

FEDERAL ELECTION COMMISSION

Washington, DC 20463

VIA ELECTRONIC MAIL

August 12, 2020

fec@cfoconsults.com

Paul DeMain, Treasurer Tricia Zunker for Wisconsin P.O. Box 1549 Wausau, W154402

RE: MUR 7702

Tricia Zunker for Wisconsin and Paul DeMain, as treasurer

Dear Mr. DeMain:

On February 21, 2020, the Federal Election Commission ("Commission") notified Tricia Zunker for Wisconsin and you, in your official capacity as treasurer, 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 and the Committee 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 Tricia Zunker for Wisconsin, and you, in your official capacity as treasurer, 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

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	
10 11 12 13 14 15	Complaint Receipt Date: Febr Response Date: March 06, 202			
16 17 18 19	Alleged Statutory/ Regulatory Violations: The Complaint alleges the	11 C.F.R. §§ 100.3,	2), 30102(e), 30104(a), (b), 30120 102.12, 104.1, 104.2, 104.3, 110.11 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.

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.

Id.

EPS Dismissal Report MUR 7702 (Tricia Zunker for Wisconsin) Page 2 of 2

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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. Lica I Stevenson

14 15			Lisa J. Stevenson
16			Acting General Counsel
17			Charles Kitcher
18			Acting Associate General Counsel
19 20	06.17.20	BY:	St. So Sua
21	Date	ы.	Stephen Gura
22	Date		Deputy Associate General Counsel
23			Deputy Associate General Counsel
24			707
25			Jeff S. Jordan
26			Assistant General Counsel
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28			Calan & AMOSH
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).