



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Campaign to Elect Josh McCall
Tiffany Potter, Treasurer
427 Green St NW
Gainesville, GA 30501

DEC 19 2018

RE: MUR 7518

Dear Ms. Potter:

On October 22, 2018, the Federal Election Commission ("Commission") notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On December 17, 2018, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Campaign to Elect Josh McCall and you in your official capacity as treasurer violated provisions of the Act. The Commission then closed its file in this matter. A copy of 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 within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Kristina Portner, the attorney assigned to this matter, at (202) 694-1518.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: 
Jeff S. Jordan
Assistant General Counsel

Enclosure:
General Counsel's Report

CONFIDENTIAL

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7518

Respondents: Campaign to Elect Josh McCall
and Tiffany Potter, as
Treasurer

Complaint Receipt Date: October 17, 2018

Response Date: October 31, 2018

EPS Rating:

Alleged Statutory

52 U.S.C. § 30120(a)(1), (c)

Regulatory Violations:

11 C.F.R. § 110.11(a), (b)(1), (c)(2)

Complainant alleges that the Committee's yard signs and one newspaper ad failed to include the required "paid for" disclaimer. The Committee acknowledges the error, and asserts that it added stickers containing a "paid for" disclaimer to the yard signs in its inventory and to many already-posted signs, and it confirmed with the newspaper that the ad lacking a disclaimer would no longer be run.¹

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, the remedial actions taken by the Committee, and the unlikelihood the general public would have been

¹ Based on the photos supplied with the Response, it is unclear whether the "paid for" stickers added to the Committee's yard signs were of sufficient type size to be clearly readable as required by 11 C.F.R. § 110.11(c)(2)(i).

confused as to who was responsible for the newspaper ad,² 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. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

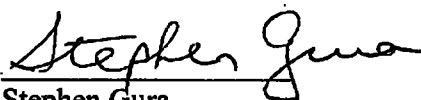
Lisa J. Stevenson
Acting General Counsel

Kathleen M. Guith
Associate General Counsel

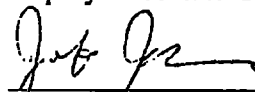
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Date

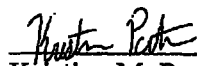
BY:



Stephen Gura
Deputy Associate General Counsel



Jeff S. Jordan
Assistant General Counsel



Kristina M. Portner
Attorney

² The yard signs and newspaper ad displayed the slogan "Josh McCall for All," which also appears on the Committee's website <https://mccallforall.com/>. Additionally, the ad includes the Committee's website address.