reports Analysis Division (RAD) Analyst called and left a voice mail message for Maria Fitzsimmons, the Committee's Treasurer, explaining that the Committee had outstanding issues that may be referred to another office within the Commission for further enforcement action and encouraged her to contact the RAD Analyst regarding the matter (Attachment 3). Later that day, Ms. Fitzsimmons contacted the RAD Analyst stating that she was no longer the Committee's Treasurer and that prior to leaving she explained to the Committee what actions needed to be taken. She then proceeded to give the Analyst contact information for the new treasurer, Peri Stockinger (Attachment 3).

On October 6, 2017, the RAD Analyst contacted Ms. Stockinger, who initially stated she was not the new treasurer for the Committee, but the treasurer of the 501(c)(4) committee with the same name. The Analyst stated that the Statement of Organization ("FEC Form 1") needed to be updated with the current treasurer's information and the Committee was sent an RFAI referencing their 2016 30 Day Post-General Report with issues that were outstanding (Attachment 3).

On October 11, 2017, Ms. Stockinger contacted the RAD Analyst and asked questions regarding how the Committee should classify its activity. The Analyst explained that he could not assist her in classifying the Committee's activity, and instead guided her to the FEC website and its resources regarding independent expenditures. The Analyst then forwarded Ms. Stockinger to the Information Division for further guidance regarding independent expenditures (Attachment 3).

On October 17, 2017, Neil Reiff, Committee Counsel, contacted the RAD Analyst to provide information on the Committee's reporting issues and discuss what the Committee should do to clarify information on the public record. He explained that the Committee was originally a 501(c)(4) and that after some confusion, they were advised to create a Political Action Committee (PAC). The PAC was set up with the same name as the 501(c)(4), which also caused confusion and this was not corrected until the most recent amended FEC Form 1. Mr. Reiff explained that on October 24, 2016, the Committee filed an FEC Form 5 with independent expenditures, which was rejected by

the FEC because it was the incorrect report for the committee type. Further, the Committee only received two (2) contributions from individuals and made two (2) disbursements to the 501(c)(4) organization. He also stated that the disbursements to the 501(c)(4) were for a canvassing program for federal campaigns. Mr. Reiff proposed that the Committee refile all reports, disclosing disbursements the 501(c)(4) made on behalf of the Committee as memo entries on Schedule E, incurred debts on Schedule D, and file the necessary 24- or 48-Hour Reports. Mr. Reiff stated that the 501(c)(4) acted as a vendor for the Committee and the RAD Analyst asked him to clarify if the independent expenditure disbursements were made by the PAC or the 501(c)(4) organization. Mr. Reiff stated that he was not sure and the Analyst stated that he would research how best to proceed and follow up with guidance for the Committee (Attachment 3).

On October 18, 2017, the RAD Analyst contacted Mr. Reiff and advised him that the Committee should report any receipts and expenditures made to and by the Committee. Mr. Reiff asked if he needed to report the independent expenditures and the Analyst stated that if the Committee did not make independent expenditures, they should be removed from the Committee's report and further research should be conducted to determine whether the 501(c)(4) should disclose the information. Mr. Reiff stated his client was supposed to report the independent expenditures through either the Committee or 501(c)(4), and he was inclined to leave the activity on the PAC report. The Analyst encouraged him to ensure the accuracy of any filed reports and advised him to file a Miscellaneous Electronic Submission ("FEC Form 99") stating any changes made and the reasoning behind doing so (Attachment 3).

On October 24, 2017, Mr. Reiff contacted the Analyst and stated that amended reports were created and asked the Analyst to preview the files before sending them to the Commission. The Analyst explained that he was unable to preview reports, but would view the Committee's filings once submitted. Mr. Reiff stated that he removed activity that did not pertain to the Committee, and reported independent expenditures paid by the 501(c)(4) as memo entries reimbursed by the PAC (Attachment 3).

On October 25, 2017, the Committee filed an Amended 2016 30 Day Post-General Report. The report disclosed \$35,286.98 in independent expenditures on Schedule E. The Committee failed to file two (2) 24-Hour Reports to support four (4) independent expenditures totaling \$31,191.02 for the General Election (Image 201710259076674853-55).

In addition, on October 25, 2017, the Committee filed one (1) 24-Hour Report to support six (6) independent expenditures, totaling \$35,555.78, disseminated between October 19, 2016 and November 5, 2016 (Image 201710259076674957-58).

On November 9, 2017, the RAD Analyst contacted Ms. Stockinger regarding the Amended 2016 30 Day Post-General Report received October 25, 2017, and advised her that the Committee's reporting of the independent expenditures in question may be referred to another office within the Commission for potential further action. The Analyst explained that no further action was required, but the Committee may provide any additional clarification on the public record. Ms. Stockinger stated there was no additional clarification that could be provided by the Committee (Attachment 3).

To date, no further communications have been received from the Committee regarding this matter.

## O-Index (2017-2018)

Cmte. ID: C00626697  
 Treasurer Name: STOCKINGER, PERI  
 Address: 83 HANOVER STREET SUITE 26, MANCHESTER, NH 03101

Cmte. Type: U (SINGLE CANDIDATE INDEPENDENT EXPENDITURE COMMITTEE)							Cmte. Designation: U (UNAUTHORIZED)				Filing Frequency: QUARTERLY FILER				
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrn Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ1		A	8/21/2017	2	201708210300092245			8/21/2017							
RQ2	TER	T	7/17/2017	2	201707180300087988	8/24/2017	8/24/2017	8/17/2017							
RQ7	TER	MY	8/16/2017	2	201708160300091408	1/1/2017	6/30/2017	8/16/2017							
RQ2	TER	T	11/12/2017	2	201711120300094917	7/17/2017	10/25/2017	11/12/2017							
F3XT	TER	T	6/24/2017	5	201706249065372635	6/24/2017	6/24/2017								
F3XA	MY	A	10/25/2017	11	201710259076674945	1/1/2017	6/30/2017	6/30/2017							
F3XT	TER	T	10/25/2017	5	201710259076674959	7/1/2017	10/25/2017								
F3XN	YE	N	1/25/2018	5	201801259090634575	10/26/2017	12/31/2017								
F1A		A	10/16/2017	5	201710169015765723										
F24N	24		10/25/2017	3	201710259076674956										
F1A		A	6/24/2017	4	201706249065372631										
F1A		A	10/17/2017	5	201710179075785748										
Totals															
									\$0	\$67,175					

## O-Index (2015-2016)

Cmte. ID: C00626697  
 Treasurer Name: STOCKINGER, PERI  
 Address: 83 HANOVER STREET SUITE 26, MANCHESTER, NH 03101

Cmte. Type: U (SINGLE CANDIDATE INDEPENDENT EXPENDITURE COMMITTEE)							Cmte. Designation: U (UNAUTHORIZED)				Filing Frequency: QUARTERLY FILER				
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrn Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	12G	N	4/23/2017	6	201704230300084825	10/1/2016	10/19/2016	4/23/2017							
RQ2	30G	N	4/23/2017	14	201704230300084831	10/20/2016	11/28/2016	4/23/2017							
RQ7	30G		12/28/2016	2	201612290300074142	10/1/2016	11/28/2016	12/28/2016							
RQ7	YE		2/16/2017	2	201702170300080668	11/29/2016	12/31/2016	2/16/2017							
F3XN	12G	N	2/22/2017	88	201702229050501574	10/1/2016	10/19/2016		\$0	\$0	\$12,231	\$12,231			\$0
F3XA	12G	A	10/25/2017	7	201710259076674833	10/1/2016	10/19/2016		\$0	\$0	\$0	\$0	\$4,364		\$4,364
F3XN	30G	N	2/22/2017	254	201702229050501662	10/20/2016	11/28/2016		\$12,231	\$67,175	\$29,857	\$25,086			\$0
F3XA	30G	A	10/25/2017	10	201710259076674846	10/20/2016	11/28/2016		\$0	\$67,175	\$0	\$67,175	\$39,651		\$39,651
F3XN	YE	N	2/22/2017	5	201702229050501920	11/29/2016	12/31/2016		\$25,086	\$0	\$0	\$25,086			\$0
F3XA	YE	A	10/25/2017	6	201710259076674840	11/29/2016	12/31/2016		\$67,175	\$0	\$0	\$67,175	\$39,651		\$39,651
F1N		N	9/29/2016	5	201609299032147102										
Totals															
									\$67,175						

## O-Index (2013-2014)

Cmte. Type: U (SINGLE CANDIDATE INDEPENDENT EXPENDITURE COMMITTEE)							Cmte. Designation: U (UNAUTHORIZED)				Filing Frequency: QUARTERLY FILER				
Form Tp	Rpt Tp	A/I	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrn Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans

No records were found for this cycle.															
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**Rights & Democracy Action (C00626697)**  
2016 Amended 30 Day Post-General Report, received 10/25/2017

**24-Hour Reports Not Timely Filed**

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Opposed	Election	24-Hour Report Filed
Rights & Democracy Project	10/28/2016	<b>\$6,126.25</b>	Kelly A. Ayotte	2016 General	10/25/2017
Rights & Democracy Project	10/28/2016	<b>\$6,126.24</b> <i>24-Hour Report Required</i>	Donald J. Trump	2016 General	10/25/2017
Rights & Democracy Project	11/5/2016	<b>\$9,469.26</b>	Kelly A. Ayotte	2016 General	10/25/2017
Rights & Democracy Project	11/5/2016	<b>\$9,469.27</b> <i>24-Hour Report Required</i>	Donald J. Trump	2016 General	10/25/2017