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NAME OF COMMITTEE (In Full)
AFL-CIO COMMITTEE ON POLITICAL EDUCATION TREASURY
FUND

FEC IDENTIFICATION NUMBER
C90016106

Mailing Address 815 16TH ST. NW

City State ZIP Code
WASHINGTON DC 20006

I am responding to your letter dated April 21, 2017, regarding the Year-End Report filed by AFL-CIO Committee on Political Education Treasury Fund (the Fund) on January 31, 2017.

With respect to the first item raised in your letter, the Fund was not required to disclose any contributions on Line 6 because it did not receive any contribution which was made for the purpose of furthering an independent expenditure within the meaning of 52 U.S.C. 30104(c)(2)(C). Accordingly, the Fund will not amend its report in order to disclose contributions.

In the second item, you note ten independent expenditures that you state were not timely disclosed on 48-Hour Reports. Regarding the three expenditures disseminated on 10/2/16 and reported on 10/6/16 (\$2,324.79 to Anne Lewis Strategies, LLC and two expenditures of \$4,000.00 each to Fluent Visual), the Fund inadvertently and unintentionally disclosed them two days later than a report was due. The Funds compliance staff was aware of the expenditure to Anne Lewis Strategies, LLC, which, by itself, would not have put the Funds spending in the presidential race over the \$10,000 aggregate threshold on 10/2/16.

With respect to the two expenditures to Fluent Visual, the Fund inadvertently and unintentionally filed the 48-Hour Reports late. Although the Fund included the expenditures to Fluent Visual on its 48-Hour Report filed 10/6/16 and on its Year-End Report with a dissemination date of 10/2/16, the date of dissemination was in fact 10/3/2017 and thus the 48-Hour Reports filed 10/6/16 were filed one day late. The two late-reported transactions totaling \$8,000.00 were the costs associated with producing a video that contained express advocacy and that the Fund posted on a YouTube page associated with the AFL-CIO. Although the reported dissemination date was 10/2/16, the video was in fact uploaded and made available to the public on 10/3/16. Video and posting date available at <https://www.youtube.com/watch?v=CFz3cmqn6Dk&t=2s>. Although the video was a communication and therefore a reportable independent expenditure as defined at 11 C.F.R. 100.16, there is no cost to post videos on YouTube, and thus the video was not a public communication under the Commissions regulations. The Fund notes that expenditures for Internet communications that are not placed for a fee on another persons website, such as the video at issue here, are regulated only minimally, as Commission regulations do not treat them as coordinated communications under 11 C.F.R. 109.21, or as communications requiring a disclaimer under 11 C.F.R. 110.11.

With respect to the remaining expenditures noted in your letter, each expenditure was in fact timely disclosed on a 48-Hour Report:

The expenditure to Anne Lewis Strategies, LLC in the amount of \$4,782.18 for Online Advertising disseminated on 10/5/16 was timely disclosed on a 48-Hour Report filed on 10/9/16. The immediately preceding expenditure in this race was disclosed on 10/6/16 and the subsequent aggregation of \$10,000 in additional spending did not occur until 10/7/16.

Likewise, the expenditures to Upland IX, LLC (\$250.00 for Digital Communications disseminated 10/9/16), Anne Lewis Strategies, LLC (\$2,930.74 for online advertising disseminated 10/12/16 and \$3,979.37 for online advertising disseminated 10/13/16), and Snapchat (\$83.57 for online advertising disseminated 10/13/16) were timely disclosed on a 48-Hour Report filed on 10/16/16. These four expenditures total \$7,243.68 and represent the only communications disseminated after the expenditures disclosed on 10/9/16. The Fund disseminated a subsequent independent expenditure on 10/14/16 that crossed the \$10,000 aggregate threshold. That subsequent expenditure and the four immediately preceding expenditures dated between 10/9/16 and 10/13/16 you note as untimely filed were all timely disclosed on the 48-Hour Report filed 10/16/16.

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Finally, the expenditures to Anne Lewis Strategies, LLC (\$3,647.69 on 10/15/16 and \$3,352.07 on 10/16/16, both for online advertising) were timely disclosed on a 48-Hour Report filed on 10/19/16. These two expenditures total \$6,999.76 and were the Funds next independent expenditures after 10/14/16. The Funds next independent expenditure in the same race (also to Anne Lewis Strategies, LLC , for \$3,027.48) was disseminated on 10/17/16, at which point another \$10,000 in spending had aggregated and was timely disclosed on the 48-Hour Report filed 10/19/16.

Please do not hesitate to contact me if you have any additional questions.

Renata Strause
Counsel for AFL-CIO Committee on Political Education Treasury Fund