

20L-01



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

January 14, 2020

**MEMORANDUM**

TO: Krista Roche  
Director  
Alternative Dispute Resolution Office

FROM: Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

SUBJECT: Referral of Americans for Prosperity Action, Inc. (AFP Action)

The Reports Analysis Division (RAD) is referring Americans for Prosperity Action, Inc. (AFP Action) (“the Committee”) to the Alternative Dispute Resolution Office (ADRO) for failing to timely file two (2) 48-Hour Reports supporting three (3) independent expenditures totaling \$201,193.26 disclosed on the Amended 2018 October Quarterly Report, received July 31, 2019, failing to timely file three (3)<sup>1</sup> 48-Hour Reports supporting seventeen (17) independent expenditures totaling \$93,770.49 disclosed on the Amended 2018 12-Day Pre-General Report, received July 31, 2019, and amending its 2018 October Quarterly Report to disclose additional incurred debts of \$77,129.77. In accordance with the *2017-2018 RAD Review and Referral Procedures (Standard 7)*, and per the OGC Review and Concurrence process, a review by your office is required.

Please note that the Requests for Additional Information (RFAs) referencing the Amended 2018 October Quarterly Report, 2018 12 Day 12-Day Pre-General Report and Amended 2018 30-Day Post-General Report, received July 31, 2019 also questioned additional independent expenditures for which 48-Hour Reports were not timely filed. However, these issues are not included in the referral because 48-Hour Reports were filed before the applicable election and within thirty (30) days of the expenditures being disseminated. Per the *2017-2018 RAD Review and Referral Procedures (Standard 7)*, these late filed 48-Hour Reports do not warrant referral to your office.

The Committee has no other active or pending referable issues, had a total of four (4) audit points in the 2017-2018 election cycle, and no points thus far in the 2019-2020

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<sup>1</sup> The charts on Attachments 2 and 3 reference when 48 -Hour Reports would have been required on a calendar year, per election, per office sought basis in accordance with 11 CFR section 104.4(f). However, the Commission recognizes that committees may combine all independent expenditures required on a certain date on the same 48-Hour Report, regardless of election and office sought. Therefore, the Committee was required to file at least two (2) 48- Hour Reports on the Amended 2018 October Quarterly Report (Attachment 2) and three (3) 48-Hour Reports on the Amended 2018 12-Day Pre-General Report (Attachment 3) based on corresponding dissemination dates.

election cycle. Copies of any reports or letters either filed by the Committee or sent by RAD and referenced in this referral are available for your review on the FEC web site.