



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUG - 9 2019

Rachael A. Ballard Thomas

Susquehanna, PA 18847

RE: MUR 7617

Dear Ms. Thomas:

On June 19, 2019, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On August 5, 2019, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that you violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan".

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

10004744401

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7617

Respondents: Supporters of Judy Herschel
and Judith Herschel, as Treasurer
("the Committee"),¹
Rachel Thomas

Complaint Receipt Date: June 17, 2019

Response Dates: June 26 & 27, 2019

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30116(a)(1)(A), (f)
11 C.F.R. §§ 110.1(b), 110.9**

The Complaint alleges that the Committee reported twenty in-kind contributions from Rachel Thomas, an attorney, and the value of those services exceeded the individual contribution limit.² The Committee states that Thomas's voluntary legal services were reported as in-kind contributions in an abundance of caution, but notes that there was possibly no duty to report them at all.³ Thomas responds that the Federal Election Campaign Act specifically exempts from the definition of "contribution" both volunteer services and the provision of free legal services to a campaign for the purpose of ensuring a campaign's compliance with the Act.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 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity

¹ Judith Herschel was a 2018 candidate for the U.S House of Representatives in Pennsylvania's Tenth District, and Supporters of Judy Herschel was her principal campaign committee.

² Compl. at 1 (June 17, 2019). The Committee reported receiving \$9,975 worth of in-kind contributions from Thomas.

³ Supporters of Judy Herschel Resp. at 1 (June 27, 2019).

⁴ Rachel Thomas Resp. at 1 (June 26, 2019).

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, and the relatively low amount of potential contributions, in-kind or otherwise, at issue, 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. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

July 19, 2019
Date

BY: Stephen Gura /by KP
Stephen Gura
Deputy Associate General Counsel
Jeff Jordan /by KP
Jeff S. Jordan
Assistant General Counsel

Heather McGuire
Heather McGuire
Legal Intern