

MUR 7605 (Chad Price, *et al.*)

Statement of Reasons

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recommendation to dismiss this matter as a matter of prosecutorial discretion. Federal law clearly states that “[n]o person shall make a contribution in the name of another.”⁹ It is undisputed that Jessica lacked the requisite decisional capacity to make the federal contribution at issue.¹⁰ While the monetary amount of the excessive and prohibited contribution is relatively small, there are some matters that are serious enough to warrant enforcement even if the amount in violation is modest. Conduit contributions, like the one at issue here, are significant violations of federal campaign finance law.¹¹ It is particularly grievous to exploit a position of trust to make political contributions in someone else’s name.¹² In addition to gravity of the violation, there are questions regarding Chad’s credibility and whether he made the contribution in Jessica’s name in order to conceal that he was the source of the funds.¹³

Under these circumstances, the Commission should have pursued enforcement of this matter. Doing so would have demonstrated the Commission’s commitment to ensuring that individuals who lack the mental capacity to make political contributions are not used as conduits for the contributions of others, including those of their guardians. Accordingly, we voted to find reason to believe that Chad E. Price violated 52 U.S.C. §§ 30116(a) and 30122 and to authorize OGC to enter into pre-probable cause conciliation with him to resolve these violations.¹⁴

⁹ 52 U.S.C. § 30122.

¹⁰ Consequently, questions about the scope of the guardianship under state law, such as whether he was generally permitted to make payments on Jessica’s behalf as her guardian, are inapposite.

¹¹ While this action only involves the single contribution to the Hill Committee, the record shows that Chad also made other contributions in his sister’s name in connection with state races: (1) \$5,200 to Nelson Dollar (NC House of Representatives); (2) \$1,000 to Stephen Baldwin (WV State Senate); and (3) \$6,600 to Geoffrey Duncan (GA Lieutenant Governor). *See* Complaint, Attachs.

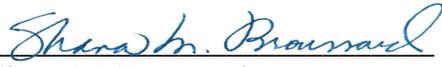
¹² Chad argues that blocking him from contributing in Jessica’s name “would fundamentally disregard Jessica Price’s First Amendment right to free speech.” Suppl. Resp. at 5. He has it entirely backwards. Allowing him to contribute in her name would allow him to *appropriate* her First Amendment rights for his own purposes. Being her guardian does not entitle him to contribute in Jessica’s name anymore than it entitles him to vote in her name. The fact that Jessica is not able to knowingly exercise her political rights does not mean that Chad gets to claim her rights for himself.

¹³ For instance, in connection with the contribution, Chad originally informed the Hill Committee that Jessica was an employee of his company, Mako Medical. In his Response, Chad acknowledged that this was inaccurate and should be corrected. Resp. at 3, MUR 7605 (June 7, 20019). In addition, Chad’s original Response stated that he relied on advice provided by a state candidate and the West Virginia Secretary of State when making the federal contribution on behalf of Jessica. *Id.* at 1, Attach. But in response to the supplemental Complaint, he asserted that, prior to making the contribution in Jessica’s name, he contacted multiple recipient state and federal campaigns, including the Hill Committee, to ensure that the contributions were “compliant with the provisions of the Act.” Suppl. Resp. at 3. According to Chad, he was assured by an unnamed individual from the Hill Committee that his contribution on behalf of Jessica as her court-appointed guardian was legally permissible under state and federal law. *Id.* We note that Chad did not have counsel when he filed the original Response, unlike when he filed the supplemental Response. For its part, the Hill Committee, in its Response to the Complaint, maintains that it had no knowledge of the circumstances under which the contribution was made by Chad, which appears at odds with Chad’s assertion. *See* Hill Committee Resp. at 1-2 (July 11, 2019).

¹⁴ Certification ¶ 2, MUR 7605 (Chad E. Price) (Sept. 14, 2021). In addition, the three of us voted to support OGC’s recommendation to dismiss the allegations that the Hill Committee accepted an excessive contribution in the name of another in violation of 52 U.S.C. §§ 30116(f) and 30122 with a caution to the Hill Committee. *Id.* ¶ 1.

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10/27/2021
Date


Shana M. Broussard
Chair

10/27/2021
Date


Ellen L. Weintraub
Commissioner

10/27/2021
Date


Steven T. Walther
Commissioner