



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Eugene DePasquale, *et al.*)

) MUR 7773
)
)
)

**STATEMENT OF REASONS OF CHAIRMAN SEAN J. COOKSEY AND
COMMISSIONERS ALLEN J. DICKERSON AND JAMES E. “TREY” TRAINOR, III**

This matter arose from a Complaint alleging that former Pennsylvania Auditor General and former congressional candidate Eugene DePasquale violated various testing-the-waters and soft-money restrictions in the Federal Election Campaign Act of 1971, as amended (“the Act”).¹ The Complaint bases its allegations on expenditures and other activities by both DePasquale’s state-level and federal campaign committees prior to his official entry into the 2020 congressional campaign for Pennsylvania’s Tenth Congressional District.²

Following the Complaint and responses from the Respondents, however, necessary delays forestalled the Commission’s consideration of this matter’s merits. As a result of this lag, the Office of General Counsel (“OGC”) circulated a First General Counsel’s Report to the Commission on April 2, 2024.³ But by that point, most of the activity at issue in the Complaint was beyond the five-year statute of limitations that governs violations of the Act.⁴ The few transactions still subject to possible enforcement on the date the report circulated would have been beyond the limitations period in a matter of weeks.⁵ As a result, the Commission dismissed the Complaint because it lacks the authority to enforce against activity outside of the statute of limitations, and it could not effectively pursue enforcement against the remaining activity with such little time remaining and limited agency resources.⁶

¹ Complaint (Aug. 6, 2020), MUR 7773 (Eugene DePasquale, *et al.*).

² *Id.* at 3–4.

³ First General Counsel’s Report (April 2, 2024), MUR 7773 (Eugene DePasquale, *et al.*).

⁴ *Id.* at 1 (noting a statute-of-limitations period running from March 5, 2024, to May 13, 2024). *See also* 28 U.S.C. § 2462 (“[A]n action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued.”).

⁵ *See* Complaint at 4 (Aug. 6, 2020), MUR 7773 (Eugene DePasquale, *et al.*) (setting out a table of relevant transactions).

⁶ *See* 28 U.S.C. § 2462; *Heckler v Chaney*, 470 U.S. 821, 831 (1985).



Sean J. Cooksey
Chairman

May 30, 2024

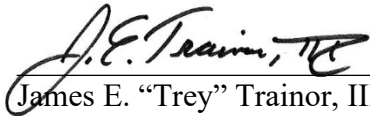
Date



Allen J. Dickerson
Commissioner

May 30, 2024

Date



James E. "Trey" Trainor, III
Commissioner

May 30, 2024

Date