



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

sahogan1@georgiademocrat.org

August 29, 2022

Scott Hogan
501 Pulliam St. SW
Suite 400
Atlanta, GA 30312

RE: MUR 7924

Dear Mr. Hogan:

On August 29, 2022, the Federal Election Commission reviewed the allegations in your complaint received August 26, 2021, and on the basis of the information provided in the complaint, and information provided by respondents, decided to exercise its prosecutorial discretion to dismiss the allegations as to Herschel Walker and Team Herschel, Inc. and Jason D. Bowles in his official capacity as treasurer. Accordingly, on August 29, 2022, the Commission closed the file in this matter.

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), effective September 1, 2016. A copy of the General Counsel's Report, which more fully explains the Commission's finding, is enclosed.

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. Luckett

BY: Roy Q. Luckett
Acting Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7924

Respondents: Herschel Walker
 Team Herschel, Inc.
 and Jason D. Bowles
 in his official capacity as treasurer (the
 “Committee”)

Complaint Receipt Date: August 26, 2021

Response Date: October 15, 2021

EPS Rating:

**Alleged Statutory and
 Regulatory Violations:**

52 U.S.C. §§ 30102(e)(1); 30103(a)
 11 C.F.R. §§ 101.1(a); 102.1(a)

The Complaint alleges that Herschel Walker privately decided to run for U.S. Senate in June 2021, but did not file a Statement of Candidacy until August 24, 2021.¹ The Complaint asserts, without providing specifics, that Walker began to “build his campaign,” and thus failed to timely file his Statement of Candidacy within 15 days of deciding to run for office and raising or spending \$5,000 in support of his candidacy.² In support of the allegations, the Complaint alleges that public reports state that Walker confirmed to multiple individuals that he was planning to run for U.S. Senate in Georgia prior to June 29, 2021.³ In Response, Walker and the Committee assert that they

¹ Compl. at 1 (Aug. 26, 2021). Reports filed with the Commission show that Walker filed a Statement of Candidacy on August 24, 2021, and his principal campaign committee, Team Herschel, Inc., filed a Statement of Organization on the same day. Herschel Walker, Statement of Candidacy at 1 (Aug. 24, 2021), <https://docquery.fec.gov/pdf/667/202108249466558667/202108249466558667.pdf>, Team Herschel, Inc., Statement of Organization at 1 (Aug. 24, 2021), <https://docquery.fec.gov/pdf/613/202108249466558613/202108249466558613.pdf>.

² Compl. at 3, 6.

³ *Id.* at 2. The Complaint cites reports that former President Donald Trump stated: “[Walker] told me he’s going to run, “and I think he will,” and that talk radio host John Fredericks stated that he had “confirmed Herschel Walker is going to run for U.S. Senate from Georgia,” and that he had heard it “from several people close to him last night, [June 28].” *Id.*

1 did not raise contributions or make expenditures for any purpose aggregating more than \$5,000
2 prior to August 24, 2021.⁴

3 Based on its experience and expertise, the Commission has established an Enforcement
4 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
5 assess whether particular matters warrant further administrative enforcement proceedings. These
6 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
7 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
8 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
9 potential violations and other developments in the law. This matter is rated as low priority for
10 Commission action after application of these pre-established criteria. Given that low rating, the
11 speculative nature of the allegations, and the fact that the available information does not indicate
12 that the Committee raised contributions or made expenditures aggregating more than \$5,000 prior to
13 August 24, 2021, the day that Walker filed a Statement of Candidacy, we recommend that the
14 Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to

⁴ Response of Herschel Walker, Team Herschel, Inc. and Jason D. Bowles in his official capacity as treasurer at 2 (Oct. 15, 2021). Reports filed with the Commission indicate that the Walker Committee did not receive any contributions and did not surpass \$5,000 in contributions prior to August 25, 2021, Team Herschel, Inc. 2021 October Quarterly Report at 8-61 (Oct. 15, 2021), <https://docquery.fec.gov/cgi-bin/fecimg/?202205299514489475>, and did not make any expenditures prior to August 27, 2021. Team Herschel, Inc. 2021 October Quarterly Report at 1,419, 1,431 (Oct. 15, 2021), <https://docquery.fec.gov/cgi-bin/fecimg/?202205299514490886>.

determine the proper ordering of its priorities and use of agency resources.⁵ We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

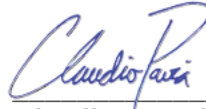
Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel

July 12, 2022

Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel



Roy Q. Lockett
Acting Assistant General Counsel



Donald E. Campbell
Attorney

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).