



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

May 9, 2025

VIA CERTIFIED AND ELECTRONIC MAIL

[REDACTED]
Susan Tate

[REDACTED]
Newport Coast, CA 92657

RE: MUR 8163
Joanna Weiss for Congress, *et al.*

Dear Ms. Tate:

This is in reference to the complaint filed with the Federal Election Commission on September 1, 2023, concerning Joanna Weiss for Congress, *et al.* Based on that complaint, and after considering the circumstances of this matter and information provided in response to the complaint, the Commission determined to dismiss this matter and close the file effective May 9, 2025.

The General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed. Documents related to the case will be placed on the public record today. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action within 60 days of the dismissal, which became effective today. *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

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR 8163

Respondents: Joanna Weiss for Congress and
Joanna Weiss in her official
capacity as treasurer
Women for American Values and
Ethics Political Action Committee
and Terri Shams in her official
capacity as treasurer
Joanna Weiss

Complaint Receipt Date: Sept. 1, 2023

Response Dates: Oct. 23, 2023; Nov. 7, 2023



Alleged Statutory/

Regulatory Violations:

52 U.S.C. §§ 30104(b), 30116(a), (f), 30125(e)
11 C.F.R. §§ 104.1(a), 104.3, 109.21, 110.9, 300.61

The Complaint alleges that 2024 congressional candidate Joanna Weiss¹ and her principal campaign committee, Joanna Weiss for Congress and Joanna Weiss in her official capacity as treasurer (the “Committee”),² knowingly accepted excessive in-kind contributions from Women for American Values and Ethics Political Action Committee and Terri Shams in her official capacity as treasurer (“WAVE PAC”), a hybrid PAC with a non-contribution account,³ which Weiss founded and where she formerly served as Director and President, and that the Committee and WAVE PAC failed to disclose those contributions, in violation of the Federal Election Campaign Act of 1971, as

¹ Joanna Weiss, Statement of Candidacy (Feb. 1, 2023), <https://docquery.fec.gov/pdf/594/202302019578115594/202302019578115594.pdf>. Weiss lost the nonpartisan primary election. CALIFORNIA SECRETARY OF STATE, March 5, 2024, Presidential Primary Election - Statement of Vote at 13, 90 (Mar. 5, 2024), <https://elections.cdn.sos.ca.gov/sov/2024-primary/sov/complete-sov-updated.pdf>.

² Joanna Weiss for Congress, Statement of Organization at 2 (Feb. 1, 2023), <https://docquery.fec.gov/pdf/577/202302019578115577/202302019578115577.pdf>.

³ Women for American Values and Ethics, Statement of Organization at 2 (Mar. 24, 2017), <https://docquery.fec.gov/pdf/401/201703299051895401/201703299051895401.pdf>; WAVE PAC, Amended Statement of Organization at 2 (Feb. 13, 2025), <https://docquery.fec.gov/pdf/140/202502139753424140/202502139753424140.pdf>.

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1 amended (the “Act”).⁴ Specifically, the Complaint alleges that Weiss sent an email to the WAVE
 2 PAC member list announcing her candidacy; that WAVE PAC sent communications to its members
 3 encouraging them to support Weiss; and that WAVE PAC sent an email to members inviting them
 4 to attend a WAVE PAC meeting that doubled as a Weiss campaign event.⁵ During the 2024
 5 election cycle, WAVE PAC disclosed \$4,000 in independent expenditures supporting Weiss.⁶ In
 6 addition, the Complaint alleges that Weiss established, financed, maintained, or controlled
 7 (“EFMC’d”) WAVE PAC, and that, as an entity EFMC’d by a federal candidate, WAVE PAC
 8 impermissibly solicited, received, and spent non-federal funds in connection with a federal
 9 election.⁷

10 In Response, Weiss and the Committee argue that, although WAVE PAC might have
 11 supported Weiss’s candidacy, there is no information in the Complaint to suggest that any of these
 12 activities were coordinated.⁸ The Response states that the farewell email was accounted for and
 13 reported as a \$250 in-kind contribution.⁹ Additionally, the Response argues that Weiss’s post on
 14 WAVE PAC’s Facebook page would not result in an in-kind contribution because it is exempt from
 15 the meaning of “public communication” and therefore would not constitute a coordinated
 16 communication.¹⁰ The Response further argues that the Complaint’s suggestion that Weiss

⁴ Compl. at 1 (Sept. 1, 2023).

⁵ *Id.* at 1-4.

⁶ WAVE PAC, 2024 12-Day Pre-Primary Report at 23 (Feb. 22, 2024), <https://docquery.fec.gov/pdf/288/202402229622169288/202402229622169288.pdf>.

⁷ Compl. at 1-3.

⁸ Weiss & Committee Resp. at 3 (Oct. 23, 2023).

⁹ *Id.* at 4; *see also* WAVE PAC, 2023 Mid-Year Report at 68 (July 27, 2023), <https://docquery.fec.gov/pdf/537/202307279584071537/202307279584071537.pdf> (disclosing \$250 in-kind contribution); Joanna Weiss for Congress, Amended 2023 April Quarterly Report at 572 (Dec. 9, 2024) <https://docquery.fec.gov/pdf/526/202412099739825526/202412099739825526.pdf> (disclosing \$250 in-kind contribution from WAVE PAC).

¹⁰ Weiss & Committee Resp. at 4; *see also* 11 C.F.R. §§ 100.26, 109.21.

1 controlled WAVE PAC is speculative and that Weiss did not have any governance role at any point
 2 after she became a candidate.¹¹

3 WAVE PAC's Response asserts that Weiss did not control WAVE PAC once she became a
 4 candidate, and that WAVE PAC's efforts to support Weiss were made independently.¹² It also
 5 states that both Weiss's use of the WAVE PAC email list and expenses associated with her
 6 appearance at a WAVE PAC meeting (presumably what the Complaint refers to as a campaign
 7 event) were both reported as \$250 and \$457.94 in-kind contributions.¹³ The Response attaches a
 8 declaration from WAVE PAC's Executive Director who attests that she does "not recall any
 9 incidents of [Weiss] controlling or even influencing WAVE PAC decision-making upon her
 10 resignation."¹⁴ Finally, the declaration states that WAVE PAC sought the advice of counsel to
 11 assess the value of the email list at \$250 and the food and decoration it paid for in connection with
 12 Weiss's appearance at a WAVE PAC event at \$457.94, and disclosed them as in-kind contributions
 13 on its reports filed with the Commission.¹⁵

14 Based on its experience and expertise, the Commission has established an Enforcement
 15 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
 16 assess whether particular matters warrant further administrative enforcement proceedings. These

¹¹ Weiss & Committee Resp. at 3 (arguing that, even if Weiss was a Facebook administrator for WAVE PAC, this does not amount to "control" over WAVE PAC).

¹² WAVE PAC Resp. at 1, 4 (Nov. 7, 2023).

¹³ *Id.* at 4; Attach. ¶¶ 11-12 (Declaration of Ali Monge, Board Director and Executive Director of WAVE PAC) ("Monge Declaration"); WAVE PAC, 2023 Mid-Year Report at 68-69 (July 27, 2023), <https://docquery.fec.gov/pdf/537/202307279584071537/202307279584071537.pdf> (disclosing a \$250 disbursement for Weiss's use of the email list, and disclosing three other disbursements totaling \$457.94 for balloons and food for the meeting); Joanna Weiss for Congress, Amended 2023 April Quarterly Report at 572 (Dec. 9, 2024) <https://docquery.fec.gov/pdf/526/202412099739825526/202412099739825526.pdf> (disclosing \$250 and \$457.94 as in-kind contributions from WAVE PAC).

¹⁴ Monge Decl. ¶¶ 4-5.

¹⁵ *Id.* ¶¶ 11-12.

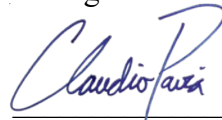
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criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal 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 low apparent dollar amount at issue, 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.¹⁶ We also recommend that the Commission close the file effective 30 days from the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

3/27/2025
Date

Lisa J. Stevenson
Acting General Counsel


BY:



Claudio J. Pavia
Deputy Associate General Counsel



Wanda D. Brown
Assistant General Counsel



Gordon King
Attorney

¹⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).