DEPODE THE PEDEDAL ELECTION COMMISSION

2	BEFORE THE FEDERAL ELECTION COMMISSION				
3 4	ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT				
5 6 7 8 9	MUR: MUR 7702	Respondent:	Tricia Zunker for Wisconsin and Paul DeMain, as treasurer (the "Committee") Tricia Zunker		
11 12 13	Complaint Receipt Date: Febrares Date: March 06, 202				
14 15	EPS Rating:				
16 17	Alleged Statutory/ Regulatory Violations:		(2), 30102(e), 30104(a), (b), 30120 102.12, 104.1, 104.2, 104.3, 110.11		
18 19	The Complaint alleges th	nat Zunker improperly file	d her Statement of Candidacy, and the		
20	Committee improperly filed its Statement of Organization and failed to file its 2019 Year-End				
21	financial disclosure report. The Complaint further alleges that the Committee included inadequate				
22	disclaimers on yard signs and social media posts. ² The Response asserts that Zunker's Statement of				
23	Candidacy and the Committee's Statement of Organization complied with the requirements of the				
24	Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations, and				
25	states that the Commission waived the requirement to file a Year-End Report for authorized				
26	committees participating in Wisconsin's 7th District Special Primary. ³ Respondents also assert that				
27	the Committee displayed the proper disclaimers on its social media and public communications. ⁴				

Compl. at 1-2 (Feb. 18, 2020). Zunker is a Democratic candidate in the 2020 Special Election race for U.S. Representative in Wisconsin's 7th District. Zunker won the special primary election with 88.8% of the vote.

² *Id.* The Complaint also alleges that Zunker failed to file a personal Financial Disclosure Statement, however, this issue is not within the Commission's jurisdiction. *Id.*

Resp. at 1 (Mar. 06, 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 one 48-Hour Notice of Contributions Received.

¹ Id.

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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

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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).