



FEDERAL ELECTION COMMISSION
Washington, DC 20463

BY EMAIL ONLY

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Michael E. Toner

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Brandis L. Zehr

Wiley Rein LLP

1776 K Street NW

Washington, DC 20006

October 17, 2022

RE: MUR 7939
Carolina Senate Fund
Lisa Lisker

Dear Mr. Toner and Ms. Zehr:

On October 29, 2021, the Federal Election Commission ("Commission") notified your clients Carolina Senate Fund and Lisa Lisker in her official capacity as treasurer of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On October 12, 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 Carolina Senate Fund and Lisa Lisker in her 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 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: 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.¹ 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.² Additionally, CSF asserts that it filed the appropriate 48-hour notice within hours of learning of the error outlined in the Complaint.³ The 48-hour notice indicated that the amount of the independent expenditure was \$25,994.40.⁴ 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, 2022.⁵

¹ 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.*

² Response of CSF (“Response”) at 1 (Nov. 12, 2021).

³ *Id.*

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

⁵ *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.⁶ 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

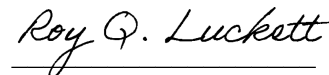
9/29/2022

Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel



Roy Q. Luckett
Acting Assistant General Counsel



Donald E. Campbell
Attorney

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