

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-18-337

NAME: **PEOPLE FOR THE AMERICAN WAY**

DATE APPEAL RECEIVED: 10/15/18

DATE REPORT DUE: 09/07/18 (2018 G1)

DATE OF ELECTRONIC RECEIPT: 09/12/18

NUMBER OF DAYS LATE: 5

AMOUNT OF FINE: \$1,150.00

FINE BASED ON: (X) NUMBER OF DAYS () 25% OF RECEIPTS () 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$18,669.25

DATE OF FIRST NOTIFICATION: 09/17/18

CANDIDATE []	STATE [X]
PC []	DISTRICT []
CCE []	COUNTY []
POLITICAL PARTY []	CITY []
IXO [X]	

SUMMARY: People for the American Way is an independent expenditure organization (IXO) registered with the State of Florida. The IXO's listed chair is Diane Laviolette, who identified herself as General Counsel of the organization in the appeal.

The IXO is appealing the fine. According to Diane Laviolette, they did not receive any of their credentials until September 12th. She states that she contacted Gary Holland at the Florida Department of State (FLDOS) on September 11th for guidance on how to file an independent expenditure report. After speaking with a representative, she completed documents to register People for the American Way (PFAW) and emailed them the same day. Ms. Laviolette states that on September 12th, a representative called and verbally provided log in credentials. She also notes that she submitted the filing that evening and that they have not made any additional expenditures in Florida to date.

- The 2018 G1 Original Report covers the period from 08/25/18-08/31/18; it was due on 09/07/18.
- The 2018 G1 Queued Transaction Report shows that it was created and filed on 09/12/18.
- People for the American Way reported receiving zero contributions, while making 3 expenditures.
- The Division of Elections has one note that pertains to People for the American Way's 2018 G1 report. DOE staff spoke with Diana Laviolette on 09/12/18 and gave her the account number, pin and EFS website. They also told her to "file the 2018 G1 report that was due Sept. 7th because they made expenditures during that period".

PRIOR CASES: NONE



REC'D: ELECTIONS
15 SEP 18 AM 10:38

September 24, 2018

Kristi Reid Willis, Chief
Florida Elections Commission
107 West Gaines Street, Suite 224
Tallahassee, Florida 32399

Re: Appeal of Late Fine
People For the American Way

Dear Ms. Willis:

On behalf of People For the American Way (PFAW) I am writing to appeal the fine imposed on the organization.

On September 11, 2018, I contacted Gary Holland at the Florida Department of State (FLDOS) seeking guidance on how to file an independent expenditure report. He later transferred me to a representative who indicated that the organization must first register as an independent expenditure organization. During that conversation with the representative, I disclosed the dates and nature of the independent expenditures PFAW made. The representative indicated that the filing deadline may have passed and advised me to promptly draft a letter seeking to register PFAW. I submitted all of the information that same day via email to elecrecords@dos.myflorida.com. On September 12, I received a call from a FLDOS staff person who verbally provided me with PFAW's log in credentials so that I can quickly file the required information. I submitted the filing that evening. To date, we have not made any additional expenditures in Florida and the reports have been filed to indicate zero expenditures have been made.

We take campaign finance compliance seriously and make every effort to adhere to the rules. We have made adjustments to ensure this does not happen again.

Sincerely,

Diane Laviolette
General Counsel





FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

September 17, 2018

Diane Laviolette, Chairperson
People for the American Way
1101 15th Street, Northwest
Suite 600
Washington, DC 20005-0005

IXO 73795

Dear Ms. Laviolette:

The campaign treasurer's report that was due on September 7, 2018, was filed on September 12, 2018. By law, you are automatically assessed a late fine of \$1,150.00.

You have 20 days from the receipt of this notice to either:

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections
R.A. Gray Building, Room. 316
500 South Bronough Street
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission
107 West Gaines Street, Ste. 224
Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

- (1) People for the American Way (2) 73795
Candidate, Committee or Party Name I.D. Number
- (3) 1101 15th Street, Northwest Washington DC 20005
Address (number and street) City State Zip Code
☐ Check box if address has changed since last report
- (4) Check appropriate box(es):
☐ Candidate (office sought):
☐ Political Committee ☐ Check If PC has DISBANDED
☐ Committee of Continuous Existence ☐ Check If CCE has DISBANDED
☐ Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 08/25/2018 To 08/31/2018 Report Type: G1
☐ Original ☒ Amendment ☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$0.00
Loans	\$0.00
<i>Total Monetary</i>	\$0.00
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$18,669.25
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$18,669.25

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

I certify that I have examined this report and it is true, correct and complete

Name of ☐ Treasurer ☐ Deputy Treasurer

☒
Signature

I certify that I have examined this report and it is true, correct and complete

Name of ☐ Candidate ☐ Chairman (PC/PTY Only)

☒
Signature

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

Page 1 of 1

Name: People for the American Way

Report: 2018 G1

Period: 08/25/2018 to 08/31/2018

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount
		Type	In-Kind Description	

Name: People for the American Way

Report: 2018 G1

Period: 08/25/2018

to 08/31/2018

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
* 1 08/25/2018	PEOPLE FOR THE AMERICAN WAY 1101 15TH STREET, NW WASHINGTON, DC 20005	IEC	TRAVEL AND LODGING	\$10,440.99 UPD
* 1 08/25/2018	PEOPLE FOR THE AMERICAN WAY 1101 15TH STREET, NW WASHINGTON, DC 20005	IEC	TRAVEL AND LODGING	\$9,210.27 History 09/13/18
* 2 08/25/2018	FACEBOOK 1601 WILLOW ROAD MENLO PARK, CA 94025	IEC	DIGITAL ADVERTISEMENT	\$7,352.60 UPD
* 2 08/25/2018	FACEBOOK 1601 WILLOW ROAD MENLO PARK, CA 94025	IEC	DIGITAL ADVERTISEMENT	\$8,228.26 UPD History 09/13/18
* 2 08/25/2018	FACEBOOK 1601 WILLOW ROAD MENLO PARK, CA 94025	IEC	DIGITAL ADVERTISEMENT	\$7,352.60 History 09/13/18
* 3	MINUTEMAN PRESS 921 NE 79TH STREET MIAMI, FL 33138	IEC	POSTERS	\$875.66 ADD

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS

Page 1 of 1

Name: People for the American Way

Report: 2018 G1

Period: 08/25/2018 to 08/31/2018

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount
				Amend

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: People for the American Way

Report: 2018 G1

Period: 08/25/2018 to 08/31/2018

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Recipient	Purpose	Amount
		Type	Related Expenditure	Amend
* 1				\$0.00
			#0	

Queued Items for 2018-G1

Account: 73795

People for the American Way

Rpt Seq: 1

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	73795	9/12/2018 5:36:15 PM	9/12/2018 5:36:15 PM
Review Pending Report	Processing Complete	73795	9/12/2018 6:17:44 PM	9/12/2018 6:17:44 PM
Review Pending Report	Processing Complete	73795	9/12/2018 6:46:44 PM	9/12/2018 6:46:44 PM
Review Pending Report	Processing Complete	73795	9/12/2018 6:48:09 PM	9/12/2018 6:48:09 PM
File Pending Report	Processing Complete	73795	9/12/2018 6:50:15 PM	9/12/2018 6:50:16 PM
Amend Filed Report	Processing Complete	73795	9/13/2018 10:20:19 AM	9/13/2018 10:20:19 AM
Review Pending Report	Processing Complete	73795	9/13/2018 10:30:46 AM	9/13/2018 10:30:46 AM
Recalc Pending Report Total	Processing Complete	73795	9/13/2018 10:31:40 AM	9/13/2018 10:31:40 AM
Review Pending Report	Processing Complete	73795	9/13/2018 10:31:46 AM	9/13/2018 10:31:46 AM
File Pending Report	Processing Complete	73795	9/13/2018 10:32:31 AM	9/13/2018 10:32:31 AM
Amend Filed Report	Processing Complete	73795	9/13/2018 10:34:37 AM	9/13/2018 10:34:37 AM
Review Pending Report	Processing Complete	73795	9/13/2018 10:37:43 AM	9/13/2018 10:37:43 AM
File Pending Report	Processing Complete	73795	9/13/2018 10:37:58 AM	9/13/2018 10:37:58 AM

EMAIL RECEIVED FROM EXTERNAL SOURCE

Also, I could not find their filing history account on the website. Do they have anything on file? I entered the account number and nothing came up.

Thank you and have a wonderful day.

Br'Axeton E. Wims
Administrative Assistant II
Florida Elections Commission
107 West Gaines St
Collins Building, Suite 224
Tallahassee, FL 32399-1050
850-922-4539 Ext. 109
br'axeton.wims@myfloridalegal.com

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Florida Department of State Division of Elections

People for the American Way

Campaign Finance Activity

Note: The information presented below was obtained from the Committee's/Candidate's Campaign Treasurer's Report filed with the Division of Elections. [About the Campaign Finance Data Base](#). If all contributions for a reporting period are less than 1 dollar Then they may not be displayed.

	Filing Period	Contributions			Expend	Other	Transfers
		Monetary	Loans	InKind			
<input type="radio"/>	08/25/2018 - 08/31/2018	0.00	0.00	0.00	18,669.25	0.00	0.00
<input type="radio"/>	09/01/2018 - 09/07/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/08/2018 - 09/14/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/15/2018 - 09/21/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/22/2018 - 09/28/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	09/29/2018 - 10/05/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input type="radio"/>	10/06/2018 - 10/12/2018	0.00	0.00	0.00	940.34	0.00	0.00
W	10/13/2018 - 10/19/2018	0.00	0.00	0.00	0.00	0.00	0.00
<input checked="" type="radio"/>	All Dates (Totals)	0.00	0.00	0.00	19,609.59	0.00	0.00

Note: ^(E) indicates that report was filed electronically

X Indicates that detail has not been released

W Indicates that a waiver was filed and **L** Indicates that a loan report was filed

Select Detail Type

Contributions ▼

Select Sort Order

Date(Ascending) ▼

Select Output Type

Display On Screen ▼

Submit Query Now

[Query the Campaign Finance Data Base](#)

[\[Department of State\]](#) [\[Division of Elections\]](#) [\[Candidates and Races\]](#) [\[Campaign Finance Information\]](#)



RECEIVED

2018 SEP 12 AM 9:45

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 11, 2018

Re: **Independent Expenditure Only Organization Registration**

Dear To Whom It May Concern:

I am writing to register People For the American Way (PFAW), located at 1101 15th Street, NW, Suite 600, Washington, DC 20005, as an Independent Expenditure Only Organization in Florida. I will be responsible for filing all of the required reports for the organization.

It should be noted that from 8/25/2018 through 8/28/2018 members of PFAW staff along with a coalition of eight local and national organizations flew to Florida and made independent expenditures in support of Andrew Gillum's primary campaign for Governor. Once PFAW obtains registration credentials, I will submit the report for this expenditure.

Please feel free to contact me at 202-467-2399 or at dlaviolette@pfaw.org if you have any questions or concerns.

Thank you.

Sincerely,

Diane Laviolette
General Counsel





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 13, 2018

Diane Laviolette
People for the American Way
1101 15th Street, Northwest
Suite 600
Washington, DC 20005

Dear Ms. Laviolette:

This will acknowledge receipt of the letter dated September 12, 2018 stating the People for the American Way organization began making independent expenditures on **August 25, 2018**. Your first report will be the **2018 G1** for the coverage period of 8/25/2018 – 8/31/2018.

Independent expenditure organizations shall file periodic reports of expenditures in the same manner, at the same time, subject to the same penalties, and with the same filing officer as a political committee supporting or opposing such candidate or issue. Please refer to the *Calendar of Reporting Dates* to determine when to file such reports. If you need assistance determining when to file your reports, please contact the Division's help desk at (850) 245-6280.

The reports shall contain the full name and address of each person to whom and for whom each expenditure has been made; the amount, date, and purpose of each expenditure; a description of the services or goods obtained by each expenditure; the issue to which the expenditure relates; and the name and address of; and office sought by, each candidate on whose behalf such expenditure was made. All independent expenditure organizations that file reports with the Division of Elections are required to file by means of the Division's electronic filing system (EFS).

Credentials and Sign-ons

Below is the web address to access the EFS and the organization's user identification number. The enclosed contains the organization's initial password. Once you have logged in using the initial password, you will be immediately prompted to change it to a confidential sign-on.

EFS Web site Address: <https://efs.dos.state.fl.us>
Identification Number: 73795

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) dos.myflorida.com/elections/



Diane Laviolette
September 13, 2018
Page Two

Timely Filing

All reports must be completed and filed through the EFS not later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight, Eastern Standard Time, of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Standard Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Any organization failing to file a report on the designated due date is subject to a fine of \$50 per day for the first 3 days and, thereafter, \$500 per day for each day, not to exceed 25% of the total expenditures for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day, not to exceed 25% of the total expenditures for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each report filed by means of the EFS is considered to be under oath and is subject to the provisions of Section 106.07(5), Florida Statutes.

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' web site at <http://dos.myflorida.com/elections/>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapter 106, Florida Statutes, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Kristi Reid Willis, Chief
Bureau of Election Records

KRW/dsb
Enclosures

HISTORY NOTES
People for the American Way - 73795

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
60945	9/13/2018 8:11:00 AM		dsbrown

RE: Credentials

Spoke to Diane Lioviolate at 5:05 pm 9/12/18. Gave her the account number, password, pin and efs website. Explained that she would need to go ahead and file the 2018 G1 report that was due Sept. 7th because they made expenditures during that period. She asked if they would be fined. I told her it was possible that late filed reports would be subject to a fine, but I was not certain.

Committee Tracking System

People for the American Way

Type:Independent Expenditures Organization

Status:Active

Address:1101 15th Street, Northwest

Suite 600

Washington, DC 20005

Phone:(202)467-2399

Chairperson:Diane Laviolette

Treasurer:Diane Laviolette

Registered Agent:None

Purpose:

Affiliates:

Campaign Finance Activity

Campaign Documents