



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 20, 2022

George Yourke

New York, NY 10023

RE: MUR 7959

Dear Mr. Yourke:

On December 13, 2022, the Federal Election Commission reviewed the allegations in your complaint received February 8, 2022, and on the basis of the information provided in the complaint, and information provided by respondents, decided to exercise its prosecutorial discretion to dismiss the allegations as to ActBlue and Erin Hill in her official capacity as treasurer. Accordingly, on December 13, 2022, the Commission closed the file in this matter.

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), effective September 1, 2016. A copy of the General Counsel's Report, which more fully explains the Commission's finding, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7959

Respondent: ActBlue and Erin Hill in
her official capacity as
treasurer

Complaint Receipt Dates: February 8, 2022; February 28, 2022

Response Date: February 28, 2022

EPS Rating:

Alleged Statutory

52 U.S.C. § 30124(b);

Regulatory Violations:

11 C.F.R. § 110.16(b)

The Complaint alleges that ActBlue, a political committee that operates as an online fundraising platform, has engaged in credit card fraud by charging Complainant for hundreds of small contributions that he did not authorize.¹ The Complaint and Supplemental Complaint also state that ActBlue charged multiple transactions as “recurring” when Complainant intended the contributions to be singular transactions.²

The Response asserts that the Complaint does not allege any violation of the Act or Commission regulations.³ Specifically, ActBlue maintains that it processes only contributions authorized by the contributor.⁴ The Response states that Complainant has made many contributions through the ActBlue website over a number of years, and that there is no indication that the contributions were made without his authorization.⁵ Finally, the Response also states that ActBlue is

¹ Compl. at 1 (Feb. 8, 2022). The Complaint further asserts that Complainant was double charged for multiple unauthorized contributions to a recipient listed on his UBS credit card statement as “DONATETODEMS,” which the Complainant states is an entity unknown to him. *Id.*

² *Id.* at 2; Supp. Compl. at 1 (Feb. 28, 2022). Complainant further states that he filed a complaint with ActBlue directly regarding authorized recurring contributions and that since this complaint the recurring contributions have stopped. Supp. Compl. at 1.

³ Resp. at 1 (Feb. 28, 2022).

⁴ *Id.*

⁵ *Id.*

1 willing to review disputed contributions and offer refunds for unintended contributions, and is willing to
2 work with Complainant to resolve his concerns.⁶

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, and the
11 low dollar amount involved, we recommend that the Commission dismiss the Complaint consistent
12 with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and
13 use of agency resources.⁷ We also recommend that the Commission close the file as to all
14 Respondents and send the appropriate letters.

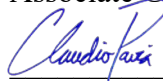
15 Lisa J. Stevenson
16 Acting General Counsel

17 Charles Kitcher
18 Associate General Counsel

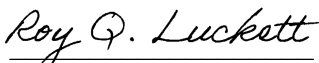
19 9/30/2022

20 _____
21 Date

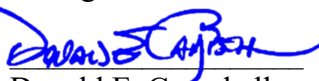
22 BY:



23 Claudio J. Pavia
24 Deputy Associate General Counsel



25 Roy Q. Lockett
26 Acting Assistant General Counsel



27 Donald E. Campbell
28 Attorney

29 _____
30 ⁶ *Id.* at 2.

31 ⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).