



Summary of Final Board Determination

Downtown Independent Democrats Independent Spender, 2017

1. Failure to File \$1,500

When an independent spender makes covered expenditures aggregating \$1,000 or more during an election cycle for communications that refer to a specific candidate, it must report to the Board these communications, and each future communication associated with an expenditure of \$100 or more that refers to that candidate. *See* Board Rule 13-02(b).

When an independent spender that is an entity makes covered expenditures for communications referring to a single candidate aggregating \$5,000 or more in the 12 months before the election, it must report to the Board all contributions received from other entities since the first day of the calendar year before the year of the election, and all contributions aggregating \$1,000 or more from individuals during the 12 months before the election. *See* Board Rule 13-02(d).

Independent spenders must report all communications, expenditures, and contributions in the earliest disclosure filing occurring after both the communication is published and reportable expenditures are incurred, or contributions are received. *See* Board Rules 13-02(b), (c). During the 14 days preceding an election, such disclosure must be made within 24 hours of the distribution of a communication, the making of an expenditure, or the receipt of a contribution. *See* Board Rule 13-03(a)(1)(iii).

On September 22, 2017, Downtown Independent Democrats (the “Spender”) filed Disclosure Statement #7, reporting \$2,500 in contributions and \$20,008.86 in expenditures, for total transactions of \$22,508.86. The contributions were received on April 30, 2017. The Spender’s obligation to report them arose on September 1, when it made expenditures totaling \$6,908. *See* Board Rule 13-02(d).

The communications associated with the expenditures were published on September 8, with the expenditures dated September 1, 5, 6, and 8. Thus, the communications occurred within 14 days of the primary election, which was held on September 12. During the daily disclosure period, a filing is considered failed if it is not submitted within three days of distribution or before Election Day, whichever is earlier. As this disclosure statement was not filed within three days of any of the included transactions, or ~~by~~ before Election Day, the Spender is considered to have failed to file.

The Board assessed a penalty of \$1,500 ~~(25% of the value of the transactions)~~ for this violation.