

January 6, 2020

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
1236 Longworth House Office Building  
Washington, DC 20515

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, DC 20515

The Honorable Charles Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Mr. President, Majority Leader McConnell, Minority Leader Schumer, Madam Speaker, and Minority Leader McCarthy:

Now that we are in the 2020 election year, with voting in presidential and congressional elections commencing in only a few weeks, it is critical to maintain public confidence in our national election systems. Yet the Federal Election Commission (“FEC” or “the Commission”) has only three members and is thus unable to take official action on any matter pending before the agency.

The FEC should be comprised of six Commissioners, but now has only three, all of whom are holdover members whose terms have long since expired and who are ineligible for reappointment. It takes a quorum of at least four (4) commissioners to approve actions by the Commission. This is an untenable situation. We urge you to work together and immediately identify, nominate, and confirm a full slate of qualified individuals to serve as Commissioners of the FEC.

The undersigned are lawyers who represent organizations and candidates regulated by federal campaign finance law. We represent diverse clients and views spanning the political spectrum, left, right, and center. We are Democrats, Republicans, and independents. In representing those clients, we often find ourselves in adversarial positions in the legal arena. Yet we are united in our commitment to the rule of law and the need for the agency tasked with regulating federal campaign finance laws to fully function and carry out the mission assigned to it by Congress.

While the Commission and its staff have stated publicly that they remain open for business, and many routine functions continue, the lack of a quorum prevents the Commission from: enforcing federal law, leaving complainants and the public with no redress against violation; issuing advisory opinions, leaving those who are committed to complying with the law unable to secure official guidance about often complex compliance matters; auditing candidates and committees whose conduct warrants such review, leaving ongoing problems unaddressed; and considering or taking regulatory action, leaving rules in place that merit reconsideration and failing to deal with changed circumstances that merit new rules.

We urge the President and the Senate and House leadership from both parties to agree on a slate of nominees, as has been the tradition for years, then for the President to nominate Commissioners and the Senate to confirm them at the earliest possible date.

Citizens who choose to spend their precious time and energy running for office or campaigning for a favored candidate deserve to know what the rules are in any given situation, and that the rules are being fairly and promptly enforced.

We urge your swift attention to this situation, which has languished for far too long. We, as professionals in this field, stand ready to provide any assistance necessary to the White House and the Congress in order to attain a fully functional Federal Election Commission.

Thank you for your attention and we look forward to your prompt action.

Sincerely,



Cleta Mitchell, Partner  
Foley & Lardner LLP



Elizabeth Kingsley, Partner  
Harmon, Curran, Spielberg & Eisenberg, LLP

Gregory L. Colvin, Senior Counsel  
Rosemary E. Fei  
David A. Levitt  
Nancy E. McGlamery  
Eric K. Gorovitz  
Daren S. Garshelis  
*Adler & Colvin*

Brett G. Kappel, Partner  
*Akerman LLP*

Elliot S. Berke, Managing Partner  
William J. Farah  
*Berke Farah LLP*

Eric Lycan  
*Embry Merritt Shaffar Womack PLLC*

Karen Blackistone Oaks, Partner  
*The Gober Group*

Sarah Duniway, Attorney  
*Gray Plant Mooty*

Ruth Eisenberg, Partner  
Paul J. Murphy, Partner  
John Pomeranz, Partner  
Rich Eisenberg, Senior Counsel  
*Harmon Curran Spielberg & Eisenberg LLP*

Jason Torchinsky, Partner  
*Holtzman Vogel Josefiak Torchinsky PLLC*

Barnaby Zall  
*Law Office of Barnaby Zall*

Andrew D. Herman, Member  
*Miller and Chevalier Chartered*

Joseph E. Sandler  
Neil P. Reiff  
James C. Lamb  
Joseph M. Birkenstock  
*Sandler Reiff Lamb Rosenstein &  
Birkenstock, P.C.*

Suzanne Ross McDowell  
*Steptoe & Johnson LLP*

Laurence E. Gold, Partner  
Joseph W. Steinberg  
Kathy S. Strom  
*Trister, Ross, Schadler & Gold, PLLC*

Jeffrey P. Altman, Partner  
James A. Kahl, Partner  
*Whiteford Taylor & Preston*