



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Jarome Bell for Congress, *et al.*

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MURs 8016 and 8018

**STATEMENT OF REASONS OF  
COMMISSIONERS ALLEN J. DICKERSON, DARA LINDENBAUM, AND  
JAMES E. “TREY” TRAINOR, III**

The Complaints in these matters alleged that Respondents violated the Federal Election Campaign Act of 1971, as amended (the “Act”), and Commission regulations by sending mailers to voters before the June 2022 Republican primary for Virginia’s Second Congressional District that did not contain disclaimers and were not reported as independent expenditures.<sup>1</sup> In its Response, GDA Wins, the vendor responsible for distributing the mailers, argued that the mailers did not contain express advocacy and, therefore, were not reportable as independent expenditures and did not require disclaimers.<sup>2</sup> In the First General Counsel’s Report, the Office of General Counsel (“OGC”) recommended that the Commission find reason to believe that Unknown Respondent, the client of GDA Wins, failed to report an independent expenditure and failed to include a disclaimer on one of the seven mailers identified in the Complaints.<sup>3</sup> OGC further recommended that the Commission authorize an investigation.

In light of the Commission’s substantial enforcement docket, the apparently low amount in violation, and the Commission’s scarce resources, we instead voted to dismiss the Complaints as an exercise of prosecutorial discretion.<sup>4</sup>

8-19-24

Date

Allen J. Dickerson  
Commissioner

<sup>1</sup> See Comp. ¶¶ 3-4, MUR 8016 (June 6, 2022); Amended Comp. ¶ 3, MUR 8016 (June 6, 2022); Comp. ¶¶ 2-4, MUR 8018 (June 16, 2022).

<sup>2</sup> GDA Wins Resp. at 4-6 (July 24, 2023).

<sup>3</sup> OGC concluded that six of the seven mailers described in the Complaints did not contain express advocacy and, therefore, recommended that the Commission dismiss the allegations. First Gen. Counsel’s Rpt. at 21–22 (June 5, 2024). OGC further recommended dismissing or taking no further action at this time as to all the named respondents. *Id.* at 29.

<sup>4</sup> See *Heckler v. Chaney*, 470 U.S. 821 (1985); Certification (July 23, 2024).

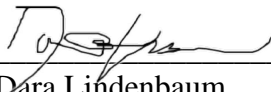
MURs 8016 and 8018 (Jarome Bell for Congress)

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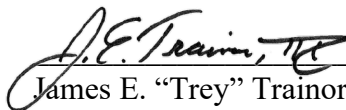


Dara Lindenbaum

Commissioner

8-19-24

Date



James E. "Trey" Trainor, III

Commissioner