



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC MAIL
tricia@triciaforwisconsin.com

August 12, 2020

Tricia Zunker
Tricia Zunker for Wisconsin
P.O. Box 1549
Wausau, WI54402

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

Dear Ms. Zunker:

On February 21, 2020, 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”) and Commission regulations. A copy of the complaint was forwarded to you 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 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 Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

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

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.¹ The Complaint further alleges that the Committee included inadequate disclaimers on yard signs and social media posts.² 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.³ Respondents also assert that the Committee displayed the proper disclaimers on its social media and public communications.⁴

¹ 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.*

³ 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.

⁴ *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,⁵ 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.⁶ We also recommend that the Commission close the file as
13 to all respondents and send the appropriate letters.

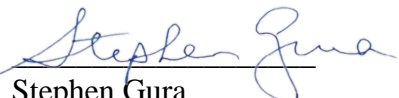
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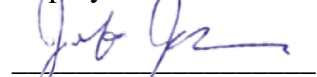
06.17.20
Date


BY:

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney

⁵ 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).