



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

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2 TO: The Commission  
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4 FROM: Lisa J. Stevenson  
5 Acting General Counsel  
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7 Kathleen M. Guith  
8 Associate General Counsel for Enforcement  
9  
10 BY: Lynn Y. Tran LYT  
11 Assistant General Counsel  
12  
13 Shanna M. Reulbach SMR  
14 Attorney  
15  
16 SUBJECT: MUR 7108 (Chappelle-Nadal for Congress, *et al.*)  
17 Additional Recommendations and Revised Factual and Legal Analyses  
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20 On March 6, 2018, the Commission voted to approve the recommendations contained in  
21 the "Recommendations Section" of the First General Counsel's Report ("FGCR") for  
22 MUR 7108 (Chappelle-Nadal for Congress, *et al.*),  
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24 As explained below, we recommend that the Commission make  
25 additional findings with regard to Chappelle-Nadal's federal committee, and approve  
26 separate F&LAs covering the allegations made against her federal committee,  
27 and her state committee in MUR 7108.  
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29 First, the "Recommendations Section" in the FGCR inadvertently omitted "no  
30 reason to believe" findings for allegations against Chappelle-Nadal's federal committee. These  
31 findings were recommended in the analysis of the FGCR and included in the F&LA approved by  
32 the Commission, but were not included in the "Recommendations Section." In order to correct

1 this error and have a complete resolution of these matters, we recommend that the Commission  
2 make the following findings concerning the Federal Committee, which correspond to the  
3 recommendations in the body of the FGCR and the findings in the approved F&LA:  
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9 find no reason to believe Chappelle-Nadal for Congress and George Lenard in  
10 his official capacity as treasurer violated 52 U.S.C. §§ 30125(e)(1)(A) and 30104(b) and 11  
11 C.F.R. § 104.13(a).  
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17 the State  
18 Committee responded separately from the Federal Committee  
19 To resolve these concerns, we have divided the previously approved  
20 F&LA into revised F&LAs. The substance of each of the revised F&LAs matches the  
21 substance of the F&LA already approved by the Commission. Thus, we recommend that the  
22 Commission approve the attached F&LAs for:  
23 the State Committee in MUR 7108;  
24 and the Federal Committee in MUR 7108.  
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26 **RECOMMENDATIONS:**  
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**MUR 7108**

1. Reopen MUR 7108;
2. Find no reason to believe Chappelle-Nadal for Congress and George Lenard in his official capacity as treasurer violated 52 U.S.C. §§ 30125(e)(1)(A) and 30104(b) and 11 C.F.R. § 104.3(a);
3. Approve the attached Factual and Legal Analyses; and
4. Close the file.

**Attachments:**

3. MUR 7108 Factual and Legal Analysis for Citizens for Maria Chappelle-Nadal
4. MUR 7108 Factual and Legal Analysis for Chappelle-Nadal for Congress and George Lenard in his official capacity as treasurer

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Citizens for Maria Chappelle-Nadal and Neva Taylor in her official capacity as treasurer MUR: 7108

**I. INTRODUCTION**

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Mary Patricia Dorsey. The Complaint alleges that Citizens for Maria Chappelle-Nadal (the "State Committee") violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by directing other state and local candidates to spend soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal's federal congressional candidacy.

**II. FACTUAL & LEGAL ANALYSIS**

**A. Factual Background**

Maria Chappelle-Nadal is a Missouri State Senator who is running for statewide office in 2020.<sup>1</sup> During the 2016 election cycle, Chappelle-Nadal also ran for Congress.<sup>2</sup> The Complaint observes that the State Committee donated money to other state and local candidates and committees, including Jay Mosley and Rochelle Walton Gray, while Chappelle-Nadal was a federal candidate.<sup>3</sup>

The Complainant states that she received a door hanger promoting Chappelle-Nadal's congressional candidacy in June 2016.<sup>4</sup> She attached a copy of the door hanger to the

<sup>1</sup> See Compl. at 1 (July 18, 2016); Amended Statement of Committee Organization, Citizens for Maria Chappelle-Nadal (Jan. 28, 2015).

<sup>2</sup> See Compl. at 1; Statement of Organization, Chappelle-Nadal for Congress (Oct. 6, 2015); Statement of Candidacy, Maria Chappelle-Nadal (Oct. 6, 2015).

<sup>3</sup> See Compl. at 1.

<sup>4</sup> *Id.*

1 Complaint. The door hanger encourages people to "Vote Democratic & Elect" Chappelle-Nadal  
2 and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda  
3 Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is  
4 more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states,  
5 "Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay  
6 Mosley, LLC, Angela Mosley, Treasurer."<sup>5</sup>

7 The Complaint alleges that, after the State Committee gave money to Citizens to Elect  
8 Gray and Citizens to Elect Jay Mosley State Committee LLC, it directed those committees, along  
9 with Linda Weaver, to spend funds on the door hanger.<sup>6</sup> The Complaint therefore alleges that  
10 the State Committee violated the Act by directing the use of non-federal funds in connection  
11 with a federal election.<sup>7</sup>

12 In response, the State Committee denies coordinating with Gray and Mosley. It states  
13 that the contributions made by the State Committee to Gray and Mosley were solely for the  
14 purpose of supporting their campaigns and any "[d]ecisions concerning expenditure of those  
15 funds, once contributed, were entirely at the discretion of the Gray and Mosley candidate  
16 committees."<sup>8</sup>

17 The Commission is also in possession of additional information indicating that, despite  
18 the disclaimer on the door hanger, Citizens to Elect Gray paid for the entirety of the  
19 communication, and Mosley and Weaver did not pay for any portion. The additional information

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<sup>5</sup> *Id.*, Attach. A.

<sup>6</sup> *Id.* at 1.

<sup>7</sup> *Id.*

<sup>8</sup> Resp. at 2 (Aug. 15, 2016).

1 in the Commission's possession further indicates that Gray denies coordinating with the State  
2 Committee regarding the door hanger.

3 **B. Legal Analysis**

4 The Act's soft money provision prohibits federal candidates, their agents, and entities  
5 established, financed, maintained, or controlled ("EFMC'd") by federal candidates from  
6 soliciting, receiving, directing, transferring, or spending funds "in connection" with any federal  
7 election unless the funds are in amounts and from sources permitted by the Act.<sup>9</sup> Under  
8 Missouri law, candidates can accept unlimited contributions and contributions from corporations  
9 and labor unions.<sup>10</sup> Therefore, Missouri allows candidates to collect funds in excess of federal  
10 limitations and from sources prohibited by the Act, *i.e.* soft money.<sup>11</sup>

11 In this case, the State Committee, an entity EFMC'd by congressional candidate  
12 Chappelle-Nadal, has denied directing Citizens to Elect Gray, a Missouri political committee free  
13 to collect soft money, to pay for the door hanger.<sup>12</sup> The State Committee's denial is supported  
14 by additional evidence in the record. As there is no evidence that the State Committee directed  
15 Citizens to Elect Gray to spend soft money on the door hanger, the Commission finds no reason  
16 to believe that the State Committee violated 52 U.S.C. § 30125(e)(1)(A).

<sup>9</sup> 52 U.S.C. § 30125(e)(1)(A)-(B); 11 C.F.R. §§ 300.61-.62. The Commission has concluded that a federal candidate's state committee is an entity EFMC'd by the federal candidate. Advisory Op. 2007-26 (Schock) at 4; Advisory Op. 2006-38 (Casey State Committee) at 4.

<sup>10</sup> MO. REV. STAT. §§ 130.011-.160 (providing no contribution limit); *id.* § 130.029 (stating that corporations and labor organizations may make contributions).

<sup>11</sup> 52 U.S.C. § 30116(a)(1)(A) (providing the individual contribution limit); *Contribution Limits for 2015-2016 Federal Elections*, FED. ELECTION COMM'N, <http://www.fec.gov/info/contriblimitschart1516.pdf> (last visited Jan. 30, 2017) (stating that the indexed individual contribution limit to a candidate and her authorized committee is \$2,700 per person, per election); *see also* 52 U.S.C. § 30118(a) (prohibiting corporations and labor unions from contributing to candidates and political committees).

<sup>12</sup> *See Resp.* at 2.

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: Chappelle-Nadal for Congress and George MUR: 7108  
Lenard in his official capacity as treasurer

**I. INTRODUCTION**

This matter was generated by a Complaint filed with the Federal Election Commission (the "Commission") by Mary Patricia Dorsey. The Complaint alleges that Chappelle-Nadal for Congress and George Lenard in his official capacity as treasurer (the "Federal Committee") violated the Federal Election Campaign Act of 1971, as amended (the "Act"), by directing state and local candidates to spend soft money to print and distribute a door hanger supporting Maria Chappelle-Nadal's federal candidacy. The Complaint also alleges that the Federal Committee coordinated the communication with the non-federal candidates, making expenditures for the door hanger in-kind contributions that the Federal Committee failed to report.

**II. FACTUAL & LEGAL ANALYSIS**

**A. Factual Background**

Maria Chappelle-Nadal is a Missouri State Senator who is running for statewide office in 2020.<sup>1</sup> During the 2016 election cycle, Chappelle-Nadal also ran for Congress.<sup>2</sup> The Complaint observes that Chappelle-Nadal's state committee, Citizens for Maria Chappelle-Nadal (the "State Committee"), donated money to other state and local candidates and committees, including Jay Mosley and Rochelle Walton Gray.<sup>3</sup>

<sup>1</sup> See Compl. at 1 (July 18, 2016); Amended Statement of Committee Organization, Citizens for Maria Chappelle-Nadal (Jan. 28, 2015).

<sup>2</sup> See Compl. at 1; Statement of Organization, Chappelle-Nadal for Congress (Oct. 6, 2015); Statement of Candidacy, Maria Chappelle-Nadal (Oct. 6, 2015).

<sup>3</sup> See Compl. at 1.

1 The Complainant states that she received a door hanger promoting Chappelle-Nadal's  
2 congressional candidacy in June 2016.<sup>4</sup> She attached a copy of the door hanger to the  
3 Complaint. The door hanger encourages people to "Vote Democratic & Elect" Chappelle-Nadal  
4 and state and local candidates Jay Mosley, Rochelle Walton Gray, Tony Weaver, and Linda  
5 Weaver. The front of the door hanger has pictures of each candidate and, on the back, there is  
6 more information about Jay Mosley and Rochelle Walton Gray and a disclaimer that states,  
7 "Paid for by Citizens to Elect Gray, Angela Mosley, Treasurer & by Citizens to Elect Jay  
8 Mosley, LLC; Angela Mosley, Treasurer."<sup>5</sup>

9 The Complaint alleges that, after the State Committee gave money to Citizens to Elect  
10 Gray and Citizens to Elect Jay Mosley State Committee LLC, the Federal Committee directed  
11 those committees, along with Linda Weaver, to spend funds on the door hanger.<sup>6</sup> The Complaint  
12 therefore alleges that the Federal Committee violated the Act by directing the use of non-federal  
13 funds in connection with a federal election. Because the Federal Committee allegedly requested  
14 that Gray, Mosley, and Weaver produce and distribute the door hanger, the Complaint also  
15 argues that the door hanger was a coordinated communication that the Federal Committee failed  
16 to report as an in-kind contribution.<sup>7</sup>

17 In response, the Federal Committee denies coordinating with Gray and Mosley. It states  
18 that the contributions made by the State Committee to Gray and Mosley were solely for the  
19 purpose of supporting their campaigns and any "[d]ecisions concerning expenditure of those

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, Attach. A.

<sup>6</sup> *Id.* at 1.

<sup>7</sup> *See id.*



1 funds, once contributed, were entirely at the discretion of the Gray and Mosley candidate  
2 committees.”<sup>8</sup>

3 The Commission is also in possession of additional information indicating that, despite  
4 the disclaimer on the door hanger, Citizens to Elect Gray paid for the entirety of the  
5 communication, and Mosley and Weaver did not pay for any portion. The additional information  
6 in the Commission’s possession further indicates that Gray has denied coordinating with the  
7 Federal Committee regarding the door hanger.

8 **B. Legal Analysis**

9 The Act’s soft money provision prohibits federal candidates, their agents, and entities  
10 established, financed, maintained, or controlled (“EFMC’d”) by federal candidates from  
11 soliciting, receiving, directing, transferring, or spending funds “in connection” with any federal  
12 election unless the funds are in amounts and from sources permitted by the Act.<sup>9</sup> Under  
13 Missouri law, candidates can accept unlimited contributions and contributions from corporations  
14 and labor unions.<sup>10</sup> Therefore, Missouri allows candidates to collect funds in excess of federal  
15 limitations and from sources prohibited by the Act, *i.e.* soft money.<sup>11</sup> Furthermore, when a  
16 person produces a communication at the request or suggestion of a candidate or her authorized

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<sup>8</sup> Resp. at 2 (Aug. 15, 2016).

<sup>9</sup> 52 U.S.C. § 30125(e)(1)(A)-(B); 11 C.F.R. §§ 300.61-.62.

<sup>10</sup> MO. REV. STAT. §§ 130.011-.160 (providing no contribution limit); *id.* § 130.029 (stating that corporations and labor organizations may make contributions).

<sup>11</sup> 52 U.S.C. § 30116(a)(1)(A) (providing the individual contribution limit); *Contribution Limits for 2015-2016 Federal Elections*, FED. ELECTION COMM’N, <http://www.fec.gov/info/contriblimitschart1516.pdf> (last visited Jan. 30, 2017) (stating that the indexed individual contribution limit to a candidate and her authorized committee is \$2,700 per person, per election); *see also* 52 U.S.C. § 30118(a) (prohibiting corporations and labor unions from contributing to candidates and political committees).

1 committee, the communication is coordinated and must be reported by the committee as an in-  
2 kind contribution.<sup>12</sup>

3 In this case, the Federal Committee, an entity EFMC'd by congressional candidate  
4 Chappelle-Nadal, has denied directing Citizens to Elect Gray, a Missouri political committee free  
5 to collect soft money, to pay for the door hanger.<sup>13</sup> The Federal Committee's denial is supported  
6 by additional evidence in the record. As there is no evidence that the Federal Committee  
7 directed Citizens to Elect Gray to spend soft money on the door hanger, the Commission finds no  
8 reason to believe that the Federal Committee violated 52 U.S.C. § 30125(e)(1)(A). Relatedly,  
9 because there is no evidence that the Federal Committee coordinated with Citizens to Elect Gray  
10 in the creation and distribution of the door hanger,<sup>14</sup> the Federal Committee did not have to  
11 report the door hanger as an in-kind contribution. Therefore, the Commission also finds no  
12 reason to believe that the Federal Committee violated 52 U.S.C. § 30104(b) and the reporting  
13 requirements at 11 C.F.R. § 104.13(a).

<sup>12</sup> 52 U.S.C. § 30116(a)(7)(B); 11 C.F.R. § 109.21(b)(1).

<sup>13</sup> See Resp. at 2.

<sup>14</sup> In order for an activity to be coordinated under the Commission's regulations, among other requirements, it must meet at least one of five enumerated conduct standards. 11 C.F.R. § 109.21(a)(3). Those standards are: request or suggestion; material involvement; substantial discussion; common vendor; and former employee or independent contractor. *Id.* § 109.21(c)(1)-(5); see also 52 U.S.C. § 30116(a)(7)(B). There is no evidence relating to any of these standards.