BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 8025

Respondents: Bonneville County Republican Central Committee
Bryan Smith
Bryan Smith for Idaho Inc. and Ron Crane in his official capacity as treasurer

Complaint Receipt Date: July 11, 2022
Response Dates: August 30, 2022; September 20, 2022

Alleged Statutory and Regulatory Violations: 52 U.S.C. §§ 30116(a)(7)(B)(i), 30120, 30125; 11 C.F.R. §§ 100.80, 102.5(b)(1), 103.3(b), 109.20, 109.21, 110.11, 300.61.

The Complaint alleges that the Bonneville County Republican Central Committee (the "BCRCC"), a local party committee in the state of Idaho not registered with the Commission, made an impermissible $1,000 contribution using funds not subject to the source prohibitions and amount limitations of the Federal Election Campaign Act of 1971, as amended (the "Act"), to Bryan Smith, a 2022 candidate for Congress in Idaho's Second Congressional District, and his authorized committee, Bryan Smith for Idaho Inc. and Ron Crane in his official capacity as treasurer (the "Smith Committee").[1] The Complaint further alleges that the BCRCC funded the production and distribution of a sample ballot that included Smith and 16 other federal and state candidates from non-federally compliant sources and did not include the legally required federal disclaimer.[2] The Complaint also appears to allege that Smith impermissibly coordinated with the

[1] Compl. at 1 (July 11, 2022).

[2] *Id.*, Attach. B.

BCRCC in connection with the sample ballot, arguing that as Vice Chair of the BCRCC, Smith would have presumably been involved with the decision to print and mail the sample ballot.[3]

The BCRCC responds that the funds for both the contribution and the sample ballot were federally permissible, and contends that out of the $13,538.18 total cost for the sample ballot, only a small portion ($1,592.72) was allocable to the two federal candidates including Smith out of the 17 total candidates on the sample ballot.[4] The BCRCC also contends that Smith did not participate in the vote to select candidates for the sample ballot and argues that the Complaint offers no facts regarding the alleged coordination.[5] Smith and the Smith Committee similarly argue that the funds for both the contribution and sample ballot were federally permissible and that Smith did not participate in the vote to select candidates for the sample ballot.[6] In addition, Smith provides an affidavit stating that he was not involved in the preparation of the sample ballot.[7] Finally, the BCRCC contends that the sample ballot, while not strictly compliant with the Act's disclaimer requirements, was sufficient to identify BCRCC as the payor because the committee's logo was on the front of the sample ballot as well as the words "The OFFICIAL

---

3 *Id.* at 1-2.

4 BCRCC Resp. at 2-4 (Sept. 16, 2022). Regarding the $1,000 contribution, the BCRCC states that a review of its March and April 2022 state campaign finance reports demonstrates that there was a sufficient amount of federally permissible funds; specifically, between April 5 and 15, the BCRCC received $3,875 in contributions from individuals under the federal contribution limit of $2,900. *Id.* at 3. Regarding the cost of the sample ballot, the BCRCC states that the amount allocable to federal candidates (2 out of 17) is $1,592.72 (or 2/17 x $13,538.18, the total cost of the mailer); further, the BCRCC states that a review of its April 2022 state campaign finance report demonstrates that it received at least $5,358.50 from individuals under the federal contribution limit of $2,900 on April 22, 2022. *Id.* at 4.

5 *Id.* at 2, 5-6.

6 Smith & Smith Committee Resp. at 1-3 (Aug. 29, 2022).

7 *Id.*, Attach. A at 3.

Bonneville County Republican Party SAMPLE BALLOT - Take this to the Polls!" and on the back were the words "Bonneville County Republican Party (208) 497-1211."[8]

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 the low rating, and the low dollar amount at issue, as well as the unlikeliness that the general public would have been confused as to whether the BCRCC paid for the sample ballot, 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.[9] We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for
Enforcement

[8] BCRCC Resp. at 4-5. We note that the Response slightly misquotes the language of the sample ballot, and we have provided the correct quotes above.

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

12/12/23
Date

BY: Claudio Pavia
Claudio J. Pavia
Deputy Associate General Counsel
for Enforcement

Wanda D. Brown
Wanda Brown
Assistant General Counsel

Constantine V Soupios
Constantine Soupios
Attorney