

Office of Senator Amy Klobuchar
425 Dirksen Senate Building
Washington, DC 20510

Office of Senator Roy Blunt
260 Russell Senate Office Building
Washington, DC 20510

November 13, 2020

Dear Senators Klobuchar and Blunt –

I am writing today to express concern about the growing threat of harmful politicization of the Federal Election Commission (FEC) by the Trump administration. After nearly 80 million Americans voted to elect former Vice President Joe Biden to serve as the next president of the United States and with just 68 days until Inauguration Day, it is distressing that President Trump and his allies could seat additional biased commissioners to the FEC in just a few short weeks.

As a nonpartisan government watchdog, Accountable.US is calling on you to stop advancing these ideologically-driven nominations — and the potential nomination of any new FEC commissioner — until the new administration is installed. Just because rushed and unfair nomination proceedings have become the standard of the last four years, these important seats should not also be forced to fall victim to partisan fighting.

The Federal Election Commission is “the nation’s civil campaign finance regulator” which is meant to ensure “that campaign fundraising and spending is publicly reported; that those regulated by the Federal Election Campaign Act (FECA) and by commission regulations comply and have access to guidance.”¹ It is incumbent upon FEC commissioners to provide sound and unbiased determinations in the concerns raised before them, as their decisions have drastic ramifications for individual elections and for the campaign finance system as a whole.

Despite the Trump administration and Senate Republicans’ negligence in leaving the FEC toothless for the majority of the last two years and hobbled for the majority of the past four years, Trump and his allies have, in recent days, picked up the pace to fill the seats that long have been left vacant. For a total of 14 months under President Trump, the FEC has been unable to conduct its regular business due to a lack of quorum. The entirety of that lack of

quorum has been in the last two years while the president has been running for reelection. The commissioners haven't even had their seats filled since February 2017. The Trump administration's early and continuous undoing of the FEC has only changed course in recent weeks, in the closing days of an election cycle.

In addition to the timing of FEC commissioner nominations and confirmation hearings, the administration's disregard for creating a fair and equitable makeup of commissioners for the FEC is cause for grave concern. The traditional standard has been that two ideologically contrasting nominees are presented for a vote to the FEC at the same time. And yet, earlier this year, the Trump administration and Senate Republicans pushed through the nomination of James Trainor — a former attorney for the Trump campaign itself. Now, the Senate is expected to approve the nominations of another Republican commissioner without a Democratic counterpart and a previously negotiated Republican-Independent pairing. This new makeup will undoubtedly create gridlock amongst FEC commissioners, essentially leaving the FEC in the same place it is today — unable to issue clear, decisive opinions on the critically important issues that come before the commission.

Thank you in advance for your time and consideration.



Kyle Herrig
President
Accountable.US