



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 7, 2021

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division
KDR BH

BY: Kristin D. Roser/Ben Holly
Reports Analysis Division
Compliance Branch

SUBJECT: Withdrawal and Resubmission of Reason To Believe Recommendation –
2020 October Quarterly Report (Non-Election Sensitive) for the
Administrative Fine Program

We are withdrawing the document circulated to the Commission on December 11, 2020 in order to reflect updates disclosed in filings received by the Commission after the initial submission of this recommendation. An overview of these updates has been provided below.

Attached is a list of political committees and their treasurers who failed to file the 2020 October Quarterly Report (Non-Election Sensitive) in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2020.

The committees listed on the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalty calculation for a committee that failed to timely file the report is outlined below:

Friends of Bob Olsen 4 Congress (AF 3971) was required to file a 2020 October Quarterly Report (Q3) covering July 16, 2020 through September 30, 2020 (77 days). On November 16, 2020, the committee filed a 2020 October Quarterly Report covering July 1, 2020 through September 30, 2020 (92 days). We utilized a three-step method to arrive at the activity on which to base the Q3 fine amount. First, we took the sum of all itemized receipts and disbursements that were disclosed during the required filing dates. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 83.70% (77 days (Committee's Q3 Filing Period)/92 days (Regular Q3 Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the Q3.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2020 OCTOBER QUARTERLY Not Election Sensitive 10/15/2020 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3955	C00708941	ANDOM FOR CONGRESS	ANDOM A. GHEBREGHIORGIS	ANDOM A. GHEBREGHIORGIS	\$337,824	0		Not Filed	\$67,565 (est)	\$3,994
3956	C00707265	ARMITAGE FOR CONGRESS	CHRISTOPHER ARMITAGE	CHRISTOPHER ARMITAGE	\$269,227	0		Not Filed	\$89,742 (est)	\$5,176
3957	C00656033	BENTIVOLIO FOR CONGRESS	KERRY BENTIVOLIO	RICHARD ANTHONY PIWKO	\$262,178	0		Not Filed	\$43,696 (est)	\$1,252
3958	C00722439	BETH FOR INDIANA	BETH ELAINE HENDERSON	DANIELLE CAREY TOLAN	\$942,577	0		Not Filed	\$235,644 (est)	\$9,613
3959	C00740050	BILL ENGELBRECHT FOR CONGRESS	CHARLES WILLIAM ENGELBRECHT	CHARLES WILLIAM ENGELBRECHT	\$100,272	0		Not Filed	\$50,136 (est)	\$3,994
3960	C00711457	BOBBY FOR IOWA	ROBERT TODD SCHILLING	NANCY SNYDER	\$225,484	0		Not Filed	\$56,371 (est)	\$3,994
3961	C00731141	BRIGID FOR SOUTH JERSEY	BRIGID CALLAHAN HARRISON	LIZ ROGGIO	\$887,362	0		Not Filed	\$221,841 (est)	\$9,613
3962	C00735910	CARMELITA FOR CONGRESS	CARMELITA GRECO	VAL TILLSTROM	\$1,173,234	0	12/1/2020	Not Filed*	\$404,700	\$13,311
3963	C00726273	CHRIS FINK FOR CONGRESS	CHRIS FINK	GUY SANSONE	\$425,686	0		Not Filed	\$106,422 (est)	\$6,656
3964	C00748152	COMMITTEE TO ELECT FRANK MIALS SCURLOCK FOR PRESIDENT	FRANK MIALS SCURLOCK	DWIGHT THOMPSON	\$452,293	0		Not Filed	\$452,293 (est)	\$14,050
3965	C00663104	COMMITTEE TO ELECT HP	HAMID PARVIZIAN	DOUNIA METOURI	\$106,911	6		Not Filed	\$106,911 (est)	\$16,640
3966	C00583567	COMMITTEE TO ELECT ROBERT MARSHALL	ROBERT MARSHALL	ROBERT MARSHALL	\$118,660	0		Not Filed	\$16,951 (est)	\$696
3967	C00693630	COVERT FOR CONGRESS	MICHAEL COVERT	JOSEPH IACO	\$341,531	0		Not Filed	\$68,306 (est)	\$3,994
3968	C00715409	CRISTINA FOR TEXAS	CRISTINA TZINTZUN RAMIREZ	DAVID SANCHEZ	\$2,376,992	0	12/3/2020	Not Filed*	\$1,585	\$347
3969	C00728675	DR JAY FOR CONGRESS, INC.	JAY JALISI	JAMES C. THOMAS	\$180,067	0		Not Filed	\$180,067 (est)	\$8,135
3970	C00606970	EUGENE YU FOR CONGRESS	EUGENE CHIN YU	ERIC YU	\$174,268	1		Not Filed	\$29,045 (est)	\$1,565
3971	C00715748	FRIENDS OF BOB OLSEN 4 CONGRESS	ROBERT OLSEN	LINDA OLSEN	\$130,755	0	11/16/2020	Not Filed*	\$504 (est)	\$347
3972	C00666420	FRIENDS OF CLINT KOBLE	CLINT MATTHEW KOBLE	LYNNE KELLER	\$285,283	0		Not Filed	\$40,755 (est)	\$1,252
3973	C00730648	FRIENDS OF ED COHEN AND AMERICA	EDWARD G. COHEN	NINA TIRONA	\$157,572	0		Not Filed	\$52,524 (est)	\$3,994
3974	C00703587	FRIENDS OF RUSSELL CIRINCIONE	RUSSELL CIRINCIONE	RUSSELL CIRINCIONE	\$109,467	0		Not Filed	\$21,893 (est)	\$696
3975	C00632059	FRIENDS OF VANGIE WILLIAMS	LAVANGELENE A. WILLIAMS	THOMAS MORGAN	\$283,662	0		Not Filed	\$40,523 (est)	\$1,252
3976	C00714584	FUNK FOR CONGRESS	JOEL DAVID FUNK	JOEL DAVID FUNK	\$161,316	0		Not Filed	\$32,263 (est)	\$1,252
3977	C00711804	GEORGIANS FOR TED TERRY	EDWARD TERRY	KENDRA-SUE DERBY	\$238,663	0		Not Filed	\$79,554 (est)	\$5,176

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3978	C00700419	GRAHAM BOYD FOR CONGRESS	SAMUEL GRAHAM BOYD	DEBORAH BOYD ONEAL	\$152,221	0		Not Filed	\$25,370 (est)	\$1,252
3979	C00717215	HOWARD STEELE FOR CONGRESS	HOWARD LYNN STEELE	ANDREA LESTER	\$136,184	0		Not Filed	\$68,092 (est)	\$3,994
3980	C00687756	JAIMIE KULIKOWSKI FOR CONGRESS	JAIMIE KULIKOWSKI	JAIMIE KULIKOWSKI	\$177,938	0		Not Filed	\$29,656 (est)	\$1,252
3981	C00581199	JILL STEIN FOR PRESIDENT	JILL STEIN	STEVEN WELZER	\$452,177	16	10/29/2020	14	\$5,196	\$765
3982	C00732875	JIMMY RODRIGUEZ FOR CONGRESS	JIMMY RODRIGUEZ	JIMMY RODRIGUEZ	\$614,521	0		Not Filed	\$614,521 (est)	\$14,791
3983	C00709758	JINEEA FOR CONGRESS	JINEEA BUTLER	ANITA MEADOR	\$677,933	0		Not Filed	\$169,483 (est)	\$8,135
3984	C00698795	JOHN EAVES FOR CONGRESS	JOHN H. EAVES	JOHN HENRY EAVES	\$248,201	0		Not Filed	\$49,640 (est)	\$1,252
3985	C00677872	JONATHAN JENKINS FOR SENATE COMMITTEE	JONATHAN JENKINS	OFFICE OF TREASURER	\$1,049,103	3		Not Filed	\$1,049,103 (est)	\$31,059
3986	C00723197	KARL GENTLES FOR CONGRESS	KARL E. GENTLES	CARLA GENTLES	\$511,369	0	11/29/2020	Not Filed*	\$42,930	\$1,252
3987	C00708065	KIMBERLY FOR IOWA	KIMBERLY GRAHAM	KIMBERLY GRAHAM	\$587,603	0	10/21/2020	6	\$14,466	\$185
3988	C00706259	KINA FOR CONGRESS	KINA ISIS COLLINS	KINA COLLINS	\$187,428	0		Not Filed	\$37,486 (est)	\$1,252
3989	C00703231	LINDSEY BOYLAN FOR CONGRESS	LINDSEY BOYLAN	LINDSEY BOYLAN	\$2,051,921	0		Not Filed	\$341,987 (est)	\$11,832
3990	C00722918	MASON FOR MINNESOTA	JOHN MASON	NICHOLAS LEONARD MASON	\$123,046	0		Not Filed	\$41,015 (est)	\$1,252
3991	C00695965	MATHYS FOR CONGRESS	CHRIS MATHYS	ELI CALLES	\$632,164	0		Not Filed	\$90,309 (est)	\$5,176
3992	C00714816	PADE FOR CONGRESS	JOSHUA JERRY RANDAZZA-PADE	EMILY WOHLFORD	\$114,168	0		Not Filed	\$22,834 (est)	\$696
3993	C00706598	PONY UP FOR VERMIN SUPREME	VERMIN LOVE SUPREME	CLAYTON HUNT	\$144,320	0		Not Filed	\$36,080 (est)	\$1,252
3994	C00729624	REBA FOR CONGRESS	REBA SHERRILL	BRYON FREDRICK MCCOMB	\$400,167	0		Not Filed	\$400,167 (est)	\$13,311
3995	C00720607	REEDER FOR CONGRESS	STEVEN REEDER	MARY JO SCHETTLER	\$192,992	0		Not Filed	\$38,598 (est)	\$1,252
3996	C00733857	ROBERT DEMING FOR CONGRESS	ROBERT L. DEMING	ROBERT DEMING	\$229,835	0		Not Filed	\$114,918 (est)	\$6,656
3997	C00707596	SARAH GAD 2020	SARAH GAD	BENJAMIN NAWROCKI	\$185,899	0		Not Filed	\$92,950 (est)	\$5,176
3998	C00712992	SCANLAN FOR CONGRESS	AARON SCANLAN	AARON SCANLAN	\$183,971	0		Not Filed	\$36,794 (est)	\$1,252
3999	C00704585	SHANIYAT CHOWDHURY FOR CONGRESS	SHANIYAT CHOWDHURY	SHANIYAT CHOWDHURY	\$265,320	0	11/20/2020	Not Filed*	\$4,848	\$347
4000	C00699249	STEPHANIE RIMMER FOR CONGRESS	STEPHANIE S. RIMMER	JEFFREY STANLIS	\$346,054	0		Not Filed	\$57,676 (est)	\$3,994
4001	C00741991	STEVE SCHIFFMAN FOR CONGRESS 2020	STEVEN SCHIFFMAN	LARRY EARL GARNER	\$150,500	0		Not Filed	\$75,250 (est)	\$5,176
4002	C00721175	SUTTON FOR CONGRESS	TRENT GREGORY SUTTON	JUSTIN LEE FARRELL	\$221,174	0		Not Filed	\$55,294 (est)	\$3,994
4003	C00727685	TERRI HILL FOR CONGRESS	TERRI LYNN HILL	DAVID CHARON	\$194,250	0		Not Filed	\$64,750 (est)	\$3,994
4004	C00701896	THE PEOPLE FOR RUSH DARWISH	RUSH DARWISH	BENTLEY PATTERSON	\$1,706,339	0		Not Filed	\$341,268 (est)	\$11,832

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4005	C00716456	THOMAS GILMER FOR CONGRESS	THOMAS M. GILMER	THOMAS GILMER	\$112,299	0		Not Filed	\$18,717 (est)	\$696
4006	C00709162	TUCKER FOR CONGRESS	ANTOINE TUCKER	SHIVA KALIPERSAD	\$163,220	0		Not Filed	\$32,644 (est)	\$1,252
4007	C00701557	WES LAMBERT FOR CONGRESS	DOUGLAS WESTLEY LAMBERT	DOUGLAS WESTLEY LAMBERT	\$365,130	0		Not Filed	\$73,026 (est)	\$3,994

* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Withdrawal and Resubmission of Reason)	
To Believe Recommendation - 2020)	
October Quarterly Report (Non-Election)	
Sensitive) for the Administrative Fine)	
Program:)	
ANDOM FOR CONGRESS, and	)	AF# 3955
GHEBREGHIORGIS, ANDOM A. as)	
treasurer;)	
ARMITAGE FOR CONGRESS, and	)	AF# 3956
ARMITAGE, CHRISTOPHER as treasurer;)	
BENTIVOLIO FOR CONGRESS, and	)	AF# 3957
PIWKO, RICHARD ANTHONY as)	
treasurer;)	
BETH FOR INDIANA, and TOLAN,	)	AF# 3958
DANIELLE CAREY as treasurer;)	
BILL ENGELBRECHT FOR CONGRESS,	)	AF# 3959
and ENGELBRECHT, CHARLES)	
WILLIAM (BILL) MR as treasurer;)	
BOBBY FOR IOWA, and SNYDER,	)	AF# 3960
NANCY as treasurer;)	
BRIGID FOR SOUTH JERSEY, and	)	AF# 3961
ROGGIO, LIZ as treasurer;)	
CARMELITA FOR CONGRESS, and	)	AF# 3962
TILLSTROM, VAL as treasurer;)	
CHRIS FINK FOR CONGRESS, and	)	AF# 3963
SANSONE, GUY as treasurer;)	
COMMITTEE TO ELECT FRANK	)	AF# 3964
MIALS SCURLOCK FOR PRESIDENT,)	
and THOMPSON, DWIGHT as treasurer;)	
COMMITTEE TO ELECT HP, and	)	AF# 3965
METOURI, DOUNIA as treasurer;)	
COMMITTEE TO ELECT ROBERT	)	AF# 3966
MARSHALL, and ROBERT MARSHALL)	
as treasurer;)	
COVERT FOR CONGRESS, and IACO,	)	AF# 3967
JOSEPH as treasurer;)	
CRISTINA FOR TEXAS, and SANCHEZ,	)	AF# 3968
DAVID as treasurer;)	
DR JAY FOR CONGRESS, INC., and)	AF# 3969
THOMAS, JAMES C as treasurer;)	

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EUGENE YU FOR CONGRESS, and YU, ERIC MR. as treasurer;)	AF# 3970
FRIENDS OF BOB OLSEN 4 CONGRESS, and OLSEN, LINDA as treasurer;)	AF# 3971
FRIENDS OF CLINT KOBLE, and KELLER, LYNNE MS. as treasurer;	)	AF# 3972
FRIENDS OF ED COHEN AND AMERICA, and TIRONA, NINA as treasurer;	)	AF# 3973
FRIENDS OF RUSSELL CIRINCIONE, and CIRINCIONE, RUSSELL as treasurer;	)	AF# 3974
FRIENDS OF VANGIE WILLIAMS, and MORGAN, THOMAS III as treasurer;	)	AF# 3975
FUNK FOR CONGRESS, and FUNK, JOEL DAVID as treasurer;	)	AF# 3976
GEORGIANS FOR TED TERRY, and DERBY, KENDRA-SUE as treasurer;	)	AF# 3977
GRAHAM BOYD FOR CONGRESS, and ONEAL, DEBORAH BOYD MS as treasurer;	)	AF# 3978
HOWARD STEELE FOR CONGRESS, and LESTER, ANDREA as treasurer;	)	AF# 3979
JAIMIE KULIKOWSKI FOR CONGRESS, and KULIKOWSKI, JAIMIE as treasurer;	)	AF# 3980
JILL STEIN FOR PRESIDENT, and WELZER, STEVEN as treasurer;	)	AF# 3981
JIMMY RODRIGUEZ FOR CONGRESS, and RODRIGUEZ, JIMMY as treasurer;	)	AF# 3982
JINEEA FOR CONGRESS, and MEADOR, ANITA as treasurer;	)	AF# 3983
JOHN EAVES FOR CONGRESS, and EAVES, JOHN HENRY as treasurer;	)	AF# 3984
JONATHAN JENKINS FOR SENATE COMMITTEE, and OFFICE OF TREASURER as treasurer;	)	AF# 3985
KARL GENTLES FOR CONGRESS, and GENTLES, CARLA as treasurer;	)	AF# 3986
KIMBERLY FOR IOWA, and GRAHAM, KIMBERLY as treasurer;)	AF# 3987
KINA FOR CONGRESS, and COLLINS, KINA as treasurer;)	AF# 3988

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LINDSEY BOYLAN FOR CONGRESS,)	AF# 3989
and BOYLAN, LINDSEY as treasurer;)	
MASON FOR MINNESOTA, and)	AF# 3990
LEONARD MASON, NICHOLAS as)	
treasurer;)	
MATHYS FOR CONGRESS, and	)	AF# 3991
CALLES, ELI as treasurer;)	
PADE FOR CONGRESS, and	)	AF# 3992
WOHLFORD, EMILY as treasurer;)	
PONY UP FOR VERMIN SUPREME, and	)	AF# 3993
HUNT, CLAYTON as treasurer;)	
REBA FOR CONGRESS, and MCCOMB,	)	AF# 3994
BRYON FREDRICK as treasurer;)	
REEDER FOR CONGRESS, and MARY	)	AF# 3995
JO SCHETTLER as treasurer;)	
ROBERT DEMING FOR CONGRESS, and	)	AF# 3996
DEMING, ROBERT as treasurer;)	
SARAH GAD 2020, and NAWROCKI,	)	AF# 3997
BENJAMIN as treasurer;)	
SCANLAN FOR CONGRESS, and	)	AF# 3998
SCANLAN, AARON as treasurer;)	
SHANIYAT CHOWDHURY FOR	)	AF# 3999
CONGRESS, and CHOWDHURY,)	
SHANIYAT as treasurer;)	
STEPHANIE RIMMER FOR CONGRESS,	)	AF# 4000
and STANLIS, JEFFREY as treasurer;)	
STEVE SCHIFFMAN FOR CONGRESS	)	AF# 4001
2020, and GARNER, LARRY EARL MR.)	
as treasurer;)	
SUTTON FOR CONGRESS, and	)	AF# 4002
FARRELL, JUSTIN LEE as treasurer;)	
TERRI HILL FOR CONGRESS, and	)	AF# 4003
CHARON, DAVID as treasurer;)	
THE PEOPLE FOR RUSH DARWISH, and	)	AF# 4004
PATTERSON, BENTLEY as treasurer;)	
THOMAS GILMER FOR CONGRESS,	)	AF# 4005
and GILMER, THOMAS as treasurer;)	
TUCKER FOR CONGRESS, and	)	AF# 4006
KALIPERSAD, SHIVA as treasurer;)	
WES LAMBERT FOR CONGRESS, and	)	AF# 4007
LAMBERT, DOUGLAS WESLEY III as)	
treasurer;)	

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 08, 2021, the Commission took the following actions on the Withdrawal and Resubmission of Reason To Believe Recommendation - 2020 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated January 07, 2021, on the following committees:

AF#3955 Decided by a vote of 6-0 to: (1) find reason to believe that ANDOM FOR CONGRESS, and GHEBREGHIORGIS, ANDOM A. in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3956 Decided by a vote of 6-0 to: (1) find reason to believe that ARMITAGE FOR CONGRESS, and ARMITAGE, CHRISTOPHER in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3957 Decided by a vote of 6-0 to: (1) find reason to believe that BENTIVOLIO FOR CONGRESS, and PIWKO, RICHARD ANTHONY in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3958 Decided by a vote of 6-0 to: (1) find reason to believe that BETH FOR INDIANA, and TOLAN, DANIELLE CAREY in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3959 Decided by a vote of 6-0 to: (1) find reason to believe that BILL ENGELBRECHT FOR CONGRESS, and ENGELBRECHT, CHARLES WILLIAM (BILL) MR in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3960 Decided by a vote of 6-0 to: (1) find reason to believe that BOBBY FOR IOWA, and SNYDER, NANCY in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3961 Decided by a vote of 6-0 to: (1) find reason to believe that BRIGID FOR SOUTH JERSEY, and ROGGIO, LIZ in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3962 Decided by a vote of 6-0 to: (1) find reason to believe that CARMELITA FOR CONGRESS, and TILLSTROM, VAL in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3963 Decided by a vote of 6-0 to: (1) find reason to believe that CHRIS FINK FOR CONGRESS, and SANSONE, GUY in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3964 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT FRANK MIALS SCURLOCK FOR PRESIDENT, and THOMPSON, DWIGHT in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3965 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT HP, and METOURI, DOUNIA in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty

would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3966 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT ROBERT MARSHALL, and ROBERT MARSHALL in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3967 Decided by a vote of 6-0 to: (1) find reason to believe that COVERT FOR CONGRESS, and IACO, JOSEPH in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3968 Decided by a vote of 6-0 to: (1) find reason to believe that CRISTINA FOR TEXAS, and SANCHEZ, DAVID in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3969 Decided by a vote of 6-0 to: (1) find reason to believe that DR JAY FOR CONGRESS, INC., and THOMAS, JAMES C in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3970 Decided by a vote of 6-0 to: (1) find reason to believe that EUGENE YU FOR CONGRESS, and YU, ERIC MR. in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3971 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF BOB OLSEN 4 CONGRESS, and OLSEN, LINDA in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3972 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF CLINT KOBLE, and KELLER, LYNNE MS. in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3973 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF ED COHEN AND AMERICA, and TIRONA, NINA in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3974 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF RUSSELL CIRINCIONE, and CIRINCIONE, RUSSELL in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3975 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF VANGIE WILLIAMS, and MORGAN, THOMAS III in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3976 Decided by a vote of 6-0 to: (1) find reason to believe that FUNK FOR CONGRESS, and FUNK, JOEL DAVID in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3977 Decided by a vote of 6-0 to: (1) find reason to believe that GEORGIANS FOR TED TERRY, and DERBY, KENDRA-SUE in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3978 Decided by a vote of 6-0 to: (1) find reason to believe that GRAHAM BOYD FOR CONGRESS, and ONEAL, DEBORAH BOYD MS in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the

civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3979 Decided by a vote of 6-0 to: (1) find reason to believe that HOWARD STEELE FOR CONGRESS, and LESTER, ANDREA in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3980 Decided by a vote of 6-0 to: (1) find reason to believe that JAIMIE KULIKOWSKI FOR CONGRESS, and KULIKOWSKI, JAIMIE in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3981 Decided by a vote of 6-0 to: (1) find reason to believe that JILL STEIN FOR PRESIDENT, and WELZER, STEVEN in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3982 Decided by a vote of 6-0 to: (1) find reason to believe that JIMMY RODRIGUEZ FOR CONGRESS, and RODRIGUEZ, JIMMY in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3983 Decided by a vote of 6-0 to: (1) find reason to believe that JINEEA FOR CONGRESS, and MEADOR, ANITA in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3984 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN EAVES FOR CONGRESS, and EAVES, JOHN HENRY in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3985 Decided by a vote of 6-0 to: (1) find reason to believe that JONATHAN JENKINS FOR SENATE COMMITTEE, and OFFICE OF TREASURER in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3986 Decided by a vote of 6-0 to: (1) find reason to believe that KARL GENTLES FOR CONGRESS, and GENTLES, CARLA in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3987 Decided by a vote of 6-0 to: (1) find reason to believe that KIMBERLY FOR IOWA, and GRAHAM, KIMBERLY in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3988 Decided by a vote of 6-0 to: (1) find reason to believe that KINA FOR CONGRESS, and COLLINS, KINA in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3989 Decided by a vote of 6-0 to: (1) find reason to believe that LINDSEY BOYLAN FOR CONGRESS, and BOYLAN, LINDSEY in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3990 Decided by a vote of 6-0 to: (1) find reason to believe that MASON FOR MINNESOTA, and LEONARD MASON, NICHOLAS in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3991 Decided by a vote of 6-0 to: (1) find reason to believe that MATHYS FOR CONGRESS, and CALLES, ELI in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the

amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3992 Decided by a vote of 6-0 to: (1) find reason to believe that PADE FOR CONGRESS, and WOHLFORD, EMILY in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3993 Decided by a vote of 6-0 to: (1) find reason to believe that PONY UP FOR VERMIN SUPREME, and HUNT, CLAYTON in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3994 Decided by a vote of 6-0 to: (1) find reason to believe that REBA FOR CONGRESS, and MCCOMB, BRYON FREDRICK in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3995 Decided by a vote of 6-0 to: (1) find reason to believe that REEDER FOR CONGRESS, and MARY JO SCHETTLER in her official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3996 Decided by a vote of 6-0 to: (1) find reason to believe that ROBERT DEMING FOR CONGRESS, and DEMING, ROBERT in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3997 Decided by a vote of 6-0 to: (1) find reason to believe that SARAH GAD 2020, and NAWROCKI, BENJAMIN in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3998 Decided by a vote of 6-0 to: (1) find reason to believe that SCANLAN FOR CONGRESS, and SCANLAN, AARON in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#3999 Decided by a vote of 6-0 to: (1) find reason to believe that SHANIYAT CHOWDHURY FOR CONGRESS, and CHOWDHURY, SHANIYAT in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4000 Decided by a vote of 6-0 to: (1) find reason to believe that STEPHANIE RIMMER FOR CONGRESS, and STANLIS, JEFFREY in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4001 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE SCHIFFMAN FOR CONGRESS 2020, and GARNER, LARRY EARL MR. in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4002 Decided by a vote of 6-0 to: (1) find reason to believe that SUTTON FOR CONGRESS, and FARRELL, JUSTIN LEE in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4003 Decided by a vote of 6-0 to: (1) find reason to believe that TERRI HILL FOR CONGRESS, and CHARON, DAVID in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4004 Decided by a vote of 6-0 to: (1) find reason to believe that THE PEOPLE FOR RUSH DARWISH, and PATTERSON, BENTLEY in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the

civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4005 Decided by a vote of 6-0 to: (1) find reason to believe that THOMAS GILMER FOR CONGRESS, and GILMER, THOMAS in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4006 Decided by a vote of 6-0 to: (1) find reason to believe that TUCKER FOR CONGRESS, and KALIPERSAD, SHIVA in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.

AF#4007 Decided by a vote of 6-0 to: (1) find reason to believe that WES LAMBERT FOR CONGRESS, and LAMBERT, DOUGLAS WESLEY III in his official capacity as treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and Weintraub voted affirmatively for the decision.



Attest:

**Laura
Sinram**

Laura E. Sinram
 Acting Secretary and Clerk of the
 Commission

Digitally signed by
 Laura Sinram
 Date: 2021.02.03
 18:51:31 -05'00'



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AF

February 19, 2021

Steven Welzer, in official capacity as Treasurer
Jill Stein for President
P.O. Box 550017
North Waltham, MA 02455

C00581199

AF#: 3981

Dear Mr. Welzer,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2020 through September 30, 2020, shall be filed no later than October 15, 2020. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 29, 2020, 14 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On January 8, 2021, the FEC found that there is reason to believe ("RTB") that Jill Stein for President and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 15, 2020. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$765. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$765 is due within forty (40) days of the finding, or by March 22, 2021, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$5,196
Number of Days Late: 14
Number of Previous Civil Money Penalties Assessed: 16

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money

JILL STEIN FOR PRESIDENT

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penalty, you must submit a written response to the FEC's Office of Administrative Review. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or March 22, 2021. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur daily until the agency resumes normal mail operations. Nevertheless, a challenge to an RTB finding and/or calculated civil money penalty must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to administrativefines@fec.gov. The Commission encourages the use of electronic signatures on electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted challenges will be deemed received on the date it is electronically received by staff.

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). For a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

JILL STEIN FOR PRESIDENT

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The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Jill Stein for President and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will

JILL STEIN FOR PRESIDENT

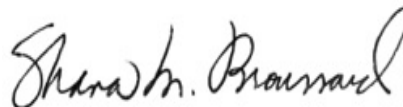
Page 4 of 5

be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Shana M. Broussard
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$765 for the October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Jamie Sikorsky in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

JILL STEIN FOR PRESIDENT

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COMMITTEE NAME: Jill Stein for President

FEC ID#: C00581199

AF#: 3981

PAYMENT DUE DATE: February 17, 2021

PAYMENT AMOUNT DUE: \$765

From: [Harry Kresky](#)
To: [Riannon Magruder](#)
Subject: Re: Jill Stein for President - AFs eligible to be challenged
Date: Wednesday, March 31, 2021 5:29:53 PM

Ms Magruder,

It is the Committee's intention to submit detailed challenges to these findings (AF# 3885 or AF# 3981). The substance of the challenge is as follows:

The dysfunction of the FEC software impaired the filing of all reports following the 2016 recount, when the Committee's filings became much larger and more complex. This led to extraordinary difficulties with FECfile, as outlined in FEC's own studies, the 2017 FEC E-Filing Study report and powerpoint presentation.

For now, the basis for the challenges to AF# 3885 (July 2020 quarterly) and AF# 3981 (Oct 2020 quarterly) is the software dysfunction that obstructed the uploading of reports in general, and timely filing of these reports in particular. Getting the software to upload the July 2020 quarterly, eventually required the filing of amendments to all reports starting with the April 2016 monthly report, sequentially through the July 2020 quarterly, (a total of 40 reports). A mere two weeks later, this process had to be repeated, this time filing 50 amended reports in order to get the Oct. 2020 report to upload.

On this basis, and more details to be presented, the Committee believes the fines should be dismissed or markedly reduced.

Harry Kresky

Law Office of Harry Kresky
Appeals, Civil Rights, Criminal, Election,
Employment, Estate, Family, Housing,
Litigation, Nonprofit, Real Estate, Small Business
2600 Netherland Ave. (Ste. 3104)
Riverdale, NY 10463
tele: 212-581-1516
fax: 212-581-1352
em: kresky.law@gmail.com
website: harrykreskylaw.com

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

C00581199

Jill Stein for President

AF#'s 3885, 3981

DECLARATION OF MATTHEW KOZLOWSKI

I, Matthew Kozlowski, declare as follows:

1. I served as the Director of Finance for Jill Stein for President in both the 2012 and 2016 campaign organizations.
2. As part of these duties, I have been responsible for preparing and submitting FEC reports along with our campaign's Treasurer.
3. In my time working on these tasks, we have utilized FECFile (the software provided by the FEC) in order to manage our filings.
4. Unfortunately, in my experience, while the software can handle some basic functions for small campaigns, it quickly becomes problematic and close to impossible to utilize as campaigns grow in size and complexity.
5. Oftentimes, these challenges have caused significant delays and almost insurmountable obstacles while trying to comply with reporting requirements.
6. Chief among these challenges is the slow pace at which the system functions – with the software becoming so slow it cannot perform even basic functions.
7. For example, our current reporting file is just over 43 MB, a file size you wouldn't typically associate with being too large or complex to perform even complex functions.

8. However, the software takes just over 45-90 minutes to edit the name/address information of a single individual or entity; 30-60 minutes to close/amend/unamend a report; and just over 2 hours to open in the first place.

9. This is even before encountering other technical difficulties, such as report amendments suddenly and randomly desynchronizing from the server copies (commonly referred to as RxSx mismatches), unidentifiable errors on submission that prevent resolution and troubleshooting; and the inability to batch edit/delete entries when making amendments to reports, among a litany of other issues.

10. All of these issues taken together make even basic use of the software a significant obstacle in compliance, and when working on larger-scale amendments, such as those required in the 2012 and 2016 campaign audits, make timely reporting of current activity nearly impossible due to the sheer volume of time required to make substantive changes paired with the inability to upload new reports while amending previous reports due to mismatched starting/closing balances of previous reports.

11. In the 2016 election cycle, the software became virtually unusable after the huge influx of recount donations, starting with the year end 2016 report, and impossible to upload in a timely fashion.

12. Many reports required extraordinary effort to load at all.

13. In the 2016 election cycle these software problems were further compounded by the audit findings and subsequent proceedings, which required significant amendments to be back filed beginning early in the campaign cycle.

14. Then every change had to be carried forward with amendments to all subsequent reports. Each of these changes were impossibly slow on the FEC software.

15. In addition, the filing of a new report often required the campaign to go back and amend all of the previous reports.

16. That's because you can't upload a new report if the closing balance of a previously submitted report doesn't match the opening balance of the new report.

17. If you're working on amendments to previous reports, your balances will change while you work on the reports.

18. If you need to submit a new report while working on these amendments, your choice is to either abandon those amendments to submit the new report or upload partial amendments for all the previous reports in order to submit the new report and then go back to amending after submission.

19. And of course, the maddingly slow FEC software greatly compounded the problem.

20. Thus, the arduous amendment process was difficult to complete and interfered with timely submission of new reports.

21. The April, July and October 2020 quarterly reports provide examples of this arduous process.

22. For example, in order to load the April and July 2020 quarterly reports, I had to first upload 40 amended preceding reports over a three-day period.

23. The work, however, was far greater than the three days of filing 40 reports.

24. Amending each file required tedious work over an extended period of time not reflected in the upload dates/times.

25. This was largely due to inordinate wait times required for the software to process information, with single changes, like a minor edit to one person's

name/address/occupation typically requiring an hour.

26. Altogether 100s of hours of total work were required in advance of the forty uploads in order to file the April and July 2020 quarterly reports.

27. A mere two weeks later, I had to further amend and re-file 50 amended reports over a two-week period from October 11 through October 29, 2020 in order to get the Oct. 2020 report to upload.

28. Over the years, I have had the sincere pleasure of talking to various staff members at the FEC who have sympathized with these challenges and provided feedback and guidance.

29. Unfortunately, while these individuals have always endeavored to be a resource, they were unable to provide an answer to the problems described above, outside of suggesting the use of private software services which are prohibitively expensive in addition to the challenges of switching software mid-campaign.

30. While my personal views certainly align with those of the staff of the FEC, who invariably view the regulation of campaign finance as being vital to the maintenance of a functioning democracy, this is one area where the logistical limitations of the process have presented insurmountable obstacles to timely and accurate compliance.

31. If interested, I would be glad to further discuss these issues and my experiences in the interest of working to improve the software and reporting processes.

Pursuant to 28 U.S.C. Sec. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2021



MATTHEW KOZLOWSKI

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

C00581199

Jill Stein for President

AF#'s 3885, 3981

DECLARATION OF HARRY KRESKY

I, Harry Kresky, declare as follows:

1. I am an attorney licensed to practice in the State of New York and represent the Jill Stein for President Committee 2016 (hereinafter referred to as "JSP").

2. I make this declaration on information and belief based on review of the declaration of Matthew Kozlowski dated April 14, 2021, review of relevant documents and conversations with Jill Stein and others affiliated with her 2016 campaign.

3. While this declaration and Mr. Kozlowski's declaration are technically submitted in response to AF#'s 3885 (\$2,110) and 3981 (\$765), the points made apply to all of the administrative fines.

4. The points I wish to make can be summarized as follows;

- The FEC's own study of its e-filing system corroborates the serious software dysfunction that JSP's filer, Matt Kozlowski, experienced over years of attempting to file FEC reports. The report also indicates that JSP was among the largest filers for whom the FEC software was most problematic. (JSP's reports included up to thousands of transactions, versus the 50 or fewer transactions typical of most filers using FEC's software.)
- As a publicly funded campaign, required to file retrospective amendments as part of the audit process, the complexity of JSP's reporting was also poorly suited to the FEC filing system. (Amending reports from past periods effectively invalidates all subsequent reports, creating an unmanageable cascade of amendments.)
- In short, the FEC's free filing software caused insurmountable obstacles to timely report filing for the JSP campaign given the software dysfunction with

larger numbers of transactions, compounded by the cascading and unworkable amendment process required for the audit.

- While the dysfunction of the FEC software was well known to the FEC, based on its own report completed in 2017 and apparently, a similar study in 2013 (cited in the 2017 report, but which could not be found), this inherent dysfunction of the FEC system was not readily available public information, and not known to the JSP committee. Had we known it was practically impossible for a campaign of our size and complexity to work with the system, we would have used the commercial software as the only feasible option.
- In 11 CFR 111.35, one of the grounds for vacating a finding or penalty is that timely filing was prevented by circumstances beyond the control of the filer, including “a failure of Commission computers or Commission-provided software despite the respondent seeking technical assistance from Commission personnel and resources.” (11 CFR 111.35 (c)(1))
- As a public interest agency, one would expect the FEC might have proactively shared this information with the JSP committee (and all campaigns seeking public funding) and directed us to use the commercial software.
- In light of the circumstances outlined above, the fines currently levied against the JSP committee - for reports which were delayed due to the inherent dysfunction of the FEC software for larger and more complex campaigns – should be dismissed or at least markedly reduced.

5. Following Matt Kozlowski’s service to the campaign, the JSP team attempted to work with FECFile and were unable to even open it. At that point JSP contacted a filing service at great expense. They took over two weeks to trouble shoot the file enough to get it working for the January 2021 filing.

6. While the cost is prohibitive, had JSP known the FEC software would be unworkable for a publicly funded campaign (that invariably requires complex filings and amendments), JSP would have engaged a private software company from the start.

7. JSP only recently discovered the 2017 FEC report (and PowerPoint presentation) describing the FEC software as “faltering” for larger and more complex campaigns.

8. The report and presentation are attached. They describe the kinds of problems encountered by the Jill Stein for President campaign. They state in pertinent part:

- “...the transaction data that the filing community is submitting to the FEC ...is **already straining the processes that worked in the past** (separate processes for large filers, **software faltering when used on the largest campaigns** that the team has had to fire-fight. These problems will only intensify.” (Slide 11 notes, Powerpoint)
- “**Even small errors can compound, causing a cascade of amendments** that take additional time and stress to untangle.” (p.20)
- “**FECCheck returns are difficult to interpret** and do not guide filers and how to handle the issue... **can be like looking for a needle in a haystack.**
- **filers who want to report correctly often “struggle to do so.”** (p.4)
- “FECfile does not make it easy for users to identify which input fields are required, recommended or not required.” “In some cases, **filers are guessing as to whether they have input the right information or selected the right option from a drop-down....**” (p.15)
- “Data users both at the FEC and outside have increasingly gone to automated data processing and review systems that do not function optimally with the loosely structured data provided by the current system.” (p.19)
- “Any error you ignore grows and becomes worse. It’s just something – – you have to be constantly looking at it.” “Sometimes I’ll spend hours just looking at it because as soon as I push that button, if I made a mistake, I’ll have to make an amendment. **It’s not like ‘if you made a mistake and you can fix it.’** (p.20)
- “**Because filers receive errors and warnings far from when they enter the data, they have trouble recalling and navigating back to where they need to make corrections.**” (p.21, 22)
- “Handling error and warning messages is complicated by the fact **that messages that FECCheck returns are difficult to interpret and do not guide filers and how to handle the issue. For example, a user might get a warning that says “leading blanks (e.g. ‘TEXT’) not allowed,** which indicates that there are added spaces or ‘blanks’ that precede texts they entered at some point earlier in their reporting. Since this could be referring to any number of form fields, figuring out first how, and then where to delete the added space can be **like looking for a needle in a haystack.**” (p.22)
- **Several interviewees mentioned error messages as a cause of frustration and confusion:**
 - “**The error messages are so confusing to people.** Treasurer signature date? That’s the date you close the report, it doesn’t say anything about it in the software. The validation message should say “Close your report.” (p.22)
- **Using more acceptable language was one of the 2013 e-filing recommendations.** (p. 22)

- “FECfile has a feature that checks for and helps resolve duplicate contact records when filers import their data, but **we observed users struggling to move through workflow for checking and resolving duplicates.**” (p.23)
- “In both our initial observations of filers using FECfile and in our prototype testing, **users gave clear indications that they were confused as to what merging would do to the contact records in their database.**” (p.24)
- “**Most users we spoke to expressed a desire to import their data but many did not know it was possible....**” (p.30)
- “**For those who do know about the feature, preparing data for import requires substantial pre-processing to get it into FECfile will accept. ...many experienced filers said they choose to enter all disbursements manually, even when it means inputting a relatively high volume of transactions one by one.**” (p.30)
- The need for Plain language – “... rather than **clipped abbreviations that require experts to decipher.** For instance, there are **hundreds of data columns.**”
...“**While some abbreviations are intuitive there are many cases where it is not – – for example, needing to know that the meaning of a particular variable name such as “ind_uni_con” actually means individual unitemized contributions.** This issue was compounded by the fact that the abbreviations are not consistent across database tables and views. Having full words as columns and variable names makes the code easier to read. When the code is easier to read, it’s easier to maintain.” (p.35)
- “**Amendments are currently processed in a way that often result in the resubmission of entire forms. This can make it hard to identify and track which information is being amended....**” (p.46)
- “**.. In the current system, one or two small corrections on a large report can result in thousands or even 1 million new records.** A report might be amended multiple times, multiplying the number of records to be maintained with each submission....” (p.47)
- “This is especially important because filings can be uploaded, no matter how far back in time they are. For example, if a campaign submits an amendment that changes its spending in the third quarter of 1980, the corresponding totals for that candidate and any other aggregates that are based on those figures will have to change.” (p.57)
- “Many data quality issues can be traced back to confusing elements in the filer’s experience when they are preparing information for the FEC.” (p.7)
- “Filing software requires filers to manually integrate data from a variety of physical and digital sources.... This often requires significant overhead tasks both before and after they enter data into FEC file, and makes reporting more onerous.” (p.8)

6. The report also noted that most users filed 50 or fewer transactions per reporting period, a figure that suggests the JSP campaign was engaged in an impossible task in attempting to use the FEC software given the volume of data involved.

7. Mr. Kozlowski's declaration describes these difficulties in detail.

8. It's unfortunate that JSP did not have knowledge of the FEC's software report years earlier so that it could have made a more informed decision to move to private software and avoid fines that now appear to have been inevitable for a relatively large and complex campaign attempting to use FEC software.

9. If the purpose of the matching funds program is to level the playing field and enable minor party and independent candidates to participate in the process, the difficulties with the FEC software defeat that purpose.

Pursuant to 28 U.S.C. Sec. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2021



HARRY KRESKY



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 29, 2021

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW (“OAR”)

AF# 3885 and AF# 3981 – Jill Stein for President and James Lane, in their official capacity as Treasurer¹ (C00581199)

Summary of Recommendations

Make a final determination in AF# 3885 that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$2,110.

Make a final determination in AF# 3981 that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$765.

Reason-to-Believe Background

The 2020 July Quarterly Report was due on July 15, 2020. The respondents filed the report on September 27, 2020, 74 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1). On February 10, 2021, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 July Quarterly Report and made a preliminary determination that the civil money penalty was \$2,110 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was emailed to the respondents’ email address of record from the Reports Analysis Division (“RAD”) on February 19, 2021 to notify them of the Commission’s RTB finding and civil money penalty.

The 2020 October Quarterly Report was due on October 15, 2020. The respondents filed the report on October 29, 2020, 14 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1). On January 8, 2021, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 October Quarterly Report and made a preliminary determination that the civil money penalty was \$765 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was emailed to the respondents’ email address of record from RAD on February 19, 2021 to notify them of the Commission’s RTB finding and civil money penalty.

¹ On 3/17/21, after the Commission found RTB in these matters, the Committee filed an Amended Form 1 (Statement of Organization) to change the Treasurer to James Lane. The respondents in these matters have been updated accordingly. See <https://docquery.fec.gov/pdf/784/202103179440591784/202103179440591784.pdf>.

Legal Requirements

The Federal Election Campaign Act (“Act”) states that the treasurer of a principal campaign committee of a presidential candidate filing quarterly reports in a non-election year shall file a report for the period ending June 30 no later than July 15 and a report for the period ending September 30 no later than October 15. 52 U.S.C. § 30104(a)(3)(B)(ii) and 11 C.F.R. § 104.5(b)(2). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents’ Challenge

On March 31, 2021, the Commission received a written response (“challenge”) from counsel stating the Committee’s filings became large and complex after the 2016 recount, which ultimately led to “extraordinary difficulties with FECFile.” Counsel explains that the Committee’s 2020 July and October Quarterly Reports were not timely filed because the Committee was required to first file amendments to all previous reports. The Committee was required to file 40 amendments prior to uploading the 2020 July Quarterly Report and 50 amendments prior to uploading the 2020 October Quarterly Report.

On April 15, 2021, the Commission received supplemental information, including declarations from Matthew Kozlowski, the Committee’s former Director of Finance, and Harry Kresky, counsel. The supplemental documents also included copies of the FEC E-filing Study² and corresponding presentation.³

Mr. Kozlowski explains the Committee’s difficulties using FECFile, including slow performance and a variety of technical issues. *See* Attachment 1, pp. 2-5. Mr. Kozlowski states, in part:

All of these issues taken together make even basic use of the software a significant obstacle in compliance, and when working on larger-scale amendments, such as those required in the 2012 and 2016 campaign audits, make timely reporting of current activity nearly impossible due to the sheer volume of time required to make substantive changes paired with the inability to upload new reports while amending previous reports due to mismatched starting/closing balances of previous reports...

Altogether 100s of hours of total work were required in advance of the forty uploads in order to file the April and July 2020 quarterly reports.

A mere two weeks later, I had to further amend and re-file 50 amended reports over a two-week period from October 11 through October 29, 2020 in order to get the Oct. 2020 report to upload.

² *See* <https://www.fec.gov/resources/cms-content/documents/2016E-filingstudyreport.pdf>.

³ *See* <https://www.fec.gov/about/reports-about-fec/agency-operations/e-filing-study-2016/>.

Mr. Kozlowski states that while FEC staff has sympathized with his challenges and attempted to provide guidance, “they were unable to provide an answer to the problems described above, outside of suggesting the use of private software services which are prohibitively expensive in addition to the challenges of switching software mid-campaign.” Mr. Kozlowski states “this is one area where the logistical limitations of the process have presented insurmountable obstacles to timely and accurate compliance.” He concludes by offering to further discuss his experiences to improve FECFile and reporting.

Mr. Kresky, as counsel, makes his declaration based on his review of Mr. Kozlowski’s declaration, and relevant documents and conversations with the Candidate and affiliates of the Committee. *See* Attachment 1, pp. 6-10. He states, in part:

The points I wish to make can be summarized as follows;

- The FEC’s own study of its e-filing system corroborates the serious software dysfunction that JSP’s filer, Matt Kozlowski, experienced over years of attempting to file FEC reports. The report also indicates that JSP was among the largest filers for whom the FEC software was most problematic. (JSP’s reports included up to thousands of transactions, versus the 50 or fewer transactions typical of most filers using FEC’s software.)
- As a publicly funded campaign, required to file retrospective amendments as part of the audit process, the complexity of JSP’s reporting was also poorly suited to the FEC filing system. (Amending reports from past periods effectively invalidates all subsequent reports, creating an unmanageable cascade of amendments.)
- In short, the FEC’s free filing software caused insurmountable obstacles to timely report filing for the JSP campaign given the software dysfunction with larger numbers of transactions, compounded by the cascading and unworkable amendment process required for the audit.
- While the dysfunction of the FEC software was well known to the FEC, based on its own report completed in 2017 and apparently, a similar study in 2013 (cited in the 2017 report, but which could not be found), this inherent dysfunction of the FEC system was not readily available public information, and not known to the JSP committee. Had we known it was practically impossible for a campaign of our size and complexity to work with the system, we would have used the commercial software as the only feasible option.
- In 11 CFR 111.35, one of the grounds for vacating a finding or penalty is that timely filing was prevented by circumstances beyond the control of the filer, including “a failure of Commission computers or Commission-provided software despite the respondent seeking technical assistance from Commission personnel and resources.” (11 CFR 111.35 (c)(1))

- As a public interest agency, one would expect the FEC might have proactively shared this information with the JSP committee (and all campaigns seeking public funding) and directed us to use the commercial software.
- In light of the circumstances outlined above, the fines currently levied against the JSP committee – for reports which were delayed due to the inherent dysfunction of the FEC software for larger and more complex campaigns – should be dismissed or at least markedly reduced.

Mr. Kresky also explains that following Mr. Kozlowski's departure from the Committee, staff was unable to access FECFile and has since engaged with a third-party software vendor at great expense. He states that the Committee only recently became aware of the 2017 FEC E-filing Study and presentation, which documents numerous problems experienced by users, including the Committee. *See* Attachment 1, pp. 8-9. Mr. Kresky states that had the Committee known FECFile would not be viable reporting software for the large and complex publicly funded campaign, the Committee would have engaged with a third-party software vendor from the beginning. Mr. Kresky concludes by stating: "If the purpose of the matching funds program is to level the playing field and enable minor party and independent candidates to participate in the process, the difficulties with the FEC software defeat that purpose."

Analysis

In accordance with 11 C.F.R. § 111.35, the FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond the respondents' control. The "best efforts" defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances.

The Commission states in its *Explanation and Justification for Revised 11 CFR § 111.35(b)(3) – "Best Efforts" Defense*, 72 Fed. Reg. 14662, 14664-14666 (Mar. 29, 2007) that respondents must show

"...that the reasonably unforeseen circumstances in fact *prevented* the timely and proper filing of the required report...[T]his rule requires a strict causal relationship between the circumstances described in the challenge...and the respondent's inability to file the report timely. It is not sufficient for reasonably unforeseen circumstances to make it merely more difficult than usual for the respondent to file on time. The circumstance must cause the respondent to be *unable* to file in a timely and proper manner, despite the respondent attempting to use all available methods of filing." (emphasis included)

The respondents state they are challenging the RTB findings based on the failure of Commission-provided software despite seeking technical assistance from Commission personnel

and resources, pursuant to 11 CFR § 111.35(c)(1). Specifically, they contend that FECFile could not adequately support the high volume of transactions and complexity of the Committee's financial activity, which resulted in slow performance and repeated technical errors. Further, the respondents indicate the FEC E-filing Study corroborates the Committee's experience using FECFile.

While the referenced FEC E-filing Study highlights FECFile limitations and outlines recommendations for improvement, Commission records do not support the respondents' general contention that FECFile does not adequately support large and complex committees. The Committee's largest report filed to date, the Amended 2016 Post-General Report filed October 21, 2020, consists of 1,269 pages.⁴ Yet other major presidential candidates in the 2016 and 2020 general elections successfully used FECFile to file reports up to 266,589 pages, 210 times larger than the Committee's largest filing. Therefore, the Reviewing Officer concludes that the Committee's financial activity is not too large or complex to be adequately supported by FECFile. Furthermore, the Committee's prior use of FECFile to file numerous reports from 2015 – 2019 indicates FECFile did not *prevent* the Committee from filing reports.

The respondents also contend that as a result of the FEC's audits of the Candidate's 2012⁵ and 2016⁶ campaigns, the Committee was required to file amendments to numerous previous reports. The Committee found it increasingly burdensome to file new reports because amendments have a cascading effect on subsequent reports. The respondents note the 2020 July and October Quarterly Reports were not timely filed because the Committee first had to file 40 - 50 amendments before filing the new reports.⁷

The Reviewing Officer recognizes the Committee was required to file amendments to previous reports as a result of the 2016 audit. In July 2018, the Commission's Audit Division recommended the Committee file amendments to correct misstatements of financial activity and to correct the disclosure of debts.⁸ The Reviewing Officer acknowledges the Committee may have spent a considerable amount of time to reconcile the Committee's 2016 data and reports. However, the Committee did not begin to file the relevant amendments until September 25, 2020, shortly after conciliation commenced in related MUR 7769⁹ and more than two years after the Audit Division's initial recommendations.

⁴ The Committee's 2017-2020 reports average 25 pages.

⁵ See <https://www.fec.gov/legal-resources/enforcement/audit-reports/publicly-financed-committee-audit-reports/jill-stein-for-president-2012/>. Note, the 2012 audit is connected to the Candidate's previous principal campaign committee (C00505800), which was terminated on 2/25/16.

⁶ See <https://www.fec.gov/legal-resources/enforcement/audit-reports/publicly-financed-committee-audit-reports/jill-stein-for-president-2016/>.

⁷ In the days prior to filing the 2020 April and July Quarterly Reports on 9/27/20, the Committee made adjustments to 2015-2016 reports and filed 40 subsequent amendments. In the weeks prior to filing the 2020 October Quarterly Report on 10/29/20, the Committee made additional adjustments to 2015-2016 reports and filed 48 subsequent amendments.

⁸ See https://www.fec.gov/resources/legal-resources/enforcement/audits/2016/Jill_Stein_for_President/JillStein_PAR_2016.pdf

⁹ See <https://www.fec.gov/data/legal/matter-under-review/7769/>.

Moreover, according to Commission records, including telephone and email logs from RAD and the Commission’s Electronic Filing Office (“EFO”), the Committee never requested assistance with any broad or significant technical issues which were preventing it from either filing the recommended amendments or new reports.¹⁰ From June 2017 through August 2020, RAD attempted to reach the Committee’s previous Treasurer or Mr. Kozlowski over 40 times regarding the Committee’s 20 previously assessed administrative fines. The majority of these attempts were unsuccessful, but during those conversations in which RAD did connect with them, neither the previous Treasurer nor Mr. Kozlowski mentioned they were experiencing any type of persistent technical issues using FECFile or general burden of filing a large amount of amendments.¹¹ According to RAD, analysts regularly provide guidance to committees on how to best report cash on hand adjustments, understanding the cascading effect on subsequent reports. Had the Committee contacted RAD for assistance, RAD would have provided the appropriate reporting guidance and filing assistance to ensure the amendment process did not impact the timely filing of new reports.

In addition, FECFile performs automated functions to assist committees with the amendment process. According to the *Getting Started with FECFile User Manual for Candidate Committees*¹²:

...If the user has filed any reports with coverage dates following the amendment, FECFile will automatically generate amendments for those reports. For instance, if the April Quarterly report is amended in November, FECFile will also generate amendments for the July Quarterly and October Quarterly reports...Note: these reports will automatically be generated, but not automatically uploaded... p. 28

Therefore, after making the necessary changes to the 2016 reports, FECFile automatically created new amendments for all subsequent reports to reflect the corrected cash balances; these amendments were then available for the Committee to upload. While these amendments are automatically created, FECFile does not require committees to upload these amendments before filing the next regularly scheduled new report. The Committee’s ability to file the new 2020 July and October Quarterly Reports was not dependent on the amendments to previous reports. Therefore, the amendment process also did not *prevent* the Committee from timely filing either the 2020 July or October Quarterly Reports.

¹⁰ Mr. Kozlowski contacted EFO on 10/15/20 for assistance with filing the Amended 2016 Pre-General Report. That same day, EFO returned Mr. Kozlowski’s call but did not connect with him until the following day. On 10/16/20, EFO provided the necessary support to file the amendment.

¹¹ Mr. Kozlowski contacted RAD on 11/22/17 to explain FECFile “crashed,” and the Committee was almost complete with the process of rebuilding the 2017 November Monthly Report. The Committee did not request assistance. Mr. Kozlowski also contacted RAD on 9/21/18 regarding an upload error for the 2018 September Monthly Report. The RAD Analyst was able to confirm the report successfully uploaded and no further action was necessary.

¹² https://www.fec.gov/resources/cms-content/documents/FECFile_GettingStartedManual_Candidates.pdf

Conclusion

The Reviewing Officer concludes that the respondents' "best efforts" defense does not succeed. The respondents did not demonstrate that an unforeseen circumstance directly *prevented* the respondents from filing the 2020 July Quarterly Report by July 15, 2020 or the 2020 October Quarterly Report by October 15, 2020. Nor did the respondents demonstrate that they filed the reports no later than 24 hours after the end of a circumstance considered to be unforeseen and beyond the respondents' control.

The respondents challenged the RTB findings based on the failure of Commission-provided software despite seeking technical assistance from Commission personnel and resources, pursuant to 11 CFR § 111.35(c)(1). However, Commission records indicate the Committee did not request any technical or reporting assistance related to the 2020 July and October Quarterly Reports, the two reports subject of this matter. Further, Commission records do not suggest the Committee communicated any broad or significant issues with FECFile prior to filing the reports in question. On the few occasions the Committee reached out for technical support, the issues were isolated to a single report and resolved with FEC assistance immediately. Therefore, the Reviewing Officer concludes the respondents did not seek relevant technical assistance from Commission personnel and resources, as required by 11 CFR § 111.35(c)(1).

The Reviewing Officer also notes that the Committee should have been well-aware of its requirement to timely file reports and the implications for not doing so. As mentioned above, by September 2020, the Committee had been notified of administrative fines for failing to timely file 20 previous reports. To date, the Committee has been assessed \$170,566 in civil money penalties under the Administrative Fine Program.¹³

The Reviewing Officer recommends that the Commission make a final determination in AF# 3885 and AF# 3981 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$2,110 and \$765, respectively.

¹³ The Committee did not challenge the RTB findings in any of the previous matters. *See* LRA 1152 (Jill Stein for President) - Request to Reopen and Reconsider AF #s 3354, 3401, 3407, 3565, 3720, 3743, 3756, 3771 and 3819.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3885 involving Jill Stein for President and James Lane, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3885 that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,110 civil money penalty; and
3. Adopt the Reviewing Officer recommendation for AF# 3981 involving Jill Stein for President and James Lane, in their official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3981 that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$765 civil money penalty; and
5. Send the appropriate letters.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission (“Commission”). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Jill Stein for President:
 - A) Non-Filer Letter, dated July 30, 2020, referencing the 2020 July Quarterly Report (sent via electronic mail to: treasurer@jill2016.com and finance@jill2016.com);
 - B) Reason-to-Believe Letter, dated February 19, 2021, referencing the 2020 July Quarterly Report (sent via electronic mail to: greenravnbowrising@gmail.com and steven.welzer@gmail.com);
 - C) Reason-to-Believe Letter, dated February 19, 2021, referencing the 2020 October Quarterly Report (sent via electronic mail to: greenravnbowrising@gmail.com and steven.welzer@gmail.com).
4. I hereby certify that I have searched the Commission’s public records and find that Jill Stein for President filed the 2020 July Quarterly Report with the Commission on September 27, 2020, and the 2020 October Quarterly Report with the Commission on October 29, 2020.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed on the 8th day of June, 2021.

Kristin D. Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

July 30, 2020

WELZER, STEVEN, TREASURER
JILL STEIN FOR PRESIDENT
PO BOX 260197
MADISON, WI 53726

IDENTIFICATION NUMBER: C00581199

REFERENCE: JULY QUARTERLY REPORT (04/01/2020 - 06/30/2020)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note, on June 18, 2020, the Federal Election Commission began the initial phase (Phase I) of its return to normal operations. At this stage, the agency's offices will remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Reports sent by registered mail, overnight delivery, or certified mail, are considered filed with the FEC as of the date of the postmark. Reports submitted by first-class mail will be considered filed when actually received by Commission staff, subject to delays resulting from the agency's limited mail processing. The Commission will not be able to receive, or process reports filed by courier service during Phase I. The FEC does not have statutory authority to extend filing deadlines, but it may choose not to pursue administrative fines against filers prevented from filing by reasonably unforeseen circumstances beyond their control. See 11 CFR 111.35.

Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file this report may result in civil money penalties, suspension of matching funds payments, an audit or legal enforcement action. The civil money penalty

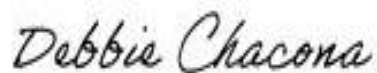
JILL STEIN FOR PRESIDENT

Page 2 of 2

calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery.

If you have any questions regarding this matter, please contact Ben Holly in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1129.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Chacona".

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission (“Commission”). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee of a presidential candidate filing quarterly reports in a non-election year shall file a report for the period ending June 30 no later than July 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time July 15, 2020 for the 2020 July Quarterly Report to be timely filed.
- 3) A principal campaign committee of a presidential candidate filing quarterly reports in a non-election year shall file a report for the period ending September 30 no later than October 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time October 15, 2020 for the 2020 October Quarterly Report to be timely filed.
- 4) I hereby certify that I have searched the Commission’s public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover, Summary, and Detailed Summary Pages of the 2020 July Quarterly Report filed by Jill Stein for President. The report includes the coverage period of April 1, 2020 through June 30, 2020 and was electronically filed on September 27, 2020.
 - b) Cover, Summary, and Detailed Summary Pages of the 2020 October Quarterly Report filed by Jill Stein for President. The report includes the coverage period of July 1, 2020 through September 30, 2020 and was electronically filed on October 29, 2021.
 - c) Amended Statement of Organization electronically filed by Jill Stein for President on March 17, 2021.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 29th day of September, 2021.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

FEC FORM 3P

REPORT OF RECEIPTS AND DISBURSEMENTS

BY AN AUTHORIZED COMMITTEE OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE PRESIDENT

Office Use Only

1. NAME OF COMMITTEE (in full, type or print)

Example: If typing, type over the lines.

12FE4M5

JILL STEIN FOR PRESIDENT

ADDRESS (number and street)

PO Box 260197

Check if different than previously reported. (ACC)

Madison

CITY

WI

STATE

53726

ZIP CODE

2. FEC IDENTIFICATION NUMBER

C C00581199

3. TYPE OF REPORT (Choose One)

Check here if this is a Termination Report (TER)

Quarterly Reports:

Monthly Reports:

- April 15 (Q1)
- October 15 (Q3)
- July 15 (Q2)
- January 31 Year-End Report (YE)
- Feb 20 (M2)
- May 20 (M5)
- Aug 20 (M8)
- Nov 20 (M11)
- Mar 20 (M3)
- Jun 20 (M6)
- Sep 20 (M9)
- Dec 20 (M12)
- Apr 20 (M4)
- Jul 20 (M7)
- Oct 20 (M10)
- Jan 31 (YE)

- 12-Day Pre-Election Report for the Election on / / in the State of
- 30-Day Post-Election Report for the General Election on / /

4. IS THIS REPORT AN AMENDMENT?

 yes no

5. COVERING PERIOD

04 / 01 / 2020 THROUGH 06 / 30 / 2020

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Welzer, Steven, , ,

Signature of Treasurer Welzer, Steven, , , [Electronically Filed] Date 10 / 26 / 2020

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109. All previous versions of this form are obsolete and should no longer be used.

Office Use Only							
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Write or Type Committee Name

JILL STEIN FOR PRESIDENT

Report Covering the Period: From: / / To: / /

SUMMARY

6. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	<input type="text" value="10457.48"/>
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 3)	<input type="text" value="34.95"/>
8. SUBTOTAL (Lines 6 and 7)	<input type="text" value="10492.43"/>
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 4)	<input type="text" value="6844.47"/>
10. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 9 from 8).....	<input type="text" value="3647.96"/>
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P).....	<input type="text" value="0.00"/>
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P).....	<input type="text" value="87740.00"/>
13. EXPENDITURES SUBJECT TO LIMITATION (Use the worksheet on Page 8 to calculate this amount.).....	<input type="text" value="3735953.29"/>

NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES

14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B on Page 4 from 17e, Column B on Page 3).....	<input type="text" value="3341632.89"/>
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B on Page 3 from 23, Column B on Page 4).....	<input type="text" value="3720797.23"/>

DETAILED SUMMARY PAGE

FEC Form 3P (Rev. 05/2016)

of Receipts

PAGE 3 / 18

NAME OF COMMITTEE (in Full)

JILL STEIN FOR PRESIDENT

Report Covering the Period: From:

04 / 01 / 2020

To:

06 / 30 / 2020

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
16. FEDERAL FUNDS (Itemize on Schedule A-P).....	0.00	456035.39
17. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) itemized	0.00	1186204.46
(ii) unitemized	0.00	2157893.43
(iii) Total contributions	0.00	3344097.89
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees	0.00	0.00
(d) The Candidate.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a), 17(b), 17(c) and 17(d))	0.00	3344097.89
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOANS RECEIVED:		
(a) Loans Received From or Guaranteed by Candidate.....	0.00	40000.00
(b) Other Loans.....	0.00	0.00
(c) TOTAL LOANS (Add 19(a) and 19(b)).....	0.00	40000.00
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.):		
(a) Operating	34.95	16652.53
(b) Fundraising.....	0.00	0.00
(c) Legal and Accounting	0.00	0.00
(d) TOTAL OFFSETS TO EXPENDITURES (Add 20(a), 20(b) and 20(c))	34.95	16652.53
21. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d) and 21)	34.95	3856785.81

DETAILED SUMMARY PAGE

FEC Form 3P (Rev. 05/2016)

of Disbursements and Contributed Items

PAGE 4 / 18

NAME OF COMMITTEE (in Full)

JILL STEIN FOR PRESIDENT

Report Covering the Period: From:

04 / 01 / 2020

To:

06 / 30 / 2020

II. DISBURSEMENTS

**COLUMN A
Total This Period**

**COLUMN B
Election Cycle-to-Date**

23. OPERATING EXPENDITURES.....	6844.47	3737449.76
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	22300.00
25. FUNDRAISING DISBURSEMENTS	0.00	15156.06
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS.....	0.00	0.00
27. LOAN REPAYMENTS MADE:		
(a) Repayments of Loans made or Guaranteed by Candidate.....	0.00	0.00
(b) Other Repayments	0.00	0.00
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))	0.00	0.00
28. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	2465.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b) and 28(c))	0.00	2465.00
29. OTHER DISBURSEMENTS	0.00	250.00
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29)	6844.47	3777620.82

**III. CONTRIBUTED ITEMS
(Stock, Art Objects, Etc.)**

31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	0.00	
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FEC FORM 3P

REPORT OF RECEIPTS AND DISBURSEMENTS

BY AN AUTHORIZED COMMITTEE OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OR VICE PRESIDENT

Office Use Only

1. NAME OF COMMITTEE (in full, type or print)

Example: If typing, type over the lines.

12FE4M5

JILL STEIN FOR PRESIDENT

ADDRESS (number and street)

PO Box 260197

Check if different than previously reported. (ACC)

Madison

CITY

WI

STATE

53726

ZIP CODE

2. FEC IDENTIFICATION NUMBER

C

C00581199

3. TYPE OF REPORT (Choose One)

Check here if this is a Termination Report (TER)

Quarterly Reports:

Monthly Reports:

- April 15 (Q1)
- October 15 (Q3)
- July 15 (Q2)
- January 31 Year-End Report (YE)
- Feb 20 (M2)
- May 20 (M5)
- Mar 20 (M3)
- Jun 20 (M6)
- Apr 20 (M4)
- Jul 20 (M7)
- Aug 20 (M8)
- Sep 20 (M9)
- Oct 20 (M10)
- Nov 20 (M11)
- Dec 20 (M12)
- Jan 31 (YE)

- 12-Day Pre-Election Report for the Election on / / in the State of
- 30-Day Post-Election Report for the General Election on / /

4. IS THIS REPORT AN AMENDMENT?

yes no

5. COVERING PERIOD

/ / THROUGH / /

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Welzer, Steven, , ,

Signature of Treasurer Welzer, Steven, , ,

[Electronically Filed]

Date / /

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109. All previous versions of this form are obsolete and should no longer be used.

Office Use Only

Write or Type Committee Name

JILL STEIN FOR PRESIDENT

Report Covering the Period: From: / / To: / /

SUMMARY

6. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	<input type="text" value="3647.96"/>
7. TOTAL RECEIPTS THIS PERIOD (From Line 22, Column A, Page 3)	<input type="text" value="2700.00"/>
8. SUBTOTAL (Lines 6 and 7)	<input type="text" value="6347.96"/>
9. TOTAL DISBURSEMENTS THIS PERIOD (From Line 30, Column A, Page 4)	<input type="text" value="2496.00"/>
10. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 9 from 8).....	<input type="text" value="3851.96"/>
11. DEBTS AND OBLIGATIONS OWED TO THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P).....	<input type="text" value="0.00"/>
12. DEBTS AND OBLIGATIONS OWED BY THE COMMITTEE (Itemize All on Schedule C-P or Schedule D-P).....	<input type="text" value="87740.00"/>
13. EXPENDITURES SUBJECT TO LIMITATION (Use the worksheet on Page 8 to calculate this amount.).....	<input type="text" value="3735953.29"/>

NET ELECTION CYCLE-TO-DATE CONTRIBUTIONS AND EXPENDITURES

14. NET CONTRIBUTIONS (Other than Loans) (Subtract Line 28d, Column B on Page 4 from 17e, Column B on Page 3).....	<input type="text" value="3341632.89"/>
15. NET OPERATING EXPENDITURES (Subtract Line 20a, Column B on Page 3 from 23, Column B on Page 4).....	<input type="text" value="3720797.23"/>

DETAILED SUMMARY PAGE

FEC Form 3P (Rev. 05/2016)

of Receipts

PAGE 3 / 20

NAME OF COMMITTEE (in Full)

JILL STEIN FOR PRESIDENT

Report Covering the Period: From:

07 / 01 / 2020

To:

09 / 30 / 2020

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
16. FEDERAL FUNDS (Itemize on Schedule A-P).....	0.00	456035.39
17. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) itemized	2700.00	1186204.46
(ii) unitemized	0.00	2157893.43
(iii) Total contributions	2700.00	3344097.89
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees	0.00	0.00
(d) The Candidate.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (Add 17(a), 17(b), 17(c) and 17(d))	2700.00	3344097.89
18. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOANS RECEIVED:		
(a) Loans Received From or Guaranteed by Candidate.....	0.00	40000.00
(b) Other Loans.....	0.00	0.00
(c) TOTAL LOANS (Add 19(a) and 19(b)).....	0.00	40000.00
20. OFFSETS TO EXPENDITURES (Refunds, Rebates, etc.):		
(a) Operating	0.00	16652.53
(b) Fundraising.....	0.00	0.00
(c) Legal and Accounting	0.00	0.00
(d) TOTAL OFFSETS TO EXPENDITURES (Add 20(a), 20(b) and 20(c))	0.00	16652.53
21. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
22. TOTAL RECEIPTS (Add 16, 17(e), 18, 19(c), 20(d) and 21)	2700.00	3856785.81

DETAILED SUMMARY PAGE
of Disbursements and Contributed Items

FEC Form 3P (Rev. 05/2016)

PAGE 4 / 20

NAME OF COMMITTEE (in Full)

JILL STEIN FOR PRESIDENT

Report Covering the Period: From:

07 / 01 / 2020

To:

09 / 30 / 2020

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
23. OPERATING EXPENDITURES.....	2496.00	3737449.76
24. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	22300.00
25. FUNDRAISING DISBURSEMENTS	0.00	15156.06
26. EXEMPT LEGAL AND ACCOUNTING DISBURSEMENTS.....	0.00	0.00
27. LOAN REPAYMENTS MADE:		
(a) Repayments of Loans made or Guaranteed by Candidate.....	0.00	0.00
(b) Other Repayments	0.00	0.00
(c) TOTAL LOAN REPAYMENTS MADE (Add 27(a) and 27(b))	0.00	0.00
28. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	2465.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (Add 28(a), 28(b) and 28(c))	0.00	2465.00
29. OTHER DISBURSEMENTS	0.00	250.00
30. TOTAL DISBURSEMENTS (Add 23, 24, 25, 26, 27(c), 28(d) and 29)	2496.00	3777620.82

III. CONTRIBUTED ITEMS
(Stock, Art Objects, Etc.)

31. ITEMS ON HAND TO BE LIQUIDATED (Attach List)	0.00	
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FEC FORM 1

STATEMENT OF ORGANIZATION

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

JILL STEIN FOR PRESIDENT

ADDRESS (number and street)

269 12th Street

(Check if address is changed)

Brooklyn

CITY

NY

STATE

11215

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

(Check if address is changed)

jillstein1.2016@gmail.com

Optional Second E-Mail Address

hotindiamedia@outlook.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

2. DATE

03 / 17 / 2021

3. FEC IDENTIFICATION NUMBER

C C00581199

4. IS THIS STATEMENT

NEW (N)

OR

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Lane, James, , ,

Signature of Treasurer

Lane, James, , ,

[Electronically Filed]

Date

03 / 17 / 2021

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only

For further information contact: Federal Election Commission Toll Free 800-424-9530 Local 202-694-1100

FEC FORM 1 (Revised 06/2012)

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate STEIN, JILL, , ,

Candidate Party Affiliation: GRE House Senate President

Office Sought: House Senate President

State: District:

- (c) This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
 - Corporation Corporation w/o Capital Stock Labor Organization
 - Membership Organization Trade Association Cooperative
 - In addition, this committee is a Lobbyist/Registrant PAC.
- (f) This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
 - In addition, this committee is a Lobbyist/Registrant PAC.
 - In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.	<input type="text"/>	FEC ID number	<input type="text"/>
2.	<input type="text"/>	FEC ID number	<input type="text"/>
3.	<input type="text"/>	FEC ID number	<input type="text"/>
4.	<input type="text"/>	FEC ID number	<input type="text"/>

Write or Type Committee Name

JILL STEIN FOR PRESIDENT

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: Connected Organization Affiliated Committee Joint Fundraising Representative Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Kozlowski, Matthew, , ,

Mailing Address 1750 Fordem Ave

#706

Madison

WI

53704

Title or Position

CITY

STATE

ZIP CODE

Custodian of Records

Telephone number 715 - 571 - 1577

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Lane, James, , ,

Mailing Address 269 12th Street

Brooklyn

NY

11215

Title or Position Treasurer

CITY

STATE

ZIP CODE

Telephone number 917 - 865 - 2591

Full Name of Designated Agent

[Grid line]

Mailing Address

[Grid line]

[Grid line]

[Grid line]

CITY

STATE

ZIP CODE

Title or Position

[Grid line]

Telephone number

[Grid line]

- 9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Summit Credit Union

[Grid line]

Mailing Address

PO Box 8046 [Grid line]

[Grid line]

Madison WI 53708 [Grid line]

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

[Grid line]

Mailing Address

[Grid line]

[Grid line]

[Grid line]

CITY

STATE

ZIP CODE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 30, 2021

Harry Kresky, Esq.
Law Office of Harry Kresky
128 Binninger Road
Shushan, NY 12873

C00581199
AF# 3885 and AF# 3981

Dear Mr. Kresky:

On February 10, 2021, the Commission found reason to believe (“RTB”) that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,110 based on the schedule of penalties at 11 C.F.R. § 111.43. On January 8, 2021, the Commission found RTB that Jill Stein for President and James Lane, in their official capacity as Treasurer violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$765 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in AF# 3885 and AF# 3981 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$2,110 and \$765, respectively. A copy of the Reviewing Officer’s recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Please note, the agency’s offices remain closed to visitors and most of its employees will continue to telework in an effort to limit the spread of coronavirus (COVID-19). The Commission is processing some documents submitted by mail, though processing will not occur on a daily basis until the agency resumes normal mail operations. Nevertheless, if you choose to submit a response to the recommendation, it must be received on time. Thus, all written responses and supporting documentation should be converted to PDF (Portable Document Format) and must be emailed to the Commission Secretary at secretary@fec.gov. The Commission encourages the use of electronic signatures on

electronically submitted documents, but scanned copies of ink signatures will be accepted. Electronically submitted responses will be deemed received on the date it is electronically received by staff. Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1158) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

RECEIVED

By Office of the Commission Secretary at 12:44 pm, Oct 18, 2021

LAW OFFICE OF

HARRY KRESKY

128 BINNINGER ROAD, SHUSHAN, NY 12873
TELEPHONE: 646-761-6969; E-MAIL: KRESKY.LAW@GMAIL.COM
Website: harrykreskylaw.com

October 15, 2021

VIA EMAIL

Secretary
Federal Election Commission
secretary@fec.gov

Re: Jill Stein for President 2016, OAR Recommendation on AF#'s 3885 and 3981 dated September 29, 2021

Dear Sir or Madam:

This office represents Jill Stein for President 2016 (JSP) and submits this response to the above OAR recommendation received by my office by letter dated September 30, 2021. I have been advised by Reviewing Officer Rhiannon Magruder that a timely response can be submitted by email to your office on or before October 15, 2021.

The reviewing officer's recommendation rests on three arguments we believe are incorrect.

The crux of the recommendation is that reports far larger than my client's were successfully filed via FECFile and hence that software failure is not a mitigating reason for the late filings. Specific reference is made to a filing of "266,589 pages by former president Trump, 210 times larger than the Committee's largest filing." However, that filing and others larger than my client's filing were made through the use of a professional service provider, Red Curve Solutions, as can be seen in his committee filings throughout the election. These reports document substantial recurring costs, including a \$40,000 charge for each filing (for compliance software and consulting) beginning in March 2020, rising to \$55,000 June 2020, and running at least through the post-election ("post general") period.

In addition, Red Curve imposed a variable data processing cost ranging from \$65,745 to \$1,479,446 per filing. Further, over \$7,700,000 was transferred to Red Curve as payments for compliance services from the Trump Victory Funds, a joint fundraising committee which raised up to \$580,600 per donor. These services permitted the Trump campaign to avoid dependence on FECFile software in the preparation of their filings.

The provider's baseline fees alone (for compliance software and consulting) would be prohibitive for grassroots candidates running without the support of big donors and political machines. Such candidates rely on FEC's free software to provide an affordable compliance infrastructure for alternative candidates outside the political establishment. The Trump campaign's large payments to the private filer underscore that FECFile does not provide such an affordable compliance option for larger grass roots campaigns. For grassroots candidates like my

LAW OFFICE OF
HARRY KRESKY

Secretary
Federal Election Commission
October 15, 2021
Page 2

client, while the FECFile software may be free, the costs of using it via a private filing service are substantial.

A campaign with filings about the size of my client's was Gary Johnson's 2016 presidential campaign. The FEC reports show FECFile was used to submit his reports to the FEC. However, my client learned from Johnson's campaign manager that the Johnson committee used two private services to process their campaign finance information and file their reports, (McCaughey & Associates, PC; and DB Capitol Strategies). Monthly payments to these vendors for "accounting & reporting" and "legal & compliance services" totaled, for example, \$3750 in the [April, 2016 filing](#), \$8413 in the [May, 2016 filing](#), and \$15,316 in the [September, 2016 filing](#). Altogether, the Gary Johnson campaign provides further evidence that FECFile is usable only with the support of outside private filing services that have significant costs for grassroots campaigns.

We found several other presidential campaigns between 2008 and 2020 that used FECFile (namely Gravel 2020, de la Fuente 2020, Blankenship 2020, Pierce 2020, Stein 2012 and McKinney 2008). All filed significantly less data than the 2016 Stein campaign. Where [Stein 2016's largest filing contained 1269 pages](#), the next largest campaign using FECFile was [Cynthia McKinney's 2008 campaign, whose largest filing was 387 pages](#), or 30% the size of my client's largest filing.

In January 2021 my client contracted with a private vendor, Integrated Solutions Political ("ISP") to facilitate their filings going forward. Submitted herewith is a letter to me from Benjamin Katz, ISP's Chief Architect dated October 11, 2021. Mr. Katz reports that he was provided with my client's ".DCF file." ISP attempted then to utilize FECFile. However, it would not open. Mr. Katz tried again on October 11, 2021 and it would not open. His letter contains a screen shot of FECFile stating "loading data." After an hour, Mr. Katz "gave up and closed the program." Mr. Katz reports as well that:

"The vast majority of FECFile users neither are Presidential candidates nor have the volume of transactions that Stein has. While FECFile has undoubtedly gone through usability testing, it is likely that the usability testers did not properly test this "edge" situation. "

Katz concludes:

"While I do not have specific technical information about FECFile, I have seen similar issues in software that I have worked on. The most likely cause of this issue is a combination of the large size of the Stein dataset and the specific nature of the data."

LAW OFFICE OF
HARRY KRESKY

Secretary
Federal Election Commission
October 15, 2021
Page 3

A second reason behind the reviewing officer's recommendation is her belief that JSP staff never requested assistance with the problems it encountered in using FECFile. This is not the case. Paragraphs 28 and 29 of the previously submitted declaration of Matthew Kozlowski makes clear that Commission staff was contacted regarding the difficulties encountered with FECFile and, further, that:

“they were unable to provide an answer to the problems described above, outside of suggesting the use of private software services which are prohibitively expensive in addition to the challenges of switching software mid-campaign.”

A third reason behind the reviewing officer's recommendation is her belief that JSP staff did not meet the two-part “best efforts” test for dismissing a fine. This requires that “the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances.” JSP staff could not file the report within 24 hours of the problem's resolution because the software problem remains unresolved. The problem began at the end of the 2016 election, when recount donations rapidly increased the filing burden, causing the FECFile dysfunction that began at that time. Currently, neither JSP nor the digital engineer at ISP can even get the file open. Thus, there was no point of resolution that could be followed by a successful filing of the reports within 24 hours.

Finally, we believe it is important to distinguish between fines imposed for reporting problems before election day and fines imposed long after election day when the campaign is in the wind-down phase. Unlike the pre-election violations, the latter types of problems do not have the potential to impact the election and do not interfere with time-critical campaign finance transparency. In our case, these post-election filing delays represent primarily technical problems related to the FEC software problems. It is also important to distinguish between fines for late filings after the election and fines imposed for deliberate hiding of information or acceptance of illegal donations. The JSP fines are clearly of the former type.

For the reasons set forth above, it is apparent that the recommendation does not rebut the contentions in my client's challenge to the imposition of administrative fines. Therefore, we ask that the fines be rescinded.

Respectfully submitted,

Harry Kresky

Harry Kresky



October 11, 2021

Harry Kresky
Law Office of Harry Kresky
28 Binninger Road
Shushan, NY 12873

RECEIVED

By Office of the Commission Secretary at 12:43 pm, Oct 18, 2021

Mr. Kresky,

I am a software developer and architect with over 20 years of experience, mostly focusing on political technology. I was previously the founder and CEO of CompleteCampaigns.com and then the CTO at Aristotle International. I now serve as the Chief Architect at Integrated Solutions: Political.

In January 2021, the Jill Stein for President 2016 committee contracted with Integrated Solutions: Political because they were having significant problems using FECFile to the point that it was unusable. They provided us with their FECFile data file (the .DCf file).

At the time, we were able to reproduce the problems with using FECFile. The Stein .DCf file would not open for us. I have worked with hundreds of previous FECFile .DCf files and have never experienced this issue before. The Stein dataset is an unusual file. The vast majority of FECFile users neither are Presidential candidates nor have the volume of transactions that Stein has. While FECFile has undoubtedly gone through usability testing, it is likely that the usability testers did not properly test this "edge" situation.

I attempted again today and continued to have the same problem. FECFile became unresponsive when attempting to open the file. For more than an hour, FECFile remained unresponsive. At that point, I gave up and closed the program. I have attached a screenshot of this issue.

FEC's website for FECFile (<https://www.fec.gov/help-candidates-and-committees/filing-reports/fecfile-software/>) specifies the following requirements:

- Microsoft Windows 10, 8, or 7 operating system (no other operating system is supported)
- 85MB of available hard disk space
- 1GB of available RAM

I am testing on a machine that significantly exceeds these requirements:

- Microsoft Windows 10 Pro
- 335GB of available hard disk space
- 64GB of available RAM

ISPolitical.com • 800.926.0062

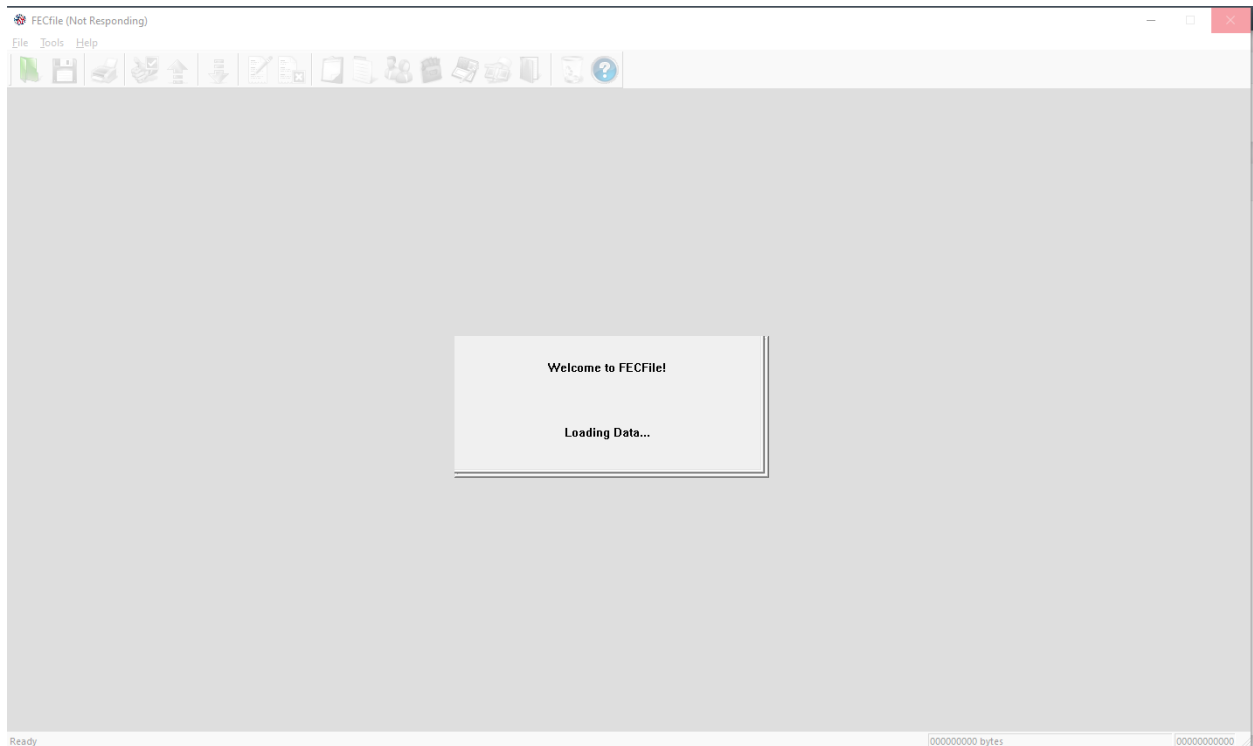
While I do not have specific technical information about FECFile, I have seen similar issues in software that I have worked on. The most likely cause of this issue is a combination of the large size of the Stein dataset and the specific nature of the data. For example, it is highly likely that transactions that have related transactions (such as loan repayments) cause significantly large performance issues.

Please let me know if I can answer any further questions.

Sincerely,



Benjamin A Katz
Chief Architect





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

January 18, 2022

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3885 and AF# 3981 – Jill Stein for President and James Lane, in their official capacity as Treasurer (C00581199)

On February 10, 2021, the Commission found reason to believe (“RTB”) that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 July Quarterly Report and made a preliminary determination that the civil money penalty was \$2,110 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3885). On January 8, 2021, the Commission found RTB that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 October Quarterly Report and made a preliminary determination that the civil money penalty was \$765 based on the schedule of penalties at 11 C.F.R. § 111.43 (AF# 3981).

On March 31, 2021, the Commission received their written response (“challenge”). On April 15, 2021, the Commission received supplemental information from the respondents. After reviewing the challenge and supplemental information, the Reviewing Officer Recommendation (“ROR”) dated September 29, 2021 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference.

The Reviewing Officer concluded that the respondents’ “best efforts” defense did not succeed. The respondents did not demonstrate that an unforeseen circumstance directly *prevented* the respondents from filing the 2020 July Quarterly Report by July 15, 2020 or the 2020 October Quarterly Report by October 15, 2020. Nor did the respondents demonstrate that they filed the reports no later than 24 hours after the end of a circumstance considered to be unforeseen and beyond the respondents’ control.

The respondents challenged the RTB findings based on the failure of Commission-provided software despite seeking technical assistance from Commission personnel and resources, pursuant to 11 CFR § 111.35(c)(1). However, Commission records indicate the Committee did not request any technical or reporting assistance related to the 2020 July and October Quarterly Reports, the two reports subject of this recommendation. Further, Commission records do not suggest the Committee communicated any broad or significant issues with FECFile prior to filing the reports in question. On the few occasions the Committee reached out for technical support, the issues were isolated to a single report and timely resolved with FEC assistance. Therefore, the Reviewing Officer concluded the respondents did not seek relevant technical assistance from Commission personnel and resources, as required by 11 CFR § 111.35(c)(1).

The Reviewing Officer recommended that the Commission make a final determination in AF# 3885 and AF# 3981 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$2,110 and \$765, respectively.

Summary of Respondents' Response to ROR

On October 15, 2021, the Commission received the respondents' response to the ROR. *See* Attachment 1.

In response to the Reviewing Officer's reference to other presidential campaigns successfully using FECFile to file much larger reports, counsel indicates that larger campaigns use third-party professional service providers to prepare their FECFile filings. Counsel explains that these services impose substantial recurring costs, which are prohibitive to grassroots campaigns. Counsel further indicates that those campaigns that successfully used FECFile to independently file reports were significantly smaller than the Committee.

In response to the Reviewing Officer's conclusion that the respondents did not meet the "best efforts" test, counsel notes that the Committee could not file the report within 24 hours of the problem being resolved because the technical issue remains. Counsel also notes that the respondents contracted with a third-party vendor in January 2021 to assist with its future filings. The vendor representative states, despite his experience in political technology, he also was unable to successfully open the Committee's datafile using FECFile. He states, in part:

The most likely cause of this issue is a combination of the large size of the Stein dataset and the specific nature of the data. For example, it is highly likely that transactions that have related transactions (such as loan repayments) cause significantly large performance issues.

In response to the Reviewing Officer's conclusion that the Committee did not contact the Commission regarding its difficulties with FECFile, counsel disagrees but does not provide any additional details. Counsel restates information provided as part of the original challenge, pointing to the declaration from Matthew Kozlowski, the Committee's former Director of Finance.

Finally, counsel states:

...[W]e believe it is important to distinguish between fines imposed for reporting problems before election day and fines imposed long after election day when the campaign is in the wind-down phase. Unlike the pre-election violations, the latter types of problems do not have the potential to impact the election and do not interfere with time-critical campaign finance transparency. In our case, these post-election filing delays represent primarily technical problems related to the FEC software problems. It is also important to distinguish between fines for late filings after the election and fines imposed for deliberate hiding of information or acceptance of illegal donations. The JSP fines are clearly of the former type.

Analysis

The Reviewing Officer considered the response, and the analysis and recommendations are unchanged. *See* ROR. The respondents' "best efforts" defense does not succeed. 11 CFR § 111.35(b)(3). While the respondents may have experienced technical difficulties using FECFile, they did not seek relevant technical assistance from Commission personnel and resources, as required by 11 CFR § 111.35(c)(1). Further, as stated in the ROR, neither the technical difficulties nor amendment process *prevented* the Committee from timely filing the 2020 July and October Quarterly Reports.¹

The Reviewing Officer reiterates that Commission staff could have provided the necessary assistance had the Committee timely communicated its difficulties with the Commission. *See* ROR at p. 6. The Reviewing Officer confirms that Commission records indicate the Committee did not request any technical or reporting assistance related to the 2020 July and October Quarterly Reports, the two reports subject of this recommendation. Moreover, Commission records do not suggest the Committee communicated any broad or significant issues with FECFile prior to filing the reports in question.

In response to the Reviewing Officer's conclusion that the respondents did not meet the "best efforts" test, counsel notes that the Committee could not file the report within 24 hours of the problem being resolved because the technical issue remains. The Reviewing Officer notes that the "best efforts" defense is a two-part test: the respondents used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control, and they filed the report no later than 24 hours after the end of these circumstances. The respondents' circumstances failed to meet the requirements of the initial test; therefore, counsel's arguments related to part two are moot.

The Reviewing Officer also notes that the Committee ultimately filed the 2020 July Quarterly and October Quarterly Reports using FECFile, despite counsel's statement that the technical issues remain unresolved. Moreover, while the Committee began using a third-party software to file its 2021 reports, on September 30, 2021, the Candidate indicated to Reports

¹ See [Explanation and Justification for Revised 11 CFR § 111.35\(b\)\(3\) – "Best Efforts" Defense](#), 72 Fed. Reg. 14662, 14664-14666 (Mar. 29, 2007).

Analysis Division (RAD) staff that the Committee was considering reverting back to using FECFile as its filing software.

In response to counsel's statements regarding the nature of the violations and recommended penalties, the Reviewing Officer confirms the penalties were calculated in accordance with the schedule of penalties at 11 C.F.R. § 111.43(a). Both the 2020 July and October Quarterly Reports are considered not election sensitive because the Candidate did not participate in the 2020 General Election. The 2020 July Quarterly Report was filed 74 days late and is considered not filed. The 2020 October Quarterly Report was filed 14 days late and is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1). Accordingly, the recommended penalties were correctly calculated to be \$2,110 and \$765, respectively.

The Reviewing Officer recommends that the Commission make a final determination in AF# 3885 and AF# 3981 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$2,110 and \$765, respectively.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3885 involving Jill Stein for President and James Lane, in their official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3885 that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,110 civil money penalty;
3. Adopt the Reviewing Officer recommendation for AF# 3981 involving Jill Stein for President and James Lane, in their official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3981 that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$765 civil money penalty; and
5. Send the appropriate letters.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AFs 3885 and 3981
 Final Determination Recommendation:)
 Jill Stein for President and James Lane,)
 in their official capacity as Treasurer)
 (C00581199))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 26, 2022, the Commission decided by a vote of 6-0 to take the following actions in AF# 3885 and AF# 3981:

1. Adopt the Reviewing Officer recommendation for AF# 3885 involving Jill Stein for President and James Lane, in their official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3885 that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,110 civil money penalty.
3. Adopt the Reviewing Officer recommendation for AF# 3981 involving Jill Stein for President and James Lane, in their official capacity as Treasurer, in making the final determination.
4. Make a final determination in AF# 3981 that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$765 civil money penalty.
5. Send the appropriate letters.

Federal Election Commission
AF# 3885 and AF# 3891
January 26, 2022

Commissioners Broussard, Cooksey, Dickerson, Trainor, Walther, and
Weintraub voted affirmatively for the decision.



Attest:

Laura e
Sinram

Digitally signed by Laura e Sinram
Date: 2022.01.27 23:03:57 -05'00'

Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 2, 2022

Harry Kresky, Esq.
Law Office of Harry Kresky
128 Binner Road
Shushan, NY 12873

C00581199
AF# 3981

Dear Mr. Kresky:

On January 8, 2021, the Commission found reason to believe (“RTB”) that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2020 October Quarterly Report. By letter dated February 19, 2021, the Commission sent notification of the RTB finding that included a civil money penalty calculated at \$765 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 31, 2021, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission’s RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$765 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on September 30, 2021.

On October 15, 2021, the Commission received your response. On January 26, 2022, the Commission adopted the Reviewing Officer’s recommendation and made a final determination that Jill Stein for President and James Lane, in their official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$765. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee

or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701, *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments that the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money

order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Allen Dickerson", is written over a horizontal line.

Allen Dickerson
Chairman

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at final determination is \$765 for the 2020 October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details below to complete the required fields. For additional payment options, please contact Rhiannon Magruder on our toll-free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

COMMITTEE NAME: Jill Stein for President

FEC ID#: C00581199

AF#: 3981

PAYMENT AMOUNT DUE: \$765