



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

NOV 15 2017

William B. Canfield, III
William B. Canfield, III, Attorney at Law
6327 Whittier Avenue, Suite 201
McLean, VA 22101

RE: MUR 7259
Mark E. Harris, et al.

Dear Mr. Canfield:

On July 5, 2017, the Federal Election Commission notified your clients, Mark E. Harris and Mark Harris for Congress, and Robert D. Lyerly, Jr. in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On November 9, 2017, the Commission found, on the basis of the information in the complaint, and information you provided, that there is no reason to believe Mark E. Harris violated 52 U.S.C. § 30101(2). On the same 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.

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 explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Wanda Brown, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

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

Jeff S. Jordan
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Mark E. Harris MUR 7259
Mark Harris for Congress and
Robert D. Lyerly, Jr. as treasurer

I. INTRODUCTION

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

II. FACTUAL AND LEGAL ANALYSIS

The Complaint alleges that Mark E. Harris, 2018 candidate for North Carolina's Ninth Congressional district, failed to timely register with the Commission as a candidate.¹ According to the Complaint, Harris became a candidate on or about June 11, 2017 and, therefore, should have registered with the Commission within 15 days, that is, by June 26, 2017.² The Complaint includes several news articles and the transcript of a radio interview in support of the allegation, and speculates that because Harris "did not clarify he is not a candidate," hired a political

¹ 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.

² *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.³

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 \$5,000.⁴ 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.⁵

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

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

³ *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 "continue[d] 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>.

⁴ Resp. at 1 (July 17, 2017).

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

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

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

⁸ 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.⁹ 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).

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