



FEDERAL ELECTION COMMISSION
Washington, DC 20463

February 25, 2021

VIA EMAIL

Brian Svoboda
700 13th Street NW
Suite 800
Washington, DC 20005
BSvoboda@perkinscoie.com

RE: MUR 7691
Friends of Don Beyer
and Katherine Buchanan, as treasurer

Dear Mr. Svoboda:

On February 5, 2020, the Federal Election Commission (“Commission”) notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On February 17, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Friends of Don Beyer and Katherine Buchanan in her official capacity as treasurer violated provisions of the Act. The Commission then closed its file in this matter. 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 Disclosure of Certain Documents in Enforcement and Other Matters*, 81 Fed. Reg. 50,702 (Aug. 2, 2016). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff S. Jordan".

Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel’s Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7691

Respondents: Friends of Don Beyer and Katherine Buchanan, as Treasurer, (“Committee”)

Complaint Receipt Date: February 3, 2020

The Voices of the American

Latest Response Date: April 14, 2020

Federation of Government

EPS Rating:

Employees and

Jeffrey Cox, as Treasurer (“Voices PAC”),

National Active and Retired

Federal Employees Association

Political Action Committee and

Kathryn Hensley, as Treasurer

(“NARFE-PAC”)

**Alleged Statutory
Regulatory Violations:**

52 U.S.C. §§ 30103(b)(2), 30125(e)(1)(A)
11 C.F.R. §§ 102.2(a), 300.61

The Complaint alleges that the Voices PAC, an independent expenditure only committee, made and the Committee accepted \$3,000 in prohibited contributions.¹ Complainant also asserts that the Voices PAC and NARFE-PAC are connected committees, but did not disclose these relationships on their respective statements of organization.²

The Committee denies that it accepted a contribution from Voices PAC. It explains that it misidentified the contributor in its reports, the contributions were from a separate segregated fund with a similar name, not Voices PAC, and it has amended its reports.³ Voices PAC denies that it made a contribution to the Committee, and asserts that it has no connection to NARFE-PAC.⁴

¹ Compl. at 4 (Feb. 3, 2020).

² Supp. Compl. at 1-2 (Feb. 28, 2020).

³ Friends of Don Beyer Resp. at 1-2, Ex. A (Apr. 6, 2020). The Committee’s response attached canceled checks that corroborate that the contributor was American Federation of Government Employees PAC, not Voices PAC. *Id.*

⁴ Voices PAC Resp. at 1 (Apr. 6, 2020).

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NARFE-PAC similarly denies that it is an affiliated committee/organization to the Voices PAC, and asserts that its Statement of Organization is accurate.⁵

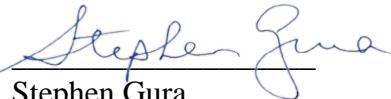
Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the 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, Friends of Don Beyer's assertion that it misreported the source of the contributions, its remedial actions, and the speculative nature of the other allegations contained in the Complaint, 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

Charles Kitcher
 Acting Associate General Counsel

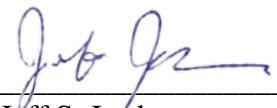
August 11, 2020
 Date

BY:


 Stephen Gura
 Deputy Associate General Counsel

⁵ NARFE-PAC Resp. at 1 (Mar. 19, 2020).

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Jeff S. Jordan
Assistant General Counsel



Kristina M. Portner
Kristina M. Portner
Attorney