



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

April 29, 2024

VIA ELECTRONIC AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

info@chris4oregon.com

Chris C. Christensen
16055 S.W. Walker Road #132
Beaverton, OR 97006

RE: MUR 7977
Darin Harbick for US Senate, *et al.*

Dear Mr. Christensen:

This is in reference to the complaint filed with the Federal Election Commission on April 13, 2022, concerning Darin Harbick for US Senate, *et al.* Based on that complaint and responses, after considering the circumstances of this matter, the Commission determined to dismiss this matter and close the file on March 28, 2024, effective April 29, 2024.

The General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed. Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action within 60 days of the dismissal, which became effective today. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Wanda D. Brown

BY: Wanda D. Brown
Assistant General Counsel

Enclosure
General Counsel's Report

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR: 7977

Respondents: Harbick for US Senate and Jen Slater
in her official capacity as treasurer
Jo Rae Perkins for US Senate and
Jo Rae Perkins in her official
capacity as treasurer
Taher for US Senate and Marc Miller
in his official capacity as treasurer
Sam for Senate and Samuel Palmer
in his official capacity as treasurer

Complaint Receipt Dates: April 13, 2022; May 16, 2022 (Supp. Compl.)

Last Response Date: June 27, 2022

**Alleged Statutory/
Regulatory Violations:**

52 U.S.C. § 30120(a), (c)
11 C.F.R. § 110.11(a)-(c)

Jo Rae Perkins, Samuel Palmer, Ibrahim Taher, and Darin Harbick were all 2022 candidates for U.S. Senate in Oregon.¹ Jo Rae Perkins for US Senate and Jo Rae Perkins in her official capacity as treasurer (the “Perkins Committee”), Sam for Senate and Samuel Palmer in his official capacity as treasurer (the “Palmer Committee”), Taher for Senate and Marc Miller in his official capacity as treasurer (the “Taher Committee”), and Harbick for US Senate and Jen Slater in her official capacity as treasurer (the “Harbick Committee”) are their respective principal campaign committees.²

¹ Jo Rae Perkins, Statement of Candidacy (Jan. 31, 2021), <https://docquery.fec.gov/pdf/984/202101319424719984/202101319424719984.pdf>; Samuel Palmer, Statement of Candidacy (Aug. 26, 2021), <https://docquery.fec.gov/pdf/569/202108269466564569/202108269466564569.pdf>; Ibrahim Taher, Amended Statement of Candidacy (May 9, 2022), <https://docquery.fec.gov/pdf/430/202205099502714430/202205099502714430.pdf>; Darin Harbick, Statement of Candidacy (Sept. 1, 2021), <https://docquery.fec.gov/pdf/749/202109019466581749/202109019466581749.pdf>.

² Jo Rae Perkins for US Senate, Amended Statement of Organization (Jan. 31, 2024), <https://docquery.fec.gov/pdf/137/202401319600709137/202401319600709137.pdf>; Sam for Senate, Amended Statement of Organization (July 11, 2023), <https://docquery.fec.gov/pdf/233/202307119582499233/202307119582499233.pdf>; Taher for US

The Complaint alleges that these four committees disseminated campaign yard signs without the proper disclaimers.³ In addition, the Complaint alleges that the Taher and Harbick Committees made campaign communications on the Committees' websites and on social media accounts on platforms such as YouTube, without the proper disclaimers.⁴

Regarding the Perkins Committee, the Complaint alleges that the committee disseminated yard signs that did not include the proper disclaimers.⁵ Attached to the Complaint is an example of the Perkins Committee's signs which includes a legible disclaimer reading "Paid for by Jo Rae Perkins for U.S. Senate" in black lettering with a white background, but the disclaimer is not contained in a printed box set apart from the other contents of the communication.⁶ In its Response, the Perkins Committee denies any wrongdoing and states that its campaign yard signs did include the proper disclosures.⁷

Regarding the Palmer Committee, the Complaint similarly alleges that the committee disseminated yard signs that did not include the proper disclaimers.⁸ Attached to the Complaint is an example of the Palmer Committee's signs which includes a disclaimer in relatively small font reading "Paid for by Sam for Senate" in white lettering with a dark blue background.⁹ The sign

Senate, Amended Statement of Organization (Sept. 21, 2023), <https://docquery.fec.gov/pdf/974/202309219597291974/202309219597291974.pdf>; Harbick for US Senate, Statement of Organization (Sept. 1, 2021), <https://docquery.fec.gov/pdf/744/202109019466581744/202109019466581744.pdf>.

³ Compl. at 2-4, 8-11, 20 (Apr. 13, 2022); Supp. Compl. at 1-3 (May 16, 2022).

⁴ Compl. at 3-4, 15, 23; Supp. Compl. at 4-5.

⁵ Compl. at 4-5, 10, 20.

⁶ *Id.* at 5, 10.

⁷ Perkins Committee Resp. at 1 (May 17, 2022).

⁸ Compl. at 4-5, 9.

⁹ *Id.* at 9.

displays the committee’s official website, “sampalmerforsenate.com,”¹⁰ in large font. The Palmer Committee’s disclosure reports indicate that, prior to the April 13, 2022 Complaint, it made \$10,275.38 in disbursements related to “lawn signs,” “media production,” and “general printing.”¹¹ The Palmer Committee admits that its signs lacked the proper disclaimers and states that it was “taking steps to remedy the error” and would ensure that future yard signs contained a proper disclaimer.¹²

Regarding the Taher Committee, the Complaint alleges that the committee disseminated campaign yard signs, and made campaign communications on its website and on social media platforms, such as YouTube, without the proper disclaimers.¹³ Attached to the Complaint is an example of the Taher Committee’s yard signs which does not include a disclaimer, but displays “WWW.IBRAHIMTAHER.COM,” the Taher Committee’s official website, in large font.¹⁴ The Complaint provides a link to an example video posted by the Taher Committee which is no longer available.¹⁵ The Taher Committee’s disclosure reports indicate that, prior to the April 13, 2022 Complaint, it spent \$649.38 on “campaign literature,” and did not report any disbursements related to online communications, video production, or website costs.¹⁶ In Response, the Taher Committee

¹⁰ *Id.* at 5, 9; Sam for Senate, Amended Statement of Organization at 1 (Sept. 25, 2021), <https://docquery.fec.gov/pdf/013/202109259466981013/202109259466981013.pdf>.

¹¹ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00788000&min_date=01%2F01%2F2021&max_date=04%2F13%2F2022&disbursement_description=lawn+signs&disbursement_description=media+production&disbursement_description=general+printing (last visited Mar. 13, 2024) (reflecting Sam for Senate’s disbursements during the 2022 election cycle).

¹² Palmer Committee Resp. at 1 (June 27, 2022).

¹³ Compl. at 3-5, 11, 23.

¹⁴ *Id.* at 11; *see* Taher for US Senate, Amended Statement of Organization at 1 (Apr. 14, 2022), <https://docquery.fec.gov/pdf/949/202204149496256949/202204149496256949.pdf>.

¹⁵ *See* Compl. at 4, 23.

¹⁶ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?committee_id=C00720094&two_year_transaction_period=2022&data_type=processed (reflecting disbursements by Taher for US Senate during the 2022 election cycle).

does not address whether the allegations are true, and instead the treasurer explains that his duties were limited to filing reports with the Commission.¹⁷

Finally, regarding the Harbick Committee, the Complaint alleges that the committee disseminated campaign yard signs and made campaign communications on its own website and on social media platforms such as YouTube, without the proper disclaimers.¹⁸ Attached to the Complaint and Supplemental Complaint are two examples of the Harbick Committee’s yard signs which do not include a disclaimer, and instead display “www.HarbickForUsSenate.com,” which was the Harbick Committee’s official website, in large font.¹⁹ The Complaint links to a video posted by the Harbick Committee that it alleges is missing a disclaimer, but the link is no longer active.²⁰ The Harbick Committee’s disclosure reports indicate that, prior to the May 16, 2022 Supplemental Complaint, it disbursed \$28,676.69 related to “printing costs,” “outdoor signs,” “video production services,” “videography,” and “video editing costs.”²¹ In Response, the Harbick Committee appears to admit that it failed to include the proper disclaimers on its various communications and states that it has since included proper disclaimers on its public

¹⁷ Taher Committee Resp. at 1 (June 6, 2022).

¹⁸ Compl. at 3-5, 8, 15; Supp. Compl. at 1-5.

¹⁹ Compl. at 5, 8; Supp. Compl. at 2-3; *see* Harbick for US Senate, Statement of Organization at 1 (Sept. 1, 2021), <https://docquery.fec.gov/pdf/744/202109019466581744/202109019466581744.pdf>. “HarbickforUSSenate.com” no longer appears to exist, but appears to redirect to a website for the candidate’s campaign for state representative.

²⁰ *See* Compl. at 3, 15; Supp. Compl. at 4-5.

²¹ *FEC Disbursements: Filtered Results*, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00788463&two_year_transaction_period=2022&min_date=01%2F01%2F2021&max_date=05%2F16%2F2022&disbursement_description=video&disbursement_description=outdoor+signs&disbursement_description=printing+costs (last visited Mar. 13, 2024) (reflecting Harbick for US Senate’s disbursements in the 2022 election cycle).

1 communications; attached to its Response are sample communications with such disclaimers.²²

2 These samples include a printed hand-out, a yard sign, and a video with the proper disclosures.²³

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,
11 apparent low dollar amounts at issue, and the unlikelihood that the general public would have been
12 confused as to whether Respondents paid for the communications at issue that contained partial
13 disclaimers or other identifying information, we recommend that the Commission dismiss the
14 Complaint, consistent with the Commission's prosecutorial discretion to determine the proper
15 ordering of its priorities and use of agency resources.²⁴ We also recommend that the Commission
16 close the file effective 30 days from the date of certification of this vote (or on the next business day
17 after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

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19 Lisa J. Stevenson
20 Acting General Counsel
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²² Harbick Committee Resp. at 1-2 (May 4, 2022).

²³ *Id.*

²⁴ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).


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EPS Dismissal Report
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Charles Kitcher
Associate General Counsel

March 14, 2024

Date

BY:



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