

1 **BEFORE THE FEDERAL ELECTION COMMISSION**
2
3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**
5

6 **MUR 8338**

Respondents: Van Drew for Congress and Bradley
T. Crate in his official capacity as
treasurer
Jeff Van Drew

11 **Complaint Receipt Date:** Oct. 28, 2024

12 **Response Date:** Nov. 22, 2024

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14 

16 **Alleged Statutory/**

17 **Regulatory Violations:**

52 U.S.C. § 30120(a)

11 C.F.R. § 110.11(c)

19 The Complaint alleges that Van Drew for Congress and Bradley T. Crate in his official
20 capacity as treasurer (the “Committee”), the principal campaign committee of Representative Jeff
21 Van Drew,¹ 2024 candidate for New Jersey’s 2nd Congressional District,² distributed a television
22 advertisement without an adequate disclaimer, in violation of the Federal Election Campaign Act of
23 1971, as amended.³ The Complaint alleges that the television advertisement, which began airing on
24 October 22, 2024, included a verbal approval by the candidate but only a partial written disclaimer
25 at the end which states that it was “Paid for by Van Drew for Congress” but did not specifically
26 identify the candidate or state that he approved the advertisement.⁴

27 In Response, Van Drew and the Committee acknowledge that the advertisement at issue did
28 not strictly follow the disclaimer requirements but state that the omission was inadvertent and argue

¹ Van Drew for Congress, Amended Statement of Organization at 2 (Dec. 11, 2024), <https://docquery.fec.gov/pdf/599/202412119739859599/202412119739859599.pdf>.

² Jeff Van Drew, Amended Statement of Candidacy at 1 (Oct. 13, 2023), <https://docquery.fec.gov/pdf/560/202310139597545560/202310139597545560.pdf>.

³ Compl. at 1 (Oct. 28, 2024).

⁴ *Id.* at 2.

1 that any voter who watched the advertisement would clearly understand on whose behalf it was
2 made because it identifies the candidate by name and title, displays the candidate on screen several
3 times, displays the Committee’s logo, and includes a verbal disclaimer and partial written
4 disclaimer.⁵ Respondents state that upon learning of the advertisement’s deficiency, prior to
5 receiving the Complaint, the Committee worked “within hours” with its vendor to correct the error.⁶
6 Respondents therefore request that the Commission dismiss the Complaint.⁷

7 The Committee disclosed disbursements totaling \$120,408 to the vendor responsible for
8 placing the advertisement in question during the 2024 election cycle.⁸

9 Based on its experience and expertise, the Commission has established an Enforcement
10 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
11 assess whether particular matters warrant further administrative enforcement proceedings. These
12 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
13 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
14 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
15 potential violations and other developments in the law. This matter is rated as low priority for
16 Commission action after application of these pre-established criteria. Given that low rating, the
17 unlikelihood that the general public would have been confused as to whether the Committee paid for
18 the communications at issue, remedial action taken by the Committee, and the Committee’s
19 admission of the violation, we recommend that the Commission dismiss the Complaint, consistent

⁵ Resp. at 2 (Nov. 22, 2024).

⁶ *Id.* at 2-3.

⁷ *Id.* at 5.

⁸ Van Drew for Congress, Filtered Disbursements, FEC.GOV, https://www.fec.gov/data/disbursements/?data_type=processed&committee_id=C00661868&recipient_name=strategic+media+services&two_year_transaction_period=2024&disbursement_description=media (last visited Feb. 25, 2025).

1 with the Commission’s prosecutorial discretion to determine the proper ordering of its priorities and
2 use of agency resources.⁹ We also recommend that the Commission close the file effective 30 days
3 from the date the certification of this vote is signed (or on the next business day after the 30th day,
4 if the 30th day falls on a weekend or holiday) and send the appropriate letters.

Lisa J. Stevenson
Acting General Counsel



BY:

Claudio J. Pavia
Deputy Associate General Counsel

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9 February 26, 2025
10 Date

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14 Wanda D. Brown
15 Wanda D. Brown
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19 Gordon King
20 Gordon King
21 Attorney

⁹ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).