



FEDERAL ELECTION COMMISSION
Washington, DC 20463

March 17, 2021

VIA EMAIL

Amy Lombardo
Parsons Behle & Latimer
800 West Main Street, Suite 1300
Boise, ID 83702
ALombardo@parsonsbehle.com

RE: MUR 7751
Nicholas Jones for Congress
and Nicholas Jones, as treasurer;
Nicholas Jones

Dear Ms. Lombardo:

On June 24, 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 March 3, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Nicholas Jones for Congress and Nicholas Jones, in his official capacity as treasurer and in his personal capacity, 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 black ink, appearing to read "J. S. Jordan".

Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7751

Respondents: Nicholas Jones for Congress
and Nicholas Jones
as Treasurer (“the Committee”);
Nicholas Jones

Complaint Receipt Date: June 22, 2020

Response Date: August 11, 2020

EPS Rating: ■

Alleged Statutory **52 U.S.C. §§ 30101(2)(A), 30102(e)(1), 30103(a), 30104(a)(2)**
Regulatory Violations: **11 C.F.R. §§ 100.3(a), 101.1(a), 102.1(a), 104.5(a)**

The Complaint alleges that Jones failed to file his Statement of Candidacy and that the Committee failed to file its Statement of Organization or file quarterly reports.¹ Specifically, the Complaint alleges that Jones created a Facebook page and website for his campaign in late March 2020, and began paying for Facebook ads in support of his candidacy as early as April 6, 2020, but that neither Jones nor his Committee registered with the Commission or filed disclosure reports.² The Response states that Respondents were not required to register or file reports with the Commission in early April because Jones had not raised or spent more than \$5,000 at that time.³

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 1 (June 22, 2020).

² *Id.*

³ Resp. at 1-2 (Aug. 10, 2020). Jones filed his Statement of Candidacy and the Committee filed its Statement of Organization on May 8, 2020. The Response indicates that the Committee did not receive or spend \$5,000 or more prior to May 2020. Within fifteen days of becoming a candidate pursuant to 52 U.S.C. § 30101(2), the candidate must designate a principal campaign committee by filing a Statement of Candidacy. 52 U.S.C. § 30102(e)(1). The principal campaign committee must then file a Statement of Organization no later than ten days after designation by the candidate. 52 U.S.C. § 30103(a). If the individual seeking federal office has not attained candidate status, his or her principal campaign committee may choose to, but is not required to, file disclosure reports. See 52 U.S.C. 30104(a); 11 C.F.R. § 104.1(b).

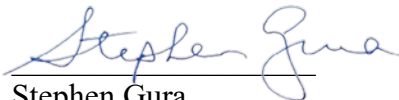
criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends 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 filing of both the Statement of Candidacy and Statement of Organization in May 2020, and the speculative nature of the allegation contained in the Complaint that the Respondents had raised or spent in excess of \$5,000 prior to May 2020,⁴ 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.

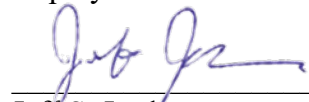
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Acting Associate General Counsel

02.17.21
Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel

⁴ The Committee's first report, the 2020 July Quarterly Report, supports the Respondents' assertion that they did not raise or spend \$5,000 or more prior to May 2020. As to the Complaint's allegation regarding the Facebook ads, the total cost of Facebook ads for the Committee before May 2020 appears to be less than \$5,000. See Facebook Ad Library for Nicholas Jones for Congress, available at [https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&view_all_page_id=106492034334646&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&view_all_page_id=106492034334646&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped).

EPS Dismissal Report—MUR 7751 (Nicholas Jones for Congress, *et al.*)

Page 3 of 3

Kristina Portner

Kristina M. Portner
Attorney