

Top 6 Reasons to Oppose Increasing Number of C4 Reporting Periods
Public Written Comment by Conner Edwards
9.20.2022

1) C3s (contribution reports) are already filed on a weekly basis.

Voters have a far greater interest in contribution information (reported on form C3), as opposed to information about expenditures (reported on form C4). Increasing the number of C4s due the month before the election would dramatically increase the amount of work that treasurers must perform without much if any benefit to the public.

2) Increasing the number of C4s would distract treasurers from core responsibilities.

Treasurers already have a significant number of responsibilities the month before the election, as this represents our busiest time of the year. These responsibilities include: paying invoices, making deposits, collecting foreign contribution certifications, answering questions from candidates, providing cash on hand updates, filing C3 reports, and filing LMC reports. The requirement to file an additional C4 would distract us from these core responsibilities with little if any corresponding benefit to the public.

3) Proposal to add a 27-day pre-election report wouldn't actually provide additional information to voters during 18-day voting period.

As it stands currently, ballots are mailed out 18 days before the election. **The proposed additional C4 report falls well outside the 18-day voting window and wouldn't do anything to provide additional information to people while they are voting.** We already file a C4 report at the 21-day pre-election mark, so by the time most people get their ballots, they will be able to access information that is current within 7 days.

Asking treasurers to file an additional C4 when voters don't even have their ballots in hand is like asking us to mow the lawn when the grass is not yet high enough to be cut by the blades: all burden and no benefit.

4) Other options for voters to get "up-to-date" pre-election expenditure information exist.

In the rare event a voter actually wants more information about pre-election expenditures, they can either: a) wait to vote until after campaigns file their final seven-day pre-election C4, or b) request to inspect the campaign's books. These two pre-existing options should accommodate those rare voters that are interested in expenditure information.

5) Agency doesn't actively or meaningfully enforce current C4 reporting deadlines.

In contrast to neighboring state campaign finance authorities¹, the PDC does not actively or meaningfully enforce current C4 reporting deadlines. Instead, the agency utilizes a passive "complaint-based system" that relies on members of the public to understand what filing deadlines are, find a violation, and file a complaint. These complaints are often dismissed by agency staff with no monetary penalties issued.

¹ Responses from both the PDC and neighboring state campaign finance authorities on this topic were submitted as public comment at last month's meeting and are re-attached to this document.

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Creating a new deadline without an existing system to actively and meaningfully punish those who violate existing deadlines is “putting the cart before the horse”. The agency needs to enforce existing C4 deadlines before lobbying the Legislature to create new ones.

6) No example provided of how this proposal would accomplish any benefit for the public.

Neither agency staff nor anyone else have provided any clear example of how this proposal, if it had been instituted for previous election cycles, would have averted any negative election-related outcomes. The purported benefit to the public of requiring an additional C4 report is too vague and abstract to justify asking the Legislature to adopt the proposal.

BUT, in the event the Commission decides to adopt the proposal anyway, please consider doing one or both of the following:

a) Putting the proposal in a standalone bill, separate from the rest of the agency request legislation.

This way, the proposal to add a C4 reporting period can live or die on its own merits and not create controversy that may impede the rest of the agency request legislation (which is great, and which will likely have broad consensus support) from passing.

b) Instead of a 26-day C4 report, making it a 34-day C4 report.

As noted in your materials, creating a 34-day C4 report instead of a 26-day C4 report would maintain the existing 2-week intervals between the 21/7 day C4 reports. As noted by another treasurer (Jason Bennett) back in June, vendor invoicing often does not occur immediately, and a two-week window would make compliance with the reporting requirements more realistic.

PDC enforcement of late C4s

Flynn, Sean (PDC) <sean.flynn@pdc.wa.gov>
To: Conner Edwards <cg.edwards53@gmail.com>

Mon, Aug 1, 2022 at 11:00 AM

Hi Conner.

Thanks for your question. I'm not sure what you're getting at, but I can try to answer the questions and assumptions you propose here. I think I need to clarify our process. Yes, we "actively investigate" C-4 reporting requirements. Investigations do not "initiate enforcement," but are part of the enforcement process.

We also "actively enforce" C-4 requirements on a quite frequent basis. You can check our website to review all the cases resolving issues regarding C-4 requirements. Of course, those cases usually are not contested and often resolved by agreement or warning once the respondent has filed the appropriate report(s).

I am guessing what you may be asking about is whether the PDC initiates complaints alleging failure to timely file a C-4 report in the same way that we initiate group enforcement actions for C-1/F-1 filers. We do not have such a process for C-4 reporting requirements. The PDC always has been a complaint-driven agency. Agency resources can dictate how enforcement activity is conducted and current group enforcement takes considerable amount of time. Outside of enforcement actions and investigation, the Commission has prioritized developing an audit program to assist with promoting compliance among PACs, including timely filing reports, which they are considering for expansion.

I hope that helps.

Sean Flynn

General Counsel
Public Disclosure Commission
www.pdc.wa.gov
Office (360) 664-2736
Cell (360) 789-0225

Shining light on Washington politics since 1972

From: Conner Edwards <cg.edwards53@gmail.com>
Sent: Friday, July 29, 2022 5:50 PM
To: Bradford, Kim (PDC) <kim.bradford@pdc.wa.gov>; Young, Kurt (PDC) <kurt.young@pdc.wa.gov>; PDC <PDC@pdc.wa.gov>; Lavallee, Peter (PDC) <peter.lavallee@pdc.wa.gov>; Flynn, Sean (PDC) <sean.flynn@pdc.wa.gov>; Hodgson, Kendra (PDC) <kendra.hodgson@pdc.wa.gov>
Subject: PDC enforcement of late C4s

External Email

Hello:

I had a question that I was hoping someone at the PDC could answer.

Does the PDC actively investigate candidates and committees to determine whether or not they have timely filed the C4 reports that they are required by law to file, initiating enforcement actions when the candidates/committees have failed to do so?

I'm almost certain that the PDC doesn't actively enforce the "timely" requirement for C4s (like it does with late/missing C1s/F1s), but I just wanted to reach out to confirm this.

If at all possible, I'd appreciate it if someone could answer me by 5:00 PM on Tuesday, August 2nd, 2022.

Thank you and have a great weekend.

Best,

Conner Edwards

RE: Question on late-filed FEC reports

no-reply@fec.gov <no-reply@fec.gov>
Reply-To: "no-reply@fec.gov" <no-reply@fec.gov>
To: cg.edwards53@gmail.com

Tue, Aug 9, 2022 at 8:30 AM

Thank you for contacting the Federal Election Commission.

The FEC's Administrative Fine Program assesses civil money penalties for late and non-filed reports. Fines are established by a pre-existing formula.

Most reports that committees file are covered under the Administrative Fine Program. This includes semi-annual, quarterly, monthly, pre-election, 30-day post-general and special election reports, as well as 48-Hour Notices.

If the Commission finds "reason to believe" (RTB) a committee failed to file on time, the FEC will notify that committee in writing of the finding and the penalty amount. These letters are sent to the committee and its treasurer at the address listed on the committee's most recent Statement of Organization (Form 1).

Committees have 40 days to either pay the fine or submit a written challenge. The Commission will then make the appropriate final determination.

More information on the FEC's Administrative Fine Program can be found at <https://www.fec.gov/legal-resources/enforcement/administrative-fines/>

Should you have further questions, please do not hesitate to contact staff in the Information Division at 202-694-1100 or 1-800-424-9530 (prompt 6).

FEC Information Division

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===== ORIGINAL MESSAGE =====

From: cg.edwards53@gmail.com
Sent: 2022-08-06 07:44:38
Subject: Question on late-filed FEC reports

Hello,

I was trying to look through the FEC's website and I had this question:

If a federal candidate required to report with the FEC and appearing on the 2022 general election ballot fails to timely file a pre-general or quarterly report by the appropriate deadline, is that something that the FEC would actively notice and potentially investigate/fine the candidate for missing the deadline?

Or would it be dependent on a member of the public to notice the report had not been filed and file a complaint?

--

Best,

Conner Edwards
(425) 533-1677 cell

Ref:MSG0223356



Question on Late Reporting for Candidates

Elections <elections@sos.idaho.gov>

Wed, Aug 3, 2022 at 2:10 PM

To: Conner Edwards <cg.edwards53@gmail.com>, Elections <elections@sos.idaho.gov>

Conner,

Do you have a specific candidate in mind that you are curious about? Are they a statewide or state candidate or a county candidate?

To help you understand the process: the SOS is over statewide, state and most judicial candidates. The County Elections are over county, city, special district candidates and Magistrate Judges. There is a \$500 threshold code that applies to county, city, special district and all judicial candidates (IC 67-6608). SOS candidates all file monthly reports in the year of their election and annual reports in off election years (IC 67-6607). County and Judicial candidates that reach the \$500 threshold also file monthly in an election year once that threshold is met and yearly in non-election years if that threshold was met.

At the SOS we send a courtesy reminder email to our candidates and political committees that they have an upcoming report due on the 10th. If applicable, we send an email on the 11th notifying them of the missed due date as prescribed by Idaho Code 67-6625A. Code allows for a 48hr grace period so we start fining \$50 a day beginning on the 13th (not counting the day they file). We then email them a fine notice when they file their past due report.

The complaints we receive are usually regarding incorrect filings or code violations as we consistently monitor our campaign finance account filings. We have on a few occasions been made aware of entities that fall within the definition of a political committees that have not created accounts and we work with them to get them into compliance. Hopefully this addresses your question. If not, what is your specific concern or complaint?

Sheryl

From: Conner Edwards <cg.edwards53@gmail.com>
Sent: Wednesday, August 3, 2022 2:14 PM
To: Elections <elections@sos.idaho.gov>
Subject: [External] Question on Late Reporting for Candidates

Hello:

I live in Moscow, ID, and I had this question about how the SOS's office operates.

If a candidate is required to file a monthly campaign finance report (C-2) because they are running for election, and the SOS's office notices that the candidate has failed to do so, does the SOS's office do anything to 1) remind the candidate of their filing obligation, or 2) take steps to fine that candidate for their failure to file?

Or would the SOS's office wait for a member of the public to file a complaint before it does anything?

Best,

Conner Edwards



ALASKA RESPONSE

Conner Edwards <cg.edwards53@gmail.com>

Late Reporting

Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
To: "cg.edwards53@gmail.com" <cg.edwards53@gmail.com>

Tue, Aug 9, 2022 at 5:45 PM

Mr. Edwards,

Staff checks to see if any reports due have not been filed. If not, we send a notice of delinquency telling the candidate to file the report because penalties are accruing. Once the report is filed late, staff assesses a penalty.

If you have any questions or desire further information, please do not hesitate to contact me.

Thomas R. Lucas

Campaign Disclosure Coordinator

Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508

Phone: (907) 276-4176

Fax: (907) 276-7018

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From: Conner Edwards <cg.edwards53@gmail.com>
Sent: Thursday, August 4, 2022 1:44 AM
To: Public Offices Commission, Alaska (DOA sponsored) <doa.apoc@alaska.gov>
Subject: Late Reporting

You don't often get email from cg.edwards53@gmail.com. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello:

I was looking at the Alaska Public Office Commission (APOC) website and I had this question:

If a state candidate appearing on the 2022 general election ballot fails to timely file a 30 day or 7 day Campaign Finance Report by the appropriate deadline, is that something that APOC would actively notice and potentially investigate/fine the candidate for missing the deadline?

Or would it be dependent on a member of the public to notice the report had not been filed and file a complaint?

--

Best,

Conner Edwards

(425) 533-1677 cell



HAWAII RESPONSE

Conner Edwards <cg.edwards53@gmail.com>

Question on late reporting penalties

Hawaii Campaign Spending Commission <csc@hawaii.gov>
To: Conner Edwards <cg.edwards53@gmail.com>

Thu, Aug 4, 2022 at 2:09 PM

Mr. Edwards,

The Commission does send a Notice of Late Report to candidates who fail to timely file their disclosure reports. These candidates can also be found on our website (<https://ags.hawaii.gov/campaign/cc/notice/>). The Commission may assess a fine in accordance to the applicable Hawaii Revised Statutes ("HRS").

If you have any further questions, please give our office a call at 808-586-0285.

Mahalo,

Janelle Tanna

Elections Assistant

Hawaii Campaign Spending Commission

235 S. Beretania Street, Room 300

Honolulu, Hawaii 96813

Phone: (808) 586-0285

Fax: (808) 586-0288

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From: Conner Edwards <cg.edwards53@gmail.com>

Sent: Thursday, August 4, 2022 10:21 AM

To: Hawaii Campaign Spending Commission <csc@hawaii.gov>

Subject: [EXTERNAL] Question on late reporting penalties

Hello:

I was looking at the Campaign Spending Commission's website, and I had this question:

If a state candidate appearing on the 2022 general election ballot fails to timely file a 1st or 2nd Preliminary General Report by the appropriate deadline, is that something that CSC would actively notice and potentially investigate/fine the candidate for missing the deadline?

Or would it be dependent on a member of the public to notice the report had not been filed and file a complaint?

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Best,

Conner Edwards

COVID-19: Information and Latest Updates



State of Hawaii
Campaign Spending Commission

HAWAII FINE SCHEDULE

Home » Legal Resources » Schedule of Fines for Violations of Hawaii Revised Statutes, Chapter 11, Part XIII

SCHEDULE OF FINES FOR VIOLATIONS OF HAWAII REVISED STATUTES, CHAPTER 11, PART XIII

Approved June 23, 2021

SCHEDULE OF FINES¹

	HAWAII REVISED STATUTES (HRS) – Escheat to Hawaii Election Campaign Fund	HRS – Fine to General Fund	HRS – Administrative Catch-All Fine to General Fund §11-410
<u>REGISTRATION</u>			
A. Electronic Filing Form (HRS §11-321)			
1 – Not File 2 – Late File or Not Amend/Correct	N/A	N/A	1 – \$50 2 – \$25
B. Organizational Report (HRS §§11-321, 322, 323)			
1 – Not File 2 – Late File or Not Amend/Correct (within 10 days)	N/A	N/A	1 – \$100 2 – \$50
<u>REPORTING</u>			
A. Disclosure Reports (HRS §11-340)	N/A	1 – N/A	1 – 1 st time → \$500 2 nd time → \$750

<p>1 – Not File 2 – Late File</p>		<p>2 – \$50/day (first 7 days); \$200/day thereafter provided that in aggregate, the fine shall not exceed 25% of total amount of contributions/expenditures (whichever is greater) for the period covered by the report</p> <p>– Minimum fine is \$200 if more than 4 days late</p> <p>*Publish on Commission's website names of candidate committees and non-candidate committees that fail to file (HRS §11-340(f))</p>	<p>3rd time → \$1,000 2 – Fine N/A if paid fine (HRS §11-410(h)) & no criminal referral (HRS §11-412(g))</p>
<p>(Candidate & Noncandidate Committees) Reports Due 10 Days Before an Election (HRS §11-340(c))</p> <p>1 – Not File 2 – Late File</p>	<p>N/A</p>	<p>1 – N/A</p> <p>2 – Not to exceed \$300/day provided that in aggregate, the fine shall not exceed 25% of total amount of contributions/expenditures (whichever is greater) for the period covered by the report</p> <p>– Minimum fine is \$300</p> <p>*Publish on Commission's website (HRS §11-340(f))</p>	<p>1 – 1st time → \$500 2nd time → \$750 3rd time → \$1,000 – Fine N/A if paid fine (HRS §11-410(h)) & no criminal referral (HRS §11-412(g))</p>
<p>(Candidate & Noncandidate Committees) Late Contributions Report (HRS §§11-333(c), 335(d), 338)</p> <p>1 – Not File 2 – Late File</p>	<p>N/A</p>	<p>N/A</p>	<p>1 – \$750 2 – \$500</p>
<p>(Noncandidate Committees – Only Super PACs) Late Expenditure Report (HRS §§11-337(b), 338(c))</p>	<p>N/A</p>	<p>N/A</p>	<p>1 – \$750 2 – \$500</p>



Question on late campaign finance reports

SOS Orestar-Support * SOS <Orestar-Support.SOS@sos.oregon.gov>
To: "cg.edwards53@gmail.com" <cg.edwards53@gmail.com>

Thu, Aug 4, 2022 at 10:52 AM

The schedule of filing deadlines can be found on page 20 in the manual found here: <https://sos.oregon.gov/elections/Documents/campaign-finance.pdf>

If the transaction is filed after the deadline, you will receive a late message when you file "this transaction may be considered late". Late (described on page 67) and insufficient filings are then subject to the penalty matrix (1/2% x amount x # of days late, not to exceed 10%.

If the Secretary of State determines that a committee is in violation of Oregon election law because late and/or insufficient transactions were filed and the total calculated penalty is \$50 or more, the Elections Division will create a case and issue a proposed penalty notice. If the total amount is less than \$50 we just dismiss the penalties.

Does that help clarify the question?

ORESTAR Support Team

From: Conner Edwards <cg.edwards53@gmail.com>
Sent: Thursday, August 4, 2022 2:20 AM
To: SOS Elections * SOS <Elections.SOS@sos.oregon.gov>; MORRIS Ben * SOS <Ben.MORRIS@sos.oregon.gov>
Subject: Question on late campaign finance reports

Hello:

I was just reading pg. 67-70 of the Oregon Campaign Finance Manual (<https://sos.oregon.gov/elections/Documents/campaign-finance.pdf>) and I'm not sure I fully understood something I read about the SOS's enforcement procedures, so I wanted to ask this question:

Generally speaking, if a candidate misses a filing deadline and files a late report for a transaction (let's say they filed a week later than required by law), would that be something that the agency would notice and potentially start an investigation/issue a monetary penalty for? Would it be any different if the report was filed a full month later than required?

Or would a member of the public have to notice the late reporting and file a complaint to start the enforcement/penalty process?

--

Best,

Conner Edwards