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NAME OF COMMITTEE (In Full)  
LOCAL 32BJ SERVICE EMPLOYEES INTERNATIONAL UNION  
AMERICAN DREAM POLITICAL ACTION FUND

FEC IDENTIFICATION NUMBER  
C00355289

Mailing Address 25 WEST 18TH STREET  
5TH FLOOR

City State ZIP Code  
NEW YORK NY 10011

We are responding to your letter (RFAl) dated October 15 regarding the Committees 2020 July Quarterly Report. You ask about four Committee disbursements disclosed as [m]embership political mobilizationa \$300,000 disbursement and a \$250,000 disbursement reported on Line 21(b), and a \$300,000 disbursement and a \$250,000 disbursement reported on Line 29. We provide clarifying information in this response and, as we explain, we do not believe that amendment of the report is warranted.

We first note that eight times since 2015 the Reports Analysis Division (RAD) has sent letters to the Committee with respect to the same kinds of disbursements, the Committee responded, and RAD did not inquire further.

The first three times RAD asked the same question concerning possible membership communications and compliance with Advisory Opinion 2000-03, and each of our responses provided essentially the same answer. Specifically, RAD sent an RFAl to the Committee on April 7, 2015 regarding the Committees 2014 30-day Post-General Report, and we responded on June 18, 2015; RAD sent an RFAl to the Committee on June 21, 2016 regarding the Committees 2015 Year-End Report, and we responded on July 25, 2016; and RAD sent an RFAl to the Committee on February 9, 2017, regarding the Committees 2016 30-Day Post General Report, and we responded on March 16, 2017.

The most recent five RAD letters, including the current RFAl, have asked a different question: whether [the Committees] payment to [its] connected organization was intended to influence federal elections and RAD requested has that we provide the dates of the activity conducted by [the] connected organization, and that we clarify whether [the Committee] made advance payment for these services to [the] connected organization. The RFAl advised that a labor organization is prohibited from making contributions or facilitating the making of contributions to candidates or political committees other than the organizations separate segregated fund. RAD sent these letters on April 17, 2019 regarding the Committees October 2018 Quarterly Report (we responded on May 22, 2019); October 17, 2019 regarding the Committees 2019 Mid-Year Report (we responded on March 17, 2020); February 12, 2020 regarding the Committees 2019 Year-End Report (we responded also on March 17, 2020); and June 15, 2020 regarding the Committees April 2020 Quarterly Report (we responded on July 20, 2020). And it does so again for a fifth time now, and we provide essentially the same response here because the circumstances are the same.

In fact, the Committee has not made contributions and it has not facilitated the making of contributions to candidates or political committees. Rather, the two payments at issue here were made for the same purposes that the Committee has termed membership political mobilization for years now, without objection by RAD in response to our explanations. As before, both of the payments were made to the Committees connected organization, akin to grants, in order generally to defray expenses incurred by that organization for its member-focused political program, and for its preparations for subsequent elections, which were neither contributions nor independent expenditures under the Federal Election Campaign Act (the Act) but were instead permissible spending otherwise by the Committee and the connected organization. These included expenses for organizational staff salaries; administration of the Committee and the organizations other separate segregated funds; administration of the political department; staff and membership political training and development; membership communications regarding federal and nonfederal elections, registration, voting and related matters; and professional fees related to all of the above.

The Committee accurately described the purpose of its disbursements at issue in the very limited

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space that Form 3X

provides for doing so. We note that the Commissions publicly available informal guidance about adequate purposes provides a variety of recommended purpose descriptions, none of which relevantly refers to membership communications. And, as we have done previously, the payments were reported evenly between Lines 21(b) and 29 because that is a fair approximation of the apportionment of the reimbursement between operating expenses (21(b)) and other disbursements (29), insofar as the meanings of those reporting categories are discernible from the Form 3X instructions and the Commissions explications of them elsewhere.

And, the connected organizations overall membership mobilization political program costs ordinarily exceed the amounts disbursed to it by the Committee.

The RFAI does not seek information that the Committee must disclose on Form 3X, as the payments were not intended to influence federal elections within the meaning of the Act and accordingly there are no dates of [such] activity to disclose. See generally Final Audit Report of the Commission on SEIU COPE (Service Employees International Union Committee on Political Education) (2011).

The Committee relied upon the Commissions longstanding rules and forms in filing its report, as well as on our previous exchanges of correspondence with RAD about similar previous disbursements. If there has been a change of reporting policy with respect to such matters, then we submit that the Commission must inform the regulated community at large, or, as seems more appropriate, either undertake a rulemaking or issue a policy statement, in either case with appropriate public notice and opportunity to comment. None of that has occurred.