

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

**MUR:** 7939

**Respondent:** Carolina Senate Fund  
and Lisa Lisker in her official  
capacity as treasurer

**Complaint Receipt Date:** October 28, 2021

**Response Date:** November 12, 2021

**Alleged Statutory**

52 U.S.C. § 30104(b), (g)(2);

**Regulatory Violations:**

11 C.F.R. § 104.4

The Complaint alleges that Carolina Senate Fund and Lisa Lisker in her official capacity as treasurer (“CSF”) failed to file a required 48-hour independent expenditure report for mailers that were disseminated on October 16, 2021, opposing Rep. Ted Budd, a candidate for Senate in North Carolina.<sup>1</sup> The Response states that CSF inadvertently did not file its independent expenditure notice within 48 hours of dissemination as a result of a miscommunication regarding the dissemination date.<sup>2</sup> Additionally, CSF asserts that it filed the appropriate 48-hour notice within hours of learning of the error outlined in the Complaint.<sup>3</sup> The 48-hour notice indicated that the amount of the independent expenditure was \$25,994.40.<sup>4</sup> The Response further states that CSF filed the 48-hour notice more than four months before North Carolina’s 2022 primary election, which took place on March 8, 2022.<sup>5</sup>

<sup>1</sup> Compl. at 1 (Oct. 28, 2021). The Complaint further alleges that at the time of the Complaint, the 48-hour report still had not been filed by the Committee. *Id.*

<sup>2</sup> Response of CSF (“Response”) at 1 (Nov. 12, 2021).

<sup>3</sup> *Id.*

<sup>4</sup> Carolina Senate Fund 48- Hour Report of Independent Expenditures (Oct. 29, 2021) <https://docquery.fec.gov/pdf/771/202110299468411771/202110299468411771.pdf>.

<sup>5</sup> *Id.*

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 remedial actions of the respondents including filing the necessary report, and the relatively low dollar amount at issue, 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>6</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

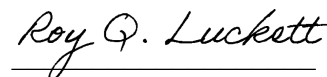
9/29/2022

Date

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<sup>6</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).