



FEDERAL ELECTION COMMISSION
Washington, DC

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3 **MEMORANDUM**

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5 **TO:** The Commission

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7 **FROM:** Lisa J. Stevenson
8 Acting General Counsel

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10 Charles Kitcher
11 Acting Associate General Counsel for Enforcement

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13 Stephen Gura
14 Deputy Associate General Counsel for Enforcement

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16 **BY:** Mark Allen *MA*
17 Assistant General Counsel

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19 Anne B. Robinson *ABR*
20 Attorney

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22 **SUBJECT:** MUR 7603 (Wyoming Republican Party, Inc.)
23 Proposed Factual and Legal Analysis and Conciliation Agreement

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26 The Commission originally considered this matter with MUR 7339. On April 25, 2019,
27 the Commission voted to close the file in MUR 7339 and open a MUR in RR17L-31 (Wyoming
28 Republican Party, Inc.), which has been numbered MUR 7603. The Commission found reason
29 to believe that Wyoming Republican Party, Inc. and Doug Chamberlain in his official capacity as
30 treasurer ("Committee") violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b)
31 by failing to report joint fundraising receipts from Trump Victory and transfers to the Republican
32 National Committee.

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MUR 7603 (Wyoming Republican Party, Inc.)
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10 **RECOMMENDATIONS**

11 1. Approve the attached Factual and Legal Analysis;
12 2. Approve the attached Conciliation Agreement; and
13 3. Approve the appropriate letter.

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15 Attachments:
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17 1. Factual and Legal Analysis
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FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Wyoming Republican Party, Inc. and
Doug Chamberlain in his official
capacity as treasurer MUR 7603

INTRODUCTION

9 This matter was generated based on information ascertained by the Federal Election
10 Commission (the “Commission”) in the normal course of carrying out its supervisory
11 responsibilities, *see* 52 U.S.C. § 30109(a)(2). The Commission’s Reports Analysis Division
12 (“RAD”) referred the Wyoming Republican Party, Inc. and Doug Chamberlain in his official
13 capacity as treasurer (“Committee”) to the Office of General Counsel for failing to disclose an
14 aggregate total of \$2,890,378.82 in receipts and disbursements on its 2016 October Monthly, 12-
15 Day Pre-General, and Year-End Reports.¹ For the reasons set forth below, the Commission finds
16 reason to believe that the Committee violated 52 U.S.C. § 30104(a) and (b) and 11 C.F.R.
17 § 104.3(a) and (b) by failing to accurately disclose its receipts and disbursements.

18 II. FACTUAL BACKGROUND

19 The Committee is a state party committee of the Republican Party.² On November 30,
20 2016, the Committee amended its 2016 October Monthly and 12-Day Pre-General Reports,
21 disclosing additional receipts and disbursements, as shown in the chart below.³ On April 7,

¹ RAD Referral (Wyoming Republican Party) (Aug. 31, 2017) (“Referral”), incorporated herein by reference.

² See Amended Statement of Organization, Wyoming Republican Party (July 20, 2017).

3 Referral at 2.

MUR 7603 (Wyoming Republican Party, Inc.)
Factual and Legal Analysis

- 1 2017, the Committee filed an amended 2016 Year-End Report that disclosed additional receipts
- 2 and disbursements, as also shown below.⁴

⁴ *Id.* at 4.

MUR 7603 (Wyoming Republican Party, Inc.)
 Factual and Legal Analysis

Report		Report Line	Amount Reported on Original Report	Amount Reported on Amended Report	Total Increased Activity
2016 October Monthly	Receipts	Line 12: Transfers from Affiliated/Other Party Committees	\$0	\$873,401.75	\$873,401.75 ⁵
	Disbursements	Line 21(b): Other Federal Operating Expenditures	\$19,550.60	\$19,570.60	\$20.00 ⁶
		Line 22: Transfers to Affiliated/Other Party Committees	\$0	\$873,381.75	\$873,381.75
	Report Total:				
2016 12-Day Pre-General	Receipts	Line 12: Transfers from Affiliated/Other Party Committees	\$0	\$364,677.78	\$364,677.78 ⁷
	Disbursements	Line 21(b): Other Federal Operating Expenditures	\$8,283.26	\$8,303.26	\$20.00
		Line 22: Transfers to Affiliated/Other Party Committees	\$0	\$364,657.78	\$364,657.78 ⁸
	Report Total:				
2016 Year-End	Receipts	Line 12: Transfers from Affiliated/Other Party Committees	\$27,909.53	\$235,019.41	\$207,109.88 ⁹
	Disbursements	Line 21(b): Other Federal Operating Expenditures	\$26,412.53	\$26,452.53	\$40.00
		Line 22: Transfers to Affiliated/Other Party Committees	\$0	\$207,069.88	\$207,069.88 ¹⁰
	Report Total:				

⁵ *Id.* at 2. In 2016, the Committee participated in Trump Victory, a joint fundraising committee comprised of the Republican National Committee (“RNC”), Donald J. Trump for President, Inc. and twenty-one state party committees. *See* Amended Statement of Organization, Wyoming Republican Party (June 3, 2016); Amended Statement of Organization, Trump Victory (Sept. 21, 2016); RR 17L-31 Committee Resp. (“Resp.”) at 1-2 (Oct. 17, 2017). The referred activity consists of the Committee’s failure to timely disclose transfers from Trump Victory and transfers to the RNC. Referral at 1-4; Resp. at 1-3.

⁶ Referral at 2. The Committee appears to have paid a \$20 wire fee for each transfer to the RNC, which accounts for the increase in other federal operating expenditures on each of the three reports. *See* Resp. at 2.

⁷ Referral at 2.

⁸ *Id.*

⁹ *Id.* at 4.

¹⁰ *Id.*

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 Factual and Legal Analysis

1 On December 28, 2016, RAD sent the Committee two Requests for Additional
 2 Information (“RFAIs”) seeking clarification regarding the substantial increase in receipts and
 3 disbursements disclosed on the amended 2016 October Monthly and 12-Day Pre-General
 4 Reports.¹¹ In response, the Committee filed two Miscellaneous Reports (Form 99s), one
 5 addressing each report, stating that the activity was omitted from the original reports “while [the
 6 Committee] worked with [its] software provider on how to include the information in [the
 7 Committee’s] data file so that it could be properly recorded.”¹² The Committee noted that the
 8 reports were amended “as soon as the information was available.”¹³

9 On April 12, 2017, RAD sent an RFAI to the Committee seeking clarification regarding
 10 the substantial increase in activity on its 2016 Year-End Report.¹⁴ In response, the Committee
 11 filed a Form 99 stating that the activity was omitted from the original report because the
 12 information was not received by the Committee’s compliance vendor before the filing
 13 deadline.¹⁵ The Committee noted that its compliance vendor had moved to a new office, which
 14 may have caused the vendor not to receive the information timely.¹⁶

15 **III. LEGAL ANALYSIS**

16 The Federal Election Campaign Act of 1971, as amended (the “Act”), requires committee
 17 treasurers to file reports of receipts and disbursements in accordance with the provisions of

¹¹ *Id.* at 2; RFAI, Amended 2016 October Monthly Report, Wyoming Republican Party (Dec. 28, 2016);
 RFAI, Amended 2016 12-Day Pre-General Report, Wyoming Republican Party (Dec. 28, 2016).

¹² Referral at 2.

¹³ *Id.*

¹⁴ Referral at 4; RFAI, 2016 Year-End Report, Wyoming Republican Party (Apr. 12, 2017).

¹⁵ Referral at 4.

¹⁶ *Id.*

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 Factual and Legal Analysis

1 52 U.S.C. § 30104.¹⁷ These reports must include, *inter alia*, the total amount of receipts and
 2 disbursements, including the appropriate itemizations, where required.¹⁸ Here the Committee
 3 did not comply with the Act's reporting requirements when it failed to disclose an aggregate total
 4 of \$2,890,378.82 in increased activity.

5 In its Response, the Committee asserts that Trump Victory was the first joint fundraising
 6 effort in which the Committee had participated in 20 years and claims that “a miscommunication
 7 between two [] vendors” caused the joint fundraising transfers to be omitted from the original
 8 reports.¹⁹ The Committee states that it did not receive any other RFAIs for any other 2016
 9 activity, and that it amended the reports at issue before receiving the RFAIs.²⁰ Further, the
 10 Committee notes that Trump Victory and the RNC timely disclosed the transfers to the
 11 Commission.²¹

12 The Committee apparently relied on its compliance vendor to file timely and accurate
 13 reports; however, the Committee and its treasurer bore the responsibility of ensuring that the
 14 reports were complete and accurate prior to filing them.²² Although the Committee requests that
 15 the Commission assign this matter to ADRO,²³ this matter was appropriately referred to OGC.

¹⁷ 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

¹⁸ See 52 U.S.C. § 30104(b)(2), (4); 11 C.F.R. § 104.3(a), (b).

¹⁹ Resp. at 2.

²⁰ *Id.*

²¹ *Id.* at 2-3.

²² In addition, each transfer at issue in this matter occurred well before the applicable filing deadline: the October Monthly Report was due on October 20, 2016 while the relevant transfers occurred on September 30; the 12-Day Pre-General Report was due on October 27, while the relevant transfers occurred on October 17; and the Year-End Report was due on January 31, 2017 while the relevant transfers occurred on December 2 and 16, 2016. See Resp. at 2.

²³ *Id.* at 3.

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Factual and Legal Analysis

- 1 Accordingly, the Commission finds reason to believe that the Committee violated 52 U.S.C.
- 2 § 30104(a) and (b) and 11 C.F.R. § 104.3(a) and (b).

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