

BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM

DISMISSAL REPORT

MUR 8257

Respondents: McGuire for Virginia and Jason Boles
in his official capacity as treasurer
John J. McGuire
Friends of John McGuire SD10

Complaint Receipt Date: May 3, 2024

Response Date: Aug. 19, 2024



Alleged Statutory/

Regulatory Violations:

52 U.S.C. §§ 30104(b)(3), 30125(e)(1)-(2)

11 C.F.R. §§ 104.3(a)(4), 110.3(d), 300.61, 300.62

The Complaint alleges that John J. McGuire, a 2024 congressional candidate in Virginia's 5th District,¹ as well as McGuire for Virginia and Jason Boles in his official capacity as treasurer (the "Federal Committee"), McGuire's principal campaign committee,² and Friends of John McGuire SD10 (the "State Committee"), McGuire's state committee for his campaign for Virginia's State Senate in 2023, violated the Federal Election Campaign Act of 1971, as amended (the "Act"), when State Committee made, McGuire and the Federal Committee knowingly accepted, and the Federal Committee failed to report prohibited in-kind contributions totaling approximately \$10,658.15.³

¹ John J. McGuire III, Statement of Candidacy at 1 (Nov. 15, 2023), <https://docquery.fec.gov/pdf/085/202311159599113085/202311159599113085.pdf>.

² McGuire for Virginia, Amended Statement of Organization at 2 (July 24, 2024), <https://docquery.fec.gov/pdf/389/202407249665721389/202407249665721389.pdf>.

³ Compl. at 4-5 (May 3, 2024). The Complaint also alleges violations of state law outside of the Commission's jurisdiction. The Complaint references exhibits, including an Exhibit 1, to which citations are made including page numbers that do not appear in the Exhibit 1 attached to the Complaint, and refers to the exhibit as "John McGuire Financial Review," a title which does not appear in the exhibit. *Id.*, Ex. 1. The Complaint was notified of the apparently missing items but did not correct the omission.

Specifically, the Complaint alleges that the State Committee made impermissible in-kind contributions to McGuire and the Federal Committee in the form of \$8,021.55 in payments for campaign signs displaying “John McGuire for Virginia,”⁴ payments in an unspecified amount to distribute emails referring to McGuire’s federal candidacy and displaying “McGuire for Virginia,”⁵ payments “totaling over \$1,600” for fuel after the state senate election,⁶ payments totaling \$981.39 to hotels “in far-distant reaches of the state,”⁷ and a payment of \$55.21 for “sign supplies” after the state senate election.⁸

McGuire, the Federal Committee, and the State Committee submitted a joint Response arguing that the Complaint largely alleges violations of state law outside of the Commission’s jurisdiction and that the Complaint’s alleged violations of the Act are purely speculative, and requesting that the Commission dismiss the Complaint.⁹

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

⁴ Compl. at 4.

⁵ *Id.*

⁶ *Id.* at 5.

⁷ *Id.*

⁸ *Id.*

⁹ Resp. at 8.

Commission action after application of these pre-established criteria. Given that low rating and low apparent dollar amount at issue, 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.¹⁰ We also recommend that the Commission close the file effective 30 days from the date the certification of this vote is signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel

March 17, 2025

Date

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¹⁰ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).