



Preliminary Audit Report of the Audit Division on Jill Stein for President

(January 17, 2015 – December 31, 2016)

Why the Audit Was Done

Federal law requires the Commission to audit every political committee established by a candidate who receives public funds for the primary campaign.¹ The audit determines whether the candidate was entitled to all of the matching funds received, whether the campaign used the matching funds in accordance with the law, whether the candidate is entitled to additional matching funds, and whether the campaign otherwise complied with the limitations, prohibitions, and disclosure requirements of the election law.

Future Action

The Commission may initiate an enforcement action, at a later time, with respect to any of the matters discussed in this report.

About the Campaign (p. 2)

Jill Stein for President is the principal campaign committee for Jill Stein, a candidate for the Green Party nomination for the office of President of the United States. The Committee is headquartered in Lexington, Massachusetts. For more information, see the chart on the Campaign Organization, p. 2.

Financial Activity² (p. 3)

• Receipts	
○ Contributions from Individuals	\$ 11,010,439
○ Matching Funds Received	456,035
○ Loans Received	40,000
○ Offsets to Operating Expenditures	716,735
Total Receipts	\$ 12,223,209
• Disbursements	
○ Operating Expenditures	\$ 11,885,379
○ Transfers to Other Authorized Committees	22,300
○ Fundraising Disbursements	15,156
○ Contribution Refunds	2,465
○ Other Disbursements	250
Total Disbursements	\$ 11,925,550

Findings and Recommendations (p. 5)

- Net Outstanding Campaign Obligations - Surplus (Finding 1)
- Matching Funds Received in Excess of Entitlement (Finding 2)
- Misstatement of Financial Activity (Finding 3)
- Reporting of Debts and Obligations (Finding 4)

¹ 26 U.S.C. §9038(a).

² These figures contain primary, general and recount activity. The general and recount activity combined accounted for approximately \$9,590,974, or 78% of total receipts, and approximately \$9,618,886 or 81% of total disbursements. See Committee Structure on p. 1.

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Part I

Background

Authority for Audit

This report is based on an audit of Jill Stein for President (JSFP), undertaken by the Audit Division of the Federal Election Commission (the Commission) as mandated by Section 9038(a) of Title 26 of the United States Code. That section states, “After each matching payment period, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of every candidate and his authorized committees who received [matching] payments under section 9037.” Also, Section 9039(b) of the United States Code and Section 9038.1(a)(2) of the Commission’s Regulations state that the Commission may conduct other examinations and audits from time to time as it deems necessary.

Scope of Audit

Unless noted in the Committee Structure section below, this audit examined JSFP’s primary election activity only. The following areas were covered by this audit:

1. the campaign’s compliance with limitations for contributions and loans;
2. the campaign’s compliance with the limitations for candidate contributions and loans;
3. the campaign’s compliance with the prohibition on accepting prohibited contributions;
4. the disclosure of contributions and loans received;
5. the disclosure of disbursements, debts and obligations;
6. the consistency between reported figures and bank records;
7. the accuracy of the Statement of Net Outstanding Campaign Obligations;
8. the campaign’s compliance with spending limits;
9. the completeness of records; and
10. other campaign operations necessary to the review.

Committee Structure

JSFP was the only campaign committee authorized by Jill Stein (the Candidate) for the 2016 Presidential election and conducted primary, general and recount activity for the Candidate. JSFP opened six bank accounts: one checking and one savings account for each activity. JSFP deposited contributions received before the Candidate’s nomination into the primary checking account, and most contributions received after the nomination into the general checking account. JSFP received matching funds for its primary campaign. This audit covered JSFP’s primary election activity to determine if the expenses were qualified campaign expenses defrayed in the connection with the primary election.³

³ Under Title 26, this audit included an examination of JSFP’s Statement of Net Outstanding Campaign Obligations based solely on JSFP’s primary election activity for the purpose of determining the extent to which the Candidate was entitled to primary matching funds (Finding 1). Due to the committee’s structure, this audit also covered a Title 52 examination of JSFP’s overall consistency between reported figures and bank activity, which included general and recount activity. For clarification, the Audit staff has indicated in Finding 3 – Misstatement of Financial Activity, those transactions that were not related to primary election activity.

Commission Guidance

Request for Early Commission Consideration of a Legal Question

Pursuant to the Commission's "Policy Statement Establishing a Program for Requesting Consideration of Legal Questions by the Commission," JSFP requested early consideration of two legal questions raised during the audit. The first question pertained to whether the Commission's original determination of Dr. Stein's date of ineligibility (DOI) was proper. The second question was whether committees should be permitted to incur winding down expenses and other primary expenses after the DOI if they are clearly incurred to improve compliance with existing laws and regulations or if they are clearly required in the course of seeking the qualification for the ballot in various states.⁴

The Commission concluded, by a vote of 4-0, to reaffirm JSFP's original DOI as August 6, 2016. (See Finding 1, p. 7.)

Inventory of Campaign Records

The Audit staff routinely conducts an inventory of campaign records before it begins audit fieldwork. JSFP's records were materially complete and fieldwork commenced immediately.

⁴ Although JSFP's request purported to identify three separate questions for review, two of the questions raised the same essential issue, which is whether the Commission's original DOI determination was proper. Therefore, those two questions were consolidated into a single question.

Part II

Overview of Campaign

Campaign Organization

Important Dates	
• Date of Registration	July 14, 2015
• Eligibility Period ⁵	April 13, 2016 – August 6, 2016
• Audit Coverage ⁶	January 17, 2015 – December 31, 2016
Headquarters	Lexington, Massachusetts
Bank Information	
• Bank Depositories	One
• Bank Accounts	Six (One checking and one savings account each for primary, general and recount activity)
Treasurer	
• Treasurer When Audit Was Conducted	Steven Welzer
• Treasurer During Period Covered by Audit	Steven Welzer
Management Information	
• Attended Commission Campaign Finance Seminar	No
• Who Handled Accounting and Recordkeeping Tasks	Paid Staff

⁵ On March 28, 2016, the Candidate submitted a signed letter (dated March 18, 2016 and subsequently revised on April 5, 2016), to the Commission seeking to become eligible to receive Presidential primary matching funds and agreeing that she and her authorized committee would comply with the conditions set forth in 11 CFR §9033.1(b). A threshold submission was submitted on March 28, 2016, and the Commission certified the Candidate as eligible to receive matching funds on April 13, 2016. The period during which the Candidate was eligible for matching funds ended on August 6, 2016, the Candidate's DOI.

⁶ The audit covered the period from JSFP's first bank deposit on January 17, 2015. The Audit staff also conducted limited reviews of receipts and expenditures after December 31, 2016, to determine whether the Candidate was eligible to receive additional matching funds.

Overview of Financial Activity (Audited Amounts)⁷

Cash-on-hand @ January 17, 2015	\$ 0
Receipts	
○ Contributions from Individuals ⁸	11,010,439
○ Matching Funds Received ⁹	456,035
○ Loans Received	40,000
○ Offsets to Operating Expenditures	716,735
Total Receipts	\$ 12,223,209
Disbursements	
○ Operating Expenditures	11,885,379
○ Transfers to Other Authorized Committees	22,300
○ Fundraising Disbursements	15,156
○ Contribution Refunds	2,465
○ Other Disbursements	250
Total Disbursements	\$ 11,925,550
Cash-on-hand @ December 31, 2016	\$ 297,659

⁷ These figures contain primary election, general election and recount activity. See Committee Structure on p. 1.

⁸ JSFP received approximately 50,924 contributions from 42,486 individuals totaling \$2,135,681 for primary election activity.

⁹ As of the Candidate's DOI, August 6, 2016, JSFP had received matching funds totaling \$456,036. JSFP received an additional \$134,900 on January 18, 2017, for a total of \$590,936.

Part III

Summaries

Findings and Recommendations

Finding 1. Net Outstanding Campaign Obligations - Surplus

The Audit staff's review of JSFP's financial activity through December 31, 2016, and estimated winding down costs indicated that the Candidate had a surplus of funds as of its date of ineligibility in the amount of \$329,333. Of this surplus amount, JSFP is required to make a pro rata repayment of the \$66,196.

In JSFP's initial Statement of Net Outstanding Campaign Obligations (NOCO) filed during the matching fund period, cash-on-hand was understated and both accounts payable and winding down expenses were overstated. As such, the JSFP's NOCO indicated an apparent deficit position and therefore eligible to receive matching funds.

The Audit staff recommends that JSFP provide evidence that the NOCO was not in a surplus position as indicated by the audited NOCO. Absent such evidence, the Audit staff will recommend that the Commission make a determination that a pro rata repayment of \$66,196 is repayable to the United States Treasury. (For more detail, see p. 7.)

Finding 2. Matching Funds Received in Excess of Entitlement

The Audit staff's NOCO statement, as presented in Finding 1, indicated a surplus position as of August 6, 2016, the Candidate's DOI. Therefore, JSFP was not entitled to the Matching Fund payment of \$134,900 it subsequently received on January 18, 2017. The Audit staff recommends that JSFP provide evidence that it did not receive matching funds in excess of entitlement. Absent such evidence, the Audit staff will recommend that the Commission make a determination that \$134,900 is repayable to the United States Treasury. (For more detail, see p.11.)

Finding 3. Misstatement of Financial Activity

During audit fieldwork, a comparison of JSFP's reported financial activity with its bank records revealed a misstatement of receipts and disbursements for 2015 and 2016 and a misstatement of ending cash in 2016. In 2015, JSFP understated its reported receipts and disbursements by \$31,495 and \$35,042 respectively; and in 2016, JSFP understated its reported receipts, disbursements and ending cash by \$996,384, \$800,310 and \$192,527 respectively. The Audit staff recommends that JSFP amend its disclosure reports to correct the misstatements. (For more detail, see p. 12.)

Finding 4. Disclosure of Debts and Obligations

During audit fieldwork, the Audit staff identified debts totaling \$17,015 not disclosed on Schedule D-P (Debts and Obligations) as required. The Audit staff recommends that JSFP amend its reports to disclose the outstanding debt. (For more detail, see p. 15.)

Summary of Amounts Owed to the United States Treasury

Finding 1	Pro-rata portion of the Surplus Matching Funds	\$ 66,196
Finding 2	Matching Funds received in Excess of Entitlement	\$ 134,900
	Total Due U.S. Treasury	\$ 201,096

Part IV

Findings and Recommendations

Finding 1. Net Outstanding Campaign Obligations - Surplus

Summary

The Audit staff's review of JSFP's financial activity through December 31, 2016, and estimated winding down costs indicated that the Candidate had a surplus of funds as of its date of ineligibility in the amount of \$329,333. Of this surplus amount, JSFP is required to make a pro rata repayment of the \$66,196.

In JSFP's initial Statement of Net Outstanding Campaign Obligations (NOCO) filed during the matching fund period, cash-on-hand was understated and both accounts payable and winding down expenses were overstated. As such, the JSFP's NOCO indicated an apparent deficit position and therefore eligible to receive matching funds.

The Audit staff recommends that JSFP provide evidence that the NOCO was not in a surplus position as indicated by the audited NOCO. Absent such evidence, the Audit staff will recommend that the Commission make a determination that a pro rata repayment of \$66,196 is repayable to the United States Treasury.

Legal Standard

A. Net Outstanding Campaign Obligations (NOCO). Within 15 days after the candidate's date of ineligibility (see definition below), the candidate must submit a statement of "net outstanding campaign obligations." This statement must contain, among other things:

- The total of all committee assets including cash-on-hand, amounts owed to the committee and capital assets listed at their fair market value;
- The total of all outstanding obligations for qualified campaign expenses; and
- An estimate of necessary winding-down costs. 11 CFR §9034.5(a).

B. Date of Ineligibility. The date of ineligibility is whichever of the following dates occurs first:

- The day on which the candidate ceases to be active in more than one state;
- The 30th day following the second consecutive primary in which the candidate receives less than 10 percent of the popular vote;
- The end of the matching payment period, which is generally the day when the party nominates its candidate for the general election; or
- In the case of a candidate whose party does not make its selection at a national convention, the last day of the last national convention held by a major party in the calendar year. 11 CFR §§9032.6 and 9033.5.

C. Qualified Campaign Expense. Each of the following expenses is a qualified campaign expense.

- An expense that is:
 - Incurred by or on behalf of the candidate (or his or her campaign) during the period beginning on the day the individual becomes a candidate and continuing through the last day of the candidate's eligibility under 11 CFR §9033.5;
 - Made in connection with the candidate's campaign for nomination; and
 - Not incurred or paid in violation of any federal law or the law of the state where the expense was incurred or paid. 11 CFR §9032.9.
- An expense incurred for the purpose of determining whether an individual should become a candidate, if that individual subsequently becomes a candidate, regardless of when that expense is paid. 11 CFR §9034.4.
- An expense associated with winding down the campaign and terminating political activity. 11 CFR §9034.4(a)(3).

D. Value of Capital Assets. The fair market value of capital assets is 60% of the total original cost of the assets when acquired, except that assets that are received after the date of ineligibility must be valued at their fair market value on the date received. A candidate may claim a lower fair market value for a capital asset by listing the asset on the NOCO statement separately and demonstrating, through documentation, the lower fair market value. 11 CFR §9034.5(c)(1).

E. Winding Down Costs. A primary election candidate who does not run in the general election may receive and use matching funds after notifying the Commission in writing of the candidate's withdrawal from the campaign for nomination or after the date of the party's nominating convention, if the candidate has not withdrawn before the convention. A primary election candidate who runs in the general election must wait until 31 days after the general election before using any matching funds for winding down costs, regardless of whether the candidate receives matching funds for the general election. 11 CFR §9034.11(d).

F. Documentation of Disbursements. Each candidate shall have the burden of proving that disbursements made by the candidate and/or her authorized committee are qualified campaign expenses. 11 CFR §9033.11.

G. Surplus. The Commission may determine through audits and examinations that the candidate's net outstanding campaign obligations, as defined in 11 CFR 9034.5, reflect a surplus. When a surplus is identified, the candidate shall, within 30 days of the ineligibility date, repay to the U.S. Treasury an amount which represents the amount of matching funds contained in the candidate's surplus. The amount shall be an amount equal to that portion of the surplus which bears the same ratio to the total surplus that the total amount received by the candidate from the matching payment account bears to total deposits made to the candidate's accounts. The Commission will provide the candidate with a written notice of its repayment determination. 11 CFR §§9038.2(b)(1)(ii) and (c)(1) and 9038.3(c)(1).

Facts and Analysis

A. Facts

The Candidate's DOI was August 6, 2016. The Audit staff reviewed JSFP's financial activity through December 31, 2016; analyzed actual and projected winding down costs;¹⁰ and prepared the NOCO that appears below.

Jill Stein for President
Statement of Net Outstanding Campaign Obligations
As of August 6, 2016
As determined at March 31, 2018

Assets

Cash in Bank	\$ 792,935 [a]
Accounts Receivable	13,289
Physical Assets @ 60% depreciation	<u>4,200</u>
Total Assets	\$ 810,424

Liabilities

Accounts Payable for Qualified Campaign Expenses as of 8/6/16	\$ (201,567)
Loan Payable as of 8/6/2016	(40,000)
Actual Winding Down Costs (12/9/16 – 7/31/17)	(138,644)
Actual Winding down Costs (8/1/2017 – 3/31/2018)	0 [b]
Estimated Winding Down Costs (4/1/18 – 7/31/2019)	<u>(100,880) [c]</u>
Total Liabilities	<u>\$ (481,091)</u>

Net Outstanding Campaign Obligations –Surplus	<u>\$ 329,333</u>
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Footnotes to NOCO Statement:

- [a] Amount includes contributions dated prior to DOI and deposited after DOI.
- [b] JSFP did not provide documentation to support actual winding down expenses beginning on August 1, 2017.
- [c] Estimated winding down costs for future reportable periods only. This amount will be compared to actual winding down costs and will be adjusted accordingly.

Surplus Pro-Rata Repayment calculation

The Audit staff's NOCO calculations indicated there were surplus funds of \$329,333 as of DOI. Of this amount, \$66,196 ($\$329,333 \times .2010^{11}$) is the pro-rata portion of the surplus that is repayable to the U.S. Treasury.

The primary differences between JSFP's NOCO and the NOCO prepared by the Audit staff are discussed below:

¹⁰ The actual winding down costs were reviewed through July 31, 2017, the last date JSFP provided banking and disbursement documentation to support its actual winding down expenses.

¹¹ This figure (.2010) represents JSFP's repayment ratio as calculated pursuant to 11 CFR §9038.3(c)(1).

Cash In Bank

The primary difference between the assets section of the NOCO presented above and those prepared by JSFP is the cash-in-bank balance. JSFP understated cash by \$313,079. Most of the understatement of cash represented funds received prior to the Candidate's DOI, but deposited after, with a majority consisting of contributions less than \$200 made by credit card. Further, a majority of these credit card contributions were included in JSFP's receipts database as contributions made to the Primary election and were reported as unitemized contributions. The remaining difference pertained to outstanding disbursement checks that had not cleared the bank as of DOI that were not included in JSFP's cash-in-bank calculation. The understatement of assets caused the NOCO statements to show a larger deficit and matching fund entitlement than was the case.

Accounts Payable for Qualified Campaign Expenses Ballot Access Petitioning Expenses

The primary difference between the accounts payable section of the NOCO presented on the previous page and those prepared by JSFP is with the amount of ballot access petitioning expenses.¹² JSFP included all ballot access petitioning expenses, including those incurred after DOI, thus overstating the amount calculated by the Audit staff by \$255,671.¹³ As noted in the legal standards above, in order to be a qualified campaign expense, only expenses incurred on or before DOI can be considered campaign related expenses for the Primary election. Therefore, the Audit staff considered ballot access petitioning expenses incurred after DOI to be General election expenses. Furthermore, in many instances, the incurrence dates of the ballot access petitioning expenses were not sufficiently documented by JSFP and it did not appear any additional documentation would be made available. Due to the lack of documentation, the Audit staff also considered expenditures of this type to be General election expenses.

Winding Down Expenses

The Audit staff's calculation of actual winding down expenses excluded expenses that were not adequately documented by JSFP. As of the date of this report, JSFP has not provided banking and supporting disbursement documentation for winding down expenses after August 1, 2017. Therefore, the winding down expenses for the months not documented are reflected on the NOCO as \$0.¹⁴ Estimated monthly winding down expenses only include future reporting periods.

JSFP's NOCO also included winding down expenses that were incurred after DOI but before December 9, 2016, totaling \$42,727. Since the Candidate participated in the General election, the Audit staff considered disbursements on or before December 9, 2016¹⁵ to be expenses pertaining to the General election, in accordance with 11 CFR 9034.11(d), and therefore did not include them on the NOCO as winding down expenses for the Primary election.

¹² Ballot access petitioning is required for all states when a minor party candidate seeks to be included on the General election ballot for the state. Each state has unique petitioning requirements and cutoff dates, and some dates were subsequent to the Candidate's DOI.

¹³ The Audit staff's review of all disbursements paid post DOI also resulted in the identification of additional expenses unrelated to ballot access that were not included in JSFP's NOCO accounts payable section.

¹⁴ As of the date of this report, the excluded months are August 2017 through March 2018.

¹⁵ General election date = November 8, 2016 + 31 days = December 9, 2016.

Both winding down expense adjustments discussed above reduce the amount of liabilities on the NOCO and therefore reduce the amount of the matching fund entitlement.

B. Preliminary Audit Report & Audit Division Recommendation

The Audit staff presented a preliminary NOCO statement and related work papers to the JSFP representative at the exit conference. The JSFP representative stated he would need to review the work papers to determine why all credit card contributions had not been included in the cash-on-hand in the NOCO. He also related he disagreed with how the ballot access petitioning costs were allocated on the NOCO and stated he based this on previous audit reports. The representative stated it was his understanding that all ballot access costs were Primary election expenses regardless of the date they were incurred. In response to the exit conference, the JSFP representative provided documentation to support that certain ballot access petitioning costs were incurred prior to DOI. The response did not include any additional information or documentation to support JSFP's position that costs incurred after DOI should also be considered Primary election liabilities.

Subsequent to the exit conference, JSFP requested early consideration of two legal questions raised during the audit. The first question pertained to whether the Commission's original determination of Dr. Stein's DOI was proper. The second question whether committees should be permitted to incur winding down expenses and other primary expenses after the DOI if they are clearly incurred to improve compliance with existing laws and regulations or if they are clearly required in the course of seeking the qualification for the ballot in various states.¹⁶

The Commission concluded, by a vote of 4-0, to reaffirm JSFP's original DOI as August 6, 2016.

The Audit staff recommends that, within 60 calendar days of service of this report, JSFP provide additional documentation to demonstrate that it did not receive surplus matching funds in excess of its entitlement. Absent such a demonstration, the Audit staff will recommend that the Commission make a determination that \$66,196, representing the pro-rata portion of the surplus, is repayable to the United States Treasury.

Finding 2. Matching Funds Received in Excess of Entitlement

Summary

The Audit staff's NOCO statement, as presented in Finding 1, indicated a surplus position as of August 6, 2016, the Candidate's DOI. Therefore, JSFP was not entitled to the Matching Fund payment of \$134,900 it subsequently received on January 18, 2017. The Audit staff recommends that JSFP provide evidence that it did not receive matching funds in excess of entitlement. Absent such evidence, the Audit staff will recommend

¹⁶ Although JSFP's request purported to identify three separate questions for review, two of the questions raised the same essential issue, which is whether the Commission's original DOI determination was proper. Therefore, those two questions were consolidated into a single question.

that the Commission make a determination that \$134,900 is repayable to the United States Treasury.

Legal Standard

A. Entitlement to Matching Payments after Date of Ineligibility. If, on the date of ineligibility a candidate has net outstanding campaign obligations as defined under 11 CFR §9034.5, that candidate may continue to receive matching payments for matchable contributions received and deposited on or before December 31st of the Presidential election year, provided that he or she still has net outstanding campaign debts on the day when the matching payments are made. 11 CFR §9034.1(b).

B. Repayments. The Commission may determine that certain portions of the payments made to a candidate from the matching payment account were in excess of the aggregate amount of payments to which such candidate was entitled. Examples of such excessive payments include, but are not limited to, payments made to the candidate after the candidate's date of ineligibility where it is later determined that the candidate had no net outstanding obligations. 11 CFR §§9034.5 and 9038.2 (b)(1)(i).

Facts and Analysis

A. Facts

On January 18, 2017, JSFP received its only post-DOI matching fund payment of \$134,900. The Audit staff's NOCO calculations indicated, however, that JSFP was in a surplus position as of DOI and was not entitled to receive additional matching funds (see Finding 1, p. 9). Therefore, JSFP is required to make a dollar for dollar repayment of this entire matching fund payment to the U.S. Treasury.

B. Preliminary Audit Report & Audit Division Recommendation

The Audit staff presented this matter to the JSFP representative at the exit conference in conjunction with the presentation of the audit calculated NOCO discussed in Finding 1 above. JSFP's response pertaining to receipt of matching funds in excess of entitlement is also detailed in Finding 1 above.

The Audit staff recommends that, within 60 calendar days of service of this report, JSFP provide additional documentation to demonstrate that it did not receive matching funds in excess of its entitlement. Absent such a demonstration, the Audit staff will recommend that the Commission make a determination that \$134,900 is repayable to the United States Treasury.

Finding 3. Misstatement of Financial Activity

Summary

During audit fieldwork, a comparison of JSFP's reported financial activity with its bank records revealed a misstatement of receipts and disbursements for 2015 and 2016 and a misstatement of ending cash in 2016. In 2015, JSFP understated its reported receipts and disbursements by \$31,495 and \$35,042, respectively; and in 2016, JSFP understated its reported receipts, disbursements and ending cash by \$996,384, \$800,310 and \$192,527,

respectively. The Audit staff recommends that JSFP amend its disclosure reports to correct the misstatements.

Legal Standard

Contents of Reports. Each report must disclose:

- the amount of cash-on-hand at the beginning and end of the reporting period;
- the total amount of receipts for the reporting period and for the calendar year;
- the total amount of disbursements for the reporting period and for the calendar year; and certain transactions that require itemization on Schedule A (Itemized Receipts) or Schedule B (Itemized Disbursements). 52 U.S.C. §30104(b)(1), (2), (3), (4) and (5).

Facts and Analysis

A. Facts

As part of audit fieldwork, the Audit staff reconciled JSFP's reported activity¹⁷ with its bank records for calendar years 2015 and 2016. The reconciliation revealed that JSFP misstated its receipts and disbursements for both years. The following charts outline the discrepancies between JSFP's disclosure reports and its bank records.

2015 Reported Activity to Bank Activity			
	Reported	Bank Records	Discrepancy
Beginning Cash Balance @ January 1, 2015	\$0	\$0	\$0
Receipts	\$244,196	\$275,691	\$31,495 Understated
Disbursements	\$221,985	\$257,027	\$35,042 Understated
Ending Cash Balance @ December 31, 2015	\$22,211	\$18,664	\$3,547 Overstated

The understatement of receipts resulted from the following:

• Contributions from individuals not on reports	+	\$43,877
• Unexplained difference	-	<u>12,382</u>
Net Understatement of Receipts	+	<u>\$31,495</u>

The understatement of disbursements resulted from the following:

• Payments for salaries and wages not reported	+	\$45,364
• Disbursements reported but did not clear the bank	-	14,903
• Credit card fees not reported	+	4,455
• Miscellaneous disbursements not reported	+	<u>126</u>
Net Understatement of Disbursements	+	<u>\$35,042</u>

¹⁷ Due to JSFP's consolidated reporting as one entity for primary, general and recount activity; the incorrect identification of election designations on the reports; the missing election designation information in some of the database records; and the large volume of unitemizable transactions, it was impossible for the Audit staff to exclude the general and recount activity from this reconciliation, especially during the post DOI period, which was August 7, 2016 through December 31, 2016.

The \$3,547 overstatement of the ending cash balance resulted from the misstatements described above.

2016 Reported Activity to Bank Activity ¹⁸			
	Reported	Bank Records	Discrepancy
Beginning Cash Balance @ January 1, 2016	\$22,211	\$18,664	\$3,547
Receipts	\$10,951,133	\$11,947,517	\$996,384 ¹⁹ Understated
Disbursements	\$10,868,212	\$11,668,522	\$800,310 ²⁰ Understated
Ending Cash Balance @ December 31, 2016	\$105,132	\$297,659	\$192,527 Understated

The understatement of receipts resulted from the following:

• Contributions from individuals not reported	+ \$565,893
• Contributions from individuals reported, not supported by bank deposit	- 128,420
• Offsets to operating disbursements not reported	+ 6,328
• In-kind contributions not reported as a receipt	+ 247
• Interest Income underreported	+ 25
• Unexplained difference ²¹	+ <u>552,311</u>
Net Understatement of Receipts	<u>\$996,384</u>

The understatement of disbursements resulted from the following:

• Credit card fees not reported	+ \$451,344
• Disbursements to vendors not reported	+ 365,676
• Disbursements reported but did not clear the bank	- 74,774
• Disbursements directly from Paypal receipts, not reported	+ 35,762
• Payments for salaries and wages, not reported	+ 27,000
• In-kind contributions not reported as disbursement	+ 247
• Miscellaneous disbursements not reported	- <u>4,945</u>
Net Understatement of Disbursements	<u>\$800,310</u>

The \$192,527 understatement of the ending cash balance resulted from the misstatements described above.

B. Preliminary Audit Report & Audit Division Recommendation

The Audit staff presented this matter to the JSFP representative at the exit conference along with schedules detailing the discrepancies. During the exit conference, the JSFP representative stated he had no explanation for the discrepancies but would research and

¹⁸ This activity represents primary election, general election and recount activity. See Committee Structure, p. 1.

¹⁹ General election and recount activity represents \$815,959, or 82% of the understated receipts totals.

²⁰ General election and recount activity represents \$688,355 or 86% of the understated disbursement totals.

²¹ Due to the volume of contributions and an incomplete receipts database from JSFP, the specific individual contributors could not be identified; however, it appeared that the majority of this unexplained difference pertained to deposits in the bank made after the general election.

determine if there was a pattern that would explain the cause. In its response to the exit conference, JSFP made no comment on this finding.

The Audit staff recommends that, within 60 calendar days of service of this report, JSFP amend its disclosure reports to correct the misstatements.

Finding 4. Disclosure of Debts and Obligations

Summary

During audit fieldwork, the Audit staff identified debts totaling \$17,015 not disclosed on Schedule D-P (Debts and Obligations), as required. The Audit staff recommends that JSFP amend its reports to disclose the outstanding debt.

Legal Standard

A. Continuous Reporting Required. An authorized committee must disclose the amount and nature of outstanding debts and obligations until those debts are extinguished. 52 U.S.C. §30104(b)(8) and 11 CFR §§104.3(d) and 104.11(a).

B. Separate Schedules. An authorized committee must file separate schedules for debts owed by and to the committee with a statement explaining the circumstances and conditions under which each debt and obligation was incurred or extinguished. 11 CFR §104.11(a).

C. Itemizing Debts and Obligations.

- Once it has been outstanding 60 days from the date incurred, a debt of \$500 or less must be reported on the next regularly scheduled report.
- A debt exceeding \$500 must be disclosed in the report that covers the date on which the debt was incurred, except reoccurring administrative expenses (such as rent) shall not be reported as a debt before the payment due date. 11 CFR §104.11(b).

D. Disputed Debts. A disputed debt is a bona fide disagreement between the creditor and the committee as to the existence of a debt or the amount owed by the committee. Until the creditor and committee resolve the dispute (assuming the creditor did provide something of value), the committee must disclose:

- The amount the committee admits it owes;
- The amount the creditor claims is owed; and
- Any amounts the committee has paid the creditor. 11 CFR §116.10.

Facts and Analysis

A. Facts

During audit fieldwork, the Audit staff used the available disbursement records to reconcile the accounts of JSFP's largest primary election vendors, including accounts payable expenses for the NOCO. The Audit staff identified debts owed to these vendors totaling \$17,015 that were not disclosed on Schedule D-P as required. For one transaction totaling \$13,114, the majority of the error, pertained to the disputed debt with one advertiser that was initially invoiced to JSFP for services in August 2016 and was

ultimately paid in January 2017. During audit fieldwork, a JSFP representative related the amount of this invoice had been in dispute, but agreed that this debt should have been reported until the final invoice amount was negotiated and paid.

B. Preliminary Audit Report & Audit Division Recommendation

The Audit staff presented this matter to the JSFP representative at the exit conference and provided schedules detailing the unreported debts for each relevant reporting period.

This matter was discussed with the JSFP representative during fieldwork, and at the exit conference. The representative stated he was familiar with the matter and understood the finding. In its response to the exit conference, JSFP made no comment on this finding.

The Audit staff recommends that, within 60 calendar days of service of this report, JSFP provide documentation demonstrating that the \$17,015 in debts did not require reporting as debts on Schedule D-P. Absent such documentation, the Audit staff recommends that JSFP amend its reports to disclose the outstanding debt and continue to disclose until extinguished.