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February 8, 2022

By email to CELA@fec.gov

Roy Q. Luckett
Acting Associate General Counsel
Office of Complaints Examination & Legal Administration
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

**Re: RR 21L-71
Workers Vote**

Dear Mr. Luckett:

I am responding on behalf of Workers Vote to your letter dated December 17, 2021 to its Treasurer, Zaina Tannu, that enclosed the December 16 referral to the Office of General Counsel from the Reports Analysis Division (RAD) (“Referral”).¹ We appreciate your office’s courtesies in extending the time within which to respond in light of the holiday period and ensuing matters involving relevant personnel and the undersigned.

Workers Vote elaborates in this letter on information that it has already provided to RAD in response to numerous Requests for Additional Information (RFAs) that RAD issued to Workers Vote during 2021, all of which Workers Vote timely answered. We acknowledge that Workers Vote’s initial reporting of its debts in the reports at issue was deficient, and we submit that Workers Vote’s most recent amendments to those reports – variously filed on July 2 and 30, 2021 – cured the deficiencies, so the public record of the debts is now accurate. We also submit that the deficiencies were unintentional and self-discovered, and that Workers Vote took the initiative to correct them by ascertaining the necessary information and amending the reports at issue beginning on April 13, 2021, prior to any RFA that raised questions about Workers Vote’s debt reporting.

¹ It appears that certain figures in the “Debts” column of Referral Attachment 1 appear to be incorrect. We enclose Attachment 1 with references to the corrected figures signified by the word “CORRECT” and an arrow pointing to the “Debts & Loans” column figure. This does not affect the substance of our response.

For these reasons, and because Workers Vote's violations are straightforward and warrant no investigation by the Commission to ascertain additional facts about them, Workers Vote respectfully requests that the Commission refer this matter to the Alternative Dispute Resolution Office for settlement or, alternatively, that the Commission initiate pre-probable cause conciliation to the same end.

Workers Vote is a non-connected independent-expenditure committee established on August 7, 2020; during the period at issue and until July 19, 2021, it was named Take Back 2020. Workers Vote was informally associated with a national labor organization, UNITE HERE, and numerous of its affiliated unions throughout the United States. Beginning on September 17, 2020, Workers Vote undertook independent expenditures in the presidential election and other federal races across the Nation through the general election, and then, unexpectedly, Workers Vote undertook a similar effort with respect to the two U.S. Senate runoff elections that took place in Georgia on January 5, 2021.

Workers Vote sought to undertake these independent expenditures almost entirely through door-to-door canvasses of voters rather than through general public advertisements via print, digital and broadcast media, on the view that such in-person contact would be more effective than adding further to the dense and confusing thicket of advertisements that were already prolific. However, as a start-up political operation, Workers Vote had no complement of employed or volunteer canvassers to draw upon, and only a brief period of time during which to have an impact on the elections. Accordingly, it set out to secure personnel and resources in the following manner.

First, Workers Vote reached out to UNITE HERE and its affiliates (individually, a "Union", and together, "Unions"), which had substantial numbers of established staff and members who had extensive experience as organizers and canvassers, were politically closely aligned with Workers Vote's electoral goals, and could be available quickly even at places distant from where they worked and resided. All told, 31 Unions participated (of which Workers Vote's reporting of debts to 24 are involved in the Referral). Acting analogously to commercial canvassing firms, they variously deployed and handled payroll for regular Union staff and members who took Union-paid leaves from their regular jobs with employers whose workers the paying Union represented. Each Union in turn tracked the nature and amount of its expenses for these individuals, that is, their compensation and other direct costs incurred to foster their participation in Workers Vote canvassing, including both independent and operating expenditures. The Unions agreed to and did provide that information on a running basis to Workers Vote so that Workers Vote could track and report it appropriately to the Commission, and so that the Unions could be reimbursed for all of their costs incurred, as the arrangement did not contemplate that any Union would act as a contributor to Workers Vote. Rather, Workers Vote directed and took responsibility for the canvasses, which operated under its name and not those of the Unions.

Second, Workers Vote arranged with UNITE HERE Action Fund (UHAF), a tax-exempt social welfare organization, to handle some of the payment processing for canvassers' travel to and from municipalities where canvasses occurred, and their food and lodging while there. These costs were solely administrative and were not incurred in the course of producing and disseminating the independent expenditure communications, as distinct from the compensation of canvassers and the materials they distributed to prospective voters, which were classified and reported as Schedule E and Line 24 independent expenditures.

Workers Vote's plan and expectation was that, by arranging for the involvement and practical assistance of these other organizations to variously supply personnel and manage the complex tasks necessary in short order to organize and implement a multi-state canvass operation – four states in all across the country (Florida, Georgia, Nevada and Pennsylvania) – that was nimble enough to adjust to political developments during the final months of the general election period, Workers Vote would be able both to accomplish its independent expenditure campaign and timely comply with its reporting and disclosure obligations to the Commission. However, while the political aspect of that plan was realized, the compliance side fell short, and differently with respect to the Unions and UHAF.

With respect to the Unions, Workers Vote encountered varying degrees of timeliness and accuracy in affiliate conveyance of information to Workers Vote about the costs and timing of their deployments, and it proved unable to ascertain accurate figures in time for the initial reports at issue. In retrospect, at least estimates should have been reflected on Line 10 of each of the original October Quarterly and Pre-General Reports. However, the original Post-General Report and all subsequent original reports did include Line 10 figures, albeit in each case understating the ultimately determined figures.

Workers Vote realized that its debt figures at hand were incomplete and engaged its compliance reporting firm to undertake a comprehensive review of its reporting even as Workers Vote continued to elicit invoices and other information from the Unions. Meanwhile, however, between the November 3 general election and January 5, 2021, Workers Vote primarily focused on the Georgia U.S. Senate runoff elections, which entailed an intense, single-state-focused continuation of the same kind of Union-reliant canvassing that Workers Vote had undertaken in many locations during the final seven weeks of the general election period.

Following its final independent expenditure campaign, Workers Vote worked with its compliance firm on a further comprehensive effort to secure documentation from the Unions and to determine and report the amounts it owed. This was a substantial and time-consuming undertaking, entailing a comprehensive review of available documentation and the acquisition of more.

Separately, however, Workers Vote belatedly realized that it had made a basic error with respect to its reporting regarding UHAF: it simply overlooked how to account to the Commission for the operating expenditures that UHAF was incurring at its behest. Workers Vote decided that when the various reports were amended, those amendments would include the accurate Line 10 figures regarding UHAF.

Also separately, the original Pre-General Report erroneously omitted to list a \$53,250 debt to video vendor JR Media. As explained in Workers Vote's August 11, 2021 response to a July 8 RFAI, there was a related internal error in reporting a disbursement in that sum for another purpose that did not in fact occur, resulting in the original omission to report this debt. An \$850 debt to printer Joint Medias also was inadvertently overlooked for the original Post-General Report.

These parallel processes and determinations culminated first in a series of substantial amendments of reports that were filed over two days, April 13 and 14, 2021. These reports disclosed finally accurate Line 10 figures with respect to UHAF, as the subsequent amendments to those reports demonstrate, and accurately reported the debts to JR Media and Joint Medias. However, the reconciliation process with respect to other debt obligations continued, so Workers Vote resolved to submit additional amendments as needed. With respect to Line 10, final figures were reported on July 2, 2021 for the October Quarterly, Pre-General, Post-General and Year-End reporting periods at issue, and on July 30 for the Post-Runoff period. Although all of the April 13/14 totals on Line 10 were eventually changed, as it turned out each of those totals actually overstated the final figures that were reported in July.

Workers Vote received RFAs concerning its 2020 Line 10 reporting from April 13 to July 8, 2021, and it responded timely to each. Meanwhile, on June 14 RAD invited Workers Vote to participate in the RAD Education Program in lieu of a referral for an audit. Workers Vote accepted that invitation, participated in the program on September 14, and received a certificate of completion from RAD on September 28.

We readily acknowledge that \$2.252 million of late-reported debt is a substantial figure. There was no intention of concealing any of it to the general public or the Commission, and as described above Workers Vote endeavored to correct the omissions without external prompting by the Commission or, in fact, anyone else. During the year from its inception until the amendments described above, Workers Vote sought in good faith to comply with its reporting obligations. As it discovered, operating canvasses in conjunction with other organizations, even when, as here, they too operated in good faith and sought to provide the information necessary for Workers Vote to meet the standards of the Act, is a highly complicated matter and requires a concomitant commitment of operational resources. Workers Vote will not repeat the errors that occurred in 2020 and that led to the Referral. If it undertakes canvassing in 2022 or other similarly complex – or even simpler – political activities, it has resolved to put in place beforehand the necessary administrative controls that will enable it to timely and accurately report, and to avoid the kinds of arrangements that led to the deficiencies in the reports now at issue.

The Commission of course has several options for pursuing this matter further. We do not ask that the Commission proceed no further in light of the debt amount at issue. We do submit that there is no need for the Commission to undertake an investigation of the details underlying the course of events that is described above and reflected in Workers Vote's reports. The omissions resulted from honest error. Workers Vote undertook its comprehensive review and amendments knowing full well that they would reveal reporting failures that violate the Act. Although the amounts involved are significant, these are reporting violations that vary only in degree and not in kind from substantively identical reporting

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violations that are customarily referred to the Alternative Dispute Resolution Office for resolution. We respectfully submit that its processes could lead to a satisfactory resolution that the Commission would approve, and that this would be preferable to applying the resources of the Office of General Counsel to engage in a settlement effort. However, if that course is not offered, then we respectfully request that the matter be referred to pre-probable cause conciliation pursuant to 11 C.F.R. § 118(d).

Thank you for your consideration.

Yours truly,

A handwritten signature in black ink that reads "Laurence E. Gold". The signature is written in a cursive, flowing style.

Laurence E. Gold

Counsel to Workers Vote

cc: Zaina Tannu, Treasurer

O-Index

12/15/2021 8:50 AM

O-Index (2021-2022)															
Cmte. ID: C00754051 Cmte. Name: WORKERS VOTE															
Treasurer Name: TANNU, ZAINA Address: 275 7TH AVENUE 16TH FLOOR, NEW YORK, NY 10001															
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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-M			2/10/2021	1	202102109427650425				-	-	-	-	-	-	-
MS-O			2/11/2021	2	202102110300105804				-	-	-	-	-	-	-
MS-T			4/12/2021	2	202104129443249052				-	-	-	-	-	-	-
MS-T			6/3/2021	2	202106039448719834				-	-	-	-	-	-	-
MS-T			8/11/2021	1	202108119466242323				-	-	-	-	-	-	-
MS-T			8/11/2021	2	202108119466242324				-	-	-	-	-	-	-
MS-T			8/11/2021	1	202108119466242326				-	-	-	-	-	-	-
MS-T			9/24/2021	1	202109249466979034				-	-	-	-	-	-	-
RQ2	30R	A	4/29/2021	3	202104290300116467	1/1/2021	1/25/2021	4/29/2021	-	-	-	-	-	-	-
RQ2	MY	A	11/18/2021	3	202111180300129086	1/26/2021	6/30/2021	11/18/2021	-	-	-	-	-	-	-
F3XN	30R	N	2/4/2021	42	202102049425009809	1/1/2021	1/25/2021		\$6,731,644	\$323,871	\$2,251,914	\$4,803,600	\$2,707,823	-	\$2,707,823
F3XA	30R	A	4/13/2021	44	202104139443294006	1/1/2021	1/25/2021		\$6,679,350	\$323,871	\$2,251,914	\$4,751,307	\$8,229,594	CORRECT -->	\$5,521,771
F3XA	30R	A	7/2/2021	44	202107029450956517	1/1/2021	1/25/2021		\$6,679,351	\$323,871	\$2,251,914	\$4,751,307	\$6,280,461	CORRECT -->	\$4,277,845
F3XA	30R	A	7/30/2021	45	202107309456936247	1/1/2021	1/25/2021		\$6,679,351	\$323,871	\$2,251,914	\$4,751,307	\$4,277,845	-	\$4,277,845
F3XA	30R	A	10/1/2021	45	202110019467153003	1/1/2021	1/25/2021		\$6,679,351	\$323,871	\$2,252,014	\$4,751,207	\$4,277,845	-	\$4,277,845
F3XN	MY	N	7/30/2021	342	202107309456947350	1/26/2021	6/30/2021		\$4,751,307	\$4,099,232	\$8,740,925	\$109,614	\$0	-	\$0
F3XA	MY	A	10/1/2021	343	202110019467153091	1/26/2021	6/30/2021		\$4,751,207	\$4,099,232	\$8,741,925	\$108,514	\$0	-	\$0
F1A		A	6/17/2021	5	202106179449206649				-	-	-	-	-	-	-
F1A		A	7/19/2021	5	202107199451681605				-	-	-	-	-	-	-
Totals										\$4,423,104	\$10,993,940				

O-Index (2019-2020)															
Cmte. ID: C00754051 Cmte. Name: WORKERS VOTE															
Treasurer Name: TANNU, ZAINA Address: 275 7TH AVENUE 16TH FLOOR, NEW YORK, NY 10001															
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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
MS-O			11/1/2020	2	202011010300090804				-	-	-	-	-	-	-
RQ2	M10	A	7/8/2021	2	202107080300120788	8/7/2020	9/30/2020	7/8/2021	-	-	-	-	-	-	-
RQ2	12G	A	7/8/2021	2	202107080300120790	10/1/2020	10/14/2020	7/8/2021	-	-	-	-	-	-	-
RQ2	30G	N	3/7/2021	8	202103070300110033	10/15/2020	11/23/2020	3/7/2021	-	-	-	-	-	-	-
RQ2	30G	A	7/8/2021	2	202107080300120794	10/15/2020	11/23/2020	7/8/2021	-	-	-	-	-	-	-
RQ2	12R	N	4/13/2021	5	202104130300115394	11/24/2020	12/16/2020	4/13/2021	-	-	-	-	-	-	-
RQ2	12R	A	4/29/2021	2	202104290300116545	11/24/2020	12/16/2020	4/29/2021	-	-	-	-	-	-	-
RQ2	YE	N	4/13/2021	7	202104130300115399	12/17/2020	12/31/2020	4/13/2021	-	-	-	-	-	-	-
RQ2	YE	A	5/3/2021	2	202105030300117601	12/17/2020	12/31/2020	5/3/2021	-	-	-	-	-	-	-
F3XN	M10	N	10/15/2020	24	202010159294209560	8/7/2020	9/30/2020		\$0	\$3,130,575	\$327,740	\$2,802,834	-	-	\$0
F3XA	M10	A	4/13/2021	27	202104139443293268	8/7/2020	9/30/2020		\$0	\$3,130,575	\$327,740	\$2,802,834	\$324,654	-	\$324,654
F3XA	M10	A	7/2/2021	25	202107029450955872	8/7/2020	9/30/2020		\$0	\$3,130,575	\$327,740	\$2,802,834	\$535,872	CORRECT -->	\$270,368
F3XN	12G	N	10/21/2020	52	202010219326741769	10/1/2020	10/14/2020		\$2,802,834	\$5,073,095	\$2,975,025	\$4,900,903	-	-	\$0
F3XA	12G	A	4/13/2021	65	202104139443293295	10/1/2020	10/14/2020		\$2,802,834	\$5,098,095	\$2,859,074	\$5,041,854	\$805,868	-	\$805,868
F3XA	12G	A	7/2/2021	61	202107029450955904	10/1/2020	10/14/2020		\$2,802,834	\$5,098,095	\$2,859,074	\$5,041,854	\$636,100	-	\$636,100
F3XA	12G	A	8/11/2021	61	202108119466243201	10/1/2020	10/14/2020		\$2,802,834	\$5,098,095	\$2,859,074	\$5,041,854	\$636,100	-	\$636,100
F3XN	30G	N	12/3/2020	152	202012039340796508	10/15/2020	11/23/2020		\$4,900,903	\$5,332,690	\$6,493,971	\$3,739,622	\$103,537	-	\$103,537
F3XA	30G	A	4/14/2021	181	202104149443323951	10/15/2020	11/23/2020		\$5,041,854	\$5,350,257	\$6,704,362	\$3,687,748	\$1,361,214	CORRECT -->	\$1,257,676
F3XA	30G	A	7/2/2021	179	202107029450955965	10/15/2020	11/23/2020		\$5,041,854	\$5,350,257	\$6,704,362	\$3,687,749	\$910,760	CORRECT -->	\$841,605
F3XN	12R	N	12/23/2020	206	202012239393479699	11/24/2020	12/16/2020		\$3,739,622	\$5,559,865	\$2,610,547	\$6,688,940	\$3,943,362	-	\$3,943,362

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F3XA	12R	A	4/14/2021	231	202104149443324179	11/24/2020	12/16/2020		\$3,687,748	\$5,588,368	\$2,639,249	\$6,636,866	\$9,659,926	CORRECT -->	\$5,716,563
F3XA	12R	A	5/17/2021	232	202105179446819662	11/24/2020	12/16/2020		\$3,687,748	\$5,588,368	\$2,639,249	\$6,636,866	\$5,716,563	-	\$5,716,563
F3XA	12R	A	7/2/2021	216	202107029450956151	11/24/2020	12/16/2020		\$3,687,749	\$5,588,368	\$2,639,249	\$6,636,867	\$6,342,710	CORRECT -->	\$4,466,457
F3XN	YE	N	1/30/2021	157	202101309418286352	12/17/2020	12/31/2020		\$6,688,940	\$3,145,174	\$3,102,471	\$6,731,644	\$2,863,639	-	\$2,863,639
F3XA	YE	A	4/13/2021	159	202104139443293838	12/17/2020	12/31/2020		\$6,636,866	\$3,145,174	\$3,102,691	\$6,679,350	\$7,919,513	CORRECT -->	\$5,055,873
F3XA	YE	A	5/17/2021	160	202105179446820014	12/17/2020	12/31/2020		\$6,636,866	\$3,145,174	\$3,102,691	\$6,679,350	\$5,063,438	-	\$5,063,438
F3XA	YE	A	7/2/2021	150	202107029450956367	12/17/2020	12/31/2020		\$6,636,867	\$3,145,174	\$3,102,691	\$6,679,351	\$5,673,473	CORRECT -->	\$3,755,912
F24N	24		12/31/2020	13	202012319394491438				-	-	-	-	-	-	-
F1N		N	8/7/2020	6	202008079261278277				-	-	-	-	-	-	-
F1N		N	8/7/2020	6	202008079261278702				-	-	-	-	-	-	-
F24N	48		9/17/2020	3	202009179267221528				-	-	-	-	-	-	-
F24N	48		10/7/2020	9	202010079285049140				-	-	-	-	-	-	-
F24N	48		10/9/2020	4	202010099285076833				-	-	-	-	-	-	-
F24N	48		9/30/2020	3	202009309284983870				-	-	-	-	-	-	-
F1A		A	10/1/2020	5	202010019284986894				-	-	-	-	-	-	-
F24N	24		10/16/2020	2	202010169296954802				-	-	-	-	-	-	-
F24N	48		10/15/2020	16	202010159294412528				-	-	-	-	-	-	-
F24N	24		10/21/2020	19	202010219326759850				-	-	-	-	-	-	-
F24N	24		10/22/2020	19	202010229326893132				-	-	-	-	-	-	-
F24N	24		10/23/2020	3	202010239336502825				-	-	-	-	-	-	-
F24N	24		10/29/2020	2	202010299336666983				-	-	-	-	-	-	-
F24N	24		11/2/2020	15	202011029336738319				-	-	-	-	-	-	-
F24N	24		10/27/2020	16	202010279336592635				-	-	-	-	-	-	-
F24N	48		12/2/2020	23	202012029337454757				-	-	-	-	-	-	-
F24N	48		12/16/2020	18	202012169387362932				-	-	-	-	-	-	-
F24N	48		12/11/2020	1	202012119366534971				-	-	-	-	-	-	-
F24N	48		12/9/2020	10	202012099366440741				-	-	-	-	-	-	-
F24N	24		12/29/2020	25	202012299394424329				-	-	-	-	-	-	-
Totals										\$22,312,469	\$15,633,118				

O-Index (2017-2018)

Cmte. ID: C00754051 Cmte. Name: WORKERS VOTE

Treasurer Name: TANNU, ZAINA Address: 275 7TH AVENUE 16TH FLOOR, NEW YORK, NY 10001

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	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts	Loans	Debts & Loans
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No records were found for this cycle.