

**FEDERAL ELECTION COMMISSION**  
**FIRST GENERAL COUNSEL’S REPORT**

**RAD REFERRAL 21L-71**

DATE REFERRED: Dec. 16, 2021

DATE OF NOTIFICATION: Dec. 17, 2021

DATE OF LAST RESPONSE: Feb. 8, 2022

DATE ACTIVATED: Apr. 1, 2022

EARLIEST EXPIRATION OF SOL: Oct. 15, 2025

LATEST EXPIRATION OF SOL: Feb. 4, 2026

ELECTION CYCLE: 2020

**SOURCE:**

Internally Generated

**RESPONDENT:**

Workers Vote and Zaina Tannu in her official capacity as treasurer

**RELEVANT STATUTE  
AND REGULATIONS:**

52 U.S.C. § 30104(b)(8)

11 C.F.R. § 104.3(d)

11 C.F.R. § 104.11

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

Reports Analysis Division Referral Materials

**FEDERAL AGENCIES CHECKED:**

None

**I. INTRODUCTION**

The Reports Analysis Division (“RAD”) referred Workers Vote and Zaina Tannu in her official capacity as treasurer (the “Committee”) to the Office of General Counsel (“OGC”) for potential violations of the Federal Election Campaign Act of 1971, as amended (the “Act”), arising from its failure to timely and accurately disclose \$2,252,771.71 in debts on five reports filed in 2020 and 2021.<sup>1</sup> The Committee acknowledges the reporting of debts was deficient but

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<sup>1</sup> Referral at 1 (Dec. 16, 2021).

explains that the errors were unintentional and that the Committee “took the initiative to correct them by ascertaining the necessary information and amending the reports . . . prior to any [Request for Additional Information (“RFAI”)] that raised questions about Workers Vote’s debt reporting.”<sup>2</sup> According to the Committee, all of the errors were ultimately corrected with various amendments to its disclosure reports filed with the Commission in July 2021.<sup>3</sup>

Based on the available information, we recommend that the Commission open a Matter Under Review (“MUR”) and find reason to believe that the Committee violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d) by failing to accurately report its debt. Because the record regarding the violations is complete, we also recommend that the Commission enter into pre-probable cause conciliation with the Committee.

## II. FACTUAL BACKGROUND

Workers Vote is an independent expenditure-only political committee established on August 7, 2020.<sup>4</sup> During 2020 and early 2021, the Committee made independent expenditures in connection with the 2020 general election and the runoff elections for the U.S. Senate in Georgia in January 2021. In the most recent reporting period, the Committee disclosed \$175,000 in receipts, \$777.20 in disbursements, and \$1,611,118.51 in cash on hand.<sup>5</sup>

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<sup>2</sup> Resp. at 1 (Feb. 8, 2022).

<sup>3</sup> *Id.* at 1, 4.

<sup>4</sup> Workers Vote (f/k/a/ Take Back 2020), Statement of Organization (Aug. 7, 2020), <https://docquery.fec.gov/pdf/277/202008079261278277/202008079261278277.pdf>. Until July 19, 2021, the Committee was named Take Back 2020. *Compare* Workers Vote, Amended Statement of Organization (July 19, 2021), <https://docquery.fec.gov/pdf/605/202107199451681605/202107199451681605.pdf>, *with* Workers Vote, Amended Statement of Organization (June 17, 2021), <https://docquery.fec.gov/pdf/649/202106179449206649/202106179449206649.pdf>.

<sup>5</sup> Workers Vote, 2022 12-Day Pre-Primary Report (May 31, 2022).

RAD referred the Committee for enforcement action based on a substantial increase in debt across five reports it filed with the Commission. In some instances, the Committee filed multiple amendments to these reports from April 2021 through July 2021, disclosing additional debt not disclosed on its original reports. The increased debt was disclosed as follows.

Report	Debt Originally Reported	Total Debt Reported in Final Amendment	Previously Unreported Debt
2020 October Monthly Report <sup>6</sup>	\$0.00	\$270,368.37	\$270,368.37
2020 12-Day Pre-General Report <sup>7</sup>	\$0.00	\$636,100.37	\$365,732.00
2020 30-Day Post-General Report <sup>8</sup>	\$103,537.88	\$841,605.97	\$586,348.03
2020 Year-End Report <sup>9</sup>	\$2,863,639.35	\$3,755,912.20	\$421,515.88
2021 30-Day Post-Runoff Report <sup>10</sup>	\$2,707,823.33	\$4,277,845.77	\$608,807.43
		<b>Total:</b>	<b>\$2,252,771.71</b>

On April 29, 2021, May 3, 2021, and July 8, 2021, RAD sent RFAs to the Committee requesting clarification regarding the substantial increase in debts disclosed in each of these reports.<sup>11</sup> On June 3, 2021, the Committee filed a Form 99 addressing issues raised in the RFAs regarding the 2020 Year-End Report and the 2021 30-Day Post-Runoff Report<sup>12</sup> and on August

<sup>6</sup> See Referral at 1, Attach. 2.

<sup>7</sup> See *id.* at 2, Attach. 2.

<sup>8</sup> See *id.* at 3, Attach. 2.

<sup>9</sup> See *id.* at 3-4, Attach. 2.

<sup>10</sup> See *id.* at 4, Attach. 2.

<sup>11</sup> *Id.* at 2-4; Workers Vote, RFAI (Apr. 29, 2021), <https://docquery.fec.gov/pdf/467/202104290300116467/202104290300116467.pdf> (regarding 2021 30-Day Post-Runoff Report); Workers Vote, RFAI (May 3, 2021), <https://docquery.fec.gov/pdf/601/202105030300117601/202105030300117601.pdf> (regarding 2020 Year-End Report); Workers Vote, RFAI (July 8, 2021), <https://docquery.fec.gov/pdf/788/202107080300120788/202107080300120788.pdf> (regarding 2020 October Monthly Report); Workers Vote, RFAI (July 8, 2021), <https://docquery.fec.gov/pdf/790/202107080300120790/202107080300120790.pdf> (regarding 2020 12-Day Pre-General Report); Workers Vote, RFAI (July 8, 2021), <https://docquery.fec.gov/pdf/794/202107080300120794/202107080300120794.pdf> (regarding 2020 30-Day Post-General Report).

<sup>12</sup> Referral at 4; Workers Vote, Form 99 Miscellaneous Electronic Submission (June 3, 2021), <https://docquery.fec.gov/pdf/834/202106039448719834/202106039448719834.pdf>. The Committee also addressed questions raised in the RFAs regarding its 2020 12-Day Pre-Runoff Report, but issues relating to that report were not included in the Referral because the Committee filed an additional amendment that showed no increase in newly incurred debts. See Memorandum from Patricia C. Orrock, Chief Compliance Off., FEC, & Debbie Chacona, Ass't

1 11, 2021, the Committee filed three additional Form 99s addressing issues raised in the RFAIs  
 2 regarding the Amended 2020 October Monthly, Amended 2020 12-Day Pre-General, and  
 3 Amended 2020 30-Day Post-General Reports.<sup>13</sup> In its August 11, 2021 responses to the RFAIs,  
 4 the Committee states that it “either did not receive or inadvertently did not calculate information  
 5 sufficient to attribute the associated costs for debt reporting purposes at the time it filed the  
 6 original report.”<sup>14</sup> The Committee continues, stating that after the 2021 run-off election, it  
 7 undertook “effort[s] to secure documentation . . . to determine finally the amounts it owed” to the  
 8 entities that provided personnel, goods, and services to support its independent expenditures.<sup>15</sup>

9 In its Response to the Referral, the Committee attributes its debt-reporting errors to the  
 10 difficulty in obtaining timely and accurate cost information from the entities with which it  
 11 worked. It elaborates that its independent expenditures were made “almost entirely through  
 12 door-to-door canvasses of voters” with assistance from UNITE HERE and its affiliates “which  
 13 had substantial numbers of established staff and members who had extensive experience as

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Staff Dir., RAD, FEC, to Lisa Stevenson, Acting Gen. Couns., FEC at 1 [hereinafter Cover Letter to Referral] (Dec. 16, 2021).

<sup>13</sup> Referral at 5-7; Workers Vote, Form 99 Miscellaneous Electronic Submission (Aug. 11, 2021), <https://docquery.fec.gov/pdf/323/202108119466242323/202108119466242323.pdf> (regarding Amended 2020 October Monthly Report); Workers Vote, Form 99 Miscellaneous Electronic Submission (Aug. 11, 2021), <https://docquery.fec.gov/pdf/324/202108119466242324/202108119466242324.pdf> (regarding Amended 2020 12-Day Pre-General Report); Workers Vote, Form 99 Miscellaneous Electronic Submission (Aug. 11, 2021), <https://docquery.fec.gov/pdf/326/202108119466242326/202108119466242326.pdf> (regarding Amended 2020 30-Day Post-General Report).

<sup>14</sup> *Supra* note 13.

<sup>15</sup> Referral at 6-7; Workers Vote, Form 99 Miscellaneous Electronic Submission (Aug. 11, 2021), <https://docquery.fec.gov/pdf/323/202108119466242323/202108119466242323.pdf> (regarding Amended 2020 October Monthly Report); Workers Vote, Form 99 Miscellaneous Electronic Submission (Aug. 11, 2021), <https://docquery.fec.gov/pdf/324/202108119466242324/202108119466242324.pdf> (regarding Amended 2020 12-Day Pre-General Report); Workers Vote, Form 99 Miscellaneous Electronic Submission (Aug. 11, 2021), <https://docquery.fec.gov/pdf/326/202108119466242326/202108119466242326.pdf> (regarding Amended 2020 30-Day Post-General Report).

1 organizers and canvassers.”<sup>16</sup> The Committee states that it worked with 31 unions and that each  
2 union “tracked the nature and amount of its expenses for these individuals, that is, their  
3 compensation and other direct costs incurred to foster their participation in Workers Vote  
4 canvassing.”<sup>17</sup> The Committee also states that it “arranged with UNITE HERE Action Fund [], a  
5 tax-exempt social welfare organization, to handle some of the payment processing for  
6 canvassers’ travel to and from municipalities where canvasses occurred, and their food and  
7 lodging while there.”<sup>18</sup>

8 The Committee indicates that it “encountered varying degrees of timeliness and  
9 accuracy” issues working with these entities and was ultimately “unable to ascertain accurate  
10 figures in time for the initial reports at issue” but acknowledges that “at least estimates should  
11 have been reflected on Line 10 of each of the original [2020] October Quarterly and [2020] Pre-  
12 General Reports.”<sup>19</sup> The Committee also acknowledges several other “errors” that resulted in to  
13 debts to UNITE HERE Action Fund and a media vendor not being included on the Committee’s  
14 reports.<sup>20</sup>

15 Ultimately, the Committee states that it adopted certain remedial measures by engaging  
16 “its compliance reporting firm to undertake a comprehensive review of its reporting” and  
17 amending its reports from April 2021 through July 2021 as it identified “deficiencies.”<sup>21</sup> The  
18 Committee also voluntarily participated in the RAD Education Program in September 2021 in

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<sup>16</sup> Resp. at 2.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 3.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 4.

<sup>21</sup> *Id.*

lieu of a referral for an audit of the 2019-2020 election cycle.<sup>22</sup> The Committee also states that, if it seeks to engage in similar activities in the future, it will “put in place beforehand the necessary administrative controls that will enable it to timely and accurately report.”<sup>23</sup>

The Committee “readily acknowledge[s] that \$2.252 million of late-reported debt is a substantial figure” and seeks to resolve the matter through referral to the Alternative Dispute Resolution Office or, alternatively, pre-probable cause conciliation.<sup>24</sup>

### III. LEGAL ANALYSIS

Under the Act and Commission regulations, political committees must disclose the amount and nature of outstanding debts and obligations until those debts are extinguished.<sup>25</sup> Debts of \$500 or less must be reported no later than 60 days after the obligation is incurred, while debts of more than \$500 must be reported as of the date the obligation is incurred.<sup>26</sup>

Five of the Committee’s original reports filed with the Commission in 2020 failed to disclose all of its debt. Through its subsequent amendments filed in 2021, the Committee acknowledges its failure to timely disclose the following: debts totaling \$270,368.37 on its 2020 October Monthly Report; debts totaling \$365,732.00 on its 2020 12-Day Pre-General Report; debts totaling \$586,348.03 on its 2020 30-Day Post-General Report; debts totaling \$421,515.88 on its 2020 Year-End Report; and debts totaling \$608,807.43 on its 2021 30-Day Post-Runoff Report. These errors total \$2,252,771.71 in debt that was not timely disclosed on its original reports filed with the Commission. The Committee does not dispute that it made such errors.

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<sup>22</sup> *Id.*; Cover Letter to Referral at 1.

<sup>23</sup> Resp. at 4.

<sup>24</sup> *Id.* at 4-5.

<sup>25</sup> 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d), 104.11(a).

<sup>26</sup> 11 C.F.R. § 104.11(b).

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1 Accordingly, we recommend that the Commission find reason to believe that Workers Vote  
2 violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d) by failing to accurately report its  
3 debt

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**IV. RECOMMENDATIONS**

1. Open a Matter Under Review;
2. Find reason to believe that Workers Vote and Zaina Tannu in her official capacity as treasurer violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d) by failing to accurately report its debt;
3. Approve the attached Factual and Legal Analysis;
4. Enter into conciliation with Workers Vote and Zaina Tannu in her official capacity as treasurer prior to a finding of probable cause to believe;
5. Approve the attached conciliation agreement; and

6. Approve the appropriate letter.

Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Associate General Counsel for Enforcement

6/29/2022  
Date

Jin Lee  
Jin Lee  
Deputy Associate General Counsel  
for Enforcement

Ana J. Peña-Wallace <sup>by NOM</sup>  
Ana J. Peña-Wallace  
Assistant General Counsel

Nicholas O. Mueller  
Nicholas O. Mueller  
Attorney

Attachments:

1. Factual and Legal Analysis

1 **FEDERAL ELECTION COMMISSION**

2  
3 **FACTUAL AND LEGAL ANALYSIS**

4  
5 Respondents: Workers Vote and Zaina Tannu  
6 in her official capacity as treasurer

MUR \_\_\_\_\_

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8 **I. INTRODUCTION**

9 The Reports Analysis Division (“RAD”) referred Workers Vote and Zaina Tannu in her  
10 official capacity as treasurer (the “Committee”) to the Office of General Counsel (“OGC”) for  
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15 them by ascertaining the necessary information and amending the reports . . . prior to any  
16 [Request for Additional Information (“RFAI”)] that raised questions about Workers Vote’s debt  
17 reporting.”<sup>2</sup> According to the Committee, all of the errors were ultimately corrected with various  
18 amendments to its disclosure reports filed with the Commission in July 2021.<sup>3</sup>

19 Based on the available information, the Commission finds reason to believe that the  
20 Committee violated 52 U.S.C. § 30104(b)(8) and 11 C.F.R. § 104.3(d) by failing to accurately  
21 report its debt.

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<sup>1</sup> Referral at 1 (Dec. 16, 2021).

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1           In its Response to the Referral, the Committee attributes its debt-reporting errors to the  
 2   difficulty in obtaining timely and accurate cost information from the entities with which it  
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<sup>16</sup>       Resp. at 2.

<sup>17</sup>       *Id.*

<sup>18</sup>       *Id.* at 3.

<sup>19</sup>       *Id.*

debts to UNITE HERE Action Fund and a media vendor not being included on the Committee’s reports.<sup>20</sup>

Ultimately, the Committee states that it adopted certain remedial measures by engaging “its compliance reporting firm to undertake a comprehensive review of its reporting” and amending its reports from April 2021 through July 2021 as it identified “deficiencies.”<sup>21</sup> The Committee also voluntarily participated in the RAD Education Program in September 2021 in lieu of a referral for an audit of the 2019-2020 election cycle.<sup>22</sup> The Committee also states that, if it seeks to engage in similar activities in the future, it will “put in place beforehand the necessary administrative controls that will enable it to timely and accurately report.”<sup>23</sup>

The Committee “readily acknowledge[s] that \$2.252 million of late-reported debt is a substantial figure” and seeks to resolve the matter through referral to the Alternative Dispute Resolution Office or, alternatively, pre-probable cause conciliation.<sup>24</sup>

### III. LEGAL ANALYSIS

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<sup>20</sup> *Id.* at 4.

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<sup>23</sup> Resp. at 4.

<sup>24</sup> *Id.* at 4-5.

<sup>25</sup> 52 U.S.C. § 30104(b)(8); 11 C.F.R. §§ 104.3(d), 104.11(a).

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1           Five of the Committee's original reports filed with the Commission in 2020 failed to  
2   disclose all of its debt. Through its subsequent amendments filed in 2021, the Committee  
3   acknowledges its failure to timely disclose the following: debts totaling \$270,368.37 on its 2020  
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7   Report. These errors total \$2,252,771.71 in debt that was not timely disclosed on its original  
8   reports filed with the Commission. The Committee does not dispute that it made such errors.  
9   Accordingly, the Commission finds reason to believe that Workers Vote violated 52 U.S.C.  
10   § 30104(b)(8) and 11 C.F.R. § 104.3(d) by failing to accurately report its debt.