

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**

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6 **MUR:** 8231

Respondents: Charlie Kim in US Congress and Glen
Luporini in his official capacity as
treasurer
Charles Kim

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11 **Complaint Receipt Date:** Mar. 18, 2024

12 **Response Date:** Apr. 3, 2024

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16 **Alleged Statutory/**

17 **Regulatory Violations:**

52 U.S.C. §§ 30104(a)-(b), 30120(c)
11 C.F.R. §§ 104.1, 104.3, 110.11(c)

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19 The Complaint alleges that Charles Kim, a candidate for Illinois’s 14th Congressional
20 District in the 2024 election cycle,¹ and his principal campaign committee, Charlie Kim in US
21 Congress and Glen Luporini in his official capacity as treasurer (the “Committee”),² failed to file
22 required disclosure reports with the Commission³ and produced and distributed fliers and signs
23 without adequate disclaimers,⁴ in violation of the Federal Election Campaign Act of 1971, as
24 amended (the “Act”). The candidate lost the 2024 primary election on March 19, 2024.⁵

25 The Complaint alleges that the candidate crossed the \$5,000 threshold which would require
26 his Committee to file disclosure reports likely sometime in the 3rd quarter of 2023 and yet had not,

¹ Charles Kim, Statement of Candidacy at 1 (May 22, 2023), <https://docquery.fec.gov/pdf/116/202305229581650116/202305229581650116.pdf>.

² Charlie Kim in US Congress, Statement of Organization at 2 (May 22, 2023), <https://docquery.fec.gov/pdf/138/202305229581650138/202305229581650138.pdf>.

³ Compl. ¶¶ 4-6 (Mar. 18, 2024).

⁴ *Id.* ¶¶ 7-12.

⁵ *Election Vote Totals Results*, ILLINOIS STATE BOARD OF ELECTIONS, <https://www.elections.il.gov/ElectionOperations/ElectionVoteTotals.aspx> (last visited May 24, 2024).

1 as of the date of the Complaint, filed any disclosure reports with the Commission.⁶ The Complaint
2 states, without providing specifics, that the Illinois State Board of Elections maintains records that
3 would document the Complaint’s allegation.⁷

4 The Complaint also alleges that in September 2023 the candidate and his campaign staff
5 began “continually” distributing hundreds of fliers and other communications at various events that
6 lacked adequate disclaimers, specifically alleging that the disclaimers did not strictly adhere to font
7 and formatting requirements.⁸ Attached to the Complaint are six examples of fliers or signs, as well
8 as a screenshot of a photo from the Committee’s Facebook page which shows the candidate next to
9 a campaign sign.⁹ All but one display a disclaimer at the bottom of the materials which states that
10 the communication was “paid for by Charlie Kim in US Congress” but the disclaimer is not
11 contained within a printed box set apart from the contents of the materials.¹⁰ The flier which does
12 not appear to state “paid for by Charlie Kim in US Congress” contains an image of the candidate,
13 the Committee’s website, and the name of the Committee.¹¹

14 In Response, the Committee and candidate request that the Commission dismiss this
15 Complaint.¹² The Response argues that the disclaimers on the printed materials identified in the
16 Complaint are adequate because they list the Committee’s name and state that the communication

⁶ Compl. ¶¶ 4-5.

⁷ *Id.* ¶ 6.

⁸ *Id.* ¶¶ 7-8.

⁹ *Id.*, Exs. A-G. Exhibits A through F are scanned examples of campaign materials which all display the name of the Committee, and all but one of which displays a legible disclaimer, albeit one not set apart from the contents of the materials by a printed box. Exhibit C is scanned with Exhibit B on top, partially obstructing Exhibit C. Exhibit D is on the next page, without a label affixed. Exhibit G is not labeled, but what appears to be Exhibit G is a photograph of the candidate standing with a printed sign that is the same sign depicted by Exhibit F.

¹⁰ *Id.*

¹¹ *Id.*, Ex. C.

¹² Resp. at 1 (Apr. 3, 2024).

1 was paid for by the Committee.¹³ The Response states that the Committee filed a quarterly
2 disclosure report as soon as it crossed the \$5,000 total contributions or disbursements threshold, and
3 had continued to do so as of the date of the Response.¹⁴

4 The first disclosure report filed by the Committee on July 10, 2023, eight months before the
5 Complaint was filed, disclosed \$3,922.76 in total receipts and \$3,857.76 in total disbursements
6 during the second quarter of 2023 and in the election cycle-to-date.¹⁵ As of the date of this Report,
7 the Committee has continued to file quarterly disclosure reports and a 2024 Pre-Primary report.¹⁶

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

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Charlie Kim in US Congress, 2023 July Quarterly Report at 3-4 (July 10, 2023), <https://docquery.fec.gov/pdf/808/202307109582470808/202307109582470808.pdf>.

¹⁶ Charlie Kim in US Congress, Committee Filings, <https://www.fec.gov/data/committee/C00840868/?tab=filings> (last visited May 28, 2024).

1 ordering of its priorities and use of agency resources.¹⁷ We also recommend that the Commission
2 close the file effective 30 days from the date of certification of this vote (or on the next business day
3 after the 30th day, if the 30th day falls on a weekend or holiday) and send the appropriate letters.

4 Lisa J. Stevenson
5 Acting General Counsel
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9 Charles Kitcher
10 Associate General Counsel
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12 May 29, 2024
13 _____

14 Date

BY:



15 Claudio J. Pavia
16 Deputy Associate General Counsel
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19 Wanda D. Brown
20 Assistant General Counsel
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23 Gordon King
24 Attorney
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¹⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).