

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM  
DISMISSAL REPORT**

**MUR:** 7518

**Respondents:** Campaign to Elect Josh McCall  
and Tiffany Potter, as  
Treasurer

**Complaint Receipt Date:** October 17, 2018

**Response Date:** October 31, 2018

**EPS Rating:**

**Alleged Statutory  
Regulatory Violations:**

**52 U.S.C. § 30120(a)(1), (c)  
11 C.F.R. § 110.11(a), (b)(1), (c)(2)**

Complainant alleges that the Committee's yard signs and one newspaper ad failed to include the required "paid for" disclaimer. The Committee acknowledges the error, and asserts that it added stickers containing a "paid for" disclaimer to the yard signs in its inventory and to many already-posted signs, and it confirmed with the newspaper that the ad lacking a disclaimer would no longer be run.<sup>1</sup>

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 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, the remedial actions taken by the Committee, and the unlikelihood the general public would have been

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<sup>1</sup> Based on the photos supplied with the Response, it is unclear whether the "paid for" stickers added to the Committee's yard signs were of sufficient type size to be clearly readable as required by 11 C.F.R. § 110.11(c)(2)(i).

confused as to who was responsible for the newspaper ad,<sup>2</sup> 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. *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.

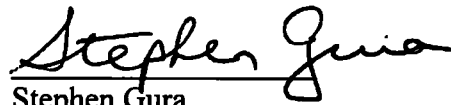
Lisa J. Stevenson  
Acting General Counsel

Kathleen M. Guith  
Associate General Counsel

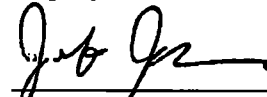
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Date

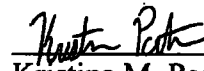
BY:



Stephen Gura  
Deputy Associate General Counsel



Jeff S. Jordan  
Assistant General Counsel



Kristina M. Portner  
Attorney

<sup>2</sup> The yard signs and newspaper ad displayed the slogan "Josh McCall for All," which also appears on the Committee's website <https://mccallforall.com/>. Additionally, the ad includes the Committee's website address.