

REPORTS ANALYSIS DIVISION REFERRAL

TO

ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: November 5, 2018

ANALYST: Jamie Amrhein

I. COMMITTEE:

The Congressman Joe Barton Committee
C00195065
Kristin E. Barton, Treasurer
P.O. Box 1444
Ennis, TX 75120

II. RELEVANT STATUTE:

11 CFR § 102.9(e)
11 CFR § 110.1(b)(3)
11 CFR § 110.2(b)(3)

III. BACKGROUND:

Excessive, Prohibited and Other Impermissible Contributions (Failure to Refund or Redesignate General Election Contributions within the Permissible Timeframe after the Candidate's Withdrawal from the Primary Election)

The Congressman Joe Barton Committee (“the Committee”) received 2018 General Election contributions from twenty (20) individuals, two (2) multicandidate political action committees, and one (1) principal campaign committee that were not refunded or redesignated within the permissible timeframe from the date Joe Linus Barton (“the Candidate”) withdrew from the 2018 Primary Election. The contributions total \$49,062.50 as disclosed on the 2016 July Quarterly, 2017 April Quarterly, 2017 July Quarterly, 2017 October Quarterly, and 2017 Year-End Reports (Attachment2).

2016 July Quarterly Report

During the 2016 July Quarterly reporting period, the Committee received a 2018 General Election contribution totaling \$2,700.00 from one (1) individual that was not refunded or redesignated within the permissible timeframe (Attachment 2).

2017 April Quarterly Report

During the 2017 April Quarterly reporting period, the Committee received 2018 General Election contributions totaling \$8,100.00 from three (3) individuals that were not refunded or redesignated within the permissible timeframe (Attachment 2).

2017 July Quarterly Report

During the 2017 July Quarterly reporting period, the Committee received 2018 General Election contributions totaling \$23,412.50 from nine (9) individuals and one (1) principal campaign committee that were not refunded or redesignated within the permissible timeframe (Attachment 2).

2017 October Quarterly Report

During the 2017 October Quarterly reporting period, the Committee received 2018 General Election contributions totaling \$13,850.00 from seven (7) individuals and one (1) multicandidate political action committee that were not refunded or redesignated within the permissible timeframe (Attachment 2).

2017 Year-End Report

During the 2017 Year-End reporting period, the Committee received a 2018 General Election contribution totaling \$1,000.00 from one (1) multicandidate political action committee that was not refunded or redesignated within the permissible timeframe (Attachment 2).

On November 30, 2017, the Candidate announced he will no longer seek reelection to Texas's 6th Congressional District in 2018.

On May 28, 2018, a Request for Additional Information ("RFAI") referencing the 2017 Year End Report was sent to the Committee. The RFAI noted the Committee's receipt of 2018 General Election contributions and requested that the Committee refund or redesignate the contributions since the Candidate would not participate in the 2018 General Election.

On July 2, 2018, the Committee filed a Miscellaneous Electronic Submission (FEC Form 99) that stated: "All the donations listed in the May 28 RFAI have been refunded. All of the checks were written June 29 and mailed to the individual donors. The refunds will appear on our July quarterly report" (Image 201807029115204589).

On July 27, 2018, the Reports Analysis Division (RAD) Analyst spoke with Carol Bouldin, the Assistant Treasurer of the Committee, to notify her that the Committee would be referred to another Commission office for potential further action because their refunds of the General Election contributions were made outside the permissible timeframe. The Analyst advised Ms. Bouldin that the Committee could provide further clarification for the public record in a FEC Form 99 (Attachment 4).

On August 3, 2018, the Committee filed an FEC Form 99 that stated: "We returned the general election donations late because we were unaware of the requirement to do so. However, as soon as the FEC alerted us about the requirement we returned the donations" (Image 201808039119352053).

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

Cmte. Type: H (HOUSE)			Cmte. Designation: P (PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE)			Filing Frequency: QUARTERLY FILER										
Form	Tp	Rpt Tp	Recpt Dt	A/I	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Distrb	End Cash	Debts	Loans	Debts & Loans
MS-T			2/8/2017	15		201702080300140412										
MS-T			7/2/2018	1		201807029115204589										
MS-T			8/3/2018	1		201808030119352053										
RQ2	YE	N	5/28/2018	3		201805280300010777	10/1/2017	12/31/2017	5/28/2018							
F3N	Q1	N	4/15/2017	145		201704158052271314	11/1/2017	3/31/2017	4/1/2017	\$114,257	\$170,738	\$364,905			\$89,191	
F3N	Q2	N	7/15/2017	113		201707158066743203	4/1/2017	6/30/2017		\$198,056	\$172,419	\$388,540			\$52,499	
F3N	Q3	N	10/15/2017	101		201710158075681097	7/1/2017	9/30/2017		\$388,905	\$124,747	\$121,745			\$46,666	
F3N	YE	N	1/31/2018	70		20180131091318506	10/1/2017	12/31/2017		\$391,543	\$69,129	\$141,885			\$34,999	
F3N	12P	N	2/22/2018	32		2018022209095519212	1/1/2018	2/14/2018		\$318,786	\$6,506	\$84,120			\$32,083	
F3N	Q1	N	4/15/2018	30		2018041580108251415	2/15/2018	3/31/2018		\$241,173	(\$13,644	\$38,826			\$29,166	
F3N	Q2	N	5/10/2018	16		2018051080112015032	4/1/2018	5/2/2018		\$2,395	\$40,530	\$150,566			\$26,249	
F3N	Q3	N	7/11/2018	66		2018071109115861919	5/3/2018	6/30/2018		\$150,566	\$729	\$104,214			\$0	
F3N	Q4	N	10/11/2018	24		201810110124495487	7/1/2018	9/30/2018		\$7,082	\$60	\$11,794			\$0	
F2A			3/6/2017	2		201703080507559855										
F2A		A	7/12/2017	2		20170712066603685										
FIA		A	7/12/2017	8		20170712066603529										
Totals										\$500,237	\$886,274					

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Form	Tp	Rpt Tp	Recpt Dt	A/I	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltrr Mail Dt	Begin Cash	Recpts	Distrb	End Cash	Debts	Loans	Debts & Loans
F3N	Q1	N	4/15/2015	85		15970348723	1/1/2015	3/31/2015	4/1/2015	\$418,874	\$201,493	\$145,301	\$475,065		\$0	
F3N	Q2	N	7/15/2015	129		201507158000136572				\$475,065		\$183,383			\$179,268	
F3N	Q3	N	10/15/2015	96		201510158002918208	7/1/2015	9/30/2015		\$479,181		\$109,314			\$111,105	
F3N	YE	N	1/29/2016	97		20160129000475437	10/1/2015	12/31/2015		\$411,105		\$180,395			\$129,187	
F3N	12P	N	2/18/2016	63		201602180008490468	1/1/2016	2/10/2016		\$462,312		\$190,195			\$152,819	
F3N	Q1	N	4/15/2016	71		201604158012444867	2/11/2016	3/31/2016		\$339,688		\$157,694			\$158,449	
F3N	Q2	N	7/15/2016	115		2016071580020584414	4/1/2016	6/30/2016		\$333,932		\$153,842			\$154,182	
F3N	Q3	N	10/15/2016	79		2016101580032641430	7/1/2016	9/30/2016		\$333,592		\$128,755			\$91,577	
F3N	12G	N	10/27/2016	16		20161027000936872329	10/1/2016	10/19/2016		\$364,770		\$13,000			\$339,940	
F3N	30G	N	12/8/2016	40		20161208000398000776	10/20/2016	11/28/2016		\$339,940		\$58,610			\$61,832	
F3N	YE	N	1/31/2017	40		2017013100042330577	11/29/2016	12/31/2016		\$336,718		\$34,621			\$421,386	
F6N			10/28/2016	1		20161028003703561				\$336,718						\$95,025
F6N			11/4/2016	1		2016110409037120484										\$0
F6N			11/2/2016	2		201611020037018731										\$0
F6N			2/24/2016	1		201602240009821207										\$0
F6N			2/26/2016	1		20160226000982834										\$0
F6N			2/23/2016	1		201602230009819246										\$0
F6N			2/16/2016	2		20160216000984673391										\$0

The Congressman Joe Barton Committee (C00195065)
2018 General Election Contributions Not Refunded and/or Refunded Outside Permissible Timeframes, Listed by Contributor

Name	Date	Contribution Amount	Amount Not Refunded within Timeframe	Refunded # Days since Withdrawal from Race
ALLISON, ROBERT J. MR JR	6/19/2017	\$2,700.00		
ALLISON, ROBERT J. MR JR	6/29/2018	-\$2,700.00	\$2,700.00	211
BEAL, ANDREW MR.	6/16/2017	\$2,700.00		
BEAL, ANDREW MR.	6/29/2018	-\$2,700.00	\$2,700.00	211
BEVELHYMER, DARRELL W. MR	3/13/2017	\$2,700.00		
BEVELHYMER, DARRELL W. MR	6/29/2018	-\$2,700.00	\$2,700.00	211
CLARK, ELLIQUE	2/27/2017	\$2,700.00		
CLARK, ELLIQUE	6/29/2018	-\$2,700.00	\$2,700.00	211
CROW, ROBERT NATHANIEL	8/9/2017	\$2,700.00		
CROW, ROBERT NATHANIEL	6/29/2018	-\$2,700.00	\$2,700.00	211
DAVIS, RAY C	5/22/2017	\$2,300.00		
DAVIS, RAY C	6/29/2018	-\$2,300.00	\$2,300.00	211
ELLER, DAVID G. MR.	9/21/2017	\$300.00		
ELLER, DAVID G. MR.	6/29/2018	-\$300.00	\$300.00	211
HILL, AL G. MR. JR.	6/15/2016	\$2,700.00		
HILL, AL G. MR. JR.	6/29/2018	-\$2,700.00	\$2,700.00	211
HOGLUND, FORREST E. MR.	3/13/2017	\$2,700.00		
HOGLUND, FORREST E. MR.	6/29/2018	-\$2,700.00	\$2,700.00	211
HUNT, WILLIAM HERBERT MR.	6/15/2017	\$2,700.00		
HUNT, WILLIAM HERBERT MR.	6/29/2018	-\$2,700.00	\$2,700.00	211
JONES, BOB. MR.	6/6/2017	\$300.00		
JONES, BOB. MR.	6/29/2018	-\$300.00	\$300.00	211

MCLANE, DRAYTON MR. JR.	8/14/2017	\$1,000.00		
MCLANE, DRAYTON MR. JR.	6/29/2018	-\$1,000.00	\$1,000.00	211
MEAD, DARLENE	8/18/2017	\$1,350.00		
MEAD, DARLENE	6/29/2018	-\$1,350.00	\$1,350.00	211
MEYERS, ERIC RYAN MR. JR.	8/1/2017	\$2,700.00		
MEYERS, ERIC RYAN MR. JR.	6/29/2018	-\$2,700.00	\$2,700.00	211
NAU, JOHN L. MR. III	6/6/2017	\$2,700.00		
NAU, JOHN L. MR. III	6/29/2018	-\$2,700.00	\$2,700.00	211
PIONEER NATURAL RESOURCES USA, INC. PAC	9/20/2017	\$2,500.00		
PIONEER NATURAL RESOURCES USA, INC. PAC	6/29/2018	-\$2,500.00	\$2,500.00	211
ROGERS, RICHARD R. MR.	4/17/2017	\$2,300.00		
ROGERS, RICHARD R. MR.	5/19/2017	\$312.50		
ROGERS, RICHARD R. MR.	6/29/2018	-\$2,612.50	\$2,612.50	211
RYAN FOR CONGRESS	4/10/2017	\$2,000.00		
RYAN FOR CONGRESS	6/29/2018	-\$2,000.00	\$2,000.00	211
SEALE, ROBERT MR.	6/15/2017	\$2,700.00		
SEALE, ROBERT MR.	6/29/2018	-\$2,700.00	\$2,700.00	211
SHEFIELD, SCOTT D. MR.	9/20/2017	\$2,300.00		
SHEFIELD, SCOTT D. MR.	6/29/2018	-\$2,300.00	\$2,300.00	211
SHELTON, GEORGE	8/11/2017	\$1,000.00		
SHELTON, GEORGE	6/29/2018	-\$1,000.00	\$1,000.00	211
TAYLOR, PHYLLIS MRS.	6/6/2017	\$2,700.00		
TAYLOR, PHYLLIS MRS.	6/29/2018	-\$2,700.00	\$2,700.00	211
TOYOTA MOTOR NORTH AMERICA, INC. PAC (TOYOTALEXUSPAC)	11/10/2017	\$1,000.00		
TOYOTA MOTOR NORTH AMERICA, INC. PAC (TOYOTALEXUSPAC)	6/29/2018	-\$1,000.00	\$1,000.00	211

\$49,062.50

Total Amount Not Refunded and/or Refunded Outside Permissible Timeframes:

The Congressman Joe Barton Committee (C00195065)
Breakdown of Remedied and Unremedied Excessive Contributions (all reports)

Total Amount Remedied Outside of the Permissible Timeframe (all reports):	██████████	\$49,062.50
Total Amount Unremedied (all reports):	██████████	\$0.00
Total Amount Not Remedied within the Permissible Timeframe (all reports):	██████████	\$49,062.50