

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: MUR 7703

Respondent: Committee to Elect Lawrence Dale
and Lawrence Dale, as treasurer
(the “Committee”)

Complaint Receipt Date: February 18, 2020

Response Date: March 28, 2020

EPS Rating:

Alleged Statutory/Regulatory Violations: 52 U.S.C. §§ 30101(2), 30102(e), 30103(b), 30104(a), (b), 30120
11 C.F.R. §§ 100.3, 102.12, 104.1, 104.2, 104.3, 110.11

The Complaint alleges that the Committee improperly filed its Statement of Organization and failed to file a 2019 Year-End financial disclosure report, and that Dale failed to file a Statement of Candidacy.¹ The Complaint further alleges that the Committee included inadequate disclaimers on social media posts.² Finally, the Complaint alleges that Dale is not a Wisconsin resident, and therefore is not eligible to be on the ballot.³ Respondents state that the Complaint is frivolous.⁴

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

¹ Compl. at 1-2 (Feb. 18, 2020). Dale was a Democratic candidate in the 2020 Special Election primary for U.S. Representative in Wisconsin’s 7th District, and lost that election with 10.97% of the vote. The Commission waived the requirement to file a Year-End Report for authorized committees participating in Wisconsin’s 7th District Special Primary. See <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2020-reporting-dates/special-election-report-notice-wi07/>. The Committee has not filed any reports of receipts and disbursements with the Commission, and Dale did not file a Statement of Candidacy, however, there is insufficient information to determine whether the Committee raised or spent \$5,000 in the campaign and, therefore, met the Act’s definition of a candidate. See 52 U.S.C. § 30101(2); see also 11 C.F.R. § 100.3. In support of the allegation that Dale should not have been on the ballot, the Complaint appears to concede that Dale did not raise or spend enough money to be considered a candidate under the Act. Compl. at 1.

² Compl. at 1-2. The Complaint also alleges that Dale failed to file his Financial Disclosure Statement, however this issue is not within the Commission’s jurisdiction. *Id* at 1.

³ The Commission lacks jurisdiction over which candidates appear on a state’s election ballot, and we do not address this allegation further.

⁴ Resp. at 1 (May 28, 2020).

1 assess whether particular matters warrant further administrative enforcement proceedings. These
2 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
3 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
4 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
5 potential violations and other developments in the law. This matter is rated as low priority for
6 Commission action after application of these pre-established criteria. Given that low rating and the
7 likely small amount of money at issue, we recommend that the Commission dismiss the Complaint
8 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its
9 priorities and use of agency resources.⁵ We also recommend that the Commission close the file as
10 to all respondents and send the appropriate letters.

11 Lisa J. Stevenson
12 Acting General Counsel

13 Charles Kitcher
14 Acting Associate General Counsel

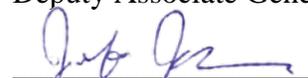
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16 06.17.20

17 _____
18 Date

19 BY:

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21 _____

22 Stephen Gura
23 Deputy Associate General Counsel

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25 _____

26 Jeff S. Jordan
27 Assistant General Counsel


28 _____
29 Donald E. Campbell
30 Attorney

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).