FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 2, 2024

VIA EMAIL
chairman@okgop.com
Nathan Dahm, Chairman
Oklahoma Leadership Council
Oklahoma Republican Party
4031 N. Lincoln Blvd.
Oklahoma City, OK 73105

RE: MUR 8198

Dear Mr. Dahm:

On January 24, 2024, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On October 29, 2024, the Commission, on the basis of the information in the Complaint and the Response, dismissed the allegation that you violated 52 U.S.C. §§ 30122 and 30104(b) and 11 C.F.R. §§ 110.4(b)(1) and 104.3(a). Accordingly, the Commission voted to close its file in this matter effective December 2, 2024.

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). Any applicable Factual and Legal Analysis or Statements of Reasons available at the time of this letter's transmittal are enclosed.

If you have any questions, please contact Camilla Jackson Jones, the attorney assigned to this matter, at (202) 694-1507 or cjacksonjones@fec.gov.

Sincerely,

Anne B. Robinson
Assistant General Counsel

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Oklahoma Leadership Council and John Elliott in his official capacity as treasurer **MUR:** 8198

I. INTRODUCTION

The Complaint in this matter alleges that Oklahoma Leadership Council and John Elliott in his official capacity as treasurer (the "Committee") and Nathan Dahm, Oklahoma Leadership Council's Chairman, violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b)(1) by disclosing in its 2023 December Monthly Report a series of allegedly "unusual" contributions, which the Complaint contends were likely made using "straw donors."[1] Specifically, the Complaint questions a series of contributions ranging between $500 and $500.22 and further alleges that the Committee misreported those contributions in violation of 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a).[2]

The Responses submitted by the Committee and its Chairman, Nathan Dahm, deny the alleged use of straw donors and assert that the "unusual" contribution amounts reported in the 2023 December Monthly Report were the result of a clerical error by the Committee's compliance firm, which was corrected in its Amended 2023 December Monthly Report filed on January 19, 2024, two days after the Complaint was filed.[3] The Committee's Response asserts

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[1] Compl. at 2 (Jan. 17, 2024); *see* Oklahoma Leadership Council, 2023 December Monthly Report (Dec. 12, 2023), https://docquery.fec.gov/pdf/902/202312129599442902/202312129599442902.pdf. The Complaint includes an affidavit detailing efforts to research the contributions at issue as well as a chart listing the names of those alleged straw donors, their reported contribution amounts, the dates of the contributions, and the aggregate amounts contributed by those contributors. *Id.* at 2-6.

[2] *Id.* at 3-4.

[3] Oklahoma Leadership Council Resp. at 1 (Feb. 8, 2024) ("Committee Resp."); Email from Nathan Dahm, Chairman, to Christal Dennis, Attorney, FEC (Mar. 22, 2024, 16:53 EST) ("Dahm Resp."). The Amended 2023 December Monthly Report was filed two days after the Complaint was filed, but five days before the Committee was notified of the Complaint. Oklahoma Leadership Council, Amended 2023 December Monthly Report (Jan. 19, 2024), https://docquery.fec.gov/pdf/294/202401199600122294/202401199600122294.pdf.

that the contribution amounts were misreported because of an error in a spreadsheet and provides copies of the spreadsheets showing both the correct and incorrect contribution amounts.[4]

Because the Complaint lacks information supporting the allegation that the contributors named in the Complaint were straw donors, and the Response clearly explains the clerical error that caused the contributions to be misreported, the Commission dismisses the allegation that Oklahoma Leadership Council and John Elliott in his official capacity as treasurer and Nathan Dahm violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b)(1) by making contributions in the name of another. Further, the Commission dismisses as a matter of prosecutorial discretion the allegation that the Committee violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) by misreporting contributions in its 2023 December Monthly Report.[5]

II. FACTUAL BACKGROUND

Oklahoma Leadership Council and John Elliott in his official capacity as treasurer is the state party committee for the Republican Party in Oklahoma.[6] Nathan Dahm is the Chairman of Oklahoma Leadership Council.

The Complaint alleges that the Committee's 2023 December Monthly Report, for the November 1-30, 2023 reporting period, includes several "anomalous" contributions that may have violated the statutory prohibition on making or accepting contributions in the name of another and the Committee may have misreported said contributions.[7] Specifically, the Complaint alleges that the 2023 December Monthly Report lists several contributions ranging

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[4] Committee Resp. at 1-5. Dahm's Response concurs with the Committee's explanation. Dahm Resp. at 1.

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

[6] *See,* Oklahoma Leadership Council, Statement of Organization (Apr. 2, 2024), https://docquery.fec.gov/pdf/677/202404029627457677/202404029627457677.pdf.

[7] Compl. at 2.

from $500 to $500.22, made between November 28 and 30, 2023, and asserts that those contributions in variations of $500 with sequential decimals from $0.01 to $0.22 are questionable and must therefore be contributions made in the name of another.[8] The Complaint further alleges that the Committee ran no promotions or fundraising events that would explain contributions in these amounts.[9]

The Complaint includes an affidavit from the Complainant, who is involved with the Oklahoma Republican Party ("OKGOP"), asserting that he researched the apparent anomalous contributions and found the Committee had not reported receiving other contributions from these contributors.[10] Additionally, the Complainant states that he learned from OKGOP State Vice Chairman Wayne Hill that one of the contributors, Shawna Myers, denied making the reported contribution.[11]

The Committee denies the allegation that the contributions listed in the Complaint were from straw donors and asserts the contributions reported from these individuals were the result of an unintended mistake by a filing agent at its compliance firm, Red Curve Solutions LLC.[12] The Committee explains that a clerical error occurred when the filing agent, "clicked his mouse on a five hundred dollar donation and unwittingly dragged it down changing the true donations following the five hundred dollar donation into five hundred dollar donations themselves and

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8 *Id.* at 2-3.

9 *Id.* at 5.

10 Compl. at 5.

11 *Id.* at 6. The Amended 2023 December Monthly Report shows Myers contributed $17.76 on November 28, 2023 and contributed an aggregate of $205.52. *See* Oklahoma Leadership Council, Amended 2023 December Monthly Report at 16. The Responses do not address the statements attributed to her in the Complaint.

12 Committee Resp. at 1, Attach 2 (spreadsheets listing both the actual and incorrectly reported contribution amounts).

enumerating them in the 'cents' column of the donation."[13] The Committee asserts the amounts that had been changed were then listed in the 2023 December Monthly Report, and the error was not discovered by the firm until the following month's bank data was reviewed.[14] The Committee's Response includes an email explanation from the filing agent and copies of spreadsheets showing the inadvertent changes to the contribution amounts.[15] The Committee states that it has the source documentation for all of the contributors listed in the Complaint that affirms the true and original amount of their donations and that the contribution amounts were corrected in the 2023 Amended December Monthly Report.[16] Dahm's Response adopts the same legal and factual position taken by the Committee in its Response.[17]

A chart listing the contributions that were erroneously reported in the original 2023 December Monthly Report and were corrected or removed from the 2023 Amended December Monthly Report is provided below. Only 7 of the 22 contributors whose contributions are questioned in the Complaint are included in the 2023 Amended December Monthly Report; their names are bolded in the chart. The questionable contributions listed in the Complaint, based on the original 2023 December Monthly Report, totaled $11,002.71. The 2023 Amended December Monthly Report disclosed $261.61 in contributions from only seven of the originally listed

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13 *Id.*

14 *Id.*

15 Committee Resp., Attach. 1, 2.

16 Committee Resp. at 1.

17 *See* Dahm Resp. at 1 (affirming the statements about the events surrounding the erroneous reporting of receipts, which are detailed in the filing agent's statement attached to the Committee's Response).

contributors, which may mean that those are the only contributors that had aggregate year-to-date contributions that exceeded $200.[18]

	2023 December Monthly Report			Amended 2023 December Monthly Report		
Name	**Reported Contribution**	**Reported Contribution Date**	**Reported Year-to-Date Aggregate Contributions**	**Reported Contribution**	**Reported Contribution Date**	**Reported Year-to-Date Aggregate Contributions**
Nedra Babcock	**$500.08**	**11/28/23**	**$2,750.08**	**$30.00**	**11/28/23**	**$2,280.00**
Julie Ballew	**$500.21**	**11/30/23**	**$945.16**	**$20.00**	**11/30/23**	**$464.95**
Emilee Delong	$500.17	11/28/23	$571.17			
Steve Fair	**$500.05**	**11/28/23**	**$1,500.05**	**$100.00**	**11/28/23**	**$1,100.00**
Barbara Inhofer	$500.20	11/28/23	$517.78	N/A		
Bob Jack	**$500.03**	**11/28/23**	**$1,005.45**	**$17.76**	**11/28/23**	**$523.18**
Bob Jack	**$500.19**	**11/29/23**	**$1,505.64**	**$8.33**	**11/29/23**	**$531.51**
James Floyd	$500.07	11/28/23	$587.83			
Jennifer Johnson	$500.15	11/28/23	$530.15			
Sterling Johnson	$500.11	11/28/23	$518.07			
Nancy Kerr	$500.18	11/28/23	$500.18			
Jim Lockard	$500.14	11/28/23	$587.90			
Ken Malloy	$500.12	11/28/23	$587.88			
Paul Maus	**$500.16**	**11/28/23**	**$1,588.92**	**$17.76**	**11/28/23**	**$1,106.52**
Shawna Myers	**$500.13**	**11/28/23**	**$687.89**	**$17.76**	**11/28/23**	**$205.52**
Pam Pollard	$500.06	11/28/23	$530.06			
Billye Putnam	$500.01	11/28/23	$1,020.01			
Linda Russell	$500.04	11/28/23	$637.08			
Linda Shrewsbury	$500.09	11/28/23	$567.85			
Rebecca Sossamon	$500.20	11/29/23	$570.20			
Rhonda Vuillemont	**$500.22**	**11/30/23**	**$670.22**	**$50.00**	**11/30/23**	**$220.00**
Larry Watson	$500.10	11/28/23	$587.86			
Total Reported Contributions:	**$11,002.71**			**$261.61**		

[18] The Committee's Response includes a statement from the compliance firm's employee attaching a spreadsheet purportedly reflecting the actual contributions from the donors listed in the complaint for the relevant reporting period, including those contributions that were not disclosed in the Amended 2023 December Monthly Report. *See* Committee Resp., Attach 2 (listing contributions in the amount of $17.76 from Barbara Inhofer, James Floyd, Nancy Kerr, Jim Lockard, Ken Malloy, Linda Russell, Linda Shewsbury, and Larry Watson, as well as contributions from Pam Pollard ($30), Billye Putnam ($25), Jennifer Johnson ($30), Sterling Johnson ($17.91), Emilee Delong ($20), and Rebecca Sossamon ($50)). *Id.* The Committee also incorrectly reported two different contributions from Bob Jack, which were made one day apart, in the 2023 December Monthly Report and corrected those disclosures in the 2023 Amended December Monthly Report. *See* 2023 Amended December Monthly Report at 13.

III. LEGAL ANALYSIS

The Act and Commission regulations define "contribution" as "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office."[19] The Act and Commission regulations require treasurers to sign and file reports disclosing, among other things the total amount of receipts and disbursements for the reporting period and for the calendar year.[20] The committee must report the source, date, and amount of each receipt for each person who makes a contribution in excess of $200 during the reporting period, or whose contributions have an aggregate amount of value in excess of $200 within the calendar year.[21]

The Act prohibits a person from making a contribution in the name of another person, knowingly permitting his or her name to be used to effect such a contribution, or knowingly accepting such a contribution.[22] The Commission has included in its regulations illustrations of activities that constitute making a contribution in the name of another:

> (i) Giving money or anything of value, all or part of which was provided to the contributor by another person (the true contributor) without disclosing the source of money or the thing of value to the recipient candidate or committee at the time the contribution is made; or
> (ii) Making a contribution of money or anything of value and attributing as the source of the money or thing of value another person when in fact the contributor is the source.[23]

The available information does not support the allegation that the Committee used straw donors to make contributions in the name of another. The Complaint provides no information to

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19 52 U.S.C. § 30101(8)(A)(i).

20 *See* 52 U.S.C. § 30104(b); 11 C.F.R. § 104.3(a).

21 52 U.S.C. §§ 30104(b)(2), (3).

22 52 U.S.C. § 30122.

23 11 C.F.R. § 110.4(b)(1) (internal citations omitted).

support its straw donor allegation, other than the "unusual" contribution amounts reported in the Committee's 2023 December Monthly Report.[24] Both the Committee's Response and Dahm's Response explain the alleged "unusual" contributions were the result of an inadvertent error by the Committee's compliance firm, and those contributions were corrected in its Amended 2023 December Monthly Report.[25] Because the available information does not indicate the Committee knowingly accepted contributions made in the name of another, the Commission dismisses the allegation that Oklahoma Leadership Council and John Elliott in his official capacity as treasurer and Nathan Dahm violated 52 U.S.C. § 30122 and 11 C.F.R. § 110.4(b)(1).[26]

As to the allegation that the Committee misreported contributions in its 2023 December Monthly Report, the Committee admits that it did not correct its errors in that report until it filed its 2023 Amended December Monthly Report on January 19, 2024 — 38 days after the original report was due.[27]

In circumstances involving committees that have made inadvertent reporting errors by omitting receipts and disbursements, the Commission has in some instances found reason to believe and

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[24] *See* Compl. at 3.

[25] Committee Resp at 1, Attach 1 (statement from the employee from the Committee's compliance firm, Red Curve Solutions LLC, explaining that his clerical mistake was the source of the erroneous information that was reported on the disclosure report)*; see also* Dahm Resp. at 1 (affirming the reporting errors were the result of a mistake by its compliance firm, as stated in the Committee's Response).

[26] *See, e.g.*, Factual & Legal Analysis, MUR 8122 (Lafazan for Congress, *et al.*) (finding no reason to believe that respondents made and received contributions in the name of another where there was no information indicating that loans made to candidate for tuition were made for the purpose of influencing an election); Factual & Legal Analysis, MUR 8047 (Charles Gray, *et al.*) (finding no reason to believe that respondents knowingly accepted contributions in the name of another where there was no evidence contradicting respondents' assertion that the candidate used personal funds to loan money to the committee).

[27] Committee Resp. at 1.

engaged in pre-probable cause conciliation.[28] However, the amount in violation here is similar to the amounts in prior matters where the Commission dismissed the allegations.[29] The 2023 Amended December Monthly Report involved a decrease in reported receipts from $11,002.71 to $261.61.[30] Additionally, the clerical error was amended before the Committee was notified of the Complaint. Accordingly, the Commission dismisses as a matter of prosecutorial discretion the allegation that Oklahoma Leadership Council and John Elliott in his official capacity as treasurer violated 52 U.S.C. § 30104(b) and 11 C.F.R. § 104.3(a) by misreporting contributions in its 2023 December Monthly Report.[31]

[28] *See, e.g.*, Conciliation Agreement, MUR 8178 (Spencer Toder for Senate), Conciliation Agreement, MUR 8070 (Democratic Executive Committee of Florida); Conciliation Agreement, MUR 8061 (Republican Party of Minnesota — Federal); Conciliation Agreement, MUR 8050 (Montana Democratic Party).

[29] *See, e.g.*, MUR 8181 (Friends of Jason Atkinson) (EPS dismissal where committee allegedly failed to report a $1,500 disbursement and $6,863.18 debt); MUR 8129 (Marc for US, *et al.*) (EPS dismissal where respondents allegedly made and accepted prohibited transfers and in-kind contributions from a state to a federal committee totaling $4,604.70); MUR 8133 (Mario Fratto for Congress) (EPS dismissal where committee allegedly failed to disclose disbursements of $1,199.88 for digital advertisements and allegedly accepted $29,600 in excessive contributions).

[30] *See* Oklahoma Leadership Council, 2023 December Monthly Report at 8 (Dec. 12, 2023), https://docquery.fec.gov/pdf/902/202312129599442902/202312129599442902.pdf; Oklahoma Leadership Council, Amended 2023 December Monthly Report at 9 (Jan. 19, 2024), https://docquery.fec.gov/pdf/294/202401199600122294/202401199600122294.pdf. [redacted]

[31] *Heckler*, 470 U.S. 821.