

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR 8186

Respondents: Conor for AZ and Jeanne Lunn in her
official capacity as treasurer
Conor O’Callaghan

Complaint Receipt Date: Nov. 15, 2023

Response Date: Dec. 21, 2023



**Alleged Statutory/
Regulatory Violations:**

52 U.S.C. §§ 30104(b), 30120(a)
11 C.F.R. §§ 104.3(b), 110.11(a)

The Complaint alleges that Conor O’Callaghan, a 2024 candidate for Arizona’s 1st Congressional District,¹ and his principal campaign committee, Conor for AZ and Jeanne Lunn in her official capacity as treasurer (the “Committee”),² sent a mailer attacking O’Callaghan’s primary election opponent, Marlene Galán-Woods, without the required disclaimers and failed to report the mailer as an expenditure, in violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).³ The mailer, which did not reference the election or Galán-Woods’s candidacy but stated that she changed her position on a social issue, was apparently sent in October 2023, about nine months before the June 2024 primary election.⁴ The Complaint includes screenshots of an X conversation in which one of O’Callaghan’s other primary election opponents told the Complainant

¹ Conor O’Callaghan, Statement of Candidacy (July 31, 2023), <https://docquery.fec.gov/pdf/712/202307319584228712/202307319584228712.pdf>. O’Callaghan lost the Democratic primary election on July 30, 2024, receiving 13,539 votes, or 18.5% of votes cast. Arizona Secretary of State, *2024 Primary Election*, <https://results.arizona.vote/#/federal/46/0> (last visited Dec. 11, 2024).

² Conor for AZ, Statement of Organization at 2 (July 31, 2023), <https://docquery.fec.gov/pdf/118/202307319584226118/202307319584226118.pdf>.

³ Compl. at 1 (Nov. 15, 2023).

⁴ *Id.*

1 that Respondents sent the mailer but did not provide specific information, instead stating that he
2 “[c]an track things in various ways.”⁵ O’Callaghan and the Committee filed a Response asserting
3 that they did not send or pay for the mailer.⁶

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 we
12 recommend that the Commission dismiss the Complaint, consistent with the Commission’s
13 prosecutorial discretion to determine the proper ordering of its priorities and use of agency
14 resources.⁷ We also recommend that the Commission close the file effective 30 days from the date
15 the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day
16 falls on a weekend or holiday) and send the appropriate letters.

⁵ *Id.* at 4-7.

⁶ Resp. at 1 (Dec. 21, 2023).

⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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12/12/2024

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