



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

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SENSITIVE

MEMORANDUM

March 22, 2006

TO: The Commission

THROUGH: Robert J. Costa *[Signature]*
Acting Staff Director

FROM: Allan D. Silberman *[Signature]*
Director, ADR Office

BY: Lynn M. Fraser *[Signature]*
Assistant Director, ADR Office

SUBJECT: ADR 311 Lyndon Larouche Political Action Committee and
Barbara M. Boyd, Treasurer,
Recommendation to Assign Case

On February 21, 2006, the ADR Office received RR 05L-55, to review and determine its appropriateness for ADR processing. Based on that review, we determined that the case is appropriate for ADR and recommend that it be assigned to the ADR Office.

SUMMARY: RAD referred the Lyndon LaRouche Political Action Committee and Barbara M. Boyd, Treasurer, ("Respondents" or the "Committee") for failing to file three (3) 48-Hour Notices to support thirteen (13) independent expenditures totaling \$71,946.21 made up to and including the 20th day before the 2004 General Election. Respondents also failed to file five (5) 24-Hour Notices to support thirteen (13) independent expenditures totaling \$62,513.70 made less than 20 days, but more than 24 hours, before the 2004 General Election. These independent expenditures were disclosed on the 2004 30 Day Post-General and Year End Reports for the 2003-2004 election cycle. The Prior Notice sent to the Committee on September 27, 2004, included a section titled *48- and 24-Hour Reports on Independent Expenditures* that explained what triggers the 48-Hour and 24-Hour Notices on independent expenditures. RAD sent Respondents RFAs referencing the 2004 30 Day Post-General Report and the 2004 Year End Report, and the apparent failure to file the required 48-Hour

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and 24-Hour Notices. Respondents replied to both RFAs indicating that they misunderstood the regulations on 24-Hour and 48-Hour Notices.

Attached for the Commission's review is the ADR Case Analysis Report, along with copies of the EPS Rating and ADR Rating reports. The ADR Case Analysis Report includes an analysis of the case and a description of the issues that the ADR Office anticipates addressing if the case is assigned to ADR. In addition, the ADR Case Analysis Report has been reviewed by the Office of General Counsel, which concurs in the description of the case.

If the Commission concurs in the recommendation, the above case description will be provided to Respondents as part of ADR Office's notification package sent to Respondents.

RECOMMENDATION:

1. **Assign ADR 311/RR 05L-55 to the ADR Office.**

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ADR CASE ANALYSIS REPORT

ADR Case: 311

Respondents:

Lyndon LaRouche PAC

Barbara M. Boyd, Treasurer

RAD Referral: 05L-55

Respondents' Rep.: Barbara M. Boyd

Date Forwarded to ADRO: 2/21/06

Committee Type: Unauthorized

Date Reviewed by ADRO: 2/27/06

Committee Name:

Lyndon LaRouche PAC

District & State: N/A

Election Won-Lost: N/A

Election Cycle: 2004

Summary of Referral: RAD referred the Lyndon LaRouche Political Action Committee and Barbara M. Boyd, Treasurer, ("Respondents" or the "Committee") for failing to file three (3) 48-Hour Notices to support thirteen (13) independent expenditures totaling \$71,946.21 made up to and including the 20th day before the 2004 General Election. Respondents also failed to file five (5) 24-Hour Notices to support thirteen (13) independent expenditures totaling \$62,513.70 made less than 20 days, but more than 24 hours, before the 2004 General Election. These independent expenditures were disclosed on the 2004 30 Day Post-General and Year End Reports for the 2003-2004 election cycle. The Prior Notice sent to the Committee on September 27, 2004, included a section titled *48- and 24-Hour Reports on Independent Expenditures* that explained what triggers the 48-Hour and 24-Hour Notices on independent expenditures. RAD sent Respondents a RFAI referencing the 2004 30 Day Post-General Report on February 4, 2005, noting the Committee may have failed to file one or more of the required 48-Hour or 24-Hour Notices. In addition, RAD sent Respondents a RFAI referencing the 2004 Year End Report on April 8, 2005, again noting the Committee may have failed to file one or more of the required 48-Hour or 24-Hour Notices.

Respondents' Reply to RAD: Respondents' reply to both RFAs was that the "... the Committee's understanding was significantly flawed concerning the application of the 24 and 48 hour notice rules to [independent] expenditures."

Recommendation:

Assign to ADRO

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