

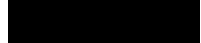


FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

December 9, 2024

VIA UPS MAIL

James F. Heckman



Bradford, PA 16701

RE: MUR 8232

Dear Mr. Heckman:

This is in reference to the complaint you filed with the Federal Election Commission on March 20, 2024. Upon further review of the allegations contained in the complaint, and information supplied by the response, the Commission, on November 6, 2024, voted to dismiss this matter effective December 9, 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 Tiferet Unterman, the attorney assigned to this matter, at (202) 694-1284.

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: 8232

Respondent:

Erin McClelland for Congress, Inc. and
 Douglas Campbell in his official capacity as
 treasurer (terminated)

Complaint Receipt Date: March 30, 2024

Response Date: May 13, 2024

[REDACTED]

Alleged Statutory and

Regulatory Violations: 52 U.S.C. § 30104(a)(2)
 11 C.F.R. § 104.5(a)

The Complaint alleges that Erin McClelland for Congress, Inc. and Douglas Campbell in his official capacity as treasurer (the “Committee”), which administratively terminated in 2023 and was the principal campaign committee of Erin McClelland, 2016 candidate for Pennsylvania’s 12th Congressional District,¹ violated the Federal Election Campaign Act of 1971, as amended (the “Act”), by failing to timely file two disclosure reports during the 2020 election cycle and by failing to file eleven subsequent disclosure reports.² Additionally, the Complaint alleges that the Committee failed to correctly report cash on hand and debt in its 2020 July Quarterly Report.³

¹ Erin McClelland, Statement of Candidacy (Sept. 23, 2015), <https://docquery.fec.gov/pdf/229/201509239002777229/201509239002777229.pdf>; Erin McClelland for Congress, Inc., Administrative Termination 2023 (May 16, 2023), <https://docquery.fec.gov/pdf/341/202305160300182341/202305160300182341.pdf>; Erin McClelland for Congress, Inc., Statement of Organization (Sept. 23, 2015), <https://docquery.fec.gov/pdf/225/201509239002777225/201509239002777225.pdf>. McClelland lost the general election held on November 8, 2016. *Pennsylvania U.S. House 12th District Results: Keith Rothfus Wins*, N.Y. TIMES (Aug. 1, 2017, 11:26 AM ET), <https://www.nytimes.com/elections/2016/results/pennsylvania-house-district-12-rothfus-mcclelland>.

² Compl. at 1, ¶¶ 9-12 (Mar. 30, 2024).

³ *Id.* ¶¶ 14-16.

The Committee filed a Response, acknowledging that two reports were filed late and that it failed to file reports thereafter.⁴ The Response contends, however, that after the 2016 election, the committee was largely inactive and effectively ceased operations but, due to a lawsuit filed against the Committee in November 2016, it was prohibited from terminating.⁵ Additionally, the Response asserts that because of suspended mail operations during the COVID pandemic, the Committee was unable to respond to the FEC's Request for Additional Information ("RFAI").⁶

The Committee submitted late filings for the 2020 April Quarterly Report, which showed receipts of \$150, disbursements of \$150, \$866.28 cash on hand, and an outstanding debt of \$54,030.55, and the 2020 July Quarterly Report, which showed the same receipts, cash on hand, and outstanding debt but did not list a disbursement.⁷ Thereafter, the Committee failed to file eleven reports starting from the 2020 October Quarterly Report through the 2023 April Quarterly Report.⁸ The Committee was then administratively terminated on May 16, 2023.⁹ The Committee reported its last contribution on October 11, 2019, by Erin McClelland in the amount of \$150.¹⁰

⁴ Resp. ¶¶ 10-12 (May 13, 2024).

⁵ *Id.* ¶¶ 5, 39 (noting that the lawsuit was later terminated due to plaintiff inactivity).

⁶ *Id.* ¶¶ 10, 14, 36-37.

⁷ Erin McClelland for Congress, Inc., April Quarterly Report 2020 (June 25, 2020), <https://docquery.fec.gov/pdf/961/202007090300325961/202007090300325961.pdf>; Erin McClelland for Congress, Inc., July Quarterly Report 2020 (July 23, 2020), <https://docquery.fec.gov/pdf/600/202008110300332600/202008110300332600.pdf>.

⁸ Erin McClelland for Congress, Inc., Committee Filings (years 2019-2024), <https://www.fec.gov/data/committee/C00543918/?tab=filings&cycle=2020#reports> (showing RFAs issued for all quarterly reports from the 2020 October Quarterly Report through the 2023 April Quarterly Report with no reports filed).

⁹ Erin McClelland for Congress, Inc., Administrative Termination 2023 (May 16, 2023), <https://docquery.fec.gov/pdf/341/202305160300182341/202305160300182341.pdf>; see 52 U.S.C. § 30103(d)(2); 11 C.F.R. § 102.4.

¹⁰ Erin McClelland for Congress, Inc., Individual Contributions (years 2019-2020), <https://www.fec.gov/data/committee/C00543918/?tab=raising&cycle=2020>.

Regarding the \$866.28 cash on hand reported by the Committee in its July 2020 Quarterly Report, the Response acknowledges that the accuracy of this amount is “in question” because the Committee did not have access to its bank account when filing the report and “carried forward the amount from the last report.”¹¹ The Response states that when the bank account was later accessed in October 2021, it held \$2,116.28.¹² Further, the Committee appears to claim that its debt was accurately reported, and states that the bulk of the \$54,030.55 in debt was absolved (following the dismissal of a lawsuit with one firm) and forgiven (when another creditor recognized that the Committee was unable to raise additional funds to pay the debt).¹³

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, considering 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 low dollar amount at issue, and that the Committee was terminated, we recommend that the Commission dismiss the complaint consistent with the Commission’s prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.¹⁴ We also recommend that the Commission close the file effective 30 days after the date the certification of this vote is signed (or

¹¹ Compl. ¶¶ 10, 14.

¹² *Id.* ¶ 14.

¹³ *Id.* ¶ 15.

¹⁴ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

MUR 8232 (Erin McClelland for Congress, Inc.)
EPS Dismissal Report
Page 4 of 4

59 on the next business day after the 30th day, if the 30th day falls on a weekend or holiday) and send
60 the appropriate letters.

61
62
63
64
65 October 28, 2024
66 Date
67
68
69
70
71
72
73
74
75
76
77

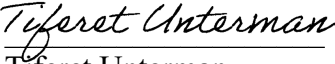
Lisa J. Stevenson
Acting General Counsel

BY: 

Claudio J. Pavia
Deputy Associate General Counsel



Wanda D. Brown
Assistant General Counsel



Tiferet Unterman
Attorney