BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR 8306

Respondents: Evan Low for Congress and Evan Low in his official capacity as treasurer
Evan Low
Stand With Asian Americans[1]

Complaint Receipt Date: Aug. 26, 2024
Response Date: Oct. 31, 2024

[redacted]

Alleged Statutory/
Regulatory Violations: 52 U.S.C. §§ 30104(a)-(b), 30116(f), 30118(a)
11 C.F.R. §§ 104.3

The Complaint alleges that Stand With Asian Americans ("SWAA"), a tax-exempt non-profit organization,[2] made, and Evan Low, a 2024 congressional candidate in California's 16th District,[3] and his principal campaign committee, Evan Low for Congress and Evan Low in his official capacity as treasurer (the "Committee"),[4] knowingly accepted impermissible and unreported in-kind contributions, in violation of the Federal Election Campaign Act of 1971, as amended (the "Act").[5] Specifically, the Complaint alleges that the Committee used SWAA's "server and/or email

[1] Notification to this respondent was sent on March 26, 2025. No response has been received as of the date of this Report.

[2] Compl. at 1 (Aug. 26, 2024); Resp. at 1 (Oct. 31, 2024).

[3] Evan Low, Amended Statement of Candidacy at 1 (Feb. 26, 2024), https://docquery.fec.gov/pdf/148/202402289622291148/202402289622291148.pdf.

[4] Evan Low for Congress, Amended Statement of Organization at 2 (May 31, 2024), https://docquery.fec.gov/pdf/292/202405319648838292/202405319648838292.pdf.

[5] Compl. at 1-2.

list" when it distributed an email supporting Low that contained an unsubscribe button linking to a URL with a domain apparently associated with SWAA.[6]

In response, Low and the Committee deny the allegations, stating that they are "factually inaccurate" and that the Committee has never used SWAA's domain or email list.[7] The Response attributes the unsubscribe link at issue to human error in which the campaign volunteer who created the email inadvertently wrote the phrase "standwithasianamericans" in the URL associated with the unsubscribe button but that the link nonetheless directed recipients to a webpage associated with the Committee and unassociated with SWAA.[8] The Response attaches an affidavit from the volunteer explaining the apparent mistake. The Response states that the email at issue was distributed to a list compiled and owned by the Committee,[9] and requests that the Commission dismiss the Complaint.[10]

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 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,

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6 *Id*. at 1.

7 Low and Committee Resp. at 1.

8 *Id*. at 1-2.

9 *Id*. at 2.

10 *Id*.

consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.[11] 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

3/27/2025
Date

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