



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
DePasquale for PA 10, *et al.*) MUR 7773
)

**STATEMENT OF REASONS OF VICE CHAIR ELLEN L. WEINTRAUB AND
COMMISSIONER SHANA M. BROUSSARD**

This matter concerns allegations that Eugene DePasquale’s state committee paid “testing the waters” expenses for DePasquale’s federal campaign. The Office of General Counsel (“OGC”) concluded that most of the expenses at issue were not clearly related to the federal campaign, some of the expenses were reimbursed by the federal committee, and the small amount of potential in-kind contributions were not worth pursuing.¹ Given the small amount at issue and in light of the Commission’s limited resources, we agreed with OGC’s recommendation and voted to dismiss, based on prosecutorial discretion.²

The statute of limitations was not part of our rationale for dismissal. Had this matter involved a more significant violation we would have voted to find reason to believe. The statute of limitations for the reporting violations did not fully expire for seven months, and even after that, we would have sought disclosure as an equitable remedy for a significant violation.³

May 30, 2024
Date

Ellen L. Weintraub
Ellen L. Weintraub
Vice Chair

May 30, 2024
Date

Shana M. Broussard
Shana M. Broussard
Commissioner

¹ First Gen. Counsel’s Rpt. at 34-36, MUR 7773 (DePasquale for PA 10, *et al.*).

² Cert. ¶ 1 (May 1, 2024); *Heckler v. Chaney*, 470 U.S. 821 (1985). While the Complaint alleges nearly \$137,000 in violation, OGC concluded that the potential amount in violation did not exceed \$14,000. *See* First Gen. Counsel’s Rpt. at 34.

³ The reporting violations were on the committee’s 2019 October Quarterly Report filed on October 15, 2019. Therefore, the statute of limitations would expire on October 15, 2024. We note that even after the statute of limitations expires, the Commission retains authority to seek equitable relief such as the correction of inaccurate reporting since it is distinguishable from “any civil fine, penalty, or forfeiture” established in 52 U.S.C. § 2462.