



FEDERAL ELECTION COMMISSION  
Washington, DC

**VIA ELECTRONIC AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

August 9, 2021

Kalla D. Etheredge

Prichard, Al 36610

RE: MUR 7785

Dear Ms. Etheredge:

The Federal Election Commission reviewed the allegations in your complaint received on August 18, 2020. On August 2, 2021, based upon the information provided in the complaint, and further available information, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to Campaign to Elect James Averhart and James Averhart, in his official capacity as treasurer, and close its file in this matter. Accordingly, the Commission closed its file in this matter on August 2, 2018. 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* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

*Roy Q. Lockett*

BY: Roy Q. Lockett  
Acting Assistant General Counsel

Enclosure  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

**MUR:** MUR 7785

**Respondents:** Campaign to Elect James Averhart  
and James Averhart, as treasurer

**Complaint Receipt Date:** August 13, 2020

**Response Date:** N/A

**Alleged Statutory Regulatory Violations:** **52 U.S.C. §§ 30102(c), 30104(b), 30116(f);  
11 C.F.R. §§ 102.9, 104.3, 104.5(a)(2)(i), 104.7**

The Complaint alleges that the Campaign to Elect James Averhart, and James Averhart, in his official capacity as treasurer (the “Committee”), failed to file certain disclosure reports, and omitted required information on disclosure reports filed with the Commission. Specifically, the Complaint alleges the Committee failed to file a 12-Day Pre-Primary Report, failed to disclose employer or occupation of contributors, failed to disclose the address of a vendor, and received a potential prohibited contribution.<sup>1</sup> The Committee did not respond to the Complaint, however, the

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<sup>1</sup> Compl. at 1-2 (Aug. 13, 2020). Averhart was a candidate for U.S. House in Alabama District 1 in 2020. The Complaint attaches select pages from the Committee’s 2020 July Quarterly Report (filed July 4, 2020) demonstrating the lack of contributor and vendor information. *Id.* at 1-2, 4-6; *see also* Campaign to Elect James Averhart 2020 July Quarterly Report (original filed July 4, 2020), <https://docquery.fec.gov/pdf/604/202007049244305604/202007049244305604.pdf>. The Complaint also alleges the Committee did not file its 2020 Pre-Primary Report. Compl. at 1. Commission records show that following a Request for Additional Information (“RFAI”) from the FEC’s Reports Analysis Division (“RAD”) on February 21, 2020, <https://docquery.fec.gov/pdf/458/202002210300058458/202002210300058458.pdf>, the Committee filed a 2020 Pre-Primary Report on February 24, 2020. <https://docquery.fec.gov/pdf/077/202002249203317077/202002249203317077.pdf>. The Committee has also filed six amendments to its 2020 Pre-Primary Report, most recently on January 23, 2021. *See* Campaign to Elect James Averhart Amended 2020 Pre-Primary Report (filed January 23, 2021), <https://docquery.fec.gov/pdf/972/202101239405279972/202101239405279972.pdf>. Commission records indicate that the Committee did not file a Pre-Primary Report for the Primary Runoff Election on July 14, 2020, covering the dates April 1, 2020 through June 24, 2020. *See* RFAI (July 3, 2020), <https://docquery.fec.gov/pdf/541/202007030300075541/202007030300075541.pdf>. However, as mentioned above, the Committee did report financial activity covering the above date range in its July Quarterly Report and amendments.



Charles Kitcher  
Acting Associate General Counsel

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06.02.21  
Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff Jordan  
Jeff S. Jordan  
Assistant General Counsel

Donald E. Campbell  
Donald E. Campbell  
Attorney