



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

NOV 15 2017

H. Terry Hutchens

Fayetteville, NC 28305

RE: MUR 7259

Dear Mr. Hutchens:

On November 9, 2017, the Federal Election Commission (the "Commission") reviewed the allegations in your complaint dated June 29, 2017, and found that on the basis of the information provided in your complaint, and information provided by the respondents, there is no reason to believe Mark E. Harris violated 52 U.S.C. § 30101(2). Also on this date, the Commission found that there is no reason to believe Mark Harris for Congress and Robert D. Lyerly, Jr., in his official capacity as treasurer, violated 52 U.S.C. § 30103(a). Accordingly, the Commission closed its file in this matter on November 9, 2017.

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 Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stephenson  
Acting General Counsel

BY:   
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

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3 RESPONDENTS: Mark E. Harris MUR 7259  
4 Mark Harris for Congress and  
5 Robert D. Lyerly, Jr. as treasurer  
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7 I. INTRODUCTION

8 This matter was generated by a Complaint alleging that Mark E. Harris violated the  
9 Federal Election Campaign Act of 1971, as amended (the "Act"), by failing to timely register  
10 with the Federal Election Commission (the "Commission") as a candidate. The Commission  
11 finds no reason to believe that Mark E. Harris violated 52 U.S.C. § 30101(2) by failing to timely  
12 file a Statement of Candidacy with the Commission, and no reason to believe that Mark Harris  
13 for Congress and Robert D. Lyerly, Jr. in his official capacity as treasurer violated 52 U.S.C.  
14 § 30103(a).

15 II. FACTUAL AND LEGAL ANALYSIS

16 The Complaint alleges that Mark E. Harris, 2018 candidate for North Carolina's Ninth  
17 Congressional district, failed to timely register with the Commission as a candidate.<sup>1</sup> According  
18 to the Complaint, Harris became a candidate on or about June 11, 2017 and, therefore, should  
19 have registered with the Commission within 15 days, that is, by June 26, 2017.<sup>2</sup> The Complaint  
20 includes several news articles and the transcript of a radio interview in support of the allegation,  
21 and speculates that because Harris "did not clarify he is not a candidate," hired a political

<sup>1</sup> Compl. at 1 (June 29, 2017). The candidate's registered committee, Mark Harris for Congress and Robert D. Lyerly, Jr. in his official capacity as treasurer, was also notified of the complaint.

<sup>2</sup> *Id.*

1 consultant, and sought financial support from political supporters, he likely raised or spent over  
2 \$5,000, the threshold for candidacy under the Act.<sup>3</sup>

3 Harris states that the cited articles show that he was simply considering a run, he had not  
4 hired a political consultant, and he had not raised or spent in excess of \$5,000.<sup>4</sup> Further, Harris  
5 maintains that he timely registered with the Commission as a candidate on July 5, 2017, after he  
6 determined he would run for Congress.<sup>5</sup>

7 Within fifteen days of becoming a candidate,<sup>6</sup> the candidate must designate a principal  
8 campaign committee by filing a Statement of Candidacy.<sup>7</sup> The principal campaign committee  
9 must then file a Statement of Organization no later than ten days after designation by the  
10 candidate.<sup>8</sup>

11 The Complaint offers no information that Harris might have passed the financial  
12 threshold for candidacy, and Harris specifically denies he registered untimely. Further, Harris's  
13 authorized committee, Mark Harris for Congress, filed its 2017 October Quarterly report on

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<sup>3</sup> *Id.* at 2. See also Compl. Exhibits 1-5. For example, in an article by the Charlotte Observer, Harris is quoted as saying he was leaving his church as he "continu[ed] to look at undertaking a campaign." See Jane Wester and Tim Funk, *First Baptist's Mark Harris to Step Aside as he Considers Another Bid for Congress*, CHARLOTTEOBSERVER.COM, July 17, 2017 at <http://www.charlotteobserver.com/news/local/article155588049.html>. Harris also states in a WBT Radio interview that he was "under...uh...taking a look at undertaking a campaign." But Harris also stated in that interview, that "there's a lot of swamp draining that needs to be done and I think there needs to be a voice that can be a leader and can speak into the issues of the day and I believe that I'm to be that man" and "Beth [Harris's wife] and I had determined sometime back that if I ever felt led to make a move and make a decision towards running that we would step aside as leaders at First Baptist." Bo Thompson, *WBT's Morning News*, June 12, 2017, available at <http://www.wbt.com/blogs/wbts-morning-news/pastor-mark-harris-running-congress>.

<sup>4</sup> Resp. at 1 (July 17, 2017).

<sup>5</sup> *Id.* See also FEC Form 2, *Statement of Candidacy*, available at [http://docquery.fec.gov/cgi-bin/fecimg?\\_201707059066468894+0](http://docquery.fec.gov/cgi-bin/fecimg?_201707059066468894+0) (July 5, 2017).

<sup>6</sup> 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

<sup>7</sup> 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

<sup>8</sup> 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

1 October 13, 2017, and disclosed no financial activity prior to Harris's July 5, 2017, Statement of  
2 Candidacy.<sup>9</sup> Therefore, the Commission finds no reason to believe that Mark E. Harris and  
3 Mark Harris for Congress and Robert D. Lyerly, Jr. in his official capacity as treasurer violated  
4 52 U.S.C. § 30101(2) by failing to timely file a Statement of Candidacy with the Commission,  
5 and finds no reason to believe that Mark Harris for Congress and Robert D. Lyerly, Jr. in his  
6 official capacity as treasurer violated 52 U.S.C. § 30103(a).

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<sup>9</sup> FEC Form 3, *Reports of Receipts and Disbursements*, at <http://docquery.fec.gov/cgi-bin/forms/C00649236/1186317/> (filed Oct. 13, 2017).