



THE FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for Enforcement

Jin Lee
Deputy Associate General Counsel for Enforcement

BY: Mark Shonkwiler *MS*
Assistant General Counsel

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Attorney

DATE: November 1, 2022

SUBJECT: MUR 7947 (Swalwell for Congress *et al.*) – Revised Factual and Legal Analysis

At the October 18, 2022 Executive Session, the Commission voted to: ¹

1. Dismiss the allegation that Eric Michael Swalwell and Swalwell for Congress and Jerome C. Pandell, in his official capacity as treasurer, violated 52 U.S.C. § 30114(b) and 11 C.F.R. §113.1(g) by converting campaign funds to personal use, except to extent that the allegations relate to childcare expenses.
2. Dismiss pursuant to *Heckler v. Chaney* the allegations that Eric Michael Swalwell and Swalwell for Congress and Jerome C. Pandell, in his official capacity as treasurer, converted campaign funds to personal use in violation of 52 U.S.C. § 30114(b) and 11 C.F.R. §113.1(g) by spending campaign funds on childcare expenses.

¹ Amended Cert. (Oct. 24, 2022)

3. Find no reason to believe that Swalwell for Congress and Jerome C. Pandell, in his official capacity as treasurer, violated 52 U.S.C. § 30102(h)(1) or 11 C.F.R. § 102.10 by disbursing campaign funds outside of its depository.
4. Find no reason to believe that Swalwell for Congress and Jerome C. Pandell, in his official capacity as treasurer, violated 52 U.S.C. § 30104(b)(5) or 11 C.F.R. § 104.3(b)(4) by failing to adequately report disbursements.
5. Direct the Office of General Counsel to make appropriate conforming edits to the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated August 22, 2022.
6. Approve the appropriate letters.

A revised Factual and Legal Analysis which conforms to the Commission's vote is attached.² The revisions are noted on the attached red-line version.³

We recommend that the Commission approve the revised Factual and Legal Analysis and close the file.

RECOMMENDATIONS:

1. Approve the revised Factual and Legal Analysis;
2. Close the file.

² Attach. 1.

³ Attach. 2.