

21L-05

REPORTS ANALYSIS DIVISION REFERRAL
TO
ALTERNATIVE DISPUTE RESOLUTION OFFICE

DATE: February 25, 2021

ANALYST: Terez Ray

- I. COMMITTEE: Louisiana Legacy PAC
C00638528
Kayla Glaze, Treasurer
342 Lafayette Street, Suite E
Baton, Rouge, LA 70801
- II. RELEVANT STATUTE: 52 U.S.C. § 30104(g)(2)
11 CFR § 104.4(b)(2)

III. BACKGROUND:

Failure to Provide supporting Schedules (Failure to Timely File 48-Hour Reports)

Louisiana Legacy PAC (“the Committee”) failed to timely file one (1) 48-Hour Report totaling \$25,375.00 to support one (1) independent expenditure disclosed on the 2020 12 Day Pre-General Report, made any time during the calendar year up to and including the 20th day before the 2020 General election (Attachment 2).

On October 22, 2020, the Committee filed the original 2020 12 Day Pre-General Report covering the period from October 1, 2020 through October 14, 2020. The Report included a Schedule E (Itemized Independent Expenditures) disclosing five (5) independent expenditures, totaling \$452,677.00, made in support of one (1) Federal candidate (Images 202010229326899132-34).

On December 20, 2020, a Request for Additional Information (RFAI) was sent to the Committee referencing the 2020 12 Day Pre-General Report. The RFAI noted, among other issues, that the Committee may have failed to file one (1) or more of the required 48-Hour Reports for independent expenditures disclosed on the report. A chart was included with the RFAI identifying the one (1) independent expenditure totaling \$25,375.00, for which a 48-Hour Report had not been filed (Images 202012200300099258-61).

On January 6, 2021, Kayla Glaze, the Committee's Treasurer, called the Report Analysis Division (RAD) Analyst. She wished to provide clarification on the 2020 12 Day Pre-General Report in response to the RFAI. She explained that the independent expenditures that were missing on Schedule E were created in error by the software and were not actual independent expenditures. The Analyst suggested she file an FEC Form 99 (Miscellaneous Electronic Submission) explaining the situation, along with any amendments she was creating (Attachment 3).

On January 7, 2021, the Committee filed one (1) amended 48-Hour Report to support one (1) independent expenditure totaling \$25,375.00, disseminated on October 5, 2020 (Image 202101079394561552).

On the same day, the Committee filed an FEC Form 99 in response to the RFAI referencing the 2020 12 Day Pre-General Report. The Committee stated, in part:

“We spoke with Ms. Ray on January 6, 2021, upon receipt of the RFAI, and are responding via Form 99, as recommended by Ms. Ray, outlining the technical error in the filing addressed on the RFAI. In reviewing the Committee filing history on the FEC website, we have determined a duplicate 48 Hour Notice was electronically filed on October 5, 2020 (Version FEC-1443582) and October 6, 2020 (FEC Version FEC-444059). We believe this to be due to a technical error in the FEC filing software, and have prepared an amended 48 Hour Notice (Original Version FEC-1444059) in response to the RFAI received to reflect the independent expenditure that failed to upload correctly” (Image 202101079394561586).

On January 15, 2021, the Analyst called Ms. Glaze to inform her that the outstanding matter relating to the missing 48-Hour Report for independent expenditures disclosed in the 2020 12 Day Pre-General Report may be referred to another Commission office for potential further action. The Analyst explained that she could provide an additional FEC Form 99 with clarifying information. Ms. Glaze explained that there was a technical issue and the Committee thought the independent expenditure was timely filed and was not aware it was missing until they received the RFAI. She also noted that she was unclear how she could provide further clarification but that she would work on it (Attachment 3).

On January 19, 2021, Ms. Glaze called regarding the RFAI sent on the 2020 12 Day Pre-General Report. Katie Reynolds, the Committee's Counsel, also participated in the call and they explained that the Committee did attempt to timely file the 48-Hour Report; however, a technical issue prevented the independent expenditure in question from appearing on the report. The Analyst explained that since the independent expenditure had not been timely disclosed that the issue remained unresolved. Ms. Glaze and Ms. Reynolds requested the Analyst review an additional FEC Form 99 response, which the Committee proposed to file, and let them know if their response resolved the issue (Attachment 3).

On the same date, Ms. Glaze called requesting the Analyst's email address. The Analyst explained Analysts do not correspond via email with Committees and recommended that the Committee electronically file a narrative response, via FEC Form 99, so it is available on the public record (Attachment 3).

Later the same day, Ms. Reynolds, called again to request the Analyst's email address. The Analyst explained that we do not correspond via email with Committees and we would need any attachments she had to be translated to an FEC Form 99. She said she had responded to RFAI's in email format before and that she did not think an FEC Form 99 would be sufficient for her to respond to the letter (Attachment 3).

On January 26, 2021, the Committee emailed a response to the RAD Assistant Staff Director, which was processed as an MS-T (Miscellaneous Electronic Submission), in response to the RFAI referencing the 2020 12 Day Pre-General Report. The email included attachments of the FEC Form 99 dated January 7, 2021 and email confirmations of a filing received October 10, 2020. The Committee stated, in part:

We represent Louisiana Legacy PAC in this matter. This response is in reference to a Request for Additional Information ("RFAI") sent by the Reports Analysis Division ("RAD) concerning Louisiana Legacy PAC's pre-general report. We believe that Louisiana Legacy has been in full compliance with the Federal Election Commission's (the Commission) reporting requirements.

We received the initial RFAI from Analyst Terez Ray on December 20, 2020, and based on her guidance, Ms. Glaze, the Committee's treasurer, filed an initial response via Form 99 on January 6, 2021. The response, attached to this letter, explained the issues and notified RAD that an amended report was filed to reflect the correct information. On Friday, January 15, 2021, we received notice from Ms. Ray via telephone that she considers the matter unresolved based on the initial response and that the matter could be referred to the Commission. After communicating with her about the issues multiples times on January 19, 2021, we determined that the central concern here is Ms. Ray's view that Louisiana Legacy's filing of a 48-hour report on October 6, 2020 is somehow rendered not timely because it needed to be amended. The below response is intended to provide clarification on this specific issue.

Louisiana Legacy's filing records demonstrate that the 48-hour report was timely filed on Oct. 6th, and that Louisiana Legacy is has been in compliance with the Commission's reporting requirements. The report at issue was submitted on October 6, 2020 at 7:54 PM, and was assigned filing ID FEC-1444059. We became aware that certain information in the report was incorrect upon receiving the initial RFAI notice from RAD.¹ The report was subsequently amended to reflect the correct vendor and the correct monetary amount. All of this information is further validated through the attached documents.

It is perplexing and inconsistent with Commission precedent for Ms. Glaze's initial response to not be treated as timely, as there is no dispute that 48-hour notice was timely filed with the Commission on October 6, 2020. However, it seems that Ms. Ray has unilaterally made the determination that amending a report for accuracy somehow makes the report untimely filed. As you are aware, in a situation where the report does not have the correct information, the Commission requires a committee to amend the report immediately upon discovering that the report was erroneous. Louisiana Legacy was in full compliance with those reporting requirements and the guidance provided to it by RAD. There is nowhere in that guidance (or any other reporting regulations) that states that amending a report makes the report untimely.²

We hope that this response suffices to answer any questions you may have regarding this matter. In the interest of transparency and convenience, we have also attached all relevant confirmations from the Commission that this report was timely filed. In an event that this matter is unresolved please contact me at kreynolds@dickson-wright.com or 202-659-6944.

1 The information in the October 6 report was incorrect, because due to a technical error, the October 6 report duplicated the information provided in a report filed by Louisiana Legacy the day before, on October 5, 2020. That report was submitted on October 5, 2020 at 4:25 PM. It's ID is FEC-1443582. There is no dispute about the validity or the timeliness of the October 5 report.

2 Filing amendments, Federal Election Commission (last accessed on January 19, 2021), available at <https://www.fec.gov/help-candidates-and-committes/filing-amendments/>" (Images 202101280300319097-9106).

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

O-Index (2021-2022)															
Cmte. ID: C00638528 Cmte. Name: LOUISIANA LEGACY PAC															
Treasurer Name: GLAZE, KAYLA Address: 342 LAFAYETTE STREET SUITE E, BATON ROUGE, LA 70801															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY 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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-T			1/7/2021	1	202101079394561586				-	-	-	-	-	-	-
MS-T			1/26/2021	10	202101280300319097				-	-	-	-	-	-	-
F24A	48		1/7/2021	1	202101079394561552				-	-	-	-	-	-	-
Totals										\$0	\$0				

O-Index (2019-2020)															
Cmte. ID: C00638528 Cmte. Name: LOUISIANA LEGACY PAC															
Treasurer Name: GLAZE, KAYLA Address: 342 LAFAYETTE STREET SUITE E, BATON ROUGE, LA 70801															
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY 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	Ltrr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
RQ2	12G	N	12/20/2020	4	202012200300099258	10/1/2020	10/14/2020	12/20/2020	-	-	-	-	-	-	-
F3XN	MY	N	7/31/2019	20	201907319161260807	1/1/2019	6/30/2019		\$72,031	\$335,414	\$63,561	\$343,884	-	-	\$0
F3XN	YE	N	1/31/2020	35	202001319184569070	7/1/2019	12/31/2019		\$343,884	\$418,600	\$130,722	\$631,762	-	-	\$0
F3XA	YE	A	2/4/2020	35	202002049186460164	7/1/2019	12/31/2019		\$343,884	\$418,600	\$130,722	\$631,762	-	-	\$0
F3XN	Q1	N	4/15/2020	17	202004159216863782	1/1/2020	3/31/2020		\$631,762	\$214,217	\$88,084	\$757,895	-	-	\$0
F3XN	12P	N	7/12/2020	17	202007129244440025	4/1/2020	7/4/2020		\$757,895	\$80,000	\$76,587	\$761,307	-	-	\$0
F3XN	Q3	N	10/15/2020	19	202010159294238676	7/5/2020	9/30/2020		\$761,307	\$75,000	\$102,693	\$733,614	-	-	\$0
F3XN	12G	N	10/22/2020	11	202010229326899124	10/1/2020	10/14/2020		\$733,614	\$32,000	\$479,225	\$286,388	-	-	\$0
F3XN	30G	N	12/3/2020	22	202012039338280025	10/15/2020	11/23/2020		\$286,388	\$35,045	\$315,196	\$6,236	-	-	\$0
F3XN	YE	N	1/31/2021	6	202101319418500849	11/24/2020	12/31/2020		\$6,236	\$0	\$1,124	\$5,111	-	-	\$0
F24N	48		1/30/2020	1	202001309182450351				-	-	-	-	-	-	-
F24N	48		5/18/2020	1	202005189232775823				-	-	-	-	-	-	-
F24N	48		5/19/2020	1	202005199232800371				-	-	-	-	-	-	-
F24N	48		5/1/2020	1	202005019232351366				-	-	-	-	-	-	-
F24N	48		6/22/2020	1	202006229244074159				-	-	-	-	-	-	-
F24N	24		7/2/2020	1	202007029244270691				-	-	-	-	-	-	-
F24N	48		6/19/2020	1	202006199240062199				-	-	-	-	-	-	-
F1A		A	8/23/2019	4	201908239163102767				-	-	-	-	-	-	-
F24N	48		9/8/2020	1	202009089267120376				-	-	-	-	-	-	-
F24N	48		9/15/2020	1	202009159267177272				-	-	-	-	-	-	-
F24N	24		10/23/2020	1	202010239336503250				-	-	-	-	-	-	-
F24N	24		10/24/2020	1	202010249336507679				-	-	-	-	-	-	-
F24N	24		10/25/2020	1	202010259336529242				-	-	-	-	-	-	-
F24N	48		2/13/2020	1	202002139186501043				-	-	-	-	-	-	-
F24N	48		2/14/2020	1	202002149186504094				-	-	-	-	-	-	-
F1A		A	4/5/2019	5	201904059146011052				-	-	-	-	-	-	-
F24N	48		3/15/2020	1	202003159203833051				-	-	-	-	-	-	-
F24N	48		6/9/2020	1	202006099239656888				-	-	-	-	-	-	-
F24N	48		7/31/2020	1	202007319261200129				-	-	-	-	-	-	-
F24N	48		8/3/2020	1	202008039261203218				-	-	-	-	-	-	-
F24N	48		7/29/2020	1	202007299261188387				-	-	-	-	-	-	-
F24N	48		9/25/2020	1	202009259284968561				-	-	-	-	-	-	-
F24N	48		10/6/2020	2	202010069285031312				-	-	-	-	-	-	-
F24N	48		10/8/2020	1	202010089285061357				-	-	-	-	-	-	-

Louisiana Legacy PAC (C00638528)

2020 12-Day Pre-General Report

48-Hour Report Not Timely Filed

Name of Payee	Date of Dissemination (Schedule E)	Expenditure Amount	Candidate Supported	Election	48-Hour Report Filed
Red November LLC	10/5/2020	\$25,375.00 <i>48-Hour Report Required</i>	WILLIAM M. CASSIDY	2020 General	1/7/2021