

FEDERAL ELECTION COMMISSION Washington, DC 20463

May18, 2023

BY EMAIL ONLY

bmorgan@capdale.com
Bryson B. Morgan, Esq.
Caplin & Drysdale, Chartered
One Thomas Circle, NW
Washington, DC 20005

RE: MUR 7995

Jamie McLeod-Skinner, et al.

Dear Mr. Morgan:

On May 5, 2022, the Federal Election Commission notified Jamie McLeod-Skinner and Jamie for Oregon and Sue Jackson, as treasurer, your clients, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

On May 10, 2023, based on the allegations in the complaint, and information supplied by you, the Commission decided to exercise its prosecutorial discretion to dismiss the allegations as to your clients. 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 Elena Paoli, the attorney assigned to this matter, at (202) 694-1548.

Sincerely,

Lisa J. Stevenson Acting General Counsel

Wanda D. Brown

BY: Wanda D. Brown

Acting Assistant General Counsel

Enclosure:

General Counsel's Report

1	BEFORE THE FEDERAL ELECTION COMMISSION			
2	ENFORCEMENT PRIORITY SYSTEM DISMISSAL REPORT			
4 5 6 7 8 9	MUR: 7995	in hi	e for Oregon and Jef Green is official capacity as Treas e McLeod-Skinner	urei
11 12 13	Complaint Receipt Date: May 4, 2022 Response Date : June 8, 2022			
14 15	EPS Rating:			
16 17 18	Alleged Statutory and Regulatory Violations:		0(a), (c); 30101(22) 6; 110.11(a), (b), (c)(1)-(2)	
19	The Complaint alleges that Jamie for	Oregon and Jef Gree	n in his official capacity as	
20	treasurer (the "Committee"), the principal campaign committee of Jamie McLeod-Skinner,			
21	violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by failing to			
22	include a required disclaimer on yard signs it distributed to supporters. ¹ The Complaint attaches			
23	images showing the yard signs that were post	ed on the Committee	e's Facebook page and on it	S
24	website. ²			
25	The Response, on behalf of the Comn	ittee and McLeod-S	kinner, acknowledges the e	rror
26	in failing to include a disclaimer on the yard	igns and states that o	once the Committee learned	l of
27	the mistake, shortly before receiving the Complaint, it promptly designed and printed stickers			;
28	with a "Paid for by Jamie for Oregon" disclai	mer. ³ The Committee	ee then mailed stickers to	

¹ Compl. at 1 (May 5, 2022).

² *Id.* at 3-6.

³ Resp. at 2, 3 (June 8, 2022).

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1 known purchasers of the yard signs and asked them to place the stickers on the yard signs.⁴ The

2 Committee also emailed all recipients who had signed up to receive a free yard sign, offering to

3 mail them a corrective sticker if they responded with their mailing address or otherwise deliver a

sticker to them at a Committee event or pick-up location.⁵ The Committee then began to sell

corrected versions of the yard signs on its website and also distributed corrective stickers during

canvassing events throughout the district and at designated pick-up locations.⁶ The Response

attaches copies of the letter, email, corrective stickers, and new yard signs.⁷

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, and both Respondents' prompt remedial actions and the apparent minimal impact of the potential violations, 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.⁸ We also recommend that the Commission close the file as to all

⁴ *Id.* at 2 ("The letter urged recipients to 'Please help us to be compliant by attaching this enclosed 'paid for by Jamie For Oregon' sticker to the street facing side of your Jamie sign on the bottom right."").

ī Id.

⁶ *Id.* at 3.

⁷ *Id.* at 4-7.

⁸ See Heckler v. Chaney, 470 U.S. 821, 831-32 (1985).

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1 respondents and send the appropriate letters.

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7		Charles Kitcher
8		Associate General Counsel
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10	1/25/2022	lundialar:
11	4/27/2023	Canada
12	Date	Claudio J. Pavia
13		Deputy Associate General Counsel
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15		Wanda Brown
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17		Wanda D. Brown
18		Acting Assistant General Counsel
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21		Elena Paoli
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23		Attorney
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