

FEDERAL ELECTION COMMISSION
FIRST GENERAL COUNSEL'S REPORT

MUR 7984

DATE COMPLAINT FILED: April 21, 2022

DATE OF NOTIFICATIONS: April 28, 2022

DATE OF LAST RESPONSE: May 26, 2022

DATE OF ACTIVATION: August 10, 2022

ELECTION CYCLE: 2022

SOL EXPIRATION: July 19, 2026 to
February 11, 2027**COMPLAINANT:**

Susan E. McKenny

RESPONDENTS:

Rhonda Gore

Rhonda Gore for District 4¹**RELEVANT STATUTES AND
REGULATIONS:**

52 U.S.C. § 30102 (a), (b)(3), (e)(1), (g)

52 U.S.C. § 30103(c)

52 U.S.C. § 30104(a), (b)

52 U.S.C. § 30120(a)(1)

11 C.F.R. § 101.1(a)

11 C.F.R. § 100.26

11 C.F.R. § 102.15

11 C.F.R. § 102.2(a)(2)

11 C.F.R. § 102.7(a)-(b)

11 C.F.R. § 104.1(a)

11 C.F.R. § 110.11

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

None

¹ On July 19, 2021, former committee treasurer James Michael Edmondson filed a Miscellaneous Form 99 resigning as treasurer. Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021). The Committee has not filed an updated Statement of Organization designating a replacement. Rhonda Gore for District 4, Statement of Organization (June 6, 2021) (current Statement of Organization still listing Edmondson as treasurer). It is unclear whether the Committee is without a treasurer or if it has failed to timely update its Statement of Organization to reflect a new treasurer.

I. INTRODUCTION

This matter arises from a Complaint alleging that Rhonda Gore, a first-time candidate in Alabama's 4th congressional district in 2022, and her principal campaign committee, Rhonda Gore for District 4 (the "Committee"), violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations in various ways. First, the Complaint alleges that the Committee failed to file disclosure reports, and that Gore failed to file a Statement of Candidacy after Gore exceeded the \$5,000 threshold for contributions received and expenditures made. Second, the Complaint asserts that the Committee failed to timely designate a new treasurer and update its official address with the Commission after its prior treasurer resigned in July 2021. Third, the Complaint contends that Gore received contributions into her personal accounts via several payment platforms and therefore commingled campaign and personal funds. Lastly, the Complaint alleges that the Committee failed to include disclaimers on unspecified campaign materials.

Regarding the allegations that the Committee failed to file disclosure reports and that Gore failed to file a Statement of Candidacy, as explained below, given the limited available information, we cannot verify the amounts of contributions received and expenditures made by the campaign. However, it appears that the amounts were relatively modest and therefore not worth expending the Commission's limited resources to conduct an investigation. Accordingly, we recommend that the Commission dismiss as a matter of prosecutorial discretion the allegations that Gore violated 52 U.S.C. § 30102(e)(1), (g) and 11 C.F.R. § 101.1(a) for failing to file a Statement of Candidacy, and that the Committee violated 52 U.S.C. § 30104(a), (b), and 11 C.F.R. § 104.1(a) for failing to file disclosure reports, pursuant to *Heckler v. Chaney*.

1 As for the Committee's alleged failure to amend its Statement of Organization when its
2 treasurer resigned, the Committee's filings with the Commission confirm that it violated the
3 reporting mandate of the Act. According to the Miscellaneous Form 99 ("Form 99") filed by its
4 former treasurer, he resigned from his position by July 19, 2021, but his resignation is not
5 reflected in any amendment to the Committee's Statement of Organization. The Committee also
6 did not update its official address, which was apparently the resigned treasurer's residence. In
7 addition, the Committee has not provided the name of a new treasurer. It is unclear whether the
8 Committee appointed a replacement and failed to report it by filing an amendment to its
9 Statement of Organization, in violation of 52 U.S.C. § 30103(c) and 11 C.F.R. § 102.2(a)(2), or
10 whether the Committee continued to operate without a designated treasurer for the pendency of
11 the campaign, in violation of 52 U.S.C. § 30102(a), and 11 C.F.R. § 102.7(a) and (b). However,
12 given the low amounts at issue and the inexperience of a first-time campaign, we recommend
13 that the Commission exercise its prosecutorial discretion and dismiss these allegations, pursuant
14 to *Heckler v. Chaney*.

15 Regarding Gore's alleged commingling of personal and campaign funds, it is unclear
16 whether there was any violation. The available information cannot confirm that the payment
17 accounts at issue received any contributions and, if they did, whether those accounts also held
18 Gore's personal funds. In any event, the potential amount in violation appears to be relatively
19 modest. Therefore, we recommend that the Commission exercise its prosecutorial discretion and
20 dismiss the allegations that Gore violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15, for
21 commingling personal and campaign funds, pursuant to *Heckler v. Chaney*.

22 As for the Committee's alleged violation of disclaimer provisions, the available
23 information does not support a reason to believe finding that the Committee violated the Act.

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The Complaint generally alleges disclaimer violations on “campaign materials” without pointing to anything in particular. The only instances of campaign materials we found that lacked a complete disclaimer were several that appeared on the internet and posted on Gore’s personal Facebook page. Because these postings did not appear for a fee on another person’s website, they were not public communications and therefore not subject to the disclaimer requirement. Hence, the disclaimer mandate does not apply in this case. We therefore recommend that the Commission find no reason to believe that the Committee violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. §§ 100.26, 110.11 by failing to include proper disclaimers.

II. FACTUAL BACKGROUND

Gore was a first-time candidate in the 2022 Democratic Party primary for Alabama’s 4th congressional district, and the Committee was her principal campaign committee.² Although Gore ran for the Alabama Democratic primary election, as of the date of this Report, she has not filed a Statement of Candidacy with the Commission.³ The registered treasurer of the Committee according to its current Statement of Organization is James Michael Edmondson.⁴ However, on July 19, 2021, Edmondson notified the Commission of his resignation and termination of his affiliation with the Committee by filing a Form 99.⁵ The Committee, as of the

² Ballotpedia, *Alabama’s 4th Congressional District Election, 2022*, https://ballotpedia.org/Alabama%27s_4th_Congressional_District_election,_2022 (last visited Dec. 5, 2022) (Gore lost the Democratic primary election in May 2022 to Rick Neighbors); Compl. at 1 (Apr. 21, 2022); Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

³ *See id.*; *FEC Candidates: Filtered Results*: FEC.gov, <https://www.fec.gov/data/candidate/H2AL04097/> (FEC filings under “Rhonda Gore” during the 2022 election cycle did not reveal any disclosures.) (last visited Dec. 5, 2022).

⁴ Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

⁵ Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021).

date of this Report, has not filed an updated Statement of Organization to name a new treasurer.⁶

In addition, the Committee has not filed any disclosure reports.⁷

First, the Complaint alleges, without citing any source, that Gore raised \$7,000 by February 11, 2022, thereby exceeding the \$5,000 threshold and triggering reporting obligations, *i.e.*, the Complaint alleges that by crossing the threshold, the Committee was required to file periodic disclosure reports and Gore was required to file a Statement of Candidacy.⁸ Available public information shows that Gore solicited campaign contributions on her personal Facebook page, where she requested donations through VenMo, PayPal, and CashApp.⁹ Gore's online solicitations bore the Committee's logo and included Quick Response ("QR") codes.¹⁰ The available information, however, does not indicate whether Gore or the Committee actually received contributions through these payment sites or the amounts of any such receipts.¹¹

Second, the Complaint alleges that the Committee did not amend its Statement of Organization to disclose Edmondson's resignation as treasurer and update the Committee's

⁶ See *FEC Committee Profiles: Filtered Results*: FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (reflecting only an original Statement of Organization without any amendments) (last visited Dec. 5, 2022).

⁷ See *id.*

⁸ Compl. at 1 (Apr. 21, 2022).

⁹ Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

¹⁰ *Id.*

¹¹ There are three known postings on Gore's Facebook page, where she requested \$10 donations from her supporters. On December 5, 2022, Gore had 1,329 connections (a.k.a. "friends") on Facebook. See Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

1 address, which was Edmondson's residence.¹² The Committee has not filed any amendments to
 2 its original Statement of Organization.¹³

3 Third, the Complaint alleges that Gore commingled Committee funds with her personal
 4 funds by using her personal Venmo, CashApp, and PayPal accounts for fundraising.¹⁴ Review of
 5 the relevant QR codes reveals that the accounts were under the name "Rhonda Dennis," which
 6 suggest that Gore may have personally owned these accounts under an alias, as alleged in the
 7 Complaint.¹⁵ It is unknown, however, how many contributions, if any, were ultimately deposited
 8 into these accounts,¹⁶ and whether the accounts held Gore's personal funds.

9 Finally, the Complaint alleges that the Committee did not use the appropriate disclaimers
 10 on "campaign materials," but the Complaint does not include or cite any materials lacking such
 11 disclaimers.¹⁷ We identified solicitations and campaign posters on Gore's personal Facebook

¹² Compl. at 1.

¹³ *FEC Committee Profiles: Filtered Results:* FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (last visited Dec. 5, 2022).

In reviewing the Committee filings with the Commission, we also learned that Pam Simpson, the Committee's secretary and custodian of records filed a Form 99, notifying the Commission of her resignation from her two roles with the Committee. *See Rhonda Gore for District Gore 4, Misc. Form 99* (Jan. 13, 2022). The Committee did not amend its Statement of Organization to reflect this information. *See Rhonda Gore for District Gore 4, Statement of Organization* (June 7, 2021).

¹⁴ Compl. at 1.

¹⁵ Review of the QR codes for the VenMo and CashApp accounts shows 'Rhonda Dennis' as the account holder's name, confirming the Complaint's allegation that these accounts were opened under different names, *i.e.*, 'Rhonda Dennis' or 'Rhonda Dennis Gore'. *See Rhonda L. Gore*, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022.); *see also* Compl. at 1. The PayPal QR code does not show the account holder's name, which could suggest that the account may now be inactive.

¹⁶ *FEC Candidates: Filtered Results:* FEC.gov, <https://www.fec.gov/data/candidate/H2AL04097/> (FEC filings under "Rhonda Gore" during the 2022 election cycle did not reveal any disclosures.) (last visited Dec. 5, 2022); *FEC Committee Profiles: Filtered Results:* FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (reflecting no disclosure reports filed by the Committee) (last visited Dec. 5, 2022).

¹⁷ Compl. at 1.

page which lacked formal disclaimers but bore the Committee's logo, appearing to have been produced by the Committee.¹⁸ Other campaign posters on Gore's personal Facebook page identify Gore as the authorizing and funding source.¹⁹

In her two-sentence response, Gore maintains that her campaign did not raise enough contributions to obligate financial filings with the Commission, *i.e.*, that the campaign did not raise contributions in excess of \$5,000 during the election cycle and contends that the Complaint was politically motivated.²⁰

III. LEGAL ANALYSIS

A. The Commission Should Dismiss the Allegations That Gore Failed to File a Statement of Candidacy and That the Committee Failed to File Disclosure Reports

Under the Act, an individual becomes a candidate if he or she receives contributions or makes expenditures in excess of \$5,000, or consents to another doing so on his or her behalf.²¹ Once the \$5,000 threshold has been met, the candidate has 15 days to designate a principal campaign committee by filing a Statement of Candidacy with the Commission.²² The principal campaign committee must file a Statement of Organization within ten days of its designation.²³ Correspondingly, an individual's principal campaign committee or authorized committee does not become a political committee until that individual becomes a candidate under 11 C.F.R. §

¹⁸ See Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (last visited Dec. 5, 2022).

¹⁹ *Id.*

²⁰ Gore Resp. at 1-2 (May 26, 2022).

²¹ 52 U.S.C. § 30101(2) (definition of candidate); *accord* 11 C.F.R. § 100.3(a).

²² 52 U.S.C. § 30102(e)(1), (g); 11 C.F.R. § 101.1(a).

²³ 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

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100.3 (*i.e.*, crosses \$5,000 reporting threshold).²⁴ However, an individual does not become a candidate solely by voluntarily filing a report, nor does the individual, the individual's committee, or any other committee is required to file reports unless the individual becomes a candidate under 11 C.F.R. § 100.3 (*i.e.*, \$5,000) or unless the committee becomes a political committee under 11 C.F.R. § 100.5(d) (*i.e.*, when the individual becomes a candidate pursuant to 11 C.F.R. § 100.3, \$5,000 reporting threshold for authorized committees).²⁵ Thus, the reporting threshold for an authorized committee is \$5,000 and the committee is required to file disclosure reports with the Commission in accordance with 52 U.S.C. § 30104(a) and (b).²⁶ If a person designates an authorized committee before that person becomes a candidate, the authorized committee does not become a political committee within the meaning of 11 C.F.R. 100.5(d), and therefore does not have reporting obligations, until that person becomes a candidate, pursuant to 52 U.S.C. § 30101(2).²⁷

Here, the Committee filed a Statement of Organization with the Commission but, to date, has not filed any disclosure reports, and Gore has not filed a Statement of Candidacy.²⁸ The Complaint, without providing any specifics, alleges that Gore raised \$7,000 by February 11, 2022, exceeding the \$5,000 threshold and thus triggering reporting requirements for Gore and

²⁴ 11 C.F.R. § 100.5(d).

²⁵ *Id.* § 104.1(b).

²⁶ 52 U.S.C. § 30104(a), (b); *see, e.g.*, Factual & Legal Analysis ("F&LA") at 6, MUR 6735 (Joseph A. Sestak); F&LA at 5, MUR 6449 (Jon Bruning); F&LA at 2, MUR 5363 (Alfred C. Sharpton).

²⁷ 52 U.S.C. § 30104(a), (b); 11 C.F.R. §§ 100.5(d); 104.1(a).

²⁸ *See* Rhonda Gore for District 4, Statement of Organization (June 7, 2021); *FEC Candidates: Filtered Results*: FEC.gov, <https://www.fec.gov/data/candidate/H2AL04097/> (FEC filings under "Rhonda Gore" during the 2022 election cycle do not include a Statement of Candidacy or any disclosures.) (last visited Dec. 5, 2022); *FEC Committee Profiles: Filtered Results*: FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (reflecting zero reports filed by the Committee) (last visited Dec. 5, 2022).

the Committee.²⁹ The Complaint did not provide any detailed information on the Committee's alleged receipts and disbursements.³⁰

Gore responded that the Committee had not raised enough contributions to warrant disclosures with the Commission, implying that the Committee raised less than \$5,000 during the election cycle as of the date of her Response, May 26, 2022.³¹ We cannot specifically verify the campaign's total contributions and expenditures due to the lack of reporting by the Committee, but Gore's personal Facebook page demonstrates some of her fundraising efforts.³² Specifically, there are three postings on Gore's Facebook page, where she requested \$10 donations from her supporters.³³ As of December 5, 2022, Gore had 1,329 connections (a.k.a. "Friends") on Facebook.³⁴ Given the frequency of Gore's solicitations, the number of her connections, and the low-dollar requests, any contributions raised through these solicitations were likely modest.

As for expenditures, publicly available information on Gore's personal Facebook page shows that the Committee produced digital posters and an official website for the campaign (Gorefor4.com), but it is unclear how much, if anything, they cost.³⁵ Queries of the Facebook

²⁹ Compl. at 1.

³⁰ *Id.*

³¹ Gore Resp. at 1-2.

³² Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022.))

³³ *Id.*

³⁴ *Id.*

³⁵ Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (Campaign solicitations and posters circulated on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022, and May 15, 2022 bore the Committee's logo. Other posters dated May 8, 2022, May 13, 2022, and May 23, 2022 identify Gore as the only authorizing and funding source.) (last visited Dec. 5, 2022).

Gorefor4.com, the campaign website, which was printed on the campaign posters, no longer exists. (last visited on Dec. 5, 2022).

1 Ad Library, Google Political Ad Database, and Youtube shows no advertising by Respondents.³⁶
 2 Because we cannot confirm the amounts of contributions received and expenditures made by the
 3 Gore campaign, it is unclear whether Gore exceeded the \$5,000 reporting threshold, triggering
 4 her obligation to file a Statement of Candidacy and the Committee's mandatory financial
 5 disclosures. However, based on our review of the available information it is likely any amounts
 6 raised or spent were modest, given Gore's \$10 request on Facebook, spread over three separate
 7 solicitations,³⁷ and her denial that she crossed the reporting threshold.³⁸ The low amount in
 8 dispute does not warrant the use of limited Commission resources to investigate the allegations.
 9 We therefore recommend that the Commission exercise its prosecutorial discretion and dismiss
 10 the allegations that Gore violated 52 U.S.C. § 30102(e)(1), (g) and 11 C.F.R. § 101.1(a) for
 11 failing to file a Statement of Candidacy, and that the Committee violated 52 U.S.C. § 30104(a),
 12 (b), and 11 C.F.R. § 104.1(a) for failing to file financial disclosures as a matter of prosecutorial
 13 discretion, pursuant to *Heckler v. Chaney*.³⁹

³⁶ Facebook Ad Library, [https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&q=Rhonda%20Gore%20for%20District%204&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&q=Rhonda%20Gore%20for%20District%204&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all) (query for "Rhonda Gore for District 4" reveals no results) (last visited Dec. 5, 2022); Google Political Ads Database, <https://adstransparency.google.com/political?political=®ion=US> (query for "Rhonda Gore for District 4" reveals no results) (last visited Dec. 5, 2022); Youtube, https://www.youtube.com/results?search_query=Rhonda+Gore (query for "Rhonda Gore for District 4" reveals no results) (last visited Dec. 5, 2022).

³⁷ See Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022)).

³⁸ Gore Resp. at 1.

³⁹ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

B. The Commission Should Dismiss the Allegation That the Committee Violated the Act by Failing to Amend its Statement of Organization

The Act mandates that a change in information previously submitted in a Statement of Organization shall be reported in accordance with section 30102(g) no later than 10 days after the date of change.⁴⁰ The Complaint alleges that the Committee violated the 10-day rule to amend its Statement by failing to “update [the Committee’s] address with the FEC[,]” and by continuing to use “the address of the campaign committee’s former treasurer who resigned one month after the [Committee] was established.”⁴¹

The Committee’s filings with the Commission confirm that the Committee never amended its Statement of Organization to reflect the change in its official address and the designation of a new treasurer.⁴² Edmondson filed a Form 99 in July 2021, terminating his affiliation as treasurer.⁴³ Given that Edmondson’s residence was the Committee’s apparent former official address, the Committee was therefore required to notify the Commission with the change in its address.⁴⁴ In addition, it is unclear whether the Committee designated a replacement for Edmondson, or whether the Committee operated without a treasurer. If the Committee had replaced Edmondson, it was mandated to amend the treasurer information, along with its official address, in its Statement of Organization.⁴⁵

⁴⁰ See 52 U.S.C. § 30103(c).

⁴¹ Compl. at 1.

⁴² See Rhonda Gore for District 4, Statement of Organization (June 7, 2021); *contra* Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021).

⁴³ Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021).

⁴⁴ See 52 U.S.C. § 30103(c); 11 C.F.R. § 102.2(a)(2); Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

⁴⁵ See *id.*; Certification, MUR 2002 (Batts) (May 2, 1986) (The Commission found that the Committee had violated the Act by failing to amend its Statement of Organization.)

1 Given the modest amount in dispute and the first-time campaign ran by Gore, we
 2 recommend that the Commission exercise its prosecutorial discretion and dismiss the allegation
 3 that the Committee failed to update its Statement of Organization in violation of 52 U.S.C.
 4 § 30103(c) and 11 C.F.R. § 102.2(a)(2), pursuant to *Heckler v. Chaney*.⁴⁶

5 The Act and Commission regulations also mandate that every political committee shall
 6 have a treasurer.⁴⁷ No contribution or expenditure can be accepted or made by or on behalf of a
 7 political committee during any period in which the office of treasurer is vacant, and no
 8 expenditure can be made for or on behalf of a political committee without the authorization of
 9 the treasurer or his or her designated agent.⁴⁸

10 As previously discussed, we cannot verify based on the Committee's filings with the
 11 Commission whether the Committee appointed a replacement for Edmondson and failed to
 12 report it by amending its Statement of Organization, or whether it continued to operate from July
 13 2021 until the run-up to the election, as evidenced by Gore's Facebook postings, without a
 14 designated treasurer in violation of 52 U.S.C. § 30102(a) and 11 C.F.R. § 102.7(a) and (b).⁴⁹

⁴⁶ *See Heckler v. Chaney*, 470 U.S. 821 (1985); *see also* Pre-MUR 654 (AAR Corp. PAC, *et al.*), First General Counsel's Report ("FGCR") at n.40 (noting that this "Office has not previously sought a civil penalty" for failure to Amend Statements of Organization, "under [certain] circumstances").

⁴⁷ 52 U.S.C. § 30102(a); 11 C.F.R. § 102.7(a); *see* Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 3 (Jan. 3, 2005) ("Treasurer's Policy") ("The Act designates treasurers to play a unique role in a political committee; indeed, a treasurer is the only office a political committee is required to fill."). The treasurer is personally charged with executing the committee's fundamental campaign finance regulatory obligations, which include: (1) keeping an account of receipts and disbursements; (2) preserving all such records; (3) filing reports with the Commission; (4) and signing each report. 52 U.S.C. § 30102(c)-(d); 30104(a).

⁴⁸ 52 U.S.C. § 30102(a); 11 C.F.R. § 102.7(b).

⁴⁹ *See* Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (Campaign solicitations and posters circulated on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022, and May 15, 2022 bore the Committee's insignia.) (last visited Dec. 5, 2022); *see also* *FEC Committee Profiles: Filtered Results*: FEC.GOV, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (FEC filings by the Committee does not include an amendment to its Statement.) (last visited Dec. 5, 2022); *see also* Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

Therefore, we recommend that the Commission dismiss the allegation as a matter of prosecutorial discretion because, even if the Committee operated without a designated treasurer, the nature of this small and inexperienced campaign, and the modest amount of activity that occurred during the period where it might have been without a treasurer would not warrant further use of Commission resources.⁵⁰

C. The Commission Should Dismiss the Allegation That Gore Commingled Personal and Campaign Funds For Receiving Contributions Through Her Personal Payment Accounts

Under the Act, “[a]ll funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.”⁵¹ The Complaint alleges that Gore received contributions into her personal Venmo, PayPal, and CashApp accounts, thereby commingling campaign funds with her personal funds.⁵² Gore’s personal Facebook page shows her requests for campaign donations from her Facebook connections, (a.k.a. “Friends”) to these personal accounts.⁵³ Although it is possible that some contributors may have contributed through these payment platforms, there is insufficient information as to whether Gore actually had personal funds in these accounts. Unlike personal bank accounts, these payment platforms do not require an initial deposit to open an account.⁵⁴ Without an investigation, we cannot ascertain whether Gore also deposited personal funds into the accounts through these three

⁵⁰ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

⁵¹ 52 U.S.C. § 30102(b)(3).

⁵² Compl. at 1.

⁵³ Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

⁵⁴ See Venmo Help Center, <https://help.venmo.com/hc/en-us/articles/209690188-Requirements>; PayPal Help Center, <https://www.paypal.com/us/smarthelp/article/HELP380>; CashApp Help Center, <https://cash.app/help/us/en-us/6485-getting-started-with-cash-app>.

1 payment platforms. Accordingly, additional factfinding would be required to determine whether
 2 there was a violation.

3 However, it appears that any amounts raised, and possibly commingled, were not
 4 significant. As previously discussed, based on the three solicitations on Gore's Facebook page,
 5 the number of her connections, and the low dollar-per-donor request, any contributions received
 6 were likely modest.⁵⁵ Additionally, Gore maintains in her response that her campaign had not
 7 exceeded the \$5,000 filing threshold.⁵⁶ Therefore, we recommend the Commission exercise its
 8 prosecutorial discretion and dismiss the allegation that the Respondents violated 52 U.S.C.
 9 § 30102(b)(3) and 11 C.F.R. § 102.15, pursuant to *Heckler v. Chaney*.⁵⁷

10 **D. The Commission Should Find No Reason to Believe That the Committee**
 11 **Violated the Act by Failing to Use Disclaimers on Campaign Materials**
 12

13 The Act and Commission regulations require a disclaimer whenever a political committee
 14 makes a disbursement for the purpose of financing any public communication through any
 15 broadcast, cable, satellite communication, newspaper, magazine, outdoor-advertising facility,
 16 mailing, or any other type of general public political advertising.⁵⁸ According to Commission
 17 regulations applicable at the time of the conduct in question, the term "public communication"
 18 does not include any communication over the internet, unless it is placed for a fee on another
 19 person's website.⁵⁹ If a communication requiring a disclaimer is paid for and authorized by a

⁵⁵ See Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842>
 (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

⁵⁶ Gore Resp. at 1.

⁵⁷ See *Heckler v. Chaney* 470 U.S. 821 (1985).

⁵⁸ 52 U.S.C. §§ 30101(22), 30120; 11 C.F.R. §§ 100.26, 110.11.

⁵⁹ 11 C.F.R. §§ 100.26, 110.11.

1 candidate, a candidate's authorized committee, or its agents, the disclaimer must clearly state that
 2 the communication was paid for by the authorized committee.⁶⁰

3 The Complaint alleges that the Committee failed to include required disclaimers on
 4 "campaign materials," although it did not attach or reference any materials showing examples of
 5 such a violation.⁶¹ Our review of the publicly available communications by the Committee
 6 reveals only few campaign posters on Gore's personal Facebook page that did not include
 7 complete disclaimers. However, because those posters appeared on Gore's personal Facebook
 8 page and were not advertisements, *i.e.*, not placed for a fee on another person's website, they do
 9 not fall within the meaning of public communication and are therefore not subject to the
 10 disclaimer requirement.⁶² Under these facts, we recommend that the Commission find no reason
 11 to believe the Committee violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. §§ 100.26, 110.11 by
 12 failing to include proper disclaimers.

13 **IV. RECOMMENDATIONS**

- 14 1. Dismiss the allegation that Rhonda Gore violated 52 U.S.C. § 30102(e)(1), (g)
 15 and 11 C.F.R. § 101.1(a), by failing to file a Statement of Candidacy;
 16
- 17 2. Dismiss the allegation that Rhonda Gore for District 4 violated 52 U.S.C.
 18 § 30104(a), (b), and 11 C.F.R. § 104.1(a) by failing to file financial disclosures
 19 with the Commission;
 20
- 21 3. Dismiss the allegation that Rhonda Gore for District 4 violated 52 U.S.C.
 22 § 30103(c) and 11 C.F.R. § 102.2(a)(2) by failing to amend its Statement of
 23 Organization;
 24
- 25 4. Dismiss the allegation that Rhonda Gore for District 4 violated 52 U.S.C.
 26 § 30102(a), and 11 C.F.R. § 102.7(a) and (b), by receiving contributions and
 27 making expenditures without a designated treasurer;

⁶⁰ 52 U.S.C. § 30120(a)(1); *see also* 11 C.F.R. § 110.11(b)(1).

⁶¹ Compl. at 1.

⁶² *See* 11 C.F.R. §§ 100.26, 110.11.

5. Dismiss the allegation that Rhonda Gore violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15, by commingling personal and Committee funds;
6. Find no reason to believe Rhonda Gore for District 4 violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. §§ 100.26, 110.11 by failing to include a disclaimer;
5. Approve the Factual and Legal Analysis; and
6. Close the file.

Lisa J. Stevenson
Acting General Counsel

Charles Kitcher
Associate General Counsel for
Enforcement

December 7, 2022

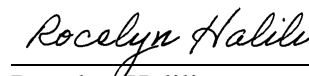
Date



Claudio J. Pavia
Deputy Associate General Counsel for
Enforcement



Peter G. Blumberg
Assistant General Counsel



Rocelyn Halili
Attorney

Attachment:
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Rhonda Gore MUR 7984
Rhonda Gore for District 4¹

I. INTRODUCTION

This matter arises from a Complaint alleging that Rhonda Gore, a first-time candidate in Alabama's 4th congressional district in 2022, and her principal campaign committee, Rhonda Gore for District 4 (the "Committee"), violated the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations in various ways. First, the Complaint alleges that the Committee failed to file disclosure reports, and that Gore failed to file a Statement of Candidacy after Gore exceeded the \$5,000 threshold for contributions received and expenditures made. Second, the Complaint asserts that the Committee failed to timely designate a new treasurer and update its official address with the Commission after its prior treasurer resigned in July 2021. Third, the Complaint contends that Gore received contributions into her personal accounts via several payment platforms and therefore commingled campaign and personal funds. Lastly, the Complaint alleges that the Committee failed to include disclaimers on unspecified campaign materials.

Regarding the allegations that the Committee failed to file disclosure reports and that Gore failed to file a Statement of Candidacy, as explained below, given the limited available

¹ On July 19, 2021, former committee treasurer James Michael Edmondson filed a Miscellaneous Form 99 resigning as treasurer. Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021). The Committee has not filed an updated Statement of Organization designating a replacement. Rhonda Gore for District 4, Statement of Organization (June 6, 2021) (current Statement of Organization still listing Edmondson as treasurer). It is unclear whether the Committee is without a treasurer or if it has failed to timely update its Statement of Organization to reflect a new treasurer.

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1 information, the Commission cannot verify the amounts of contributions received and
2 expenditures made by the campaign. However, it appears that the amounts were relatively
3 modest and therefore not worth expending the Commission's limited resources to conduct an
4 investigation. Accordingly, the Commission dismisses as a matter of prosecutorial discretion the
5 allegations that Gore violated 52 U.S.C. § 30102(e)(1), (g) and 11 C.F.R. § 101.1(a) for failing to
6 file a Statement of Candidacy, and that the Committee violated 52 U.S.C. § 30104(a), (b), and
7 11 C.F.R. § 104.1(a) for failing to file disclosure reports, pursuant to *Heckler v. Chaney*.

8 As for the Committee's alleged failure to amend its Statement of Organization when its
9 treasurer resigned, the Committee's filings with the Commission confirm that it violated the
10 reporting mandate of the Act. According to the Miscellaneous Form 99 ("Form 99") filed by its
11 former treasurer, he resigned from his position by July 19, 2021, but his resignation is not
12 reflected in any amendment to the Committee's Statement of Organization. The Committee also
13 did not update its official address, which was apparently the resigned treasurer's residence. In
14 addition, the Committee has not provided the name of a new treasurer. It is unclear whether the
15 Committee appointed a replacement and failed to report it by filing an amendment to its
16 Statement of Organization, in violation of 52 U.S.C. § 30103(c) and 11 C.F.R. § 102.2(a)(2), or
17 whether the Committee continued to operate without a designated treasurer for the pendency of
18 the campaign, in violation of 52 U.S.C. § 30102(a), and 11 C.F.R. § 102.7(a) and (b). However,
19 given the low amounts at issue and the inexperience of a first-time campaign, the Commission
20 exercises its prosecutorial discretion and dismisses these allegations, pursuant to *Heckler v.*
21 *Chaney*.

22 Regarding Gore's alleged commingling of personal and campaign funds, it is unclear
23 whether there was any violation. The available information cannot confirm that the payment

accounts at issue received any contributions and, if they did, whether those accounts also held Gore's personal funds. In any event, the potential amount in violation appears to be relatively modest. Therefore, the Commission exercises its prosecutorial discretion and dismisses the allegations that Gore violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15, for commingling personal and campaign funds, pursuant to *Heckler v. Chaney*.

As for the Committee's alleged violation of disclaimer provisions, the available information does not support a reason to believe finding that the Committee violated the Act. The Complaint generally alleges disclaimer violations on "campaign materials" without pointing to anything in particular. The only instances of campaign materials the Commission found that lacked a complete disclaimer were several that appeared on the internet and posted on Gore's personal Facebook page. Because these postings did not appear for a fee on another person's website, they were not public communications and therefore not subject to the disclaimer requirement. Hence, the disclaimer mandate does not apply in this case. The Commission finds no reason to believe that the Committee violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. §§ 100.26, 110.11 by failing to include proper disclaimers.

II. FACTUAL BACKGROUND

Gore was a first-time candidate in the 2022 Democratic Party primary for Alabama's 4th congressional district, and the Committee was her principal campaign committee.² Although Gore ran for the Alabama Democratic primary election, as of the date of this Report, she has not

² Ballotpedia, *Alabama's 4th Congressional District Election, 2022*, https://ballotpedia.org/Alabama%27s_4th_Congressional_District_election,_2022 (last visited Dec. 5, 2022) (Gore lost the Democratic primary election in May 2022 to Rick Neighbors); Compl. at 1 (Apr. 21, 2022); Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

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1 filed a Statement of Candidacy with the Commission.³ The registered treasurer of the
2 Committee according to its current Statement of Organization is James Michael Edmondson.⁴
3 However, on July 19, 2021, Edmondson notified the Commission of his resignation and
4 termination of his affiliation with the Committee by filing a Form 99.⁵ The Committee, as of the
5 date of this Report, has not filed an updated Statement of Organization to name a new treasurer.⁶
6 In addition, the Committee has not filed any disclosure reports.⁷

7 First, the Complaint alleges, without citing any source, that Gore raised \$7,000 by
8 February 11, 2022, thereby exceeding the \$5,000 threshold and triggering reporting obligations,
9 *i.e.*, the Complaint alleges that by crossing the threshold, the Committee was required to file
10 periodic disclosure reports and Gore was required to file a Statement of Candidacy.⁸ Available
11 public information shows that Gore solicited campaign contributions on her personal Facebook
12 page, where she requested donations through VenMo, PayPal, and CashApp.⁹ Gore's online
13 solicitations bore the Committee's logo and included Quick Response ("QR") codes.¹⁰ The
14 available information, however, does not indicate whether Gore or the Committee actually

³ See *id.*; *FEC Candidates: Filtered Results*: FEC.gov, <https://www.fec.gov/data/candidate/H2AL04097/> (FEC filings under "Rhonda Gore" during the 2022 election cycle did not reveal any disclosures.) (last visited Dec. 5, 2022).

⁴ Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

⁵ Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021).

⁶ See *FEC Committee Profiles: Filtered Results*: FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (reflecting only an original Statement of Organization without any amendments) (last visited Dec. 5, 2022).

⁷ See *id.*

⁸ Compl. at 1 (Apr. 21, 2022).

⁹ Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

¹⁰ *Id.*

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received contributions through these payment sites or the amounts of any such receipts.¹¹

Second, the Complaint alleges that the Committee did not amend its Statement of Organization to disclose Edmondson's resignation as treasurer and update the Committee's address, which was Edmondson's residence.¹² The Committee has not filed any amendments to its original Statement of Organization.¹³

Third, the Complaint alleges that Gore commingled Committee funds with her personal funds by using her personal Venmo, CashApp, and PayPal accounts for fundraising.¹⁴ Review of the relevant QR codes reveals that the accounts were under the name "Rhonda Dennis," which suggest that Gore may have personally owned these accounts under an alias, as alleged in the

¹¹ There are three known postings on Gore's Facebook page, where she requested \$10 donations from her supporters. On December 5, 2022, Gore had 1,329 connections (a.k.a. "Friends") on Facebook. *See* Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

¹² Compl. at 1.

¹³ *FEC Committee Profiles: Filtered Results*: FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (last visited Dec. 5, 2022).

In reviewing the Committee filings with the Commission, we also learned that Pam Simpson, the Committee's secretary and custodian of records filed a Form 99, notifying the Commission of her resignation from her two roles with the Committee. *See* Rhonda Gore for District Gore 4, Misc. Form 99 (Jan. 13, 2022). The Committee did not amend its Statement of Organization to reflect this information. *See* Rhonda Gore for District Gore 4, Statement of Organization (June 7, 2021).

¹⁴ Compl. at 1.

1 Complaint.¹⁵ It is unknown, however, how many contributions, if any, were ultimately deposited
2 into these accounts,¹⁶ and whether the accounts held Gore's personal funds.

3 Finally, the Complaint alleges that the Committee did not use the appropriate disclaimers
4 on "campaign materials," but the Complaint does not include or cite any materials lacking such
5 disclaimers.¹⁷ The Commission identified solicitations and campaign posters on Gore's personal
6 Facebook page which lacked formal disclaimers but bore the Committee's logo, appearing to
7 have been produced by the Committee.¹⁸ Other campaign posters on Gore's personal Facebook
8 page identify Gore as the authorizing and funding source.¹⁹

9 In her two-sentence response, Gore maintains that her campaign did not raise enough
10 contributions to obligate financial filings with the Commission, *i.e.*, that the campaign did not
11 raise contributions in excess of \$5,000 during the election cycle and contends that the Complaint
12 was politically motivated.²⁰

¹⁵ Review of the QR codes for the VenMo and CashApp accounts shows 'Rhonda Dennis' as the account holder's name, confirming the Complaint's allegation that these accounts were opened under different names, *i.e.*, 'Rhonda Dennis' or 'Rhonda Dennis Gore'. See *Rhonda L. Gore*, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022.)); see also Compl. at 1. The PayPal QR code does not show the account holder's name, which could suggest that the account may now be inactive.

¹⁶ *FEC Candidates: Filtered Results*: FEC.gov, <https://www.fec.gov/data/candidate/H2AL04097/> (FEC filings under "Rhonda Gore" during the 2022 election cycle did not reveal any disclosures.) (last visited Dec. 5, 2022); *FEC Committee Profiles: Filtered Results*: FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (reflecting no disclosure reports filed by the Committee) (last visited Dec. 5, 2022).

¹⁷ Compl. at 1.

¹⁸ See *Rhonda L. Gore*, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (last visited Dec. 5, 2022).

¹⁹ *Id.*

²⁰ Gore Resp. at 1-2 (May 26, 2022).

III. LEGAL ANALYSIS**A. The Commission Dismisses the Allegation That Gore Failed to File a Statement of Candidacy and That the Committee Failed to File Disclosure Reports**

Under the Act, an individual becomes a candidate if he or she receives contributions or makes expenditures in excess of \$5,000, or consents to another doing so on his or her behalf.²¹ Once the \$5,000 threshold has been met, the candidate has 15 days to designate a principal campaign committee by filing a Statement of Candidacy with the Commission.²² The principal campaign committee must file a Statement of Organization within ten days of its designation.²³ Correspondingly, an individual's principal campaign committee or authorized committee does not become a political committee until that individual becomes a candidate under 11 C.F.R. § 100.3 (*i.e.*, crosses \$5,000 reporting threshold).²⁴ However, an individual does not become a candidate solely by voluntarily filing a report, nor does the individual, the individual's committee, or any other committee is required to file reports unless the individual becomes a candidate under 11 C.F.R. § 100.3 (*i.e.*, \$5,000) or unless the committee becomes a political committee under 11 C.F.R. § 100.5(d) (*i.e.*, when the individual becomes a candidate pursuant to 11 C.F.R. § 100.3, \$5,000 reporting threshold for authorized committees).²⁵ Thus, the reporting threshold for an authorized committee is \$5,000 and the committee is required to file disclosure

²¹ 52 U.S.C. § 30101(2) (definition of candidate); *accord* 11 C.F.R. § 100.3(a).

²² 52 U.S.C. § 30102(e)(1), (g); 11 C.F.R. § 101.1(a).

²³ 52 U.S.C. § 30103(a); 11 C.F.R. § 102.1(a).

²⁴ 11 C.F.R. § 100.5(d).

²⁵ *Id.* § 104.1(b).

1 reports with the Commission in accordance with 52 U.S.C. § 30104(a) and (b).²⁶ If a person
2 designates an authorized committee before that person becomes a candidate, the authorized
3 committee does not become a political committee within the meaning of 11 C.F.R. 100.5(d), and
4 therefore does not have reporting obligations, until that person becomes a candidate, pursuant to
5 52 U.S.C. § 30101(2).²⁷

6 Here, the Committee filed a Statement of Organization with the Commission but, to date,
7 has not filed any disclosure reports, and Gore has not filed a Statement of Candidacy.²⁸ The
8 Complaint, without providing any specifics, alleges that Gore raised \$7,000 by February 11,
9 2022, exceeding the \$5,000 threshold and thus triggering reporting requirements for Gore and
10 the Committee.²⁹ The Complaint did not provide any detailed information on the Committee's
11 alleged receipts and disbursements.³⁰

12 Gore responded that the Committee had not raised enough contributions to warrant
13 disclosures with the Commission, implying that the Committee raised less than \$5,000 during the
14 election cycle as of the date of her Response, May 26, 2022.³¹ The Commission cannot
15 specifically verify the campaign's total contributions and expenditures due to the lack of

²⁶ 52 U.S.C. § 30104(a), (b); *see, e.g.*, Factual & Legal Analysis ("F&LA") at 6, MUR 6735 (Joseph A. Sestak); F&LA at 5, MUR 6449 (Jon Bruning); F&LA at 2, MUR 5363 (Alfred C. Sharpton).

²⁷ 52 U.S.C. § 30104(a), (b); 11 C.F.R. §§ 100.5(d); 104.1(a).

²⁸ *See* Rhonda Gore for District 4, Statement of Organization (June 7, 2021); *FEC Candidates: Filtered Results*: FEC.gov, <https://www.fec.gov/data/candidate/H2AL04097/> (FEC filings under "Rhonda Gore" during the 2022 election cycle do not include a Statement of Candidacy or any disclosures.) (last visited Dec. 5, 2022); *FEC Committee Profiles: Filtered Results*: FEC.gov, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (reflecting zero reports filed by the Committee) (last visited Dec. 5, 2022).

²⁹ Compl. at 1.

³⁰ *Id.*

³¹ Gore Resp. at 1-2.

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reporting by the Committee, but Gore’s personal Facebook page demonstrates some of her fundraising efforts.³² Specifically, there are three postings on Gore’s Facebook page, where she requested \$10 donations from her supporters.³³ As of December 5, 2022, Gore had 1,329 connections (a.k.a. “Friends”) on Facebook.³⁴ Given the frequency of Gore’s solicitations, the number of her connections, and the low-dollar requests, any contributions raised through these solicitations were likely modest.

As for expenditures, publicly available information on Gore’s personal Facebook page shows that the Committee produced digital posters and an official website for the campaign (Gorefor4.com), but it is unclear how much, if anything, they cost.³⁵ Queries of the Facebook Ad Library, Google Political Ad Database, and Youtube shows no advertising by Respondents.³⁶ Because the Commission cannot confirm the amounts of contributions received and expenditures made by the Gore campaign, it is unclear whether Gore exceeded the \$5,000 reporting threshold,

³² Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022.))

³³ *Id.*

³⁴ *Id.*

³⁵ Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (Campaign solicitations and posters circulated on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022, and May 15, 2022 bore the Committee’s logo. Other posters dated May 8, 2022, May 13, 2022, and May 23, 2022 identify Gore as the only authorizing and funding source.) (last visited Dec. 5, 2022).

Gorefor4.com, the campaign website, which was printed on the campaign posters, no longer exists. (last visited on Dec. 5, 2022).

³⁶ Facebook Ad Library, [https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&q=Rhonda%20Gore%20for%20District%204&sort_data\[direction\]=desc&sort_data\[mode\]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=US&q=Rhonda%20Gore%20for%20District%204&sort_data[direction]=desc&sort_data[mode]=relevancy_monthly_grouped&search_type=keyword_unordered&media_type=all) (query for “Rhonda Gore for District 4” reveals no results) (last visited Dec. 5, 2022); Google Political Ads Database, <https://adstransparency.google.com/political?political=®ion=US> (query for “Rhonda Gore for District 4” reveals no results) (last visited Dec. 5, 2022); Youtube, https://www.youtube.com/results?search_query=Rhonda+Gore (query for “Rhonda Gore for District 4” reveals no results) (last visited Dec. 5, 2022).

triggering her obligation to file a Statement of Candidacy and the Committee’s mandatory financial disclosures. However, based on the Commission’s review of the available information it is likely any amounts raised or spent were modest, given Gore’s \$10 request on Facebook, spread over three separate solicitations,³⁷ and her denial that she crossed the reporting threshold.³⁸ The low amount in dispute does not warrant the use of limited Commission resources to investigate the allegations. The Commission therefore exercises its prosecutorial discretion and dismisses the allegations that Gore violated 52 U.S.C. § 30102(e)(1), (g) and 11 C.F.R. § 101.1(a) for failing to file a Statement of Candidacy, and that the Committee violated 52 U.S.C. § 30104(a), (b), and 11 C.F.R. § 104.1(a) for failing to file financial disclosures as a matter of prosecutorial discretion, pursuant to *Heckler v. Chaney*.³⁹

B. The Commission Dismisses the Allegation That the Committee Violated the Act by Failing to Amend its Statement of Organization

The Act mandates that a change in information previously submitted in a Statement of Organization shall be reported in accordance with section 30102(g) no later than 10 days after the date of change.⁴⁰ The Complaint alleges that the Committee violated the 10-day rule to amend its Statement by failing to “update [the Committee’s] address with the FEC[,]” and by continuing to use “the address of the campaign committee’s former treasurer who resigned one month after the [Committee] was established.”⁴¹

³⁷ See Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022)).

³⁸ Gore Resp. at 1.

³⁹ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

⁴⁰ See 52 U.S.C. § 30103(c).

⁴¹ Compl. at 1.

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The Committee's filings with the Commission confirm that the Committee never amended its Statement of Organization to reflect the change in its official address and the designation of a new treasurer.⁴² Edmondson filed a Form 99 in July 2021, terminating his affiliation as treasurer.⁴³ Given that Edmondson's residence was the Committee's apparent former official address, the Committee was therefore required to notify the Commission with the change in its address.⁴⁴ In addition, it is unclear whether the Committee designated a replacement for Edmondson, or whether the Committee operated without a treasurer. If the Committee had replaced Edmondson, it was mandated to amend the treasurer information, along with its official address, in its Statement of Organization.⁴⁵

Given the modest amount in dispute and the first-time campaign ran by Gore, the Commission exercises its prosecutorial discretion and dismisses the allegation that the Committee failed to update its Statement of Organization in violation of 52 U.S.C. § 30103(c) and 11 C.F.R. § 102.2(a)(2), pursuant to *Heckler v. Chaney*.⁴⁶

The Act and Commission regulations also mandate that every political committee shall have a treasurer.⁴⁷ No contribution or expenditure can be accepted or made by or on behalf of a

⁴² See Rhonda Gore for District 4, Statement of Organization (June 7, 2021); *contra* Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021).

⁴³ Rhonda Gore for District 4, Misc. Form 99 (July 19, 2021).

⁴⁴ See 52 U.S.C. § 30103(c); 11 C.F.R. § 102.2(a)(2); Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

⁴⁵ See *id.*; Certification, MUR 2002 (Batts) (May 2, 1986) (The Commission found that the Committee had violated the Act by failing to amend its Statement of Organization.)

⁴⁶ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

⁴⁷ 52 U.S.C. § 30102(a); 11 C.F.R. § 102.7(a); see Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 Fed. Reg. 3, 3 (Jan. 3, 2005) ("Treasurer's Policy") ("The Act designates treasurers to play a unique role in a political committee; indeed, a treasurer is the only office a political committee is required to fill."). The treasurer is personally charged with executing the committee's fundamental campaign finance regulatory

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political committee during any period in which the office of treasurer is vacant, and no expenditure can be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.⁴⁸

As previously discussed, the Commission cannot verify based on the Committee's filings with the Commission whether the Committee appointed a replacement for Edmondson and failed to report it by amending its Statement of Organization, or whether it continued to operate from July 2021 until the run-up to the election, as evidenced by Gore's Facebook postings, without a designated treasurer in violation of 52 U.S.C. § 30102(a) and 11 C.F.R. § 102.7(a) and (b).⁴⁹

Therefore, the Commission dismisses the allegation as a matter of prosecutorial discretion because, even if the Committee operated without a designated treasurer, the nature of this small and inexperienced campaign, and the modest amount of activity that occurred during the period where it might have been without a treasurer would not warrant further use of Commission resources.⁵⁰

obligations, which include: (1) keeping an account of receipts and disbursements; (2) preserving all such records; (3) filing reports with the Commission; (4) and signing each report. 52 U.S.C. § 30102(c)-(d); 30104(a).

⁴⁸ 52 U.S.C. § 30102(a); 11 C.F.R. § 102.7(b).

⁴⁹ See Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (Campaign solicitations and posters circulated on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022, and May 15, 2022 bore the Committee's insignia.) (last visited Dec. 5, 2022); see also *FEC Committee Profiles: Filtered Results*: FEC.GOV, <https://www.fec.gov/data/committee/C00781617/?tab=summary> (FEC filings by the Committee does not include an amendment to its Statement.) (last visited Dec. 5, 2022); see also Rhonda Gore for District 4, Statement of Organization (June 7, 2021).

⁵⁰ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

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C. The Commission Dismisses the Allegation That Gore Commingled Personal and Campaign Funds For Receiving Contributions Through Her Personal Payment Accounts

Under the Act, “[a]ll funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.”⁵¹ The Complaint alleges that Gore received contributions into her personal Venmo, PayPal, and CashApp accounts, thereby commingling campaign funds with her personal funds.⁵² Gore’s personal Facebook page shows her requests for campaign donations from her Facebook connections, (a.k.a. “Friends”) to these personal accounts.⁵³ Although it is possible that some contributors may have contributed through these payment platforms, there is insufficient information as to whether Gore actually had personal funds in these accounts. Unlike personal bank accounts, these payment platforms do not require an initial deposit to open an account.⁵⁴ Without an investigation, we cannot ascertain whether Gore also deposited personal funds into the accounts through these three payment platforms. Accordingly, additional factfinding would be required to determine whether there was a violation.

However, it appears that any amounts raised, and possibly commingled, were not significant. As previously discussed, based on the three solicitations on Gore’s Facebook page, the number of her connections, and the low dollar-per-donor request, any contributions received

⁵¹ 52 U.S.C. § 30102(b)(3).

⁵² Compl. at 1.

⁵³ Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

⁵⁴ See Venmo Help Center, <https://help.venmo.com/hc/en-us/articles/209690188-Requirements>; PayPal Help Center, <https://www.paypal.com/us/smarthelp/article/HELP380>; CashApp Help Center, <https://cash.app/help/us/en-us/6485-getting-started-with-cash-app>.

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were likely modest.⁵⁵ Additionally, Gore maintains in her response that her campaign had not exceeded the \$5,000 filing threshold.⁵⁶ Therefore, the Commission exercises its prosecutorial discretion and dismisses the allegation that the Respondents violated 52 U.S.C. § 30102(b)(3) and 11 C.F.R. § 102.15, pursuant to *Heckler v. Chaney*.⁵⁷

D. The Commission Finds No Reason to Believe That the Committee Violated the Act by Failing to Use Disclaimers on Campaign Materials

The Act and Commission regulations require a disclaimer whenever a political committee makes a disbursement for the purpose of financing any public communication through any broadcast, cable, satellite communication, newspaper, magazine, outdoor-advertising facility, mailing, or any other type of general public political advertising.⁵⁸ According to Commission regulations applicable at the time of the conduct in question, the term “public communication” does not include any communication over the internet, unless it is placed for a fee on another person’s website.⁵⁹ If a communication requiring a disclaimer is paid for and authorized by a candidate, a candidate’s authorized committee, or its agents, the disclaimer must clearly state that the communication was paid for by the authorized committee.⁶⁰

The Complaint alleges that the Committee failed to include required disclaimers on “campaign materials,” although it did not attach or reference any materials showing examples of

⁵⁵ See Rhonda L. Gore, Facebook, <https://www.facebook.com/profile.php?id=100073208409842> (solicitations posted on Mar. 9, 2022, Mar. 12, 2022, May 14, 2022) (last visited Dec. 5, 2022).

⁵⁶ Gore Resp. at 1.

⁵⁷ See *Heckler v. Chaney* 470 U.S. 821 (1985).

⁵⁸ 52 U.S.C. §§ 30101(22), 30120; 11 C.F.R. §§ 100.26, 110.11.

⁵⁹ 11 C.F.R. §§ 100.26, 110.11.

⁶⁰ 52 U.S.C. § 30120(a)(1); see also 11 C.F.R. § 110.11(b)(1).

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1 such a violation.⁶¹ The Commission's review of the publicly available communications by the
2 Committee reveals only few campaign posters on Gore's personal Facebook page that did not
3 include complete disclaimers. However, because those posters appeared on Gore's personal
4 Facebook page and were not advertisements, *i.e.*, not placed for a fee on another person's
5 website, they do not fall within the meaning of public communication and are therefore not
6 subject to the disclaimer requirement.⁶² Under these facts, the Commission finds no reason to
7 believe the Committee violated 52 U.S.C. § 30120(a)(1) and 11 C.F.R. §§ 100.26, 110.11 by
8 failing to include proper disclaimers.

⁶¹ Compl. at 1.

⁶² See 11 C.F.R. §§ 100.26, 110.11.