BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: MUR 7699

Respondent: Church for Wisconsin.
and Paul Kilgore, as treasurer
(the "Committee")
Jason Church

Complaint Receipt Date: February 18, 2020
Response Date: March 11, 2020

EPS Rating:

Alleged Statutory/ Regulatory Violations: **52 U.S.C. §§ 30101(2), 30102(e), 30104(a), (b), 30120**
11 C.F.R. §§ 100.3, 102.12, 104.1, 104.2, 104.3, 110.11

The Complaint alleges that Church improperly filed his Statement of Candidacy, and alleges the Committee improperly filed its Statement of Organization and failed to file its 2019 Year-End financial disclosure report.[1] The Complaint further alleges that the Committee included inadequate disclaimers on TV and radio ads, yard signs, and social media posts.[2] The Response asserts that Church's Statement of Candidacy and the Committee's Statement of Organization complied with the requirements of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations, and states that the Commission waived the requirement to file a Year-End Report for authorized committees participating in Wisconsin's 7th District Special Primary.[3] Respondents also assert that the Committee displayed the proper disclaimers on its social media and public communications.[4]

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[1] Compl. at 1-2 (Feb. 18, 2020). Church was a Republican primary candidate in the 2020 Special Election race for U.S. Representative in Wisconsin's 7th District. Church lost the primary election with 42.5% of the vote.

[2] *Id*. The Complaint also alleges that Church failed to file his Personal Disclosure Affidavit, however this issue is not under the Commission's jurisdiction. *Id*.

[3] Resp. at 1-2 (Mar. 11, 2020). *See also* https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2020-reporting-dates/special-election-report-notice-wi07/. The Committee filed its 2020 Pre-Primary Report on February 6, 2020, and filed twelve 48-Hour Notices of Contributions Received.

[4] *Id*. at 2-3.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the technical nature of the allegations, and the apparent steps taken by the Respondents to comply with the Act and Commission regulations,[5] we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.[6] We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

04.17.20
Date

BY: Stephen Gura
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[5] Respondents state that the Committee's public communications included proper disclaimers, but did not provide examples supporting this statement, and this office is unable to discern the sufficiency of the disclaimers due to the lack of clarity in the images attached to the Complaint.

[6] *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).