



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 24, 2022

Via Electronic Mail Only

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Jonathan S. Berkon
Sarah N. Mahmood
Elias Law Group, LLP
10 G Street NE, Ste 600
Washington, DC 20002

RE: RR 21L-68

Dear Counsel:

The Federal Election Commission ("Commission") has ascertained information in the normal course of carrying out its supervisory responsibilities indicating your clients, Black Voters Matter Action PAC and Kamau Franklin in his official capacity as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The matter has been referred by the Reports Analysis Division to the Commission's Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.¹ On November 19, 2021, your clients were sent a notification letter reflecting that the Committee had been referred for failing to timely file eight (8) 24-Hour reports totaling \$538,197.71 to support thirty-seven (37) independent expenditures disclosed on the 2021 30-Day Post Runoff Report. That notification letter did not include all violations due to an administrative oversight. Specifically, the Committee has been referred for failure to timely file eight (8) 24-Hour Reports totaling \$546,751.12 to support thirty-eight (38) independent expenditures disclosed on the 2021 30-Day Post-Runoff Report. We have numbered this referral RR 21L-68.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against your clients, Black Voters Matter Action PAC and Kamau Franklin in his official capacity as treasurer. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an

¹ Notification of this referral is being provided to you pursuant to the Commission's Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

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investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹

Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to **one** of the following (note, if submitting via email this Office will provide an electronic receipt by email):

Mail
Federal Election Commission
Office of Complaints Examination
& Legal Administration
Attn: Christal Dennis, Paralegal
1050 First Street, NE
Washington, DC 20463

OR

Email
cela@fec.gov

As indicated in the FEC's Notice found at <https://www.fec.gov/resources/cms-content/documents/status-of-fec-operations.pdf>, the office's mailroom is open on a limited basis and, therefore, processing paper correspondence may be delayed. Accordingly, we strongly encourage you to file responses and additional correspondence via email.

If you have any questions, please contact Christal Dennis at (202) 694-1519. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Roy Q. Luckett
Acting Associate General Counsel
Complaints Examination &
Legal Administration

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).