



FEDERAL ELECTION COMMISSION
Washington, DC

August 10, 2021

VIA ELECTRONIC MAIL

Jessica@JessicaKingforWisconsin.com

kingj78@hotmail.com

Jessica King, Treasurer
Jessica King for Wisconsin
1217 Harney Ave
Oshkosh, WI 54901

RE: MUR 7851

Dear Ms. King:

On November 6, 2020, the Federal Election Commission (“Commission”) notified Jessica King for Wisconsin and Thomas M. Kitchen, in his official capacity as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the “Act”). On August 2, 2021, based upon the information contained in the complaint and information provided by respondents, the Commission decided to dismiss allegations that Jessica King for Wisconsin 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 Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Roy Q. Lockett

BY: Roy Q. Lockett
Acting Assistant General Counsel

Enclosure:
General Counsel’s Report

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7851

Respondents: Jessica King for Wisconsin
and Jessica King, as Treasurer
(the “Committee”)

Complaint Receipt Date: October 30, 2020

Response Date: November 17, 2020

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(b)
11 C.F.R. § 104.3**

The Complaint alleges that the Committee failed to correctly report contributions, expenditures, and cash on hand in its 2020 reports.¹ In particular, the Complaint alleges that: (1) there was a \$62,607.50 cash on hand discrepancy between the Committee’s 2020 Pre-Primary Report and 2020 October Quarterly Report; (2) there was a \$491.06 cash on hand discrepancy between the Committee’s 2020 October Quarterly Report and 2020 Pre-General Report; and (3) there were discrepancies in the closing cash on hand balance in the Committee’s 2020 April, July, and October Quarterly Reports given the reported starting cash on hand, expenditures, and contributions.² The Response asserts that the Committee has filed amended reports to resolve the discrepancies, which they assert resulted from good faith errors.³

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

¹ Compl. at 1-4 (Oct. 30, 2020).

² *Id.* at 3-4. The discrepancy was \$50.00 in the 2020 April Quarterly Report, \$103.50 in the July Quarterly Report, and \$315.87 in the 2020 October Quarterly Report. *Id.*

³ Resp. at 1 (Nov. 18, 2020).

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 relatively modest amounts at issue, and the amended reports filed by the Committee, 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

Charles Kitcher
Acting Associate General Counsel

06.17.21

Date

BY: Stephen Gura
Stephen Gura
Deputy Associate General Counsel

Kristina M. Portner
Kristina M. Portner
Attorney