



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

November 24, 2022

ROBERT PHILLIPS, III, TREASURER
MIKE FLOOD FOR CONGRESS
PO BOX 81041
LINCOLN, NE 68501

Response Due Date
12/29/2022

IDENTIFICATION NUMBER: C00801241

REFERENCE: AMENDED OCTOBER QUARTERLY REPORT (07/19/2022 - 09/30/2022),
RECEIVED 10/24/2022

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 9 item(s):

1. Schedule A of your report discloses one or more contributions that appear to be from a corporation(s) and/or labor organization(s) (see attached). 52 U.S.C. § 30118(a) (formerly 2 U.S.C. § 441b(a)) and 11 CFR § 103.3(b) prohibit the receipt of contributions from corporations and labor organizations unless made from separate segregated funds established by the corporations and labor organizations.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you must amend your original report with clarifying information.

If you have received prohibited contributions, you must make a refund within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(1) and (2))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(a) of the report covering the period in which the refund is made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the

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prohibited amount will be taken into consideration.

2. Schedule A of your report discloses one or more contributions that appear to exceed the limits set forth in the Act (see attached).

An individual or a political committee other than an authorized committee or qualified multi-candidate committee may not make a contribution(s) to a candidate for federal office in excess of \$2,900 per election. An authorized committee may not make a contribution(s) to a candidate for federal office in excess of \$2,000 per election. A qualified multi-candidate committee and all affiliated committees may not make a contribution(s) to a candidate for federal office in excess of \$5,000 per election. The term "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office. (52 U.S.C. § 30116(a) and (f) (formerly 2 U.S.C. § 441a(a) and (f)); 11 CFR § 110.1(b), (e) and (k))

If any apparently excessive contribution in question was incompletely or incorrectly disclosed, you must amend your original report with the clarifying information. If any contribution you received exceeds the limits, you may have to refund the excessive amount.

Excessive contributions may be retained if, within 60 days of receipt, the excessive portions are properly redesignated or reattributed. Guidelines for each option are provided below.

For reattributions, excessive contributions from individuals can be retained if, within 60 days of receipt, the excessive amount is properly reattributed to another person. Please note that reattributions only apply to excessive contributions from individuals. An excessive contribution is considered properly reattributed if (1) the contributors provide the committee with written documentation, signed by each contributor, authorizing a reattribution and indicating the amount of the contribution to be attributed to each contributor; or (2) the committee reattributes by presumption the excessive portion of the contribution if the contribution was made on a written instrument from a joint account and was signed by only one of the account holders. In this case, the treasurer must notify the contributors in writing within 60 days of receiving the contribution that the committee intends to reattribute the excessive portion and must give the contributor an opportunity to request a refund. (11 CFR § 110.1(k)(3)(ii)(B))

For redesignations, the funds can be retained if, within 60 days of receipt, the

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excessive amount is properly redesignated for a different election. An excessive contribution is considered properly redesignated if (1) the committee obtains signed written documentation from the contributor(s) authorizing the redesignation of the contribution for another election, provided that the new designation does not exceed the limitations on contributions made with respect to that election; or (2) your committee redesignates by presumption the excessive portion of the contribution for another election provided that the new designation does not exceed the limitations on contributions made with respect to that election. In this case, the treasurer must notify the contributor of the redesignation in writing within 60 days of the treasurer's receipt of the contribution. The notification must give the contributor an opportunity to request a refund. (11 CFR § 110.1(b)(5)(ii)(B)) Please note that you cannot presumptively redesignate an excessive contribution from a multi-candidate committee. Also, a contribution can only be redesignated to a previous election to the extent that the contribution does not exceed the committee's net debts outstanding for that election. (11 CFR § 110.1(b)(3)(i))

If the foregoing conditions for reattributions or redesignations are not met within 60 days of receipt of the contribution, the excessive amount must be refunded. See 11 CFR § 103.3(b)(1).

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide photocopies of any refund checks and/or letters reattributing or redesignating the contributions in question. Refunds are reported on Line 20(a), (b), or (c), as applicable, of the Detailed Summary Page and on a supporting Schedule B of the report covering the period in which they are made. Redesignations and reattributions are reported as memo entries on Schedule A of the report covering the period in which the authorization for the redesignation and/or reattribution is received. (11 CFR § 104.8(d)(2), (3) and (4))

Although the Commission may take further legal action concerning the acceptance of excessive contributions, your prompt action to refund, redesignate, and/or reattribute the excessive amount will be taken into consideration.

3. Schedule A of your report discloses one or more contributions from an organization(s) which is not a political committee registered with the Commission (see attached). In order for your committee to accept contributions from unregistered organizations, your committee should take steps to ensure that the contributor(s) used permissible funds to make the contribution(s) to avoid violating 52 U.S.C. §§ 30116(f) and 30118 (formerly 2 U.S.C. §§ 441a(f) and

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441b) or 11 CFR §102.5(b). Under 11 CFR §102.5(b), organizations which are not political committees under the Act and choose to contribute to federal committees must either: (1) establish a separate account which contains only those funds permitted under the Act, or (2) demonstrate through a reasonable accounting method that the organization has received sufficient funds subject to the limitations and prohibitions in order to make the contribution.

If any apparently prohibited contribution in question was incompletely or incorrectly disclosed, you should amend your original report with clarifying information. In addition, please clarify whether the contribution(s) received from the referenced organization(s) is permissible.

If you have received prohibited contributions, you must make a refund. (11 CFR § 103.3(b)(1)) The refund must be made within 30 days of the treasurer becoming aware of the illegality of the contribution. (11 CFR § 103.3(b)(2))

If you have not already done so, please inform the Commission of your corrective action immediately in writing and provide a photocopy of any refund checks. Refunds must be reported on a Schedule B supporting Line 20(b) or (c), as applicable, of the report covering the period in which the refund was made. (11 CFR § 104.8(d)(4))

Although the Commission may take further legal action concerning the acceptance of prohibited contributions, your prompt action to refund the prohibited amount will be taken into consideration.

4. The totals listed on Lines 6(a), 6(b), 6(c), 7(a), 7(b), 7(c), 11(a)(i), 11(a)(ii), 11(a)(iii), 11(c), 11(d), 11(e), 14, 16, 17, 20(a), 20(d), and 22, Column B of the Summary and Detailed Summary Pages appear to be incorrect. Column B figures for the Summary and Detailed Summary Pages should equal the sum of the Column B figures on your previous report and the Column A figures on this report. Please file an amendment to your report to correct the Column B discrepancies for this report and all subsequent report(s) which may be affected by this correction. Note that Column B should reflect only the election cycle-to-date totals (11/4/2020 through 11/8/2022). (52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)) and 11 CFR § 104.3)

5. The Commission notes the redesignation or reattribution of several contributions. Please amend your report to disclose the proper format for redesignations or reattributions. The first entry must disclose the information for the contribution as it was originally received. The second entry must disclose, as a memo entry, the amount of the redesignation or reattribution as a negative

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amount. The third entry must disclose, as a memo entry, the information on the contribution as it was redesignated or reattributed, including the date the redesignation or reattribution was made and, in the case of a redesignation, the election for which the contribution was redesignated. (11 CFR § 104.8(d)(2), (3), and (4)) Please refer to the Campaign Guide for Congressional Candidates and Committees for further guidance on how to report redesignations and reattributions.

6. Commission Regulations require the continuous reporting of all outstanding debts. This report omits debts itemized on your previous report(s). (11 CFR §§ 104.3(d) and 104.11) Please file an amendment to your report to disclose the current status of these omitted debts: SDP Creative - \$95.40, SDP Creative - \$100.70, Nebraska Republican Party - \$300.00, Husch Blackwell - \$1,053.00, The Prosper Group - \$2,956.73, Design 4 Inc - \$5,745.90, Spatial Analytics, Inc - \$6,000.00, Axiom Strategies - \$10,000.00, Axiom Strategies - \$10,000.00, Trail Public Affairs, LLC - \$23,586.96, and Axiom Strategies - \$25,000.00.

7. Schedule A supporting Line 11(c) of your report discloses contributions from political committees and fails to include the address. Please amend your report to include the missing information. (11 CFR § 104.3(a)(4))

8. Schedule A of your report discloses contributions from political committees and fails to include the full and/or recognizable name. Reporting only the name of the connected organization, abbreviating the name of the committee so it is unrecognizable, or using an indistinguishable acronym is inadequate. (11 CFR §§ 102.14(c) and 104.3(a)(4))

A listing of the full FEC-registered committee names, FEC Committee ID numbers, and approved acronyms can be found on the FEC web site (www.fec.gov). The following entries disclosed on your report are considered inadequate: "MOPAC," "RPAC," "Blaine PAC," "AGC Political Action Committee."

Please amend your report to include the missing information.

9. Schedule D of your report fails to disclose complete information for each creditor. Commission Regulations require the full name and mailing address of each creditor, the outstanding balance at the beginning and end of the reporting period, any amount incurred during the reporting period, any payment made during the reporting period, and the nature or purpose of each debt. Additionally, all debts must be reported continuously until extinguished or settled. Please amend your report to include the nature or purpose of each debt. (11 CFR §§ 104.3(d) and 104.11)

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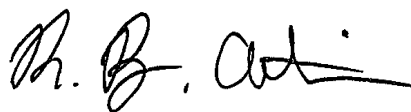
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- Your report disclosed a category of financial activity that appears to be disclosed on the wrong line of the Detailed Summary Page. For your information and consideration when preparing future filings, contributions from political committees should be properly disclosed on a separate Schedule A, supporting Line 11(c) of the Detailed Summary Page. Please refer to the Form 3 instructions for each line when determining the proper categorization(s) for your next filing. (11 CFR § 104.3(a) and (b))
- For your information and consideration when preparing future filings, all contributions and transfers to political committees should be reported on Line 21 of the Detailed Summary Page and itemized on a separate Schedule B. (11 CFR § 104.3(b)(2))

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For information about the report review process or specific filing information for your committee type, please visit www.fec.gov/help-candidates-and-committees. For more information about Requests for Additional Information (RFAI), why you received a letter, and how to respond, please visit www.fec.gov/help-candidates-and-committees/request-additional-information. Should you have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1196.

Sincerely,

A handwritten signature in black ink, appearing to read "B. B. Austin", written over a horizontal line.

Bradley Austin

Sr. Campaign Finance & Reviewing Analyst

Apparent Excessive, Prohibited, and Impermissible Contributions
Mike Flood for Congress (C00801241)

Contributions from Possible Prohibited Entities

Contributor Name	Date	Amount	Election
Aflac, Inc	8/25/22	\$2,000.00	G2022

Apparent Excessive Contributions from Individuals

Contributor Name	Date	Amount	Election
Collison, Alan	5/31/22	\$1,000.00	G2022
Collison, Alan Mr.	8/5/22	\$2,900.00	G2022

Contributions from Possible Unregistered Organizations

Contributor Name	Date	Amount	Election
NAIFAPAC Nebraska New Funds Account	8/11/22	\$5,000.00	G2022
Chiropractors Of Nebraska State PAC	7/27/22	\$5,000.00	G2022