



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 13, 2022

Via Electronic Mail

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

RE: MUR 8012
Black Voters Matter Action PAC

Dear Mr. Berkon and Ms. Mahmood:

On September 12, 2022, the Federal Election Commission accepted the signed conciliation agreement and \$45,000 civil penalty submitted on your client's behalf in settlement of a violation of 52 U.S.C. § 30104(g)(1), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.4(c), a provision of the Commission's regulations. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1273.

Sincerely,
Crystal Liu
Crystal Liu
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Black Voters Matter Action PAC and Kamau)	MUR 8012
Franklin in his official capacity as treasurer)	

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the “Commission”) pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Black Voters Matter Action PAC and Kamau Franklin in his official capacity as treasurer (“Respondent” or the “Committee”) violated 52 U.S.C. § 30104(g)(1) of the Federal Election Campaign Act of 1971, as amended (the “Act”), and 11 C.F.R. § 104.4(c) of the Commission regulations by failing to timely report independent expenditures aggregating \$1,000 or more made after the 20th day, but more than 24 hours before an election.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

- I. The Commission has jurisdiction over Respondent and the subject matter of this proceeding, and this Agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).
- II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- III. Respondent enters voluntarily into this Agreement with the Commission.
- IV. The pertinent facts in this matter are as follows:

1. Black Voters Matter Action PAC is an independent expenditure-only committee that registered with the Commission on July 29, 2020. It is a political committee within the meaning of 52 U.S.C. § 30101(4).
2. Kamau Franklin is the Treasurer of Black Voters Matter Action PAC.
3. The Act and Commission regulations require political committees that make independent expenditures aggregating \$1,000 or more with respect to a given election after the 20th day, but more than 24 hours before the date of that election to file a 24-hour report to disclose such independent expenditures by 11:59 p.m. Eastern Standard/Daylight Time on the day following the date on which a communication is publicly distributed or otherwise publicly disseminated. 52 U.S.C. § 30104(g)(1); 11 C.F.R. § 104.4(c).
4. Respondent contends that, in the 2020 election cycle, the Committee timely disclosed over \$1.5 million in independent expenditure activity.
5. On January 13, 2021, the Committee filed a late 24-hour report disclosing 10 independent expenditures totaling \$406,045 between December 31, 2020, and January 2, 2021, in support of two candidates in connection with the 2021 Runoff and Special-Runoff Elections held in the state of Georgia on January 5, 2021.
6. On February 4, 2021, the Committee filed nine late 24-hour reports disclosing 28 independent expenditures totaling \$140,706.12 between December 23, 2020, through January 3, 2021, in support of two candidates in connection with the 2021 Runoff and Special-Runoff Elections held in the state of Georgia on January 5, 2021.
7. The independent expenditures were made after the 20th day, but more than 24 hours before the election, and the aggregate amounts with respect to each of the candidates were \$1,000 or more.

8. The Committee did not file 24-hour reports for these expenditures by 11:59 p.m. Eastern Standard/Daylight Time on the day following the date on which the communications were publicly distributed or otherwise publicly disseminated.

9. Respondent contends that, in each instance, the Committee, without prompting, late filed the 24-hour reports, and not pursuant to a complaint filed with the Commission or an order by the Commission.

V. Respondent violated 52 U.S.C. § 30104(g)(1) and 11 C.F.R. § 104.4(c) by failing to file the required 24-hour reports for independent expenditures totaling \$546,751.12.

VI. Respondent will take the following actions:

1. Respondent will pay a civil penalty to the Commission in the amount of Forty-Five Thousand Dollars (\$45,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist from violating 52 U.S.C. § 30104(g)(1) and 11 C.F.R. § 104.4(c).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this Agreement. If the Commission believes that this Agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This Agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this Agreement becomes effective to comply with and implement the requirements contained in this Agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written Agreement shall be enforceable.

FOR THE COMMISSION:

Lisa J. Stevenson
Acting General Counsel

BY: **Charles Kitcher**
Charles Kitcher
Associate General Counsel
for Enforcement

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Charles Kitcher
Date: 2022.09.13
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9/13/22
Date

FOR THE RESPONDENT:



Jonathan S. Berkon
Counsel for Black Voters Matter Action PAC

August 25, 2022
Date