



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**VIA CERTIFIED MAIL**  
**AND ELECTRONIC MAIL**

August 12, 2020

**RETURN RECEIPT REQUESTED**

Joanna Opela, Treasurer  
Trail Blazers for Michael Opela Committee  
228045 Weinkauff Road  
Edgar, WI 54426

RE: MUR 7702  
Tricia Zunker for Wisconsin  
and Paul DeMain, as treasurer

Dear Ms. Opela:

The Federal Election Commission has considered the allegations contained in your complaint dated February 16, 2020. On August 6, 2020, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Tricia Zunker for Wisconsin and Paul DeMain, in his official capacity as treasurer, and Tricia Zunker, and closed its file in this matter. 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 Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016), effective September 1, 2016.

The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

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

BY: Jeff S. Jordan  
Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

**MUR:** MUR 7702

**Respondent:** Tricia Zunker for Wisconsin  
and Paul DeMain, as treasurer  
(the “Committee”)  
Tricia Zunker

**Complaint Receipt Date:** February 18, 2020

**Response Date:** March 06, 2020

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

The Complaint alleges that Zunker improperly filed her Statement of Candidacy, and the Committee improperly filed its Statement of Organization and failed to file its 2019 Year-End financial disclosure report.<sup>1</sup> The Complaint further alleges that the Committee included inadequate disclaimers on yard signs and social media posts.<sup>2</sup> The Response asserts that Zunker’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.<sup>3</sup> Respondents also assert that the Committee displayed the proper disclaimers on its social media and public communications.<sup>4</sup>

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<sup>1</sup> 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.

<sup>2</sup> *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.*

<sup>3</sup> 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.

<sup>4</sup> *Id.*

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

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06.17.20  
Date

Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Acting Associate General Counsel

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Donald E. Campbell  
Donald E. Campbell  
Attorney

<sup>5</sup> 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.

<sup>6</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).