



FEDERAL ELECTION COMMISSION
Washington, DC

January 17, 2024

VIA ELECTRONIC AND CERTIFIED MAIL

heather@heather-kaiser.com

Heather C. Kaiser

Yacolt, WA 98675

RE: MUR 8064
Clark County Panel to Protect
Democracy

Dear Ms. Kaiser:

On January 10, 2024, the Federal Election Commission reviewed the allegations in your complaint received September 13, 2022, and on the basis of the information provided in the complaint, and other publicly available information, decided to exercise its prosecutorial discretion to dismiss the allegations as to Clark County Panel to Protect Democracy. Accordingly, on January 10, 2024, the Commission closed the file in this matter.

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), effective September 1, 2016. A copy of the General Counsel's Report, which more fully explains the Commission's finding, is enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. 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

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

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3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**

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6 **MUR:** 8064

Respondent: Clark County Panel to Protect
Democracy

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10 **Complaint Receipt Date:** September 13, 2022

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13 **Alleged Statutory/**

14 **Regulatory Violations:**

52 U.S.C. §§ 30102-30104

11 C.F.R. §§ 104.4, 109.10

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17 The Complaint concerns the activities of the Clark County Panel to Protect Democracy (the
18 “Clark County Panel”) which created a website, joekentlies.info, that displays messaging opposing
19 the “candidacy, platform, and character” of Joe Kent, a 2022 and 2024 candidate in Washington’s
20 Third Congressional District.¹ The Complaint alleges that the Clark County Panel failed to register
21 and report as a political committee and failed to report independent expenditures against Joe Kent in
22 the form of website hosting and the cost of developing the content on the website attacking Kent.²
23 In addition to the website described in the Complaint, the Clark County Panel appears to run a
24 related website, joekenthatesyou.info, that contains similar graphics and messaging.³ Both websites
25 contain the disclaimer: “Created by The Clark County Panel to Protect Democracy and is in not

¹ Compl. at 1 (Sept. 13, 2022); Joe Kent, Statement of Candidacy (Feb. 10, 2021); Joe Kent, Amended Statement of Candidacy (Jan. 11, 2023).

² Compl. at 1-2.

³ Joekentlies.info features posters and graphics with the phrases “Joe Kent Lies,” and “Joe Kent Hates You!” *Posters and Graphics*, JOE KENT LIES, <https://joekentlies.info/postersandgraphics.html>. Images featuring the latter phrase also feature the URL joekentHATESyou.info. *Id.* JoekentHATESyou.info, in turn, hosts a page featuring similar posters and graphics, including images bearing the URL joekentlies.info. *Download Anti-Kent Posters & Graphics!*, JOE KENT HATES YOU!, <https://joekenthatesyou.info/postersandgraphics.html>.

1 [sic] associated with any Democratic organizations or candidates. This is a parody website to
 2 highlight the dangerous and anti-democratic [sic] views held by Joe Kent.”⁴

3 Joekentlies.info and joekenthatesyou.info first appeared in the Internet Archive’s WayBack
 4 Machine on September 13, 2022,⁵ and September 19, 2022,⁶ respectively. Both websites contain
 5 commentary on Kent and his platform. At the time that joekentlies.info was archived, it contained
 6 the statement: “No matter how much Joe Kent LIES, there’s one BIG TRUTH: Joe Kent DOESN’T
 7 represent the majority of Washingtonians and is the WRONG choice for Congress!”⁷ At the time
 8 that joekenthatesyou.info was archived, it contained the statement: “SAY NO TO JOE’S HATE!
 9 Joe Kent DOESN’T represent the majority of Washingtonians and is WRONG for Congress!”⁸

10 Both joekentlies.info and joekenthatesyou.info are hosted by Namecheap, Inc.⁹
 11 Namecheap’s least expensive shared hosting service costs \$22.88 for the first year, renewing at a
 12 cost of \$44.88 for subsequent years.¹⁰ Namecheap’s most expensive shared hosting service (its
 13 “Stellar Business” service) costs \$58.88 for the first year, renewing at a cost of \$108.88 for
 14 subsequent years.¹¹ Thus, even if the Clark County Panel paid for Namecheap’s most expensive
 15 shared hosting service, and separately paid for each of these websites, it would have spent less than

⁴ JOE KENT LIES, <https://joekentlies.info/index.html>; JOE KENT HATES YOU, <https://joekenthatesyou.info/>.

⁵ *Sept. 13, 2022 Capture of joekentlies.info*, INTERNET ARCHIVE WAYBACK MACHINE, <https://web.archive.org/web/20220913185402/https://joekentlies.info/> (hereinafter, “Joekentlies.info Internet Archive Capture”).

⁶ *Sept. 19, 2022 Capture of joekenthatesyou.info*, INTERNET ARCHIVE WAYBACK MACHINE, <https://web.archive.org/web/20220919210426/https://joekenthatesyou.info/> (hereinafter, “Joekenthatesyou.info Internet Archive Capture”).

⁷ Joekentlies.info Internet Archive Capture.

⁸ Joekenthatesyou.info Internet Archive Capture.

⁹ *Registration data lookup tool*, ICANN, <https://lookup.icann.org/en/lookup> (search “joekentlies.info” and “joekenthatesyou.info”) (last visited Dec. 22, 2023).

¹⁰ *Shared Hosting*, NAMECHEAP, <https://www.namecheap.com/hosting/shared/> (last visited Dec. 22, 2023).

¹¹ *Id.*

MUR 8064 (Clark County Panel to Protect Democracy)

EPS Dismissal Report

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1 \$120 total on web hosting services to pay for the first year of web hosting, with those costs rising to
2 less than \$218 per year for subsequent years. Aside from the web hosting costs, these websites
3 contain limited graphics and have no other features that suggest significant expenditures.

4 Based on its experience and expertise, the Commission has established an Enforcement
5 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
6 assess whether particular matters warrant further administrative enforcement proceedings. These
7 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
8 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
9 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
10 potential violations and other developments in the law. This matter is rated as low priority for
11 Commission action after application of these pre-established criteria. Given that low rating and the
12 likely low dollar amount involved, we recommend that the Commission dismiss the Complaint
13 consistent with the Commission's prosecutorial discretion to determine the proper ordering of its

1 priorities and use of agency resources.¹² We also recommend that the Commission close the file
2 and send the appropriate letters.

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Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel


December 22, 2023

Date


BY:



Claudio J. Pavia
Deputy Associate General Counsel



Wanda D. Brown
Assistant General Counsel



Jacob P. Tully
Attorney

¹² *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).