

1 **BEFORE THE FEDERAL ELECTION COMMISSION**2  
3 **ENFORCEMENT PRIORITY SYSTEM**  
4 **DISMISSAL REPORT**5  
6 **MUR:** 8063**Respondent:** Michael H. Lewis7  
8 **Complaint Receipt Date:** August 17, 20229 **Response Date:** None10 **EPS Rating:**11  
12 **Alleged Statutory and** 52 U.S.C. §§ 30101(17), 30104(c)(1), (2), 30120(a)(3);  
13 **Regulatory Violations:** 11 C.F.R. §§ 109.10(b), 109.11, 110.11(a)(2), (b)(3)  
1415 The Complaint in this matter alleges that Michael H. Lewis paid \$650 for a newspaper  
16 advertisement in support of re-electing Congressperson Elaine Luria that lacked the appropriate  
17 disclaimers, in violation of the Federal Election Campaign Act of 1971 and Commission  
18 regulations.<sup>1</sup> The advertisement appeared in the July 29, 2022, edition of the *Eastern Shore Post*  
19 with the title “Re-elect Elaine Luria,” and was signed “Michael Lewis, Onancock, VA.”<sup>2</sup> Lewis has  
20 not responded to the Complaint.21 Based on its experience and expertise, the Commission has established an Enforcement  
22 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
23 assess whether particular matters warrant further administrative enforcement proceedings. These  
24 criteria include (1) the gravity of the alleged violation, considering both the type of activity and the  
25 amount in violation; (2) the apparent impact the alleged violation may have had on the electoral  
26 process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential  
27 violations and other developments in the law. This matter is rated as low priority for Commission  
28 action after application of these pre-established criteria. Given that low rating, Lewis’s

---

1 <sup>1</sup> Compl. at 1 (Aug. 8, 2022).2 <sup>2</sup> *Id.* at 2-3; *Re-elect Elaine Luria*, EASTERN SHORE POST (July 29, 2022), at 4, available at:  
<https://easternshorepost.com/wp-content/uploads/2022/07/07.29.2022.pdf>.

29 identification as the person responsible for the ad, and the low dollar amount involved,<sup>3</sup> we  
30 recommend that the Commission dismiss the complaint consistent with the Commission's  
31 prosecutorial discretion to determine the proper ordering of its priorities and use of agency  
32 resources.<sup>4</sup> We also recommend that the Commission close the file as to the Respondent and send  
33 the appropriate letters.

34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

Lisa J. Stevenson  
Acting General Counsel

Charles Kitcher  
Associate General Counsel

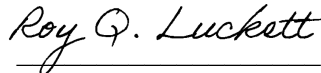
March 27, 2023

Date

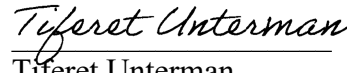
BY:



Claudio J. Pavia  
Deputy Associate General Counsel



Roy Q. Luckett  
Acting Assistant General Counsel



Tiferet Unterman  
Attorney

<sup>3</sup> Although the available information does not indicate exactly what the ad's costs were, they were likely over \$250, the threshold for independent expenditure reporting. See 52 U.S.C. §§ 30101(17), 30104(c); 11 C.F.R. §§ 100.16(a), 104.4(e)(3), 105.4, 109.10(b). The Complaint claims that the ad cost \$650. Compl. at 1 (Aug. 8, 2022).

<sup>4</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).