



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Johnny W. Streets, Jr., City Council Committee,) MUR 6976
et al.)
)

**STATEMENT OF VICE CHAIR CAROLINE C. HUNTER AND
COMMISSIONERS LEE E. GOODMAN AND MATTHEW S. PETERSEN**

We voted to dismiss this matter as an appropriate exercise of Commission prosecutorial discretion, in accordance with the recommendation of the Office of General Counsel. The principal issue in this matter was whether the local campaign committee of Johnny W. Streets, Jr., a city councilman in Fort Myers, Florida, accepted contributions totaling \$3,000 from foreign nationals. The contributions at issue were from three local land development companies that were formed, registered, and engaged in business in Florida, though with Canadian owners. Councilman Streets' local campaign finance disclosure report provided Canadian addresses for these companies. When the lawfulness of the contributions was questioned, Councilman Streets' committee promptly refunded the contributions.

The Commission recently dismissed three similar cases. In MURs 6078/6090/6108/6139/6142/6214 (Obama for America), the Commission dismissed allegations that Obama for America received approximately \$1.3 million in contributions from foreign nationals. These contributions came from approximately 10,400 contributors with foreign addresses. Obama for America asserted that it had asked contributors with foreign addresses to provide U.S. passports and refunded any contributions in question on its own accord. In MURs 6931/6933 (Laffen, *et al.*), the Commission dismissed allegations that a state gubernatorial committee received a \$2,500 foreign national contribution and a state senatorial committee received two contributions totaling \$2,945 from a foreign national. In both instances, the committees reported Canadian addresses for the donors and promptly refunded the contributions as soon as their legality was questioned. In MUR 6944 (Farias, *et al.*), the Commission dismissed under the Enforcement Priority System an allegation that local candidates received a \$100 contribution from a foreign national. The contribution check listed a Mexican address, and the candidates refunded the contribution about 70 days after they received it (after the time provided for in the Commission's regulations). We believe that Councilman Streets deserves equal treatment.

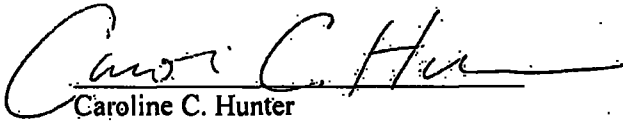
Some commissioners voted to initiate an enforcement action against Councilman Streets—perhaps in the belief that Councilman Streets should be made an example and, moreover, to demonstrate the Commission's fervor for rooting out foreign financial participation in American politics. The foreign national prohibition is an important protection against foreign

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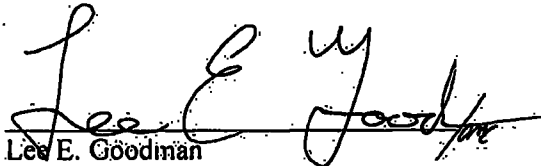
interference in American elections.¹ Yet in enforcing this provision, we need not dispense with the exercise of sound discretion, especially in a matter like this where the circumstances do not justify send-a-message enforcement.

The amount at issue here was modest. Councilman Streets, a retired policeman, acted responsibly by refunding the contributions upon first learning of their potential unlawfulness. Determining whether or not the contributor was, in fact, a foreign national, would have required further investigation. The Office of the General Counsel did not believe an investigation would be a prudent use of Commission resources given the modest amount at issue and the fact that the contributions had already been refunded. We agree.

For these reasons, we voted to dismiss the matter.


Caroline C. Hunter
Vice Chair

2/13/17
Date


Lee E. Goodinan
Commissioner

2/14/17
Date


Matthew S. Petersen
Commissioner

FEB 14, 2017
Date

¹ See, e.g., MUR 6919 (Canseco) (finding reason to believe that a foreign national company violated the foreign national prohibition by making a contribution to a federal candidate and that a foreign national citizen violated the foreign national prohibition by providing substantial assistance in the solicitation, making, acceptance, or receipt of the foreign national contribution).

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