

**BEFORE THE FEDERAL ELECTION COMMISSION**

**ENFORCEMENT PRIORITY SYSTEM**

**DISMISSAL REPORT**

**MUR:** 8184

**Respondents:** Dan Eubanks for Mississippi and Dan Eubanks in his official capacity as treasurer  
Dan Eubanks

**Complaint Receipt Date:** October 25, 2023

**Response Date:** October 30, 2023



**Alleged Statutory and Regulatory Violations:** 52 U.S.C. §§ 30101(2); 30104(a), (b)  
11 C.F.R. §§ 100.3(a); 104.1; 104.3; 104.5(a)

The Complaint alleges that Dan Eubanks for Mississippi and Dan Eubanks in his official capacity as treasurer (the “Committee”), the principal campaign committee<sup>1</sup> for Dan Eubanks, a 2024 U.S. Senate candidate in Mississippi,<sup>2</sup> and Eubanks himself violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by failing to file any disclosure reports with the Commission as of the date of the Complaint, October 25, 2023.<sup>3</sup> The Complaint argues that because the Committee filed a Statement of Organization on April 7, 2023, it was required to begin filing disclosure reports, starting with a 2023 July Quarterly Report.<sup>4</sup>

The Response by Eubanks and the Committee states that the Committee did not file disclosure reports because the Committee had not reached the \$5,000 reporting threshold, and

<sup>1</sup> Dan Eubanks for Mississippi, Statement of Organization at 1 (Apr. 7, 2023), <https://docquery.fec.gov/pdf/063/202304079579733063/202304079579733063.pdf>.

<sup>2</sup> Dan Eubanks, Statement of Candidacy at 1 (July 5, 2023), <https://docquery.fec.gov/pdf/981/202307059582435981/202307059582435981.pdf>.

<sup>3</sup> Compl. at 2 (Oct. 25, 2023).

<sup>4</sup> *Id.* The 2023 October Quarterly Report, due October 15, 2023, would also have been due as of when the Complaint was filed. 11 C.F.R. § 104.5(a)(1)(i); see 2023 *Quarterly reports*, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/2023-reporting-dates/2023-quarterly-filers/> (last visited Apr. 12, 2024).

notes that the Committee reached out to the Report Analysis Division (“RAD”) to confirm that no filings were necessary in this situation.<sup>5</sup> Subsequently, the Committee filed its first disclosure report on January 31, 2024, a 2023 Year-End Report.<sup>6</sup> The Report disclosed all activity from when the Committee initially registered with the Commission, showing total receipts of \$31,775 and total disbursements of \$8,279.84.<sup>7</sup> Based on information disclosed in the report, the Committee exceeded \$5,000 in itemized contributions on October 1, 2023, during the reporting period for the 2023 Year-End Report.<sup>8</sup>

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 that low rating, the apparent low dollar amount involved, and the disclosure of receipts and disbursements by the Committee, we recommend that the Commission dismiss the Complaint consistent with

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<sup>5</sup> Resp. at 1 & Attach. (Oct. 30, 2023) (email from Tankia Robertson, RAD Analyst, FEC, to Dan Eubanks, Treasurer, Dan Eubanks for Mississippi (Oct. 18, 2023)).

<sup>6</sup> Dan Eubanks for Mississippi, 2023 Year-End Report at 1 (Jan. 31, 2024), <https://docquery.fec.gov/pdf/464/202401319618341464/202401319618341464.pdf>.

<sup>7</sup> *Id.* at 3-4.

<sup>8</sup> *FEC Receipts: Filtered Results*, FEC.GOV, [https://www.fec.gov/data/receipts/?data\\_type=processed&committee\\_id=C00837278&two\\_year\\_transaction\\_period=2024&min\\_date=01%2F01%2F2023&max\\_date=12%2F31%2F2023](https://www.fec.gov/data/receipts/?data_type=processed&committee_id=C00837278&two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2023) (last visited Apr. 12, 2024) (reflecting all itemized contributions on the Committee’s 2023 Year-End Report for the 2023 calendar year).

1 the Commission's prosecutorial discretion to determine the proper ordering of its priorities and  
2 use of agency resources.<sup>9</sup> We also recommend that the Commission close the file as to all  
3 Respondents effective 30 days from the date of certification of this vote (or on the next business  
4 day after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate  
5 letters.

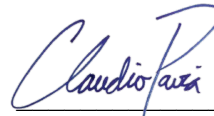
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15 April 17, 2024

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17 Date

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<sup>9</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).