



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RESPONSES TO QUESTIONS FROM THE MINORITY MEMBERS OF THE COMMITTEE ON HOUSE ADMINISTRATION

March 4, 2025

1. *The Committee's August 28, 2023, letter and corresponding Commission response discussed the status of the General Counsel position, which has been staffed in an "acting" capacity since July 2013. The Commission noted that "[t]he vacancy announcement was extended and closed on July 28, 2023. Applications for this position have been reviewed for meeting the position's minimum qualifications, and the Agency recruited an external panelist to sit on the initial Hiring Panel. The initial Hiring Panel convenes this month to review the applicants who meet minimum qualifications, conduct interviews, and recommend their top candidates for the Commission to interview." Please provide any update on the status of the position search.*

After an extensive selection process, the 2023 recruitment was ultimately closed without a permanent selection being made. Following the conclusion of the government-wide hiring freeze¹ and the determination of the agency's FY 2025 appropriation, the Commission will review all vacant, mission-critical positions and prioritize hiring based on that review.

2. *The Office of Inspector General's ("OIG") Management and Performance Challenges Facing the FEC for FY 2025 noted that the Commission has recently "been losing staff with decades' worth of institutional memory." In particular, "there have been 72 separations of FEC career staff from FY 2022 through FY 2024 that represent the loss of 1,035 years of experience. Additionally, 46 current FEC employees have served in the federal government for over 30 years, with 31 holding positions at GS-11 or above. Five of these long-serving employees are designated key personnel in the agency's September 2022 Continuity of Operations Plan (COOP). Collectively, these five individuals bring 163 years of institutional knowledge, including 65 years from OGC, 69 years from OSD, and 29 years from OCIO."*

- a. *Please discuss the reason long-serving staff have left the Commission, as documented by the OIG?*

Since FY 2021, the three main reasons for FEC employee departures have been:

1. transfer to another federal agency (38%);
2. departure from public service (29%); and
3. retirement (28%).²

¹ Presidential Memorandum, [Hiring Freeze](#) (Jan. 20, 2025).

² The remaining five percent of separations are attributable to the expiration of temporary appointments and

Departures due to retirement in particular continue to pose a significant staffing risk for the agency. At present, 18% of the FEC's career employees are eligible for immediate, full retirement, and 40% of current FEC employees are eligible for full or early retirement by 2030.

The FEC provides the opportunity for willingly separating employees to complete an anonymous exit survey interview. Between 2022 and 2024, 44 departing employees opted to complete this survey. Among that group, the primary reasons identified for leaving the FEC were:

1. limited career growth and advancement opportunities;
2. higher salary and compensation offers elsewhere; and
3. workplace culture and leadership concerns.

b. *What is the Commission doing to address the loss of long-term staff and institutional expertise and memory?*

As a small federal agency, the FEC is limited in the salaries it can offer and in the breadth of career advancement opportunities it can provide to employees. In recent years, the agency has focused on improvements in areas of workplace culture and leadership identified by FEC employees in the Federal Employee Viewpoint Survey in order to improve employee morale and reduce attrition that could be attributed to workplace culture and leadership concerns.

The Commission notes, however, that attrition is not the primary cause of the FEC's staffing challenges. The FEC OIG's *Evaluation of Staffing, Hiring, and Retention at the FEC* found that, "The FEC's annual separation rate is lower than that of medium independent agencies," and that, "[t]he proximate cause of the reduction in FEC staff size is that departed staff are not fully replaced."³ Indeed, as detailed in the FEC's FY 2025 Congressional Budget Justification, the FEC has for more than a decade faced significant budget constraints and, as a result, does not regularly backfill positions that are vacated due to attrition. Thus, the number of FEC employees on board has decreased approximately 20% over the past 12 years while the levels of campaign finance activity, and the resulting workload, have increased. During this period, the FEC was able to meet its statutory mission primarily due to efficiencies gained by reassigning staff using details, maximizing operational efficiencies through reorganizations, and improving technology and processes, among other efficiencies. However, in recent years the FEC has begun to exhaust the benefits that can be gained through such efficiencies and has, in some situations, reduced performance targets in response to these reductions in staffing amid increasing campaign finance activity.

Faced with years of declining staff numbers and a limited ability to hire new employees, the FEC is addressing the loss of long-term staff and institutional expertise and memory by focusing on succession planning and knowledge management human capital strategies, including:

employee deaths.

³ FEC OIG, [Evaluation of Staffing, Hiring, and Retention at the FEC](#), Report No. IE-23-01, 1 (Feb. 9, 2024).

- **Knowledge management** – Managers engage in knowledge management, including the creation of manuals, policies, procedures, references, guides, wikis, etc., that are stored in centralized locations and accessible to the pertinent parties, as a part of their regular management practice as well as a part of succession planning. This is covered under the supervisory performance standard “Business Acumen.” This strategy is particularly useful for foreseeable retirements and unique positions that lack organizational or personnel redundancy.
- **Creating a talent pipeline** – To ensure employees are prepared and able to step into critical roles, employees receive training and cross train, the FEC’s Office of Human Resources works with managers to bridge grade level gaps within offices when creating new or updated position descriptions, and detail/acting positions are selected through competitive processes. The FEC is able to regularly fill detail/acting positions from internal candidate pools, demonstrating that internal talent is prepared to bridge staffing gaps realized through attrition. Supervisors are also required to engage in talent management activities under the supervisory performance standard “Leading People.”

Nevertheless, lengthy periods under continuing resolutions and appropriation levels that have not kept up with inflation impede the FEC’s ability to implement long-term human capital management strategies. For example, the agency’s current budget does not allow for backfilling all vacated positions, and as a result, vacancies are prioritized by leadership and approved for filling by the Personnel Committee on an ongoing basis. Hiring managers are advised to keep hiring documents as up-to-date as possible, evaluate what their office/division needs regarding staffing, establish relationships with recruitment outlets, and move quickly if and when approval is received and it is determined that the agency has the funds to fill the position. However, without the ability to hire throughout the fiscal year as needed, managers can lose valuable time filling vacancies with interim internal appointments and other short-term staffing remedies and may lose opportunities to hire permanently when staff is most needed. Moreover, long-term staffing plans cannot easily be developed or implemented in an environment that does not allow for predictable hiring projections or for the achievement of targets identified in staffing plans.

3. *In FY 2024, the Commission was awarded an \$8.8 million package from the Technology Modernization Fund, a federal funding vehicle formed to support federal agency IT modernization projects, to update and transform FECFile. The projected completion deadline for this transformation was listed as 2027. Please share any updated information on this project.*

In 2021, the FEC began working to build a modern, web-based version of FECFile, the agency’s free electronic filing software. The new version will replace the current desktop version that is more than 25 years old. The FEC applied for Technology Modernization funding (TMF) for this modernization effort in January 2024 and was awarded \$8.8 million in June 2024. The FEC is required to repay 50 percent of the award within five years. To date, the FEC has received one TMF transfer of \$5.5 million and has obligated \$1.77 million, or 32.2 percent of the transferred funds. The FEC’s obligation rate is proceeding on the TMF-FEC agreed upon schedule.

In November 2024, the FEC released an alpha version of the software to a group of external users who agreed to help test the software. The Alpha Release software allows PACs that do not allocate financial activity to file to the FEC's test server Form 3X (Reports of Receipts and Disbursements for other than an Authorized Committee), including Schedules A through E. In addition, filers participating in this test can submit Forms 1M (Notification of Multicandidate Status), 24 (24-hour and 48-hour Report of Independent Expenditure) and 99 (Miscellaneous Report).⁴ The Alpha Release also tests the software's integration with FEC's Electronic Filing Office. Current development work is focused on preparing for the software's Authorization to Operate assessment and authorization and the first production release, which is tentatively scheduled for summer 2025.

4. *According to Status of Enforcement—Fiscal Year 2024, Fourth Quarter (07/01/2024-09/30/2024), memorandum from the Office of General Counsel ("OGC"), as of November 6, 2024, there was a caseload of 229 enforcement cases, 90 active and 139 inactive.*

a. *How many enforcement cases are on the enforcement docket as of the date of this letter?*

As of February 7, 2025, OGC-Enforcement's docket included 195 cases, including 91 active matters and 104 inactive matters.

b. *How many of those cases are awaiting Commission action? How long have those matters been awaiting Commission action?*

As of February 7, 2025, 15 pending matters were the subjects of reports or memoranda that were pending before the Commission. The items awaiting Commission action had been pending for an average of 14 days.

c. *The Status of Enforcement notes that the Office of General Counsel met its internal circulation goal for First General Counsel Reports ("FGCR") 54 percent of the time, which is down from prior quarters. What contributed to delayed circulation of FGCRs?*

The Status of Enforcement report cited in the question states that the Enforcement Division circulated 54% of First General Counsel Reports (FGCRs) within 120 days of activation, which is the Division's internal goal for timely circulation of FGCRs. As noted, this is a decrease of timely reports compared to prior quarters. This statistic reflects staffing challenges that the Enforcement Division continues to face. For instance, in Fiscal Year 2012, the Enforcement Division had 59 employees. That year, the Division circulated 71 reports with 78% timely. By contrast, in Fiscal Year 2024, the Division had approximately 38 employees, representing a loss of 21 employees, or more than a third of the Division's prior staffing levels.

⁴ Reports submitted to the FEC's test server as part of this Alpha Release are not considered to be filed for the purposes of compliance with the Federal Election Campaign Act. Committees participating in Alpha Release testing continue to file their required FEC disclosure reports through the FEC's legacy electronic filing software, FECFile, or commercial software.

Despite that drastic reduction in staffing, the Division circulated 82 FGCRs (13 more reports than it circulated in Fiscal Year 2023) with, as noted, 54% timely. Accordingly, the 24% decrease in timely FGCRs between 2012 and 2024 must take into consideration the 23 fewer employees and 11 additional FGCRs. We also note that the most recent Status of Enforcement report shows that 73% of the FGCRs were circulated timely, which is comparable to prior quarters, despite the increased caseload Enforcement Division attorneys have assumed following staff departures.

5. *The Status of Enforcement—Fiscal Year 2024, Fourth Quarter (07/01/2024-09/30/2024), memorandum from the Office of General Counsel further provided that the Commission had seven ongoing investigations, with four investigations opened and one closed in FY 2024.*

a. *How many ongoing investigations are there as of the date of this letter?*

As of February 7, 2025, OGC-Enforcement’s docket included five matters with ongoing investigations.

b. *How many matters were filed with the Commission in FYs 2023 and 2024? Please provide separate figures for each fiscal year.*

Fiscal Year	Complaints	Internal Referrals	<i>Sua Sponte</i>	Total
2023	110	6	7	123
2024	134	17	14	165

c. *In FY 2024, how many matters did the Office of General Counsel recommend a reason to believe finding?*

Working with an Enforcement Division case management database and the Enforcement Search System on the FEC’s website, MURs that closed since January 1, 2021, were evaluated to identify those that are responsive to questions 5.c., 5.d. and 5.e. (For the answer to question 6, MURs closed since June 16, 2015, were similarly researched.)⁵ Analyzing case files was required to identify responsive MURs, and a team of attorneys was assembled and reviewed MUR case files to identify the responsive MURs and to obtain the information requested about OGC recommendations and Commissioners’ votes. OGC managers reviewed the results and verified samples of the work to the extent possible in the time available to respond to these questions.

With respect to MURs that were closed during fiscal year 2024, OGC recommended a reason to believe finding in 56 matters.

⁵ FECA protects the confidentiality of pending MURs, so the answers to questions 5.c. through 5.e. and 6 consider only closed MURs, which are publicly disclosed on FEC.gov. See FECA § 309(a)(12), *codified at* 52 U.S.C. § 30109(a)(12). Closed MUR files can be reviewed on FEC.gov at this [link](#).

- i. *How many of these matters included a recommendation to authorize compulsory process or otherwise authorize an investigation?*

27

- ii. *How many of these matters include a recommendation to engage in pre-probable cause conciliation?*

35⁶

- iii. *How many of the matters in which an investigation was recommended by OGC secured Commission approval?*

6⁷

- iv. *How many of the matters in which pre-probable cause conciliation was recommended by OGC secured Commission approval?*

26⁸

- v. *Please provide a chart with the relevant MUR information and votes by commissioner name.*

The 56 MURs identified in response to question 5.c. above are listed in Attachment A with MUR numbers, Commissioners' votes and other information.

- d. *In FY 2023, how many matters did the Office of General Counsel recommend a reason to believe finding?*

With respect to MURs that were closed during fiscal year 2023, OGC recommended a reason to believe finding in 58 matters.

- i. *How many of these matters included a recommendation to authorize compulsory process or otherwise authorize an investigation?*

18

⁶ Some MURs include both investigation and conciliation recommendations, which is why the sum of these counts exceed the total stated above.

⁷ An investigation was approved in one additional MUR without an OGC recommendation.

⁸ Pre-probable cause conciliation was approved in two additional MURs without OGC recommendations.

- ii. *How many of these matters include a recommendation to engage in pre-probable cause conciliation?*

42⁹

- iii. *How many of the matters in which an investigation was recommended by OGC secured Commission approval?*

4¹⁰

- iv. *How many of the matters in which pre-probable cause conciliation was recommended by OGC secured Commission approval?*

30¹¹

- v. *Please provide a chart with the relevant MUR information and votes by commissioner name.*

The 58 MURs identified in response to question 5.d. above are listed in Attachment B with MUR numbers, Commissioners' votes and other information.

- e. *Please provide the total number, accompanied by an investigation-specific chart, of the following matters:*
 - i. *The total number of matters opened and the total number of investigations authorized in calendar year 2024. For the investigation-specific chart, please identify the Chairman during 2024 and list all matters in which OGC recommended an investigation, include the MUR number, the types of alleged violation(s) (e.g., reporting, foreign national spending, etc.), whether the Commission approved the investigation along with votes by commissioner name, and if relevant, the number of days in investigation, and the resolution of the investigation.*

Attachment C is a chart that includes all of the MURs that closed in calendar year 2024 in which OGC recommended an investigation. MUR numbers, primary respondents' names, and the alleged violations are included, along with brief descriptions of OGC's recommendations on investigations, and Commissioners' votes. For those MURs in which investigations were approved, the number of days the MUR was in the investigatory stage is provided as well as the resolution of the matters.

⁹ Some MURs include both investigation and conciliation recommendations, which is why the sum of these counts exceed the total stated above.

¹⁰ An investigation was approved in one additional MUR without an OGC recommendation.

¹¹ Pre-probable cause conciliation was approved in six additional MURs without OGC recommendations.

During calendar year 2024, Sean J. Cooksey was Chairman of the FEC, and the total number of MURs that the FEC closed in 2024 was 162.

ii. Please provide the same information for calendar years 2023, 2022, and 2021.

Attachments D, E and F are separate charts that include the requested information for each of the calendar years.

During calendar year 2023, Dara Lindenbaum was Chair of the FEC, and the total number of MURs that the FEC closed in 2023 was 110.

During calendar year 2022, Allen Dickerson was Chairman of the FEC, and the total number of MURs that the FEC closed in 2022 was 235.

During calendar year 2021, Shana M. Broussard was Chair of the FEC, and the total number of MURs that the FEC closed in 2021 was 248.

6. The Committee's August 28, 2023, letter and corresponding Commission response discussed enforcement matters filed with the Commission that involved President Trump, his committees, or his family members.

a. Please provide any updates to those figures, if any.

President Trump declared his candidacy for the Presidency in 2016 on June 16, 2015. Since that date through February 7, 2025, the Commission has closed 64 MURs involving President Trump, his committees, or his family members.

These 64 responsive MURs include 56 that were described in detail in the FEC's June 16, 2023, response, particularly on Attachment Q to that response.¹² In addition, eight more responsive MURs have closed since then.

b. In this updated response, provide: (a) the number of matters in which OGC recommended reason to believe a violation occurred; and (b) the number of matters in which the Commission adopted a reason to believe finding.

Of the eight MURs, OGC recommended a reason to believe finding in six MURs. The Commission adopted a reason to believe finding in none of the MURs.

c. The Committee's August 28, 2023, letter also asked the Commission to provide an updated list of each MUR number, name, identify OGC's recommendations, and how

¹² In response to the August 2023 questions referenced in Question 6 above, the Commission explained in that no additional responsive MURs had closed after the June response through the FEC's September 11, 2023, response.

the Commission voted, and to provide votes by commissioner name. For the updated response, please again provide the material in a single chart.

Attachment G is a chart that includes the requested information for the 64 MURs identified above. The eight MURs that have closed since the June 16, 2023, response are numbered 56, 57 and 59 through 64.

d. Additionally, in a separate chart, please identify the matters included in the response to this question in which a vote occurred since quorum was restored in December 2020. Please provide the MUR numbers and votes by commissioner name.

Of the 64 MURs involving President Trump, his committees, or his family members that have closed since June 16, 2015, 48 MURs include a Commission vote after December 2020. Attachment H is a chart that includes the requested information for these 48 MURs.

7. *Please share with the Committee the last two status reports for each division that prepares such reports.*

Consistent with the Commission's September 11, 2023, response, the two most recent status reports for the Enforcement, Litigation and Policy Divisions of the FEC's Office of General Counsel, with appropriate redactions, are attached as Attachment I.