

**RECEIVED**

By OGC-CELA at 7:46 am, Dec 03, 2021

December 2, 2021

Federal Election Commission
1050 First Street, N.E.
Washington, D.C. 20463
EMAIL: cela@fec.gov

Re: Black Voters Matter Action PAC (C00753277), RAD Referral 21L-68

Dear Mr. Luckett:

We are writing in response to the Federal Election Commission's (the "**FEC**" or "**Commission**") letter dated November 18, 2021, regarding Black Voters Matter Action PAC's (the "**Committee**"), late filing of eight independent expenditure reports.

The Committee is a new Super PAC that formed on July 29, 2020. The Committee takes its compliance obligations very seriously. In the 2020 election cycle, it timely disclosed over \$1.5 million in independent expenditure activity. In fact, the Committee was unaware of any late filings in connection with the November 3, 2020 election.

Following the November 3, 2020 election, the Committee became actively involved in the Georgia runoff election (scheduled for January 5, 2021). This effort was substantially larger than the Committee had planned for prior to November 3, 2020. It also coincided with holiday season. During this period between November 3, 2020 and January 5, 2021, there were inadvertent lapses in the Committee's procedures for reporting independent expenditures, and some reports were filed more than 24 hours after the dissemination of the independent expenditures in question. Nonetheless, the Committee filed all such reports promptly upon discovering its error.

The independent expenditures that were not timely disclosed were all disseminated between December 23, 2020 and January 3, 2021, when the Committee was understaffed due to the holidays. Of the 37 independent expenditures that were not reported in a timely manner, 23 expenditures were made to the same payee for a similar set of digital advertising on Facebook, while other expenditures were for field advertising and texting.

The Committee understands the importance of public transparency, and has been transparent regarding its campaign finance activity. The Committee's campaign finance reports have fully disclosed the Committee's transactions, and the Committee has disclosed the overwhelming majority of its activity in a timely manner. Given the Committee's good faith efforts to comply with the law and its record of compliance prior to this unexpected burst of activity in connection with the runoff elections, the Committee requests to continue resolution of RAD Referral 21L-68 through the Alternative Dispute Resolution program.

Please let us know if you have any questions.

Regards,

A handwritten signature in blue ink, appearing to read 'Jon S. Berkon', with a long horizontal flourish extending to the right.

Jonathan S. Berkon
Sarah N. Mahmood

Counsel to Black Voters Matter Action PAC and Kamau Franklin, in his official capacity as Treasurer



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

E-MAIL: cela@fec.gov

AR/MUR/RR/P-MUR# 21L-68

Name of Counsel: Jonathan S. Berkon; Sarah N. Mahmood

Firm: Elias Law Group LLP

Address: 10 G St NE, St. 600

Washington D.C. 20002

Office#: 202-968-4511

Fax#: _____

Mobile#: _____

E-mail: JBerkon@elias.law; SMahmood@elias.law

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/1/21
Date

Kamau Franklin
(Signature - Respondent/Agent/Treasurer)

Treasurer
Title

Kamau Franklin

(Name - Please Print)

Black Voters Matter Action PAC; Kamau Franklin, Treasurer

RESPONDENT:

(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 3645 Marketplace Blvd, Suite 130-232
(Please Print)

Atlanta, GA 30344

Home#: _____ Mobile#: _____

Office#: _____ Fax#: _____

E-mail: info@bvmactionpac.org

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.