



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

August 12, 2024

**VIA ELECTRONIC AND CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

[REDACTED]  
Bill Griffin  
[REDACTED]

Duluth, GA 30097

RE: MUR 8179

Dear Mr. Griffin:

This is in reference to the complaint you filed with the Federal Election Commission on October 10, 2023. Upon further review of the allegations contained in the complaint, and information supplied by the response, the Commission, on July 10, 2024, voted to dismiss this matter effective August 12, 2024. A copy of the General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

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).

If you have any questions, please contact me at (202) 694-1650.

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:** 8179

**Respondents:**

Friends of Lucy McBath and Ashton Narzisi  
in her official capacity as Treasurer  
Representative Lucia Kay McBath

**Complaint Receipt Date:** October 10, 2023

**Response Date:** October 27, 2023

**Alleged Statutory and  
Regulatory Violations:** 52 U.S.C. § 30120  
11 C.F.R. § 110.11

The Complaint raises allegations that Lucia McBath, a Member of Congress from Georgia’s 7th Congressional District who is running for reelection in 2024 in Georgia’s 6th Congressional District,<sup>1</sup> and her principal campaign committee, Friends of Lucy McBath and Ashton Narzisi in her official capacity as treasurer (the “Committee”),<sup>2</sup> violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by knowingly accepting an in-kind contribution when McBath’s congressional office paid for a video advertisement touting McBath’s legislative accomplishments that appeared on internet platforms such as YouTube and Pluto TV.<sup>3</sup> The Complaint provides a partial screenshot of the advertisement that includes a link to the “advertiser’s” website which is listed as mcbath.house.gov.<sup>4</sup> The Complaint does not otherwise provide specific information about the video advertisement in question.

<sup>1</sup> Lucia Kay McBath, Statement of Candidacy (Feb. 18, 2022), <https://docquery.fec.gov/pdf/285/202202189491797285/202202189491797285.pdf>; Lucia Kay McBath, Statement of Candidacy (Mar. 8, 2024), <https://docquery.fec.gov/pdf/644/202403089622355644/202403089622355644.pdf>.

<sup>2</sup> Friends of Lucy McBath, Statement of Organization (Mar. 7, 2024), <https://docquery.fec.gov/pdf/425/202403079622323425/202403079622323425.pdf>.

<sup>3</sup> Compl. at 1-2 (Oct. 10, 2023).

<sup>4</sup> *Id.* at 2.

29 In a joint response, McBath and the Committee state that the advertisement that was  
30 presumably the video to which the Complaint referred, was not a campaign advertisement, but  
31 rather an official communication paid for by taxpayer dollars that was approved by the U.S.  
32 House’s bipartisan Franking Commission.<sup>5</sup> According to approval documents referred to in the  
33 Response, the advertisement was approved on April 18, 2023, in accordance with 39 U.S.C.  
34 § 3210(a)(3)(A).<sup>6</sup>

35 The Complaint in this matter alleges that the “U.S. government is the advertiser” and that  
36 therefore McBath misused her office.<sup>7</sup> However, the advertisement appears to constitute frankable  
37 materials pursuant to 39 U.S.C. § 3210, a statute over which the Commission lacks jurisdiction.  
38 Further, under the Act, only a “person” may make a contribution or expenditure.<sup>8</sup> A “person” is  
39 defined in the Act to exclude “the Federal Government or any authority of the Federal  
40 Government.”<sup>9</sup> As such, McBath’s advertisement, which was paid for by the federal government,  
41 would not constitute a contribution or expenditure.

42 Based on its experience and expertise, the Commission has established an Enforcement  
43 Priority System using formal, pre-determined scoring criteria to allocate agency resources and  
44 assess whether particular matters warrant further administrative enforcement proceedings. These  
45 criteria include (1) the gravity of the alleged violation, considering both the type of activity and the  
46 amount in violation; (2) the apparent impact the alleged violation may have had on the electoral  
47 process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential

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<sup>5</sup> Resp. at 2-3 (Oct. 27, 2023).

<sup>6</sup> *Id.* at 2 n.4 (citing to House Communication Standards Comm’n, Rec. No. 42565-9 (Apr. 18, 2023), [https://frankingfiles.house.gov/AO\\_28-42565-9.pdf](https://frankingfiles.house.gov/AO_28-42565-9.pdf)).

<sup>7</sup> Compl. at 1.

<sup>8</sup> 52 U.S.C. § 30101(8)-(9).

<sup>9</sup> *Id.* § 30101(11).

MUR 8179 (Friend of Lucy McBath, *et al.*)  
 EPS Dismissal Report  
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48 violations and other developments in the law. This matter is rated as low priority for Commission  
 49 action after application of these pre-established criteria. Given that low rating and lack of applicable  
 50 authority, we recommend that the Commission dismiss the complaint consistent with the  
 51 Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of  
 52 agency resources.<sup>10</sup> We also recommend that the Commission close the file effective 30 days from  
 53 the date of certification of this vote (or on the next business day after the 30th day, if the 30th day  
 54 falls on a weekend or holiday) and send the appropriate letters.

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Lisa J. Stevenson  
 Acting General Counsel

Charles Kitcher  
 Associate General Counsel

June 27, 2024

Date

BY:



Claudio J. Pavia  
 Deputy Associate General Counsel

*Wanda D. Brown*

Wanda D. Brown  
 Assistant General Counsel

*Tiferet Unterman*

Tiferet Unterman  
 Attorney

<sup>10</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).