



FEDERAL ELECTION COMMISSION
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MEMORANDUM

October 4, 2018

TO: The Commission

THROUGH: Alec Palmer *AP by MHH*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Krista J. Roche *KJR*
Director, ADR Office

SUBJECT: ADR 875 Joey Nations for Congress and Charlotte Nations, Treasurer
Recommendation to Dismiss

The Office of General Counsel referred MUR 7372 on June 7, 2018, and the ADR Office designated the matter as ADR 875. The ADR Office recommends the Commission exercise prosecutorial discretion and dismiss the matter. *Heckler v. Chaney* 470 U.S. 821 (1985). We include a summary and discussion of the matter for your information.

Summary and Analysis of Case: On April 25, 2018, Leo Stratton filed a Complaint alleging that Joey Nations for Congress and Charlotte Nations, Treasurer (Respondents or the Committee) failed to include adequate disclaimers on its Facebook page and campaign website, as well as on physical campaign materials such as yard signs and bumper stickers. Further, the Complaint alleges that the donation pages on the Committee's website and Facebook page do not include a mechanism for collecting employer and occupation information, and do not include statements of law regarding the limitations and prohibitions on political contributions. Lastly, the Complaint alleges that the Committee's Facebook page categorizes the Committee as a nonprofit.

With regard to the allegations surrounding disclaimers, several of the items referenced in the Complaint are not subject to disclaimer requirements, such as the campaign's logo and bumper stickers. 11 C.F.R. § 110.11(f)(1). For several other items, it is unclear from the copy of the Facebook picture provided with the Complaint whether a disclaimer was included, such as the yard signs. The campaign domain name has not been renewed, however the website contained the required disclaimer when this office first viewed it in July. It is unclear whether the disclaimer was missing at the time the Complaint was filed.

Based upon the allegations in the Complaint, it does appear that the solicitation requirements may not have been satisfied. The Committee contends that it raised \$1,150 in connection with this election.

Lastly, with regard to the allegation that the Committee is categorized as a nonprofit on Facebook, the Committee indicates that the Committee is not a nonprofit organization, and that Facebook is not a legal designation of such. The Facebook page that the Committee used at the time the Complaint was filed ("Joey Nations for Congress") is no longer operable. However, there is currently a "Joey Nations for Oregon" Facebook page which still does categorize the entity as a "Nonprofit Organization – Political Candidate".

Due to the low dollar amount at issue and the fact that several of the allegations do not represent clear violations of the law, the ADR Office recommends the Commission exercise its prosecutorial discretion and dismiss the matter in accordance with *Heckler v. Chaney*. *Id.*

RECOMMENDATIONS:

1. Dismiss ADR 875 (MUR 7372).
2. Approve the appropriate letters.