

March 1, 2016

Dear Senator,

Our reform groups support and urge you to cosponsor the Federal Election Administration Act being introduced today by Senator Tom Udall (D-NM) and thereby help to start the process of addressing one of the most important campaign finance problems facing the country today.

Our groups include the Campaign Legal Center, Common Cause, Democracy 21, Issue One, People For the American Way, Public Citizen, Rootstrickers and U.S. PIRG.

The Federal Election Commission is a failed, dysfunctional agency that does not enforce or properly interpret the nation's campaign finance laws.

As a result, campaigns, political operatives, parties and independent spenders know they can operate with impunity and without consequences for campaign finance violations. This has created the modern political equivalent of the Wild West without a sheriff. It also means that any new campaign finance laws that are enacted will face the same problem of being undermined by the FEC's failure to enforce the laws as the current laws.

The Act provides a framework and the basis for developing a new legislative approach for properly enforcing and interpreting the campaign finance laws.

The Act would create a new independent agency to replace the FEC, designed to overcome the inherent structural problems of the FEC. The current staff of the FEC would move to the new agency, but new leaders would be appointed to head the FEA.

The five-member FEA will consist of a chairman and four other members, all of whom are to be appointed by the president, with the advice and consent of the Senate. (Currently the FEC consists of six members.) The Act provides that individuals who are or have been members of the FEC subject to a term limit are not eligible to be appointed to the new agency.

The FEA chairman will serve a term of ten years and will have broad powers to manage and administer the agency. The four other members will serve staggered six year terms. No more than two members of the agency can be from the same political party. Members of the FEA are not eligible for reappointment (unless originally appointed to fill a vacancy for less than half of an unexpired term) and may be removed from office by the president only for inefficiency, neglect of duty or malfeasance in office.

The legislation would establish a blue ribbon advisory panel to recommend to the president at least one, but not more than three individuals for appointment to the FEA. The panel would

consist of an odd number of individuals selected by the president from retired Federal judges, former law enforcement officials, or individuals with experience in election law.

The new agency would use impartial administrative law judges to hear and decide campaign finance enforcement proceedings, an approach currently used by a number of other enforcement agencies to help provide for independent, impartial decisions, but not currently used by the FEC.

The new agency would have real enforcement powers, including the power to find that violations of law have occurred and to directly impose civil penalties. These are enforcement powers available to other federal agencies, but not available to the FEC.

The legislation addresses major reasons for the failure of the current FEC, including the ineffectual structure and cumbersome procedures of the Commission, the politicization of the appointment of commissioners, the lack of effective enforcement powers and the denial of adequate resources for the agency.

We urge you to support and cosponsor the Act and begin the process of establishing a new, effective enforcement body to oversee the nation's campaign finance laws.

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