



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAY 31 2018

John Paul Sabby

Lincoln, NE 68506

RE: MUR 7306

Dear Mr. Sabby:

The Federal Election Commission reviewed the allegations in your complaint received on December 19, 2017, and in your amendment to the complaint received on January 26, 2018. On May 15, 2018, based upon the information provided in the complaint, and information provided by the respondents, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Todd Watson, and Watson for Senate and Todd Watson, in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on May 15, 2018. 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).

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. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7306

**Respondents: Watson for Senate
and Todd Watson, as Treasurer
("the Committee")
Todd Watson¹**

Complaint Receipt Date: December 19, 2017

Amendment Receipt Date: January 26, 2018

Response Date: January 18, 2018

EPS Rating:

Alleged Statutory

52 U.S.C. § 30101(2)(A), (B);

Regulatory Violations:

11 C.F.R. §§ 100.3(a)(1), (2); 101.1(a)

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The Complaint alleges that Watson failed to file a Statement of Candidacy. Specifically, the Complaint states that Watson spent at least \$5,836.90 on radio ads in November 2017, and solicited contributions on his campaign website, Twitter, and Facebook, but had failed to file proper forms with the FEC.² An Amendment to the Complaint³ states that Watson spent an additional \$2,473.50 in November 2017. In his Response, Watson acknowledged that he had not timely filed his Statement of Candidacy. The available information indicates that Watson mailed a Statement of Candidacy to the Secretary of the Senate on December 18, 2017, and it was received by the Secretary of the Senate on January 2, 2018.

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

¹ Watson is a 2018 candidate for United States Senate in Nebraska. Watson was previously a Senate candidate in 2014, and lost in the general election with 1.2% of the vote.

² The Complaint attached copies of broadcast contracts and sales receipts for radio ads totaling \$5,836.90, dated November 21-22, 2017. The Complaint Amendment attached copies of broadcast contracts and sales receipts for radio ads totaling \$2,473.50, dated November 21, 2017. The Committee reported these disbursements, as well as \$1,700 in additional radio ad disbursements, on its 2017 Year-End Report, filed January 31, 2018.

³ Respondents did not respond to the January 26, 2018, amendment to the Complaint.

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, and the fact that Watson and the Committee have now filed Statements of Candidacy and Organization, 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.⁴ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

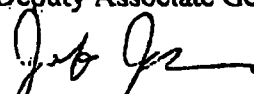
Kathleen M. Guith
Associate General Counsel

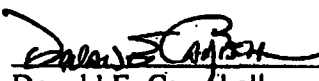
3.15.18

Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney

⁴ Watson filed his Statement of Candidacy only eleven days beyond the apparent due date of December 7, 2017, and this late submission did not cause the Committee to miss filing its first required report, the 2017 Year-End Report, which disclosed its formation activities.