

FEDERAL ELECTION COMMISSION

Washington, DC 20463

VIA ELECTRONIC MAIL

August 12, 2020

allison@ashby.law
Allison McKenzie
Ashby Law
602 Cameron Street, Suite 102
Alexandria, VA 22314

RE: MUR 7699

Church for Wisconsin

and Paul Kilgore, as treasurer

Jason Church

Dear Ms. McKenzie:

On February 21, 2020, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations. A copy of the complaint was forwarded to your clients at that time. On August 6, 2020, based upon the information contained in the complaint and information provided by respondents, the Commission voted to dismiss allegations that Church for Wisconsin and Paul Kilgore, in his official capacity as treasurer, and Jason Church, 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 Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Jeff S. Jordan

Assistant General Counsel

Enclosure:

General Counsel's Report

1 2	BEFORE THE FEDERAL ELECTION COMMISSION			
3 4	ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT			
5 6 7 8 9	MUR: MUR 7699	Respondent:	Church for Wisconsin. and Paul Kilgore, as treasurer (the "Committee") Jason Church	
10 11 12 13 14	Complaint Receipt Date: Februar Response Date: March 11, 2020	y 18, 2020		
15 16 17	Alleged Statutory/ Regulatory Violations:		2), 30102(e), 30104(a), (b), 30120 102.12, 104.1, 104.2, 104.3, 110.11	
18	The Complaint alleges that C	Church improperly file	d his Statement of Candidacy, and alleges	
19	the Committee improperly filed its	Statement of Organizat	ion and failed to file its 2019 Year-End	
20	financial disclosure report. ¹ The Co	omplaint further allege	s that the Committee included inadequate	
21	disclaimers on TV and radio ads, yard signs, and social media posts. ² The Response asserts that			
22	Church's Statement of Candidacy and the Committee's Statement of Organization complied with			
23	the requirements of the Federal Election Campaign Act of 1971, as amended (the "Act"), and			
24	Commission regulations, and states that the Commission waived the requirement to file a Year-End			
25	Report for authorized committees participating in Wisconsin's 7th District Special Primary. ³			
26	Respondents also assert that the Committee displayed the proper disclaimers on its social media and			
27	public communications. ⁴			

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.

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.

Resp. at 1-2 (Mar. 11, 2020). See also https://www.fec.gov/help-candidates-and-committees/dates-anddeadlines/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.

Id. at 2-3.

EPS Dismissal Report MUR 7699 (Church for Wisconsin) Page 2 of 2

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.

14			Lisa J. Stevenson
15			Acting General Counsel
16			
17			Charles Kitcher
18			Acting Associate General Counsel
19 20	04.17.20	BY:	Steple Jua
21	Date		Stephen Gura
22			Deputy Associate General Counsel
23 24			Job Jr
25			Jeff S. Jordan
26			Assistant General Counsel
27			
28			Calau & CANBOH
29			Donald E. Campbell
30			Attorney

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).