



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**BY EMAIL ONLY**

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Stefan C. Passantino  
Elections LLC  
1000 Maine Avenue, SW  
Suite 400  
Washington, DC 20024

August 29, 2022

RE: MUR 7924  
Herschel Walker  
Team Herschel, Inc. and  
Jason D. Bowles in his official  
capacity as treasurer

Dear Mr. Passantino:

On September 2, 2021, the Federal Election Commission ("Commission") notified your clients, Herschel Walker and Team Herschel, Inc. and Jason D. Bowles in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On August 29, 2022, based on the information provided in the complaint, and information provided by you, the Commission 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. 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 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). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> In Response, Walker and the Committee assert that they

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<sup>1</sup> 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>.

<sup>2</sup> Compl. at 3, 6.

<sup>3</sup> *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.<sup>4</sup>

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

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<sup>4</sup> 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.<sup>5</sup> We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

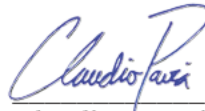
Lisa J. Stevenson  
Acting General Counsel

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

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