

**RECEIVED**

By Office of the Commission Secretary at 8:30 am, Sep 26, 2023



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

September 26, 2023

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer  
Staff Director *AP*

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Jamie Sikorsky *KDR JS*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2023 Mid-Year Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2023 Mid-Year Report in accordance with 52 U.S.C. § 30104(a). The Mid-Year Report was due on July 31, 2023.

The committees listed on the attached RTB Circulation Report failed to file the 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.

**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  
2023 MID-YEAR REPORT Not Election Sensitive 07/31/2023 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
4669	C00781104	FOR THE MANY PAC		KINA COLLINS	\$172,872	0		Not Filed	\$172,872 (est)	\$9,420
4670	C00790337	FREEDOM INITIATIVE NOW POLITICAL ACTION COMMITTEE INC		NICHOLAS RICHMOND	\$132,463	0		Not Filed	\$132,463 (est)	\$7,708
4671	C00484535	VOTESANE PAC		JAMES WILLIAMS	\$590,547	2		Not Filed	\$590,547 (est)	\$25,692

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Reason To Believe Recommendation –	)	
2023 Mid-Year Report for the	)	
Administrative Fine Program:	)	
FOR THE MANY PAC, and COLLINS,	)	AF# 4669
KINA as treasurer;	)	
FREEDOM INITIATIVE NOW	)	AF# 4670
POLITICAL ACTION COMMITTEE INC,	)	
and RICHMOND, NICHOLAS as treasurer;	)	
VOTESANE PAC, and WILLIAMS,	)	AF# 4671
JAMES as treasurer;	)	

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on September 27, 2023 the Commission took the following actions on the Reason To Believe Recommendation – 2023 Mid-Year Report for the Administrative Fine Program, as recommended in the Reports Analysis Division's Memorandum dated September 26, 2023, on the following committees:

AF#4669 Decided by a vote of 6-0 to: (1) find reason to believe that FOR THE MANY PAC, and COLLINS, KINA in their 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, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

AF#4670 Decided by a vote of 6-0 to: (1) find reason to believe that FREEDOM INITIATIVE NOW POLITICAL ACTION COMMITTEE INC, and RICHMOND, NICHOLAS in their 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, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
Certification for Administrative Fines  
September 27, 2023

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AF#4671 Decided by a vote of 6-0 to: (1) find reason to believe that VOTESANE PAC, and WILLIAMS, JAMES in their 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, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.



Attest:

**Vicktoria J Allen** Digitally signed by Vicktoria J  
Allen  
Date: 2023.09.27 16:36:44 -04'00'

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Vicktoria J. Allen  
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

AF

September 28, 2023

James Williams, in official capacity as Treasurer  
VOTESANE PAC  
P.O. Box 2713  
Alexandria, VA 22301

C00484535  
AF#: 4671  
FINE: \$25,692

Dear James Williams,

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid-Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period January 1, 2023 through June 30, 2023, shall be filed no later than July 31, 2023. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission (the "Commission" or "FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

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 September 27, 2023, the Commission found that there is reason to believe ("RTB") that VOTESANE PAC 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 July 31, 2023. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$25,692. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.55. Attachment 1. The FEC's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$25,692 is due within forty (40) days of the finding, or by November 6, 2023, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$590,547  
Number of Days Late: Not Filed

VOTESANE PAC

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Number of Previous Civil Money Penalties Assessed: 2

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 decide to challenge the RTB finding and/or calculated civil money penalty, you must email a written response to the FEC's Office of Administrative Review at [administrativefines@fec.gov](mailto:administrativefines@fec.gov). 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 November 6, 2023. 11 C.F.R. § 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 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three factors: (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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 111.35(d).

If you fail to timely raise a factual argument in your challenge to the RTB finding, your right to present such an argument in an appeal to the U.S. District Court under 52 U.S.C. § 30109 shall be deemed waived. 11 C.F.R. § 111.38.

It should also be noted that all challenges to an RTB finding and/or calculated civil money penalty should be converted to PDF (Portable Document Format) and emailed to

VOTESANE PAC

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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 they are electronically received by staff.

In addition, 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 challenging the RTB finding and/or calculated civil money penalty, the FEC will conclude that the factual allegations are true and make a final determination that VOTESANE PAC 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 Commission 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 C.F.R. § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**

If you decide to pay the calculated civil money penalty, please follow the payment instructions below. Upon receipt of your payment, the FEC will send you a final determination letter.

You may remit payment by Automated Clearinghouse ("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 <https://www.fec.gov/af/pay.shtml> to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details at the top of this letter to complete the required fields.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the

VOTESANE PAC

Page 4 of 4

amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes making 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. 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 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 C.F.R. § 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/af.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,



Dara Lindenbaum  
Chair



**RECEIVED**

By Office of the Commission Secretary at 10:02 am, Apr 08, 2024



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

**SENSITIVE**

April 8, 2024

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer  
Staff Director *AP*

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

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

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

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the 2023 Mid-Year Report

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2023 Mid-Year Report. The list represents committees that have not paid the civil money penalty. The committees have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

For your information, two (2) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of these cases has been provided below.

Freedom Initiative Now Political Action Committee Inc (AF 4670) filed an FEC Form 99 (Miscellaneous Text Submission), which covered the 2023 Mid-Year reporting period, after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$6,429 (previously estimated to be \$132,463), thus the fine would be lowered from \$7,708 to \$483.

Votesane PAC (AF 4671) filed the 2023 Mid-Year Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$32,754 (previously estimated to be \$590,547), thus the fine would be lowered from \$25,692 to \$2,175.

**RAD Recommendation**

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached reports violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

Federal Election Commission  
 FD Circulation Report Fine Not Paid  
 2023 MID-YEAR REPORT Not Election Sensitive 07/31/2023 UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
4669	FOR THE MANY PAC		C00781104	KINA COLLINS		Not Filed	\$172,872 (est)	0	09/27/2023	\$9,420	194	\$9,420
4670	FREEDOM INITIATIVE NOW POLITICAL ACTION COMMITTEE INC		C00790337	NICHOLAS RICHMOND		*Not Filed	\$6,429	0	09/27/2023	\$7,708	194	\$483
4671	VOTESANE PAC		C00484535	JAMES WILLIAMS	10/06/2023	**Not Filed	\$32,754	2	09/27/2023	\$25,692	194	\$2,175

\* The committee filed an FEC Form 99 (Miscellaneous Text Submission), which covered the 2023 Mid-Year reporting period.

\*\* 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	)	
	)	
Administrative Fine Program – Final	)	
Determination Recommendation for the	)	
2023 Mid-Year Report:	)	
FOR THE MANY PAC, and COLLINS,	)	AF# 4669
KINA as treasurer;	)	
FREEDOM INITIATIVE NOW	)	AF# 4670
POLITICAL ACTION COMMITTEE INC,	)	
and RICHMOND, NICHOLAS as treasurer;	)	
VOTESANE PAC, and WILLIAMS,	)	AF# 4671
JAMES as treasurer;	)	

CERTIFICATION

I, Vicktoria J. Allen, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 09, 2024 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2023 Mid-Year Report, as recommended in the Reports Analysis Division's Memorandum dated April 08, 2024, on the following committees:

AF#4669 Decided by a vote of 6-0 to: (1) make a final determination that FOR THE MANY PAC, and COLLINS, KINA in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letters. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

AF#4670 Decided by a vote of 6-0 to: (1) make a final determination that FREEDOM INITIATIVE NOW POLITICAL ACTION COMMITTEE INC, and RICHMOND, NICHOLAS in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letters. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
Certification for Administrative Fine  
April 9, 2024

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AF#4671 Decided by a vote of 6-0 to: (1) make a final determination that VOTESANE PAC, and WILLIAMS, JAMES in their official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letters. Commissioners Broussard, Cooksey, Dickerson, Lindenbaum, Trainor, and Weintraub voted affirmatively for the decision.

Attest:



**Vicktoria J Allen** Digitally signed by Vicktoria J Allen  
Date: 2024.04.09 16:39:26 -04'00'

Vicktoria J. Allen  
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

AF

April 10, 2024

James Williams, in official capacity as Treasurer  
Votesane PAC  
PO Box 2713  
Alexandria, VA 22301

C00484535

AF#: 4671  
FINE: \$2,175

Dear James Williams,

On September 27, 2023, the Federal Election Commission (the "Commission" or "FEC") found reason to believe ("RTB") that Votesane PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2023 Mid-Year Report. By letter dated September 28, 2023, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$25,692, in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the Commission's RTB finding, you, in your official capacity as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity of the Mid-Year Report. The Commission made a final determination on April 9, 2024 that Votesane PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$2,175, in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$32,754

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 2

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

VOTESANE PAC

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

If you choose to appeal the final determination, you must submit a written petition, within thirty (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). If you did not timely raise a factual argument in a challenge to the Commission's RTB finding, your right to present such an argument in an appeal to the U.S. District Court under 52 U.S.C. § 30109 shall be deemed waived. 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 thirty (30) days and do not appeal the Commission's final determination to the U.S. District Court (see above), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Treasury will contact you to request payment within five (5) days of receiving the debt. Treasury currently charges a fee of 30 percent 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 percent 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. 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, which 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 Chose to Pay the Civil Money Penalty**

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

VOTESANE PAC

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You may remit payment by Automated Clearinghouse ("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 <http://www.fec.gov/af/pay.shtml> to be directed to Pay.gov's Administrative Fine Program Payment form. Please use the details above to complete the required fields.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **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.

### **Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission will be rejected. This includes 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. 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 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Ben Holly on the toll-free number, (800) 424-9530 (at the prompt, press 5 to reach the Reports Analysis Division) or (202) 694-1130.

On behalf of the Commission,



Sean J. Cooksey  
Chairman



VOTESANE PAC

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