



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

VIA ELECTRONIC AND FIRST CLASS MAIL

Megan Sowards Newton
Jones Day
51 Louisiana Ave. NW
Washington, DC 20001
msowardsnewton@jonesday.com

January 17, 2024

RE: MUR 8142

Dear Ms. Sowards Newton:

On June 8, 2023, the Federal Election Commission notified your client, Timothy E. Scott, of a Complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On January 8, 2024, based on the information provided in the Complaint and information provided by you, the Commission determined to exercise its prosecutorial discretion to dismiss the allegations contained in the Complaint. Accordingly, the Commission closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). If you have any questions, please contact Justine A. di Giovanni, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

Wanda D. Brown

BY: Wanda D. Brown
Assistant General Counsel

Enclosure:
General Counsel's Report

1 **BEFORE THE FEDERAL ELECTION COMMISSION**
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3 **ENFORCEMENT PRIORITY SYSTEM**
4 **DISMISSAL REPORT**
5

6 **MUR 8142**

Respondent: Timothy E. Scott

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8 **Complaint Receipt Date:** June 6, 2023

9 **Response Date:** June 26, 2023
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13 **Alleged Statutory and** 52 U.S.C. § 30102(e)(1)
14 **Regulatory Violations:** 11 C.F.R. § 101.1(a)

15 The Complaint alleges that Timothy E. Scott became a candidate for the 2024
16 presidential election on or before April 30, 2023, when he posted a video recording on social
17 media of his statement at a rally indicating that he would hold an event on May 22, 2023, to
18 “take the final step” with regard to his presidential candidacy.¹ Accordingly, the Complaint
19 alleges that Scott’s May 19, 2023 Statement of Candidacy was untimely as it was not filed within
20 15 days of Scott becoming a candidate — 15 days from April 30, 2023, the date of his public
21 statement, was May 15, 2023.²

22 Scott’s Response states that the Complaint missed his original Statement of Candidacy
23 which he filed on April 15, 2023, 15 days before the rally and video thereof posted on social
24 media on April 30, 2023, discussed in the Complaint, and that the May 19, 2023 Statement of
25 Candidacy — which the Complaint mistakenly presumes was Scott’s initial filing — was an
26 amended document reflecting that Scott’s authorized committee had changed its name.³

¹ Compl. at 1 (June 6, 2023). The Complaint further alleges that Scott crossed the \$5,000 threshold in aggregate contributions received or aggregate expenditures made required to become a candidate under 11 C.F.R. § 100.3(a) because he “likely raised or spent more than \$5,000 on or before that date in order to secure the logistics for his May 22, 2023 rally in order to be able to announce it publicly.” *Id.*

² *Id.*

³ Resp. at 1 (June 26, 2023).

1 Accordingly, Scott argues that he timely filed his initial Statement of Candidacy.⁴ Commission
2 records confirm that Scott filed his first Statement of Candidacy for the 2024 presidential
3 election on April 15, 2023, naming Tim Scott Presidential Exploratory Committee as his
4 authorized committee.⁵ He filed an amended Statement of Candidacy on May 19, 2023,
5 reflecting that his authorized committee, “Tim Scott Presidential Exploratory Committee,” had
6 changed its name to “Tim Scott for America.”⁶

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

⁴ *Id.*

⁵ Timothy E. Scott, Statement of Candidacy at 1 (Apr. 15, 2023), <https://docquery.fec.gov/pdf/558/202304159580865558/202304159580865558.pdf>.

⁶ Timothy E. Scott, Amended Statement of Candidacy at 1 (May 19, 2023), <https://docquery.fec.gov/pdf/862/202305199581555862/202305199581555862.pdf>.

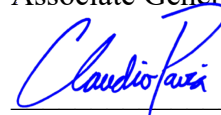
1 of agency resources.⁷ We also recommend that the Commission close the file as to all
2 Respondents and send the appropriate letters.

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4 Lisa J. Stevenson
5 Acting General Counsel
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9 Charles Kitcher
10 Associate General Counsel

11
12 December 14, 2023

13 BY:



14 Claudio J. Pavia
15 Deputy Associate General Counsel
16

17 Date

18 Wanda D. Brown

19 Wanda Brown
20 Assistant General Counsel
21

22 Justine A. di Giovanni

23 Justine A. di Giovanni
24 Attorney
25

⁷ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).