

Congress of the United States
House of Representatives
Washington, DC 20515-4706

September 24, 2019

The President
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20500

Dear Mr. President:

We write to encourage your nomination of Commissioners to the vacant posts at the Federal Election Commission (FEC) and urge you to work with the United States Senate to ensure the Commissioners' confirmation in a timely fashion.

As you know, the recent resignation of Commissioner Matthew S. Petersen has left three vacant Commissioner posts at the FEC, thereby denying the Commission its statutorily required four-vote quorum. Without a quorum, the FEC is barred from completing its most basic regulatory and oversight responsibilities, rendering it unable to:

- hold hearings,
- initiate investigations,
- make, amend or repeal rulemakings,
- initiate litigation or defend existing litigation,
- issue advisory opinions,
- make referrals to other enforcement agencies, and
- approve enforcement actions or auctions.

Put simply, the mounting vacancies imperil the FEC's already limited capacity to execute its statutorily required enforcement of campaign finance law. This is untenable.

As the 2020 election draws nears, our democracy faces significant challenges, both foreign and domestic, that require the full force of our regulatory, oversight and law enforcement institutions, including the FEC.

We now know our country suffered "multiple, systematic efforts to interfere in our election"¹ in the 2016 presidential election. The last few months our intelligence community – including several of your own appointees – have warned of even greater attacks during the 2020 election cycle, calling

¹ Catherine Kim, *Here's a full transcript of Robert Mueller's remarks*, VOX, (May 29, 2019) <https://www.vox.com/2019/5/29/18644237/robert-mueller-remarks-transcript>

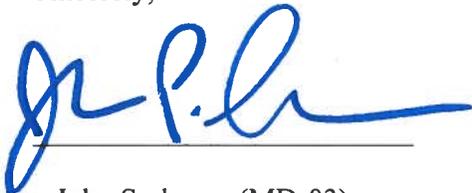
the recently concluded 2018 midterms a “dress rehearsal for the big show.”² The FEC plays a key role in investigating such intrusions and helping policymakers and other law enforcement agencies address the threats in real-time.

Without a functioning FEC, federal oversight and enforcement of our campaign finance laws is severely restricted. This hurts honest candidates who are trying to follow the letter of the law and robs the American people of an electoral process with integrity. In addition to its critical enforcement and compliance work, the FEC also issues advisory opinions to individuals and organizations with questions about the practical application of campaign finance law and regulation. These often unseen or underreported work of the FEC ensures the smooth operation of our elections, while providing the American public timely, accurate information about individuals and organizations seeking influence in our democracy.³

During your campaign, you pledged to the American people that you would “drain the swamp” in Washington, D.C. A critical part of that effort must be an effective, enforcement-minded FEC. And this idea has bipartisan support. In fact, there’s a bipartisan bill sitting with the Senate right now, as a part of H.R. 1, that would reform the FEC by reducing the number of commissioners while ensuring that no one political party has a majority of seats, making it immune from deadlock and strengthening its ability to act. Our nation needs an effective watchdog to respond in real-time, enforce our nation’s election laws, and provide guidance to incumbents and challengers as they navigate our federal election laws.

As the House continues to exercise its oversight over the many threats to our electoral process, we urge you, Mr. President, to fulfill your obligations of office and nominate capable Commissioners – one Republican and one Democrat – to the vacant posts at the Federal Election Commission. Americans deserve a fair and transparent election process, which depends on a fully functional FEC. Thank you for your attention to this matter.

Sincerely,



John Sarbanes (MD-03)
Member of Congress



Derek Kilmer (WA-06)
Member of Congress

CC: House Speaker Nancy Pelosi and Minority Leader Kevin McCarthy
Chairperson Zoe Lofgren and Ranking Member Rodney Davis, Committee on House
Administration

² Transcript: Dan Coats Warns The Lights Are ‘Blinking Red’ On Russian cyberattacks, NPR, (July 18, 2019)
<https://www.npr.org/2018/07/18/630164914/transcript-dan-coats-warns-of-continuing-russian-cyberattacks>

³ See Federal Election Commission Advisory opinions, (September 24, 2019)
<https://www.fec.gov/data/legal/advisory-opinions/>