

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7625

Respondents: Joey Nations for Congress and
Charlotte Nations, as Treasurer
("Committee"),
Joey Nations

Complaint Receipt Date: July 18, 2019

Response Date: August 16, 2019

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. §§ 30101(2), 30104(a)(6)(A)
11 C.F.R. §§ 100.3, 101.1(a), 104.5(f)**

The Complaint alleges that Joey Nations failed to register as a candidate for the 2020 election, despite claiming to be a 2020 congressional candidate and soliciting donations in person and on social media since at least December 2018.¹ In addition, Complainant asserts that the Committee failed to file a FEC Form 6 within 48 hours after the Committee's receipt of a \$1,000 contribution.² The Committee asserts that Joey Nations registered as a 2020 candidate on February 3, 2019,³ and that it is not required to file FEC Form 6 for contributions received at this point in the election cycle.⁴

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

¹ Compl. at 2, 4 (July 18, 2019).

² *Id.* at 3.

³ Resp. at 1 (Aug. 16, 2019). On February 3, 2019, a statement of candidacy under the name "Joseph Nations" was filed. Since the candidate's previous forms had been filed under the name "Joey Nations," the system did not connect the forms to Joey Nations for Congress or to Joey Nations' prior statement of candidacy. After the Committee conferred with the Reports Analysis Division in June 2019, a new statement of candidacy was filed and the Joseph Nations form was moved to the Joey Nations candidate profile page on the FEC website.

⁴ Resp. at 1.

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 February 2019 filing of a statement of candidacy under the name Joseph Nations, and the point during the election cycle in which the contribution was received, 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 and send the appropriate letters.

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06.09.20
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