

1 Respondents assert that the late Statement of Candidacy was due to “an administrative
2 oversight.”⁴ Respondents state that the Committee’s Statement of Organization, which was
3 timely filed with the Commission on October 3, 2023 (eight days prior to Cox’s announcement
4 of her candidacy) “included essential details” regarding Cox’s candidacy, including her political
5 party, state, congressional district, and contact information for her committee.⁵

6 Based on its experience and expertise, the Commission has established an Enforcement
7 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
8 assess whether matters warrant further administrative enforcement proceedings. These criteria
9 include (1) the gravity of the alleged violation, taking into account both the type of activity and
10 the amount in violation; (2) the apparent impact the alleged violation may have had on the
11 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends
12 in potential violations and other developments in the law. This matter is rated as low priority for
13 Commission action after application of these pre-established criteria. Given that low rating, and
14 that the Committee timely filed its Statement of Organization, limiting the risk that voters were
15 confused as to whether Cox was a candidate, we recommend that the Commission dismiss the
16 Complaint consistent with the Commission’s prosecutorial discretion to determine the proper
17 ordering of its priorities and use of agency resources.⁶ We also recommend that the Commission
18 close the file as to all Respondents effective 30 days from the date the certification of this vote is
19 signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or
20 holiday) and send the appropriate letters.

⁴ Resp. (Mar. 25, 2024).

⁵ *Id.*

⁶ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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11/19/2024
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