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One Hundred Eighteenth
Congress of the United States
House of Representatives

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August 28, 2023

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The Hon. Ellen L. Weintraub
Commissioner
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1050 First Street NE
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Dear Commissioners:

As Ranking Member of the Committee charged with Federal Election Commission oversight, I write to request your attention to the matters discussed herein.

The Committee has noticed a September 20, 2023, oversight hearing of the Federal Election Commission. Earlier this year, the Committee provided the Commission with questions regarding its opportunities and challenges, and expressed an interest in being made aware of the Commission's plans for preparing for the 2024 federal election cycle. The Committee is interested in updated information in advance of the September 20, 2023, hearing.

Enclosed are questions to the Commission. Please respond to each question and sub-question asked and transmit your responses by September 11, 2023.

Sincerely,

Joseph Morelle
Ranking Member

Cc: Chairman Bryan Steil

SUPPLEMENTAL QUESTIONS

1. The Committee's May 24, 2023, letter and corresponding Commission responses discussed the status of the General Counsel position, which has been in an "acting" capacity since July 2013. The Commission noted that a new "vacancy announcement for this position was opened on June 15, 2023, and will close on July 14, 2023." Please provide any update on the status of the position search.
2. The Committee's May 24, 2023, letter asked how many times since the Supreme Court's decision in *Citizens United v. Federal Election Commission*¹ the Commission has found a violation of the coordination regulations,² how many times the Office of General Counsel ("OGC") recommended reason to believe a violation of the coordination regulations occurred, but the Commission did not adopt the recommendation, and requested the MUR numbers and votes by commissioner name.
 - a. Please provide an updated figure in the response and an updated chart, if there are any updates, since the Commission's June 16, 2023, response.
 - b. Additionally, in a separate chart, please identify the matters included in the response to question 2.a in which a vote occurred since quorum was restored in December 2020. Please provide the MUR numbers and votes by commissioner name.
3. The Committee's May 24, 2023, letter asked how many times since the Supreme Court's decision in *Citizens United v. Federal Election Commission* the Commission has found a violation involving corporate contributions, how many times OGC recommended reason to believe a violation of the coordination regulations occurred, but the Commission did not adopt the recommendation, and requested the MUR numbers and votes by commissioner name.
 - a. Please provide an updated figure in the response and an updated chart, if there are any updates, since the Commission's June 16, 2023, response.
 - b. Additionally, in a separate chart, please identify the matters included in the response to question 3.a in which a vote occurred since quorum was restored in December 2020. Please provide the MUR numbers and votes by commissioner name.
4. The Committee's May 24, 2023, letter asked how many times since the Supreme Court's decision in *Citizens United v. Federal Election Commission* the Commission has found a violation of the political committee status rules (e.g., registration and reporting obligations), how many times OGC recommended reason to believe a violation of the

¹ *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010).

² For this question, please include cases in which the Commission found reason to believe that a respondent violated the coordination regulations, as well as cases where the Commission found violations of other provisions, such as the amount limitations or corporate contribution prohibition, based on the definition of coordination under 11 C.F.R. § 109.20 or coordinated communication under 11 C.F.R. § 109.21 in the regulations being satisfied, thus resulting in an excessive or prohibited in-kind contribution.

coordination regulations occurred, but the Commission did not adopt the recommendation, and requested the MUR numbers and votes by commissioner name.

- a. Please provided an updated figure in the response and an updated chart, if there are any updates, since the Commission's June 16, 2023, response.
 - b. Additionally, in a separate chart, please identify the matters included in the response to question 4.a in which a vote occurred since quorum was restored in December 2020. Please provide the MUR numbers and votes by commissioner name.
5. The Committee's May 24, 2023, letter asked how many times since the *Bluman v. Federal Election Commission*³ decision the Commission has found a violation of the foreign nationals prohibition, how many times OGC recommended reason to believe a violation of the coordination regulations occurred, but the Commission did not adopt the recommendation, and requested the MUR numbers and votes by commissioner name.
 - a. Please provided an updated figure in the response and an updated chart, if there are any updates, since the Commission's June 16, 2023, response.
 - b. Additionally, in a separate chart, please identify the matters included in the response to question 5.a in which a vote occurred since quorum was restored in December 2020. Please provide the MUR numbers and votes by commissioner name.
6. Questions 14 and 15 from the Committee's May 24, 2023, letter asked about "deadlocked" votes. Please share updated information, if any, for those responses.
7. Question 27 from the Committee's May 24, 2023, letter asked about the enforcement matters filed with the Commission that involve former President Trump, his committees, or his family members.
 - a. Please provide any updates to those figures, if any.
 - 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.
 - c. The Committee's May 24, 2023, letter also asked the Commission to list each MUR number, name, identify OGC's recommendations, and how the Commission voted, and to provide votes by commissioner name. The Commission provided the material in two separate attachments. For the updated response, please provided the material in a single chart.
 - 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.

³ *Bluman v. Fed. Election Comm'n*, 800 F. Supp. 2d 281 (D.D.C. 2011), *aff'd* 132 S. Ct. 1087 (2012).

8. The Committee's May 24, 2023, letter asked several data-specific questions about the enforcement and policy-making work of the Commission. The Commission is invited to provide any updated figures in response to those questions, as well.
9. Please share with the Committee the last two status reports for each division that prepares such reports.