



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**BY EMAIL ONLY**

July 19, 2022

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Stefan Passantino  
Elections, LLC  
1050 Connecticut Ave, NW  
Suite 500  
Washington, D.C. 20036

RE: MUR 7937  
Team Herschel, Inc. and  
Jason D. Bowles in his  
official capacity as treasurer  
Herschel Walker

Dear Mr. Passantino:

On October 27, 2021, 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. On July 13, 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 Team Herschel, Inc. and Jason D. Bowles in his official capacity as treasurer, and Herschel Walker. The Commission then closed its file in this matter. The General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

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 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:** 7937

**Respondents:** Greene for Congress  
 and Perry Greene  
 in his official capacity as treasurer (the  
 “Greene Committee”)  
 Marjorie Taylor Greene  
 Team Herschel, Inc.  
 and Jason D. Bowles  
 in his official capacity as treasurer (the  
 “Walker Committee”)  
 Herschel Walker

**Complaint Receipt Date:** October 25, 2021

**Response Dates:** November 11, 2021; November 23, 2021

**EPS Rating:**

**Alleged Statutory and Regulatory Violations:** 52 U.S.C. §§ 30104(b)(3), (4); 30104(d); 30116(a), (f);  
 11 C.F.R. §§ 104.3 (a), (b); 104.4; 110.1; 110.9

The Complaint alleges that Marjorie Taylor Greene and her principal campaign committee, the Greene Committee, made between approximately \$3,100 and \$4,200 in excessive and unreported in-kind contributions to Herschel Walker and his principal campaign committee, the Walker Committee, by producing and distributing digital advertisements on Facebook promoting Walker’s candidacy, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).<sup>1</sup> The Complaint argues that the ads expressly advocate for Walker’s candidacy, and thus, if they were coordinated with Walker or his campaign, constitute in-kind contributions to his

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<sup>1</sup> Compl. at 2, 6 (Oct. 25, 2021). The Complaint states that the Greene Committee purchased a paid advertisement on Facebook that ran on September 14, 2021, which included a photograph of Greene and Walker together, and featured a sign with Walker’s campaign logo in the background. *Id.* at 2. The ad included the text: “Herschel Walker is the AMERICA FIRST fighter who will defeat radical socialist Raphael Warnock!,” “Herschel is the fighter Georgia needs and will hold the line in the Senate,” and “He has my support 100%!” *Id.* at 3. The Complaint asserts that Facebook records indicate the ad ran between September 14 and 15, and that the Greene Committee spent \$100-\$199 to promote the ad. *Id.* According to the Complaint, the Greene campaign sponsored two additional Facebook ads featuring photos of Walker between September 15 and October 8 which included similar language to the first ad and cost \$1,500-\$2,000 for each ad. *Id.* The Complaint attaches images of the Facebook ads at issue. *Id.*, Ex. A.

campaign committee.<sup>2</sup> The Complaint further alleges that neither the Greene Committee nor the Walker Committee reported the value of the ads, and the failure to report the value as in-kind contributions appears to be an attempt to provide additional support to Walker's campaign above the contribution limits of the Act.<sup>3</sup> The Complaint also alleges in the alternative that even if the ads do not meet the requirements for coordinated communications, they would be subject to the reporting requirements of independent expenditures, and asserts that the Greene Committee has failed to file the appropriate independent expenditure reports with the Commission.<sup>4</sup>

The Response from Greene and the Greene Committee asserts that there was no coordination between the Greene Committee and the Walker Committee, stating that a campaign vendor solely planned and created the communications with no input or discussion from the Walker Committee.<sup>5</sup> The Greene Response includes a sworn declaration from the vendor attesting to this.<sup>6</sup> The Greene Response also addresses the alleged unreported independent expenditures, stating that it properly reported the disbursements on its quarterly report, and arguing that the Commission has declined to regulate such activity by an authorized committee.<sup>7</sup> The Response from Walker and the Walker Committee states that the Complaint contains no factual evidence suggesting that the Walker Committee coordinated with the Greene Committee.<sup>8</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 2, 6. The Complaint also argues that because the Greene Committee had already donated the maximum \$2,000 to the Walker Committee for the primary election, the value of the Facebook ads was an excessive contribution to the Walker Committee. *Id.* at 7; *see also* Team Herschel, Inc. Amended 2021 October Quarterly Report at 1,417 (May 29, 2022), <https://docquery.fec.gov/cgi-bin/fecimg/?202205299514490884>.

<sup>4</sup> Compl. at 6, n.16

<sup>5</sup> Response of Marjorie Taylor Greene, Greene for Congress and Perry Greene in his official capacity as treasurer at 1, 3 (Nov. 12, 2021) ("Greene Response").

<sup>6</sup> *Id.* at 5-6 (Isaiah Wartman Decl. at 1-2 (Nov. 9, 2021)).

<sup>7</sup> Greene Resp. at 2, n.1.

<sup>8</sup> Response of Herschel Walker, Team Herschel, Inc. and Jason D. Bowles in his official capacity as treasurer at 1, 2 (Nov. 23, 2021).

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, the speculative nature of the allegations, and the low dollar amount involved, 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.<sup>9</sup> We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

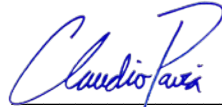
Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Associate General Counsel

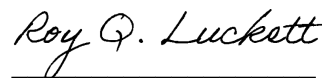
6/30/2022

Date

BY:



Claudio J. Pavia  
Deputy Associate General Counsel



Roy Q. Luckett  
Acting Assistant General Counsel



Donald E. Campbell  
Attorney

<sup>9</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).