

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: MAGA The Movement

Case No.: FEC 22-250

TO: Drew-Montez Clark, Chair
11330 Tamiami Trail East
Naples, FL 34113

Division of Elections
500 South Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **August 15, 2023 at 8:30 a.m., or as soon thereafter as the parties can be heard**, at the following location: **Virtual Meeting via GoTo Webinar:**

WEB PARTICIPATION: <https://attendee.gotowebinar.com/register/4391393799096818270>

AUDIO PARTICIPATION: 1 877 309 2074 **ATTENDEE ACCESS CODE:** 424-284-031

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Tim Vaccaro

Executive Director
Florida Elections Commission
August 1, 2023

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 22-250

v.

**MAGA The Movement,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (“Commission”) at its regularly scheduled meeting on May 16, 2023, in Tallahassee, Florida.

On April 13, 2023, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff’s Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff’s Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violations:

Count 1:

On or about June 24, 2022, MAGA The Movement violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2022 P1 reporting period.

Count 2:

On or about July 1, 2022, MAGA The Movement violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2022 P1A reporting period.



Count 3:

On or about July 8, 2022, MAGA The Movement violated Section 106.07(7), Florida Statutes, when it failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2022 P2 reporting period.

DONE AND ORDERED by the Florida Elections Commission on May 16, 2023.



Tim Vaccaro, J.D., Executive Director
For Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Mattie T. Clay, Assistant General Counsel
MAGA The Movement, Respondent
Division of Elections, Complainant

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have thirty (30) days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (“DOAH”), if you dispute any material fact in the Staff Recommendation. You have thirty (30) days from the date the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper

right-hand corner of the first page of the order. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within thirty (30) days of the date this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: MAGA The Movement

Case No.: FEC 22-250

TO: Drew-Montez Clark
11330 Tamiami Trail East
Naples, FL 34113

Division of Elections
500 South Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **May 16, 2023 at 8:30**, or as soon thereafter as the parties can be heard, at the following location: **Join Zoom Meeting:**

[https://us06web.zoom.us/meeting/register/tZMpduMuqTsqGt1MNuVpQBO15XPapAI_9zfC](https://us06web.zoom.us/join/https://us06web.zoom.us/meeting/register/tZMpduMuqTsqGt1MNuVpQBO15XPapAI_9zfC)

Audio Participation:
Dial: 1 301 715 8592

Meeting ID:
874 1067 0009

Passcode:
772737

After registering, you will receive a confirmation email containing information about joining the meeting.

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Tim Vaccaro

Executive Director
Florida Elections Commission
May 2, 2023

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**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: MAGA The Movement

Case No.: FEC 22-250

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the referral in this case recommending that there is **probable cause** to charge Respondent with violating **Section 106.07(7), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on March 9, 2023, the following facts and law support this staff recommendation:

1. On August 29, 2022, the Florida Elections Commission (“Commission”) received a referral from the Department of State, Division of Elections (“Division”), alleging that MAGA The Movement (“Respondent”) violated Chapter 106, Florida Statutes.

2. Respondent is a political committee registered with the Division. (ROI, page 1, ¶1)¹

3. By letter dated October 3, 2022, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, may have failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2022 P1
- 2022 P1A
- 2022 P2

4. On March 1, 2021, Respondent filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Political Committees form (“DS-DE 6”) appointing Linda Rick as treasurer for MAGA The Movement. (ROI Exhibit 1)

5. On June 8, 2021, Drew-Montez Clark, signing as chairman, filed a Statement of Organization of Political Committee form (“DS-DE 5”) on behalf of MAGA The Movement. (ROI Exhibit 2, page 2)

¹ The Report of Investigation is referred to herein as “ROI.”

6. By letter dated June 9, 2021, Donna S. Brown, Chief, Bureau of Election Records, sent Respondent a letter acknowledging that the Division had received its DS-DE 5 & 6, and that its name was placed on the Division's active committee list. (ROI Exhibit 3, page 1)

7. The acknowledgement letter advised Respondent that all committees filing reports with the Division are required to use the electronic filing system ("EFS") and provided Respondent with a user identification number and initial password to grant access to the EFS. (ROI Exhibit 3, page 1)

8. The acknowledgement letter further advised Respondent that each of the Division's publications and reporting forms were available on its website and directed Respondent to print out the *Calendar of Reporting Dates* as well as other relevant documents. (ROI Exhibit 3, page 2)

9. Respondent's 2022 P1 report was due on June 24, 2022. Respondent's 2022 P1A report was due on July 1, 2022. Respondent's 2022 P2 report was due on July 8, 2022. However, Respondent failed to timely file the reports or notify the filing officer that none of these three reports would be filed. (ROI, pages 1-2, ¶8)

10. Respondent ultimately filed a waiver for the 2022 P1 report on July 11, 2022—17 days late. (ROI, pages 1-2, ¶8) Respondent filed a waiver for the 2022 P1A report on July 11, 2022—10 days late. *Id.* Respondent filed a waiver for the 2022 P2 report on July 11, 2022—3 days late. *Id.*

11. Respondent did not respond to the referral nor to the Commission investigator's phone calls. (ROI, page 2, ¶¶9-10)

12. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So. 2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So. 2d 305, 309 (Fla. 1st DCA 1995).

13. The facts set forth above show that Respondent is a political committee registered with the Division. Respondent failed to notify the filing officer by the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2022 P1, 2022 P1A, and 2022 P2 reporting periods.

Based upon these facts and circumstances, I recommend that the Commission find **probable cause** to charge Respondent with violating the following:

Count 1:

On or around June 24, 2022, MAGA The Movement violated **Section 106.07(7), Florida Statutes**, when it failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2022 P1 reporting period.

Count 2:

On or around July 1, 2022, MAGA The Movement violated **Section 106.07(7), Florida Statutes**, when it failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2022 P1A reporting period.

THIS SPACE INTENTIONALLY LEFT BLANK

Count 3:

On or around July 8, 2022, MAGA The Movement violated **Section 106.07(7), Florida Statutes**, when it failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the 2022 P2 reporting period.

Respectfully submitted on April 13, 2023.



Todd Smith-Schoenwalder, J.D.

I reviewed this Staff Recommendation this 13th day of April 2023.



Stephanie J. Cunningham
General Counsel

FLORIDA ELECTIONS COMMISSION

Report of Investigation for Failure to Notify Filing Officer

Case Number: FEC 22-250

Section 106.07(7), Florida Statutes, failure of a candidate or political committee that did not receive any contributions or make any expenditures during a reporting period to timely notify the filing officer, in writing, that no report is being filed.

Respondent: MAGA The Movement

Respondent's Atty: N/A

Division of Elections (Division)

Referral Filed: August 29, 2022

Respondent Type: Political Committee

I. Preliminary Information:

1. Respondent is a political committee registered with the Division.
2. An Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 6) was filed on March 1, 2021. Linda Rick was appointed as campaign treasurer. To review the DS-DE 6, refer to Exhibit 1.
3. A Statement of Organization (DS-DE 5) was filed with the Division on June 8, 2021. To review the Statement of Organization, refer to Exhibit 2.
4. An acknowledgement letter was mailed to the address provided on the DS-DE 6 on June 9, 2021, advising Respondent that all political committees filing reports with the Division are required to file by means of the Division's electronic filing system (EFS). Respondent was provided with a user identification number and initial password allowing access to the EFS.
5. The acknowledgement letter also advised Respondent that all of the Division's publications and reporting forms are available on their website, including Chapter 106, Florida Statutes, the *Political Committee Handbook*, and the *Calendar of Reporting Dates*. The letter further advised that it was Respondent's responsibility to read, understand, and follow the requirements of Florida's election laws. To review the acknowledgement letter, refer to Exhibit 3.
6. The *Political Committee Handbook* discusses filing a waiver when there is no activity to disclose. To review the relevant page of the *Handbook*, refer to Exhibit 4.
7. The *Political Committee EFS User's Guide* discusses how to notify the Division on the prescribed reporting date that no report will be filed using the EFS. Specifically, the *Handbook* instructs the user to click the box next to "waiver" if there is no activity to disclose. To review the relevant pages from the *EFS User's Guide*, refer to Exhibit 5.

II. Alleged Violation of Section 106.07(7), Florida Statutes:

8. I investigated whether Respondent violated this section of the election laws by not timely notifying the filing officer, in writing, that no report(s) would be filed due to not receiving any contributions or making expenditures during the following reporting period(s). To review Respondent's filing history reflecting the untimely filed notifications summarized below, refer to Exhibit 6.

Report	Report Cover Period	Date Notification Due	Date Notification Filed	No. of Days Late
2022 P1	06/01/2022 – 06/17/2022	06/24/2022	07/11/2022	17
2022 P1A	06/18/2022 – 06/24/2022	07/01/2022	07/11/2022	10
2022 P2	06/25/2022 – 07/01/2022	07/08/2022	07/11/2022	3

9. Respondent did not respond to the referral.

10. I attempted to contact Respondent’s Chairperson on six occasions for the purpose of providing an opportunity to discuss the allegations made in the referral. As of the date of this report, my telephone calls have not been returned. Therefore, I am unable to ascertain whether he has read Chapter 106, Florida Statutes, and/or the *Political Committee Handbook*. To review the phone log, refer to Exhibit 7.

SIGNATURE OF INVESTIGATOR:  **Date:** March 9, 2023

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
MAGA The Movement -- FEC 22-250

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	DS-DE 6
Exhibit 2	Statement of Organization
Exhibit 3	Acknowledgement Letter
Exhibit 4	<i>Political Committee Handbook</i>
Exhibit 5	<i>Political Committee EFS User's Guide</i>
Exhibit 6	Filing History
Exhibit 7	Phone Log

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(2) and 106.021(1), F.S.)

RECEIVED
2021 MAR -1 AM 10:04
DIVISION OF

CHECK APPROPRIATE BOX:

Initial Filing for: Primary Treasurer Deputy Treasurer

Re-filing to Change: Primary Treasurer Deputy Treasurer Primary/Secondary Depository

OFFICE USE ONLY

1. Committee <u>MAGA The Movement</u>		2. Telephone <u>(239) 887 2752</u>	
3. Name of Treasurer or Deputy Treasurer <u>Linda McQueen-Rick</u>		4. Email (optional) <u>Lovee104@aol.com</u>	
5. Telephone (optional) <u>(239) 521-3591</u>			
6. Mailing Address <u>11330 Tanager Tr East Naples, FL 34113</u>			
7. Street Address			
8. The following bank has been designated as the <input checked="" type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank <u>Bank United</u>		10. Street Address <u>27200 Riviera Lakes Blvd Suite 106</u>	
11. City <u>Bonita Springs</u>		12. State <u>FL</u>	13. Zip Code <u>34134</u>
14. Signature of Chairman X <u>Drew-Mentez Clark</u>		15. Name of Chairman (Print or Type) <u>[Signature]</u>	

Campaign Treasurer's Acceptance of Appointment

I, Linda McQueen Rick, do hereby accept the appointment as
(Please Print or Type)
treasurer or deputy treasurer for MAGA The Movement
(Committee)

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.**

2-24-21
Date

X [Signature]
Signature of Campaign Treasurer or Deputy Treasurer

STATEMENT OF ORGANIZATION OF POLITICAL COMMITTEE		OFFICE USE ONLY RECEIVED
(PLEASE TYPE)		2021 JUN -8 AM 11:12 DIVISION OF ELECTIONS TALLAHASSEE, FL
1. Full Name of Committee MAGA The Movement		Telephone 239-784-1121
Mailing Address (include city, state and zip code) 11330 Tamiami Trail East Naples, FL 34113		
Street Address (include city, state and zip code) 11330 Tamiami Trail East Naples, FL 34113		
2. Affiliated or Connected Organizations (includes other committees of continuous existence and political committees)		
Name of Affiliated or Connected Organization	Mailing Address	Relationship
N/A	N/A	N/A
3. Area, Scope and Jurisdiction of the Committee Political committee supporting or opposing statewide, legislative, multi county candidates and or issues		
4. Nature of Organization or Organization's Special Interest (e.g., medical, legal, education, etc.) Political		
5. Identify by Name, Address and Position, the Custodian of Books and Accounts (include treasurer's name)		
Full Name	Mailing Address	Committee Title or Position
Linda M. Rick	11330 Tamiami Trail East Naples, FL 34113	Treasurer

6. List by Name, Address and Position, Other Principal Officers, Including Officers and Members of the Finance Committee, If Any (include chairman's name)			
Full Name	Mailing Address	Committee Title or Position	
Drew-Montez Clark	11330 Tamiami Trail East Naples, FL 34113	Chairman	
7. List by Name, Address, Office Sought and Party Affiliation Each Candidate or Other Individual that this Committee is Supporting (if none, please indicate)			
Full Name	Mailing Address	Office Sought	Party
TBD	TBD	TBD	TBD
8. List Any Issues this Committee is Supporting: TBD List Any Issues this Committee is Opposing:			
9. If this Committee is Supporting the Entire Ticket of a Party, Give Name of Party N/A			
10. In the Event of Dissolution, What Disposition will be Made of Residual Funds? Donate to 501c3s, PACs, supported candidates that align with our values.			
11. List all Banks, Safety Deposit Boxes, or Other Depositories Used for Committee Funds			
Name of Bank or Depository & Account Number		Mailing Address	
Regions Bank - [REDACTED]		7950 Airport Road N, Naples, FL 34109	
12. List all Reports Required to be Filed by this Committee with Federal Officials and the Names, Addresses and Positions of Such Officials, If Any			
Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address
N/A	N/A	N/A	N/A
STATE OF <u>Florida</u> COUNTY <u>Collier</u>			
I, <u>Drew-Montez Clark</u> , certify that the information in this Statement of Organization is complete, true and correct.			
<input checked="" type="checkbox"/> <u>[Signature]</u> Signature of Chairman of Political Committee		<u>06/03/2021</u> Date	



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 9, 2021

Drew-Montez Clark, Chairperson
MAGA The Movement
11330 Tamiami Trail East
Naples, Florida 34113

Dear Mr. Clark:

This will acknowledge receipt of the Statement of Organization and Appointment of Campaign Treasurer and Designation of Campaign Depository for **MAGA The Movement**, which were placed on file in our office on June 8, 2021. This information appears to comply with the requirements of Section 106.03, Florida Statutes, and the name of this organization has been placed on our active committee list as a political committee.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **July 12, 2021**. The report will cover the period of June 1-30, 2021 (2021 M6). All political committees that file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

Below is the web address to access the EFS and the committee's user identification number. Enclosed are the committee's confidential, filing credentials.

EFS Website Address: <https://efs.dos.state.fl.us>

Identification Number: 79492

Timely Filing

All reports must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight 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

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](https://dos.mylouisiana.com/elections)



Drew-Montez Clark, Chairperson
June 9, 2021
Page Two

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 political committee failing to file a report on the designated due date is subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, 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 for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, 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 campaign treasurer's report filed by means of the EFS is considered to be under oath by the chairperson and campaign treasurer, and such persons are 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' website at <https://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, *Political Committee Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Donna S. Brown, Chief
Bureau of Election Records

DSB/zjs

Enclosures

pc: Linda M. Rick, Treasurer

Political Committee Handbook

FLORIDA
★ DIVISION OF ★
ELECTIONS



Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6280

(Rev. 9/27/2019)

Any political committee required to file reports with a filing officer other than the Division must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

Unless the electronic filing requirements of Section [106.0705](#), Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within five days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner.

Reports filed with the Division through the [Electronic Filing System \(EFS\)](#) are due no later than midnight, Eastern Time, of the due date.

*(Sections [106.07](#), [106.0705](#), and [106.141](#), Fla. Stat.;
[Chapter 11: Electronic Filing of Campaign Reports](#))*

Penalty for Late Filing

Any political committee failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports due immediately prior to the primary and general elections, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

(Section [106.07\(8\)](#), Fla. Stat.)

Notice of No Activity

When there has been no reportable activity in the campaign account during a reporting period (no funds expended or received) the filing of the report is waived. However, the political committee **must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the [EFS](#).) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Sections [106.07\(7\)](#) and [106.0705](#), Fla. Stat.)

**Department of State
Division of Elections**

Political Committee EFS User's Guide



**Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 S Bronough Street
Tallahassee, FL 32399-0250**



EFS HELP LINE: 850-245-6280

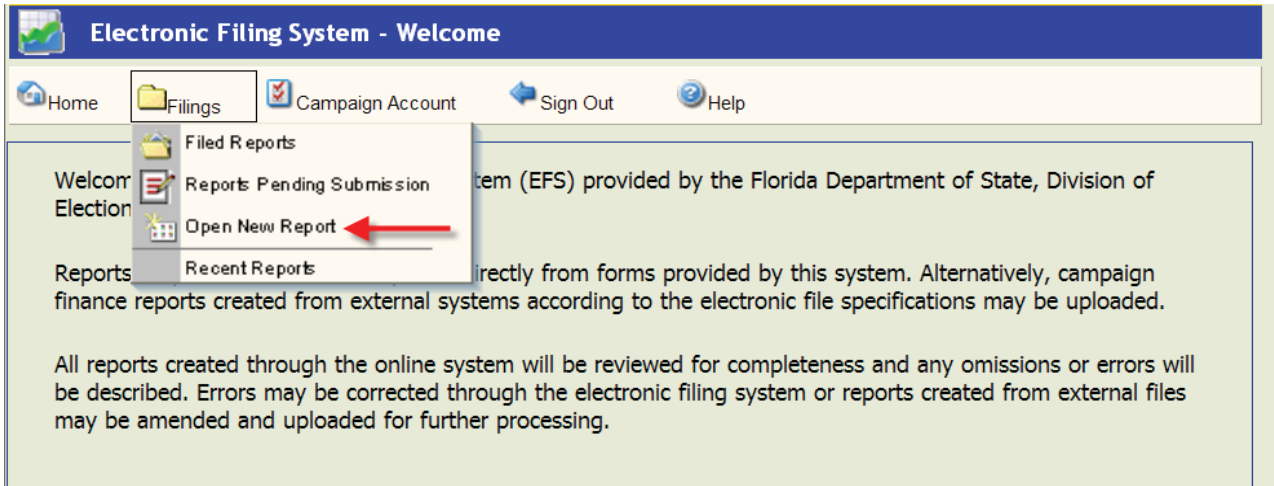
January 2011

Rule 1S-2.017, F.A.C.

DS-DE 110B (eff. 01/11)

Create a New Report by Data Entry

From the Welcome screen, click  and then .



Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Edit' menu item.


Coverage Periods
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the reporting year and then the report type. The beginning and ending coverage dates and the filing due date of the report are automatically associated with the *Reporting Year* and *Report Type*.


Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010

Special Election Report Waiver

Uploading a Campaign Finance Report
A Campaign Finance report file meeting the department's specifications may be uploaded at the time a report is opened. Use the Browse button to locate and select the report text or zip file to be uploaded. You may upload the report file in a compressed zip. The zip file must contain only one report file.

Browse...
Open Report

Click  arrow next to **Election Cycle**. Scroll to the cycle associated with the report you are entering.

Click  arrow next to **Report Type** select report type corresponding to the correct cover period and due date.

The **Cover Period** dates will automatically fill in based on the **Calendar of Election and Reporting Dates**.

The **Due Date** will automatically fill in based on the **Calendar of Election and Reporting Dates**.

If this report is for a special election, click the box next to **Special Election Report**. (If no special elections are scheduled this option will not be available.)

*******NOTE*******

If this report is a waiver of report (no activity), click the box next to **Waiver**.

Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010
 Special Election Report Waiver

Click at the bottom of the screen. A **Report Detail** screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

Report: 2010 - G4 - 27 2010 General Election Covers: 10/16/2010-10/28/2010 Due: 10/29/2010

Amendment Waiver Complete Status: Incomplete Detail Records

File Date: Review Status: Not Reviewed

Status: Data Entry Last Review:

of Transactions: 0

Contributions	Total Amount	Expenditures	Total Amount
Cash and Checks:	<input type="text" value="0.00"/>	Monetary:	<input type="text" value="0.00"/>
Loans:	<input type="text" value="0.00"/>	Transfers to Off Acct:	<input type="text" value="0.00"/>
Total Monetary:	<input type="text" value="0.00"/>	Total Monetary:	<input type="text" value="0.00"/>
In-Kind:	<input type="text" value="0.00"/>	Other Distributions:	<input type="text" value="0.00"/>

Review Messages

Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552

File the Report

If the **Review Status** is Updated Detail – Needs Review the report has not been reviewed since the last update. (See page 39 for instructions on how to submit the report to the system for review.)

If the status of the report is Complete Detail Records, you are ready to file the report.

Report: 2010 - F3 - 26 2010 General Election Covers: 8/7/2010-8/19/2010 Due: 8/20/2010

Amendment Waiver Complete Status: **Complete Detail Records** ←

File Date: Review Status: Reviewed

Status: Data Entry Last Review: 8/19/2010 3:56:42 PM

of Transactions: 1 **Review** **Recalculate** **Go To File Report** **Append File** **Delete Report** **Save**

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:	<input type="text"/>	0.00	Monetary:	<input type="text"/>	51.00
Loans:	<input type="text"/>	0.00	Transfers to Off Acct:	<input type="text"/>	0.00
Total Monetary:	<input type="text"/>	0.00	Total Monetary:	<input type="text"/>	51.00
In-Kind:	<input type="text"/>	0.00	Other Distributions:	<input type="text"/>	0.00

Review Messages

Created: 8/19/2010 2:01:35 PM By: 50552 Revised: 8/19/2010 3:56:42 PM By: 50552

Click on **Go To File Report**.

The **chairperson** enters his or her **PIN**, and then selects **Report Approved**

NOTE: A PIN is the same as your signature attesting to the validity of the report.

Step 1: Enter the candidate/chairperson PIN.

Step 2: Select the 'Report Approved' button.

Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

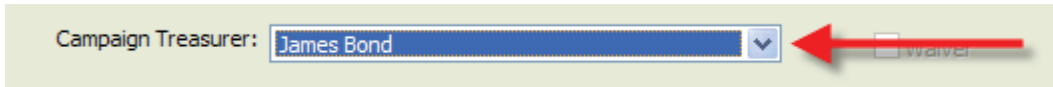
Review Status: Reviewed

Original Amended

Waiver

PIN for Candidate/Chairperson: **Report Approved** ←

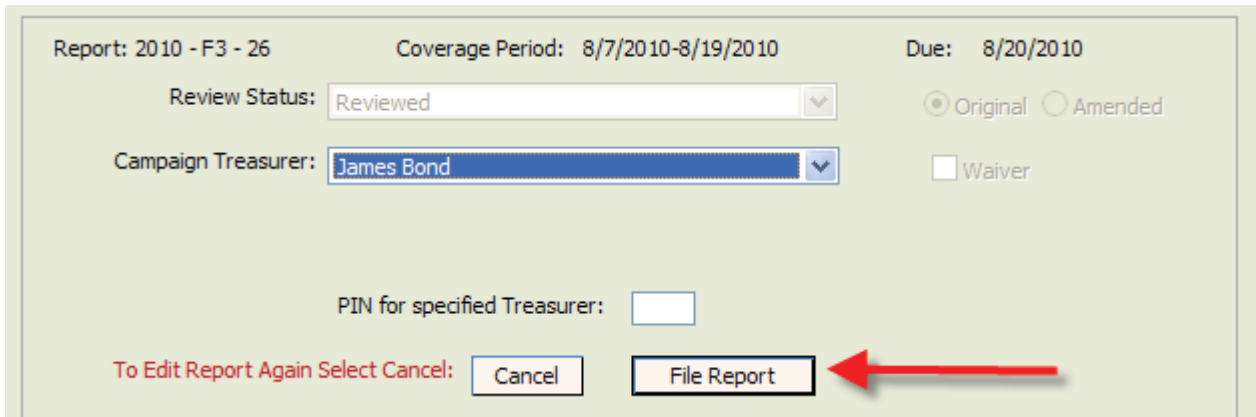
If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.



Campaign Treasurer: James Bond [v] Waiver

A red arrow points to the dropdown arrow on the right side of the 'James Bond' selection.

The treasurer enters his PIN and then clicks **File Report**.



Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Reviewed [v] Original Amended

Campaign Treasurer: James Bond [v] Waiver

PIN for specified Treasurer: []

To Edit Report Again Select Cancel: Waiver

A red arrow points to the 'File Report' button.

IMPORTANT NOTE: If changes need to be made after a chairperson PIN is entered, the treasurer must undo the chairperson PIN validation before the system will allow changes. See page 49 for instructions.



Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Pol Action Comm Name: MAGA The Movement
Account: 79492

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
1/10/2023	M12	1/9/2023						
12/12/2022	M11	12/6/2022						
11/4/2022	G6	11/3/2022						
11/3/2022	D6	11/3/2022						
11/2/2022	D5	11/1/2022						
11/1/2022	D4	11/1/2022						
10/31/2022	D3	11/1/2022	PEN	1	\$0.00		\$0.00	\$0.00
10/30/2022	D2	10/29/2022						
10/29/2022	D1	10/29/2022						
10/28/2022	G5	10/25/2022						
10/21/2022	G4A	10/25/2022	CLO	4	\$0.00		\$0.00	\$0.00
10/14/2022	G4	10/25/2022	CLO	11	\$0.00		\$0.00	\$0.00
10/7/2022	G3A	10/7/2022						
10/7/2022	G3	10/1/2022						
9/23/2022	G2A	9/22/2022						
9/16/2022	G2	9/11/2022						
9/9/2022	G1A	9/7/2022						
9/2/2022	G1	9/7/2022	CLO	5	\$0.00		\$0.00	\$0.00
8/26/2022	P7A	9/7/2022	PEN	12	\$0.00		\$0.00	\$0.00
8/19/2022	P7	9/7/2022	CLO	19	\$0.00		\$0.00	\$0.00
8/12/2022	P6	9/7/2022	CLO	26	\$0.00		\$0.00	\$0.00
8/5/2022	P5	8/3/2022						
7/29/2022	P4	8/25/2022	CLO	27	\$0.00		\$0.00	\$0.00
7/22/2022	P3	7/22/2022						
7/15/2022	P2A	7/11/2022						
7/8/2022	P2	7/11/2022	CLO	3	\$0.00		\$0.00	\$0.00
7/1/2022	P1A	7/11/2022	CLO	10	\$0.00		\$0.00	\$0.00
6/24/2022	P1	7/11/2022	CLO	17	\$0.00		\$0.00	\$0.00
6/10/2022	M5	6/7/2022						
5/10/2022	M4	5/6/2022						
4/11/2022	M3	4/8/2022						
4/11/2022	SG3	7/11/2022						
3/10/2022	M2	3/7/2022						
3/4/2022	SG2	7/11/2022	PEN	129	\$0.00		\$0.00	\$0.00
2/10/2022	SG1	7/11/2022	PEN	151	\$0.00		\$0.00	\$0.00
2/10/2022	M1	2/9/2022						
1/10/2022	M12	1/10/2022						
1/7/2022	SP2	7/11/2022	PEN	185	\$0.00		\$0.00	\$0.00
12/10/2021	SP1	7/11/2022	PEN	213	\$0.00		\$0.00	\$0.00
12/10/2021	M11	12/1/2021						
11/10/2021	M10	11/16/2021	CLO	6	\$0.00		\$0.00	\$0.00
10/12/2021	M9	10/13/2021	CLO	1	\$0.00		\$0.00	\$0.00
9/10/2021	M8	9/10/2021						
8/10/2021	M7	8/25/2021	CLO	15	\$0.00		\$0.00	\$0.00

7/12/2021	M6	8/25/2021	CLO	44	\$0.00	\$0.00	\$0.00
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**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 22-250**

Respondent: MAGA The Movement

Complainant: Division of Elections

1. **Date and time:** 03/02/2023; 09:38 a.m.
Name: Drew Clark – Chairperson
Phone #: (239) 887-2752 - Cell
Summary: Called Respondent’s Chairperson. Reached voicemail for Drew. I was unable to leave a message due to voice mailbox being full. The email address to follow-up call is illegible.
Entered by: CM
2. **Date and time:** 03/06/2023; 03:24 p.m.
Name: Drew Clark – Chairperson
Phone #: (239) 887-2752 - Cell
Summary: Called Respondent’s Chairperson. Reached voicemail for Drew. I was unable to leave a message due to voice mailbox being full. The email address to follow-up call is illegible.
Entered by: CM
3. **Date and time:** 03/07/2023; 10:12 a.m.
Name: Respondent
Phone #: (239) 784-1121
Summary: Called Respondent number. Call immediately went to an unintelligible automated statement. Unable to leave message. The email address to follow-up call is illegible.
Entered by: CM
4. **Date and time:** 03/07/2023; 10:21 a.m.
Name: Respondent
Phone #: (239) 821-3591
Summary: Called Respondent number provided on DSDE 6. Reached automated voicemail for (239) 821-3591. I identified who I was, who I am with, and this was in reference to FEC 22-250. I asked that Respondent return my call at earliest convenience at (850) 922-4539. The email address to follow-up call is illegible.
Entered by: CM
5. **Date and time:** 03/08/2023; 09:24 a.m.
Name: Respondent
Phone #: (239) 784-1121
Summary: Called Respondent number. Call immediately went to an automated statement that the service is restricted or unavailable. Unable to leave message.
Entered by: CM

6. **Date and time:** 03/08/2023; 09:28 a.m.

Name: Respondent

Phone #: (239) 821-3591

Summary: Called Respondent number provided on DSDE 6. Reached automated voicemail for (239) 821-3591. I identified who I was, who I am with, and this was in reference to FEC 22-250. I asked that Respondent return my call at earliest convenience at (850) 922-4539.

Entered by: CM

RESPONDENT INTERVIEW MEMO – Call details at #

- Please explain the reason why you failed to notify the filing officer on the prescribed reporting dates that no **2022 P1, 2022 P1A and 2022 P2** reports would be filed on those dates because the campaign had not received funds, made contributions, or expended reportable funds during the reporting period or failure to file a campaign report to reflect financial activity.
- Have you ever run for public office? If so, please name each office you ran for and state what year each election occurred.
- Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name each such candidate, the office each ran for, and state what year each election occurred.
- Have you ever held the office of chairperson, treasurer, or other similar position for a political committee or electioneering communications organization? If so, please name each committee, state the office you held for each, and state when you held each office.
- Have you ever prepared or signed a campaign treasurer's report? If so, please state the name of the candidate or committee whose report you prepared or signed.
- Do you possess a copy of Chapter 106, Florida Statutes? If so, when did you first obtain it? Have you read it?
- Do you possess a copy of the *Political Committee Handbook*? If so, when did you first obtain it? Have you read it?
- Do you have anything else to add for the Commission's consideration regarding the charges specified in the letter of legal sufficiency in this case?



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



October 3, 2022

Drew-Montez Clark, Chair
MAGA The Movement
11330 Tamiami Trail East
Naples, FL 34113

RE: Case No.: FEC 22-250; Respondent: MAGA The Movement

Dear Mr. Clark:

On August 29, 2022, the Florida Elections Commission received a complaint alleging your committee violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violation(s):

Section 106.07(7), Florida Statutes: As alleged in the complaint, Respondent, a political committee registered with the Division of Elections, failed to notify the filing officer on the prescribed reporting date that no report would be filed on that date because it had not received funds, made contributions, or expended reportable funds during the following reporting periods:

- 2022 P1
- 2022 P1A
- 2022 P2

However, prior to an investigation, you have the option to **resolve your case now by** signing a minor violation consent order and **paying a fine of \$150**, per Rule 2B-1.003, Florida Administrative Code, **rather than the potential \$1,000 per violation** provided for in Section 106.265, Florida Statutes.

If you sign the consent order, you would not be required to admit or deny the allegation(s) in the complaint, but you would be required to immediately correct the violation, if feasible.

The signed consent order would then be considered by the Commission at its next available meeting and would constitute final action by the Commission once it is accepted and approved by the Commission. You and the Complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

Drew-Montez Clark
October 3, 2022
Page 2
FEC 22-250

Please contact Todd Smith-Schoenwalder by phone at (850) 922-4539, by email at Todd.Smith-Schoenwalder@myfloridalegal.com, or at the address listed above, to accept this minor violation consent order.

If you choose not to resolve this case by consent order, an investigation will be conducted, the Commission will hold one or more hearings to determine whether the alleged violation(s) occurred and, if so, the amount of fine to be imposed upon your committee.

Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.

For additional information, please refer to the “Frequently Asked Questions” section on the Commission’s website.

Sincerely,

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is written in a cursive style with a large, sweeping initial "T".

Tim Vaccaro
Executive Director

TV/jd

DIVISION OF ELECTIONS FEC NOTICE FORM

To FEC from Division of Elections

Name: MAGA The Movement
Account Number: 79492
Chairperson: Drew-Montez Clark
Treasurer: Linda M. Rick
Registered Agent: John Neal Ingram

The Division of Elections hereby provides this notice to the Florida Elections Commission pursuant to sections 106.07(8)(d), 106.22(7), and 106.25(2), Florida Statutes. An apparent violation of Chapter 106, Florida Statutes, has occurred based upon repeated late filings or failure to notify the filing officer in writing that no report was being filed on the prescribed reporting date as required by section 106.07(7), Florida Statutes, for the following reports:

2022 P1

2022 P1A

2022 P2

- MAGA The Movement (79492) is a political committee registered with the Division of Elections. On June 8, 2021, the committee filed the DSDE 5 and DSDE 6 with the Division appointing Drew-Montez Clark as the chairperson and Linda M. Rick as treasurer for the committee.
- The 2022 P1 campaign treasurer's report was due on June 24, 2022. MAGA The Movement failed to notify the Division that no report was being filed on the prescribed reporting date. On July 11, 2022, the committee filed a notification of no activity. (See attached file receipt.)
- The 2022 P1A campaign treasurer's report was due on July 1, 2022. MAGA The Movement failed to notify the Division that no report was being filed on the prescribed reporting date. On July 11, 2022, the committee filed a notification of no activity. (See attached file receipt.)

- The 2022 P2 campaign treasurer's report was due on July 8, 2022. MAGA The Movement failed to notify the Division that no report was being filed on the prescribed reporting date. On July 11, 2022, the committee filed a notification of no activity. (See attached file receipt and letter.)

Sent By: Donna S. Brown *DSB*
Date: August 26, 2022

jmn

 **Treasurer Report Status**

ID: 79492 Name: MAGA The Movement

Report: 2022 - P1 - 13

Print Date: **8/17/2022 2:41:23 PM**

Election: 2022 General Election

Covers: 6/1/2022-6/17/2022

Amended Waiver

Due: 6/24/2022

Filed: **7/11/2022 10:29:44 AM**

File Status: **Filed Report**

Reviewed: **7/11/2022**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Pending Queued Items: **0**

Fund Transfers: 0

Distributions: 0

To Print Report: Right Click Mouse and Select 'Print'

 **Treasurer Report Status**

ID: **79492** Name: **MAGA The Movement**

Report: 2022 - P1A - 14

Print Date: **8/17/2022 2:40:41 PM**

Election: 2022 General Election

Covers: 6/18/2022-6/24/2022

Amended Waiver

Due: 7/1/2022

Filed: **7/11/2022 10:30:44 AM**

File Status: **Filed Report**

Reviewed: **7/11/2022**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

Pending Queued Items: **0**

To Print Report: Right Click Mouse and Select 'Print'

 Treasurer Report Status

ID: **79492** Name: **MAGA The Movement**

Report: 2022 - P2 - 15

Print Date: **8/17/2022 2:41:02 PM**

Election: 2022 General Election

Covers: 6/25/2022-7/1/2022

Amended Waiver

Due: 7/8/2022

Filed: **7/11/2022 10:32:17 AM**

File Status: **Filed Report**

Reviewed: **7/11/2022**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Number of Detail Records

Entry Method: Web Data Entry

Contributions: 0

Expenditures: 0

Pending Queued Items: **0**

Fund Transfers: 0

Distributions: 0

To Print Report: Right Click Mouse and Select 'Print'



FLORIDA DEPARTMENT OF STATE
Cord Byrd
Secretary of State
DIVISION OF ELECTIONS

July 19, 2022

Linda M. Rick, Treasurer
MAGA The Movement
11330 Tamiami Trail East
Naples, FL 34113-4113

PAC 79492

Dear Ms. Rick:

The notification that you had no reportable activity for the report deadline of July 8, 2022, was not filed until July 11, 2022. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

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

Sincerely,

Donna S. Brown, Chief
Bureau of Election Records

cc: Drew-Montez Clark, Chairperson