

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7509

Respondents: Tim Ryan for Congress
and Allen Ryan, as Treasurer
("the Committee")¹

Complaint Receipt Date: October 10, 2018

Response Date: November 30, 2018

EPS Rating:

Alleged Statutory

52 U.S.C. § 30120(a), (c)(2);

Regulatory Violations:

11 C.F.R. § 110.11(a), (c)(2)(ii)

The Complaint alleges that the Committee distributed a printed campaign advertisement, but failed to put the ad's disclaimer in a printed box set apart from the other contents of the communication.² Respondents state that the leaflet was created in-house and acknowledge their error in not placing the disclaimer in a box set apart from the other contents of the communication.³ Respondents further state that when they learned of the Complaint and discovered the error, they recovered the available leaflets from third parties and destroyed the remaining leaflets within their possession.⁴

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

¹ Tim Ryan won the November 6, 2018, general election for Ohio's 13th Congressional District. Ryan has represented Ohio's 13th Congressional District since 2013. He represented Ohio's 17th Congressional District from 2003-2013.

² Compl. at 1, 2 (October 10, 2018). The Complaint describes the ad as including a photo of Ryan, Ryan's campaign logo, and political references, as well as the disclaimer statement "Paid for By Tim Ryan for Congress," but alleges that the disclaimer is not inside a printed box set apart from other contents of the ad. *Id.* The Complaint attaches a photocopy of the ad. *Id.*, Ex. A.

³ Resp. at 1 (November 30, 2018).

⁴ *Id.* Respondents state that approximately 2,500 copies were printed, with approximately 1,000 copies initially provided to third parties. *Id.*

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 unlikelihood that the public was misled as to who paid for the leaflet, and the remedial actions of the Committee, 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.⁵ We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

4/10/19

Date

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⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).