

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 )  
5 MUR 7446 ) **CASE CLOSURE UNDER THE**  
6 Dowling for Congress and ) **ENFORCEMENT PRIORITY**  
7 Lysa Ray in her official capacity as treasurer ) **SYSTEM**

8  
9 **GENERAL COUNSEL'S REPORT**

10 Under the Enforcement Priority System, the Commission uses formal scoring criteria as a  
11 basis to allocate its resources and decide which matters to pursue. These criteria include, without  
12 limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking  
13 into account both the type of activity and the amount in violation; (2) the apparent impact the  
14 alleged violation may have had on the electoral process; (3) the complexity of the legal issues  
15 raised in the matter; and (4) recent trends in potential violations of the Federal Election  
16 Campaign Act of 1971, as amended (the "Act"), and developments of the law. It is the  
17 Commission's policy that pursuing relatively low-rated matters on the Enforcement docket  
18 warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances  
19 or to find no reason to believe the Act has been violated.

20 The Office of General Counsel has scored MUR 7446 as a low-rated matter and has  
21 determined that it should not be referred to the Alternative Dispute Resolution Office.<sup>1</sup> For the  
22 reasons set forth below, we recommend that the Commission find no reason to believe that

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<sup>1</sup> The EPS rating information is as follows:  
Filed: August 13, 2018.

1 Dowling for Congress and Lysa Ray in her official capacity as treasurer (“the Committee”)<sup>2</sup>  
2 violated the Act or Commission regulations.

3 The Complainant alleges that the Committee failed to file its 2018 July Quarterly  
4 Report.<sup>3</sup> The Committee asserts that it had not raised or spent more than \$5,000 by the end of  
5 June 2018 and, therefore, was not required to file the report.<sup>4</sup>

6 Within fifteen days of becoming a candidate,<sup>5</sup> the candidate must designate a principal  
7 campaign committee by filing a Statement of Candidacy.<sup>6</sup> The principal campaign committee  
8 must then file a Statement of Organization no later than ten days after designation by the  
9 candidate.<sup>7</sup> If the individual seeking federal office has not attained candidate status, his or her  
10 principal campaign committee may choose to, but is not required to, file disclosure reports.<sup>8</sup>

11 There are no available facts showing that the Committee was required to file a 2018 July  
12 Quarterly Report, and the Committee denies passing the reporting threshold at that time.<sup>9</sup>

<sup>2</sup> Dowling was a 2018 candidate for the U.S. House of Representatives for Arizona’s Eighth Congressional District. Dowling for Congress was her principal campaign committee. On September 17, 2018, the Committee was inadvertently terminated.

<sup>3</sup> Compl. at 1 (July 30, 2018).

<sup>4</sup> Resp. at 1 (Aug. 13, 2018). The Committee’s 2018 Pre-Primary Report is consistent with the Committee’s Statement. Dowling for Congress 2018 Pre-Primary Report, available at <http://docquery.fec.gov/pdf/396/201808169119650396/201808169119650396.pdf>.

<sup>5</sup> 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

<sup>6</sup> 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

<sup>7</sup> 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

<sup>8</sup> 52 U.S.C. § 30104(a); 11 C.F.R. § 104.1(b).

<sup>9</sup> According to the Committee’s 2018 Pre-Primary and Termination Reports, the Committee did not receive over \$5,000 in contributions until August 2018. Dowling for Congress 2018 Pre-Primary Report, available at <http://docquery.fec.gov/pdf/396/201808169119650396/201808169119650396.pdf>; Dowling for Congress Termination Report, available at <http://docquery.fec.gov/pdf/910/201809129121698910/201809129121698910.pdf>. Although it is not possible to confirm the exact date the Committee exceeded \$5,000 in expenditures, given the outstanding debts reflected on the Pre-Primary Report, there is no information available to suggest that it was before July 2018. *Id.*

1 Therefore, we recommend that the Commission find no reason to believe that Dowling for  
2 Congress and Lysa Ray in her official capacity as treasurer violated 52 U.S.C. § 30104(a) or  
3 11 C.F.R. § 104.1.

4 **RECOMMENDATIONS**

- 5  
6 1. Find no reason to believe that Dowling for Congress and Lysa Ray in her official  
7 capacity as treasurer violated 52 U.S.C. § 30104(a) or 11 C.F.R. § 104.1;  
8  
9 2. Approve the attached Factual and Legal Analysis and the appropriate letters; and  
10  
11 3. Close the file as to all Respondents.  
12  
13

14 Lisa J. Stevenson  
15 Acting General Counsel  
16

17  
18 Kathleen M. Guith  
19 Associate General Counsel  
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21  
22 10.22.18  
23 Date

24 BY: Stephen Gura  
25 Stephen Gura  
26 Deputy Associate General Counsel

27 Jeff S. Jordan  
28 Jeff S. Jordan  
29 Assistant General Counsel  
30

31 Kristina M. Portner  
32 Kristina M. Portner  
33 Attorney  
34

35  
36 Attachment:  
37 Factual and Legal Analysis

CONFIDENTIAL

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

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2  
3 RESPONDENTS: Dowling for Congress and MUR 7446  
4 Lysa Ray in her official capacity as treasurer  
5

6 This matter was generated by a Complaint alleging violations of the Federal Election  
7 Campaign Act of 1971, as amended (“the Act”) and Commission regulations by Dowling for  
8 Congress and Lysa Ray in her official capacity as treasurer. It was scored as a low-rated matter  
9 under the Enforcement Priority System, by which the Commission uses formal scoring criteria as  
10 a basis to allocate its resources and decide which matters to pursue.

11 The Complainant alleges that the Committee failed to file its 2018 July Quarterly  
12 Report.<sup>1</sup> The Committee asserts that it had not raised or spent more than \$5,000 by the end of  
13 June 2018 and, therefore, was not required to file the report.<sup>2</sup>

14 Within fifteen days of becoming a candidate,<sup>3</sup> the candidate must designate a principal  
15 campaign committee by filing a Statement of Candidacy.<sup>4</sup> The principal campaign committee  
16 must then file a Statement of Organization no later than ten days after designation by the  
17 candidate.<sup>5</sup> If the individual seeking federal office has not attained candidate status, his or her  
18 principal campaign committee may choose to, but is not required to, file disclosure reports.<sup>6</sup>

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<sup>3</sup> 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

<sup>4</sup> 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

<sup>5</sup> 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

<sup>6</sup> 52 U.S.C. § 30104(a); 11 C.F.R. § 104.1(b).

- 1           There are no available facts showing that the Committee was required to file a 2018 July  
2 Quarterly Report, and the Committee denies passing the reporting threshold at that time.<sup>7</sup>  
3 Therefore, the Commission finds no reason to believe that Dowling for Congress and Lysa Ray  
4 in her official capacity as treasurer violated 52 U.S.C. § 30104(a) or 11 C.F.R. § 104.1.

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<sup>7</sup> According to the Committee's 2018 Pre-Primary and Termination Reports, the Committee did not receive over \$5,000 in contributions until August 2018. Dowling for Congress 2018 Pre-Primary Report, available at <http://docquery.fec.gov/pdf/396/201808169119650396/201808169119650396.pdf>; Dowling for Congress Termination Report, available at <http://docquery.fec.gov/pdf/910/201809129121698910/201809129121698910.pdf>. Although it is not possible to confirm the exact date the Committee exceeded \$5,000 in expenditures, given the outstanding debts reflected on the Pre-Primary Report, there is no information available to suggest that it was before July 2018. *Id.*

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