



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

OFFICE OF THE COMMISSIONER ANN M. RAVEL

### **PRESS STATEMENT OF COMMISSIONER ANN M. RAVEL**

The Press Statement by Chairman Petersen and Commissioners Hunter and Goodman to NBC-4 is another lesson in the obfuscation that has marked their tenure on the Commission.

Their statistics are deeply misleading. To bolster their position that the “FEC is functioning effectively,” they write that hundreds of the Commission’s certified votes this year have been unanimous or otherwise reflect bipartisan agreement. What they failed to say is that many of the certified votes that they counted were routine administrative or ministerial matters. For example:

- **Dozens of the unanimous votes that Commissioners Petersen, Hunter and Goodman counted deal exclusively with personnel issues such as promotions, staff salaries, and extensions of temporary appointments.** Many of these temporary appointments are necessary because so many positions that would otherwise be filled permanently are vacant —such as the positions of General Counsel and Chief Financial Officer. The FEC’s nonpartisan Inspector General wrote in July that the agency’s failure to fill management positions with permanent hires is one of the root causes of the agency’s low employee morale.<sup>1</sup>
- **Another 20 votes indicate approval of the minutes from previous meetings.** This is hardly deserving of a trophy for being functional.
- **51 of the votes this year were noncontroversial matters related to the agency’s “Administrative Fine Program,”** which calculates pre-established fines when political committees are late in filing their reports or fail to file reports entirely. Fines are usually quite modest. For example, the average administrative fine amount in 2015 was \$1,791 – compared to \$24,755 for more complex matters that are not part of the program.<sup>2</sup>

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<sup>1</sup> FEDERAL ELECTION COMMISSION, OFFICE OF INSPECTOR GENERAL, ROOT CAUSES OF LOW EMPLOYEE MORALE STUDY, ASSIGNMENT NO. OIG-15-06 (July 2016), available at <http://www.fec.gov/fecig/documents/RootCausesofLowEmployeeMoraleStudy-FinalReport-OIG-15-06.pdf>.

<sup>2</sup> Federal Election Commission, FEC Enforcement Statistics 1977-2016 (updated Aug. 18, 2016), <http://www.fec.gov/press/bkgnd/EnforcementStatistics.shtml>.

- **21 of the votes authorized publication of the names of Committees that failed to file reports with the Commission.** Federal law requires the agency to publish the names of non-compliant committees in certain circumstances.<sup>3</sup> These are not close calls.

Some votes were indeed bipartisan—dismissing matters that were frivolous, or unsubstantiated. However, deadlocked votes are on the increase, according to outside observers. For example, the Congressional Research Service found that in 2014, commissioners deadlocked on 24.4% of closed enforcement matters – nearly double the 13% it found in 2008-2009.<sup>4</sup>

But the mere number of deadlocked votes is not alone indicative of their strategy of delay and obstruction. They routinely hold matters over to later meetings and delay votes as a means to “decide not to decide.” On other matters of consequence, Commissioners Petersen, Hunter and Goodman often vote to reject the recommendations of the agency’s nonpartisan Office of General Counsel to enforce the law.

They have routinely blocked the agency from even *beginning* investigations in response to serious allegations of campaign finance violations over the past year, including complaints about anonymous campaign money funneled through sham corporate and nonprofit entities to hide donors, coercion in the workplace, and the personal use of campaign funds. Many of the violations taking place in the current election cycle will be delayed for years, if they are addressed by the Commission at all.

And of course, the numbers as presented by Commissioners Petersen, Hunter and Goodman do not account for their unwillingness to update a single one of the Commission’s rules governing the disclosure of money to influence campaigns after *Citizens United*. In the wake of that decision in 2010, political operatives and others have pumped more than \$680 million in dark money into campaigns from undisclosed sources.<sup>5</sup> This is occurring in spite of the Court’s language that disclosure is important to further basic democratic values of transparency and accountability.

Outside observers are well aware of the Commission’s dysfunction. In May, a well-known campaign finance attorney whose prominent firm represents candidates and political parties told the *Washington Post* that “we are in an environment in which there has been virtually no enforcement of the campaign finance laws.”<sup>6</sup> A previous commissioner told an audience at the

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<sup>3</sup> 52 U.S.C. §30109(b).

<sup>4</sup> R. SAM GARRETT, THE FEDERAL ELECTION COMMISSION: ENFORCEMENT PROCESS AND SELECTED ISSUES FOR CONGRESS, CONGRESSIONAL RESEARCH SERVICE (Dec. 22, 2015), available at <https://www.fas.org/sgp/crs/misc/R44319.pdf>.

<sup>5</sup> Center for Responsive Politics, Outside Spending by Non-Disclosing Groups, <https://www.opensecrets.org/outsidespending/disclosure.php?range=tot> (last accessed Sept. 8, 2016).

<sup>6</sup> Matea Gold, *Trump’s Deal With the RNC Shows How Big Money is Flowing Back to the Parties*, WASH. POST, May 18, 2016, available at [https://www.washingtonpost.com/politics/trumps-deal-with-the-rnc-shows-how-big-money-is-flowing-back-to-the-parties/2016/05/18/4d84e14a-1d11-11e6-b6e0-c53b7ef63b45\\_story.html](https://www.washingtonpost.com/politics/trumps-deal-with-the-rnc-shows-how-big-money-is-flowing-back-to-the-parties/2016/05/18/4d84e14a-1d11-11e6-b6e0-c53b7ef63b45_story.html).

University of Virginia School of Law several years ago that he would “plead guilty as charged” to “not enforcing the law as Congress passed it.”<sup>7</sup>

Sometimes, the commissioners favoring inaction are transparent about their motivations. Last year, Commissioner Goodman said from the dais that he “come[s] at this more for the rights of respondents,” and would oppose efforts that might affect his “discretion,” such as policies to provide general timelines for taking action on enforcement matters.<sup>8</sup> This undermines our campaign finance laws and the purpose of the agency.

The American people are entitled to a Federal Election Commission that does its job to protect the integrity of our elections. The hundreds of employees that come to work at the agency every day are admirably working to fulfill this mission. I intend to continue doing my part to ensure the same.

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<sup>7</sup> Michael Beckel, *Federal Election Commissioner Donald McGahn Criticizes ‘Overreach’ of Campaign Finance Regulations*, OPEN SECRETS BLOG, Mar. 21, 2011, <http://www.opensecrets.org/news/2011/03/federal-election-commissioner-donald-mcgahn-criticizes-overreach/>.

<sup>8</sup> Paul S. Ryan, *Republican FEC Commissioner Admittedly Blocking Complaints Against Republicans*, Op-Ed, THE HILL, June 4, 2015, <http://thehill.com/blogs/congress-blog/campaign/243828-republican-fec-commissioner-admittedly-blocking-complaints>.