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House of Representatives

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ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

August 26, 2019

FEC Commissioners
Federal Election Commission
1050 First Street NE
Washington, D.C. 20463

Dear Commissioners Weintraub, Petersen, Hunter and Walther:

The Committee on House Administration Republicans are committed to ensuring the 2020 election cycle is as safe, fair, and trusted as any in our country's history. The Federal Election Commission (FEC), as the entity responsible for administering campaign finance law, has played and continues to play a central role in this shared responsibility. Additionally, we must remain vigilant against unintended overreach and infringement upon the First Amendment, consistent with the mission of the Commission and its regulatory authority. As the country prepares for the upcoming primary and general election season, we look forward to an open and collaborative dialogue.

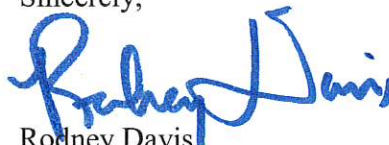
I would also like to take this opportunity to commend the Commission on appointing an Inspector General (IG) as well as taking important steps in addressing the Office of Inspector General's (OIG) 2016 Morale Study. One point from the 2016 study that I personally found concerning was:

“Actions and statements Commissioners make to each other are often perceived by employees as signs of a partisan culture that is too often negative, unpleasant, and adversarial. This tone, in turn, affects how employees feel about their own jobs.”

Recently, I believe this tone of partisanship has been amplified by some at the Commission. While members of the Commission have long had principled disagreements over difficult legal questions impacting core First Amendment rights, partisan attacks only serve to undermine your work and the work of the entire Commission staff. Additionally, while some maintain the structure of the Commission needs to be changed to gain a political advantage, I stand firm in my position that the current structure continues serve as a safeguard against infringement on the First Amendment, as was originally intended.

Below are questions for the Commission, please remit your responses by September 20, 2019.

Sincerely,



Rodney Davis
Ranking Member

RD/cf

1. The stated mission of the Commission is "To protect the integrity of the federal campaign finance process by providing transparency and fairly enforcing and administering federal campaign finance laws." However, it has been asserted that this seemingly straightforward mission can be read to include issues of election administration.
 - a. Do you believe the Commission has the legislative and/or regulatory authority over the administration of elections?
 - i. If yes, please identify where that authority exists.
 - b. Does the FEC have the resources necessary to assist states in their administration of elections?
 - c. Please describe any and all election administration experience. Each Commissioner is invited to answer this question separately.
2. 5 C.F.R. §2635.704 states that Commissioners have a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes. Property in this context includes, official time, official resources, use of Commission staff, and the use of Commission letterhead.
 - a. Would authorized purposes include casting doubt, in an official capacity, on the validity of a federal election?
 - b. Would authorized purposes include publicly supporting or opposing a candidate, in an official capacity, based on positions held on campaign finance and/or election security legislation?
 - c. Would authorized purposes include rebutting, in an official capacity, statements made by candidates for office on topics related to election administration and/or election security?
 - d. Would authorized purposes include rebutting, in an official capacity, statements made by federal office holders on topics related to election administration and/or election security?
 - e. Would authorized purposes include asking for candidates or federal office holders to release information to the public other than reports or documents that are required by law to be filed with the Commission?
3. The Commission is charged with certain investigatory responsibilities, please provide an outline and examples of these responsibilities.
 - a. In cases of voter fraud, who would be the appropriate investigatory entity?
 - b. What resources does the Commission have in place to investigate allegations of voter fraud?
 - c. Outside of federal campaign finance law, please describe all areas of law the Commission believes it would have investigatory power over.
 - d. Please include separately any and all examples of individual Commissioners, in their official capacity, calling for the public disclosure of information from candidates for federal office, or from federal office holders, since 2013.
4. One of the primary roles of the FEC is to educate the public on Campaign finance law and regulations thereby promoting voluntary compliance, to this end:
 - a. Please provide a comprehensive list of ways the Commission is carrying out this requirement.
 - b. Does this requirement for public education require official travel by Commissioners and staff?
 - i. If yes, please identify all official domestic travel taken and travel costs (including amounts) incurred by all Commissioners and Commission staff that have served or continue to serve since 2013 that was paid for by the Commission.
 - ii. If yes, please identify all official domestic travel taken and travel-related expenses incurred by all Commissioners and Commission staff that have served or continue to serve since 2013 that was paid for by private organizations (including sources and amounts).
 - iii. Separately, please identify all official international travel taken and travel-related expenses (including amounts) incurred by either the Commissioners or staff since 2013 that was paid for by the Commission.

- iv. Separately, please identify all official international travel taken and travel-related expenses incurred by either the Commissioners or staff since 2013 that was paid for by a foreign government or other foreign national, as defined by 52 U.S.C. § 30121(b) (including sources and amounts).
 - v. Was any domestic or international travel by Commissioners or Commission staff in their official capacity not related to the FEC's role of educating the public on campaign finance law and regulations and promoting voluntary compliance? If not, please explain the purposes of such travel.
- c. Is there a policy or other procedure at the FEC to establish travel budgets for each Commissioner and staff?