



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

October 20, 2023

**By Email Only**

ggilio@dhillonlaw.com

dwarrington@dhillonlaw.com

Glynis Gilio, Esq.  
David Warrington, Esq.  
Dhillon Law Group, Inc.  
2121 Eisenhower Ave., Suite 608  
Alexandria, VA 22314

RE: MUR 8043 (RR 21L-63)  
Women Vote Smart

Dear Ms. Gilio and Mr. Warrington:

On October 17, 2023, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of your client, Women Vote Smart and Amy S. Kremer in her official capacity as treasurer, in settlement of a violation of 52 U.S.C. § 30118(a), a provision of the Federal Election Campaign Act of 1971, as amended. 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 first installment of the civil penalty is due within one month of the conciliation agreement's effective date, by November 19, 2023. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Christine C. Gallagher".

Christine C. Gallagher  
Attorney

Enclosure  
Conciliation Agreement

**BEFORE THE FEDERAL ELECTION COMMISSION**

|  |   |          |
|--|---|----------|
| In the Matter of                       | ) |          |
|  | ) | MUR 8043 |
| Women Vote Smart and                   | ) |          |
| Amy S. Kremer in her official capacity | ) |          |
| as treasurer                           | ) |          |

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Women Vote Smart and Amy S. Kremer in her official capacity as treasurer (the “Committee” or “Respondent”) violated 52 U.S.C. § 30118(a) by knowingly accepting prohibited contributions in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).

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 and law in this matter are as follows:

1. Women Vote Smart is a non-connected, hybrid political committee, with a separate segregated account used for the purpose of making independent expenditures. *See Carey v. FEC*, 791 F. Supp. 2d 121 (D.D.C. 2011).
2. Amy S. Kremer is the Committee's treasurer.
3. Under the Act, corporations are prohibited from making contributions to federal candidates or their authorized committees, and "a candidate, political committee, or other person is prohibited from knowingly accepting or receiving" such contributions. 52 U.S.C. § 30118; 11 C.F.R. § 114.2(b), (d).
4. Under Commission regulations, a contribution from a limited liability company ("LLC") is permissible if the LLC is treated as a partnership for tax purposes and has not elected to be treated as a corporation by the Internal Revenue Service. 11 C.F.R. § 110.1(g). LLCs that claim corporate status or those that are publicly traded are treated as corporations for purposes of the Act. *Id.* § 110.1(g)(3).
5. A hybrid political committee, which makes both independent expenditures and direct contributions, can accept unlimited and corporate contributions but must maintain a separate non-contribution account for the purpose of making independent expenditures and a separate contribution account that is subject to the Act's amount and source limitations from which to make contributions to federal candidates. *See Carey*, 791 F. Supp. 2d at 136.
6. A political committee's treasurer is responsible for examining all contributions received for evidence of illegality. 11 C.F.R. § 103.3(b). Treasurers must make their best efforts to determine the legality of the contribution. *Id.* § 103.3(b)(1). If the legality of the contribution cannot be determined, the treasurer must refund the contribution within 30 days of receipt. *Id.* The Commission's regulation further states that if the treasurer later discovers that

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a contribution is illegal based on new evidence, the treasurer shall refund the contribution within thirty days of the date the illegality is discovered. *Id.* § 103.3(b)(2).

7. For reporting purposes, the Commission has provided guidance that when itemizing contributions that are deposited into a non-contribution account, hybrid committees should identify those receipts by entering “Non-Contribution Account” as memo text or in the description field. *FEC Statement on Carey v. FEC: Reporting Guidance for Political Committees that Maintain a Non-Contribution Account* (Oct. 5, 2011).

8. In its 2019 Mid-Year Report, the Committee reported receiving \$37,575.74 in prohibited contributions that were not designated for its non-contribution account. This amount included \$13,075.74 from four apparent corporations; \$2,000 from two LLCs; and \$22,500 from two unregistered organizations.

9. Respondent contends that of those contributions disclosed as coming from corporations, \$2,950.73 came from two apparent corporations, while \$10,125.00 came from two payment processing companies that aggregated individual contributions for the Committee. Respondent contends that the latter contributions were disclosed incorrectly as coming from the corporations rather than from the individual contributors.

V. Respondent violated 52 U.S.C. § 30118(a) by knowingly accepting a total of \$37,575.74 in prohibited contributions into its federal account.

VI. 1. Respondent will pay a civil penalty to the Federal Election Commission in the amount of \$5,000 Thousand Dollars (\$5,000), pursuant to 52 U.S.C. § 30109(a)(5)(A), such penalty to be paid as follows:

a). One initial payment of \$2,500 is due within one month of the date of this agreement;

- b). Thereafter, the remaining \$2,500 is due within six months of the date of this agreement;
- c). Each such installment shall be paid on the first day of the month in which it becomes due;
- d). In the event that any installment payment is not received by the Commission by the fifth day of the month in which it becomes due, the Commission may, at its discretion, accelerate the remaining payments and cause the entire amount to become due upon ten days written notice to the Respondent. Failure by the Commission to accelerate the payments with regard to any overdue installment shall not be construed as a waiver of its right to do so with regard to future overdue installments;

2. In ordinary circumstances, the Commission would seek a higher civil penalty based on the violation outlined in the Agreement. The Commission is taking into account, however, the Committee's very low cash-on-hand balance, that it is inactive, its willingness to correct the affected disclosure reports, and that according to the Committee, it has limited ability to raise additional funds and intends to terminate;

3. Respondent will cease and desist from violating 52 U.S.C. § 30118(a);

4. Respondent will work with the Reports Analysis Division to correct and file its affected reports within 12 months of the effective date of this Agreement;

5. The Committee will send its treasurer to Commission-sponsored compliance training for unauthorized committees within 12 months of the effective date of this Agreement;

6. Respondent will terminate no earlier than 30 days following its fulfillment of each of the requirements as set forth in Paragraphs VI.1, 4, and 5 above.

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, unless another time frame is provided above, 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

**Charles  
Kitcher** Digitally signed  
by Charles Kitcher  
Date: 2023.10.19  
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BY: \_\_\_\_\_  
Charles Kitcher  
Associate General Counsel for Enforcement

\_\_\_\_\_  
Date

FOR THE RESPONDENT:



8/18/2023

\_\_\_\_\_  
Name: Amy S. Kremer  
Position: Treasurer, Women Vote Smart

\_\_\_\_\_  
Date