



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

April 14, 2025

VIA UPS DELIVERY AND ELECTRONIC MAIL

bfontaine@hwb-law.com

Jay McDonald

[REDACTED]

Anchorage, AK 99507

RE: MUR 8341
Alaska Democratic Party

Dear Mr. McDonald:

This is in reference to the complaint filed with the Federal Election Commission on October 31, 2024, concerning the Alaska Democratic Party. Based on that complaint, and after considering the circumstances of this matter and information provided in response to the complaint, the Commission determined to dismiss this matter and close the file effective April 14, 2025.

The General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed. 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).

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 8341

Respondent: Alaska Democratic Party and Monica Southworth in her official capacity as treasurer

Complaint Receipt Date: Oct. 31, 2024

Response Date: Nov. 26, 2024



**Alleged Statutory/
Regulatory Violations:**

52 U.S.C. § 30120(a)
11 C.F.R. § 110.11(c)

The Complaint alleges that the Alaska Democratic Party and Monica Southworth in her official capacity as treasurer (the “Committee”), a state party committee of the Democratic Party,¹ distributed mailers displaying an adequate disclaimer and a phone number, which when called played a prerecorded message containing express advocacy opposing a 2024 candidate for Alaska’s At-Large Congressional District and lacking an adequate disclaimer, in violation of the Federal Election Campaign Act of 1971, as amended.² The Complaint alleges that the Committee distributed at least three mailers displaying the phone number to “most, if not all, registered voters in Alaska,” and that therefore the prerecorded message was a telephone bank requiring a disclaimer.³

In Response, the Committee argues that the phone number was not a telephone bank or other form of general public political advertising requiring a disclaimer and states that the cost of the

¹ Alaska Democratic Party, Amended Statement of Organization at 2 (Aug. 9, 2024), <https://docquery.fec.gov/pdf/110/202408099666150110/202408099666150110.pdf>.

² Compl. at 1-2 (Oct. 31, 2024).

³ *Id.* at 2.

1 prerecorded message was \$27.14 and for both reasons requests that the Commission dismiss the
2 Complaint.⁴

3 Based on its experience and expertise, the Commission has established an Enforcement
4 Priority System using formal, pre-determined scoring criteria to allocate agency resources and
5 assess whether particular matters warrant further administrative enforcement proceedings. These
6 criteria include (1) the gravity of the alleged violation, taking into account both the type of activity
7 and the amount in violation; (2) the apparent impact the alleged violation may have had on the
8 electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in
9 potential violations and other developments in the law. This matter is rated as low priority for
10 Commission action after application of these pre-established criteria. Given that low rating, low
11 apparently dollar amount at issue, and the unlikelihood that the general public would have been
12 confused as to whether the Committee paid for the prerecorded message, we recommend that the
13 Commission dismiss the Complaint, consistent with the Commission's prosecutorial discretion to
14 determine the proper ordering of its priorities and use of agency resources.⁵ We also recommend
15 that the Commission close the file effective 30 days from the date the certification of this vote is
16 signed (or on the next business day after the 30th day, if the 30th day falls on a weekend or holiday)
17 and send the appropriate letters.

⁴ Committee Resp. at 1 (Nov. 26, 2024).

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

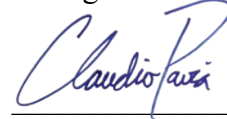
MUR 8341 (Alaska Democratic Party)
EPS Dismissal Report
Page 3 of 3

Lisa J. Stevenson
Acting General Counsel

2/27/2025

Date

BY:



Claudio J. Pavia
Deputy Associate General Counsel



Wanda D. Brown
Assistant General Counsel



Gordon King
Attorney