

24L-21

## REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 27, 2024

ANALYST: Michael Adamsky

I. COMMITTEE: Black Voters Matter Action PAC  
C00753277  
Kamau Franklin, Treasurer  
3645 Marketplace Blvd  
Suite 130-232  
Atlanta, GA 30344

II. RELEVANT STATUTE: 52 U.S.C. § 30104(g)(1)  
11 C.F.R. § 104.4(c)

III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to Timely File 24-Hour Reports)**

Black Voters Matter Action PAC (“the Committee”) failed to timely file two (2) 24-Hour Reports to support three (3) independent expenditures totaling \$158,018.00 disclosed on the 2022 30-Day Post-General Report, made after the 20th day but more than 24 hours before the day of the General-Runoff election in Georgia held on December 6, 2022 (Attachment 1).

On December 8, 2022, the Committee filed the [2022 30-Day Post-General Report](#) covering the period from November 17, 2022 to November 28, 2022. The report included a [Schedule E \(Itemized Independent Expenditures\)](#) disclosing sixteen (16) independent expenditures totaling \$392,175.23 supporting five (5) Federal candidates.

On March 30, 2023, a [Request for Additional Information \(RFAI\)](#) was sent to the Committee referencing the 2022 30-Day Post-General Report. The RFAI noted that the Committee may have failed to file or timely file one (1) or more of the required 24-Hour Reports of independent expenditures.

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On May 4, 2023, the Committee filed an [Amended 2022 30-Day Post-General Report](#) disclosing twelve (12) independent expenditures totaling \$309,557.23 supporting five (5) Federal candidates.<sup>2</sup> The report included memo text that stated:

“The Committee did not timely disclose the independent expenditures on 24-hour Independent Expenditure Reports due to an inadvertent lapse in its internal compliance procedures. The Committee takes its filing obligations very seriously and has put in place procedures to reduce the chance of future lapses that affect independent expenditure disclosure.”

On January 26, 2024, the Committee filed an [FEC Form 99 \(Miscellaneous Electronic Submission\)](#) in response to the RFAI referencing the 2022 30-Day Post-General Report. The Committee stated:

“To whom it may concern:

Several independent expenditures on Forms 24/48 are filed with disbursement dates matching the date of the disseminations; however, several of these payments are made prior to or after the date of the dissemination. and The committee then, therefore, adjust the dates of payments to the correct date of disbursement on the Form 3X.

This is due to a technical issue with the compliance database software the committee uses to file FEC reports. The software pulls the Form 24 data based on the "date of payment" which requires us to manipulate the data to be filed with the FEC correctly.”

On the same day, the Committee filed a [24-Hour Report](#) to support three (3) independent expenditures totaling \$158,018.00 that were disclosed on the 2022 30-Day Post-General Report, but were not previously disclosed on a 24-Hour Report.

Since May 2, 2023, the Reports Analysis Division (RAD) logged ten (10) communications with a representative of the Committee which reflect efforts to help the Committee voluntarily comply with the Act. RAD was able to successfully connect with the Committee on nine (9) of these occasions and notified Victoria Perrone, Compliance Consultant for the Committee, that the matter would be referred to another office at the Commission for further review. To date, no further communications have been received from the Committee regarding this matter (Attachment 2).

Filings and correspondence related to the Committee can be found here: [Black Voters Matter Action PAC](#).

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<sup>2</sup> On August 30, 2023, the Committee filed an additional Amended 2022 30-Day Post-General Report disclosing changes to the amounts and number of independent expenditures disclosed on Schedule E. None of the changes reflected on the report impact the issues cited in this referral.

**Black Voters Matter Action PAC (C00753277)**  
[2022 30-Day Post-General Report, received 12/8/2022](#)

24-Hour Reports Not Timely Filed

<b>Name of Payee</b>	<b>Date of Dissemination (Schedule E)</b>	<b>Expenditure Amount</b>	<b>Candidate Supported</b>	<b>Georgia General-Runoff Election (12/6/2022)</b>	<b>24-Hour Report Filed</b>
StepWon Marketing	11/24/2022	<b>\$100,000.00</b> <i>24-Hour Report Required</i>	Warnock, Raphael	R2022	1/26/2024
Vince The Voice LLC	11/24/2022	<b>\$1,200.00</b> <i>24-Hour Report Required</i>	Warnock, Raphael	R2022	1/26/2024
Fenton Communications Inc.	11/28/2022	<b>\$56,818.00</b> <i>24-Hour Report Required</i>	Warnock, Raphael	R2022	1/26/2024