

## **The FEC, Created In 1975 To Enforce Campaign Finance Law, Has Faced Consistent Challenges Since The 1990's And Today Is Struggling To Punish Campaigns That Violate The Law**

The FEC was founded in 1975 as the federal agency charged to enforce “the federal campaign finance law” with a structure to prevent partisanship.

### **The Federal Election Commission (FEC) opened its doors in 1975 following “reports of serious financial abuses in the 1972 presidential campaign.”**

The Federal Election Commission (FEC) was established in law in 1974 and opened its doors in 1975. “Congress amended the Federal Election Campaign Act in 1974 to set limits on contributions by individuals, political parties and PACs. The 1974 amendments also established an independent agency, the FEC. The FEC opened its doors in 1975.” [FEC.gov, accessed [9/14/23](#)]

Attempts to ban corporate contributions for political purposes can be traced back as far as 1905, but real change occurred “following reports of serious financial abuses in the 1972 presidential campaign.” “As early as 1905, President Theodore Roosevelt recognized the need for campaign finance reform and called for legislation to ban corporate contributions for political purposes. [...] Following reports of serious financial abuses in the 1972 presidential campaign, Congress amended the Federal Election Campaign Act in 1974 to set limits on contributions by individuals, political parties and PACs.” [FEC.gov, accessed [9/14/23](#)]

### **The FEC “is the independent regulatory agency charged with administering and enforcing the federal campaign finance law.”**

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The FEC has jurisdiction over “the financing of campaigns for the U.S. House, Senate, Presidency and the Vice Presidency.” “The FEC has jurisdiction over the financing of campaigns for the U.S. House, Senate, Presidency and the Vice Presidency.” [FEC.gov, accessed [9/14/23](#)]

**The FEC’s structure of six commissioners, with no single party having more than three commissioners, aimed “to encourage nonpartisan decisions,” but “the evenly split commission often cannot agree” on even simple matters.**

The FEC is “led by six commissioners,” and “by law, no more than three commissioners can represent the same political party.” “The FEC is an independent, regulatory agency with more than 300 employees. It’s led by six Commissioners. [...] By law, no more than three Commissioners can represent the same political party, and at least four votes are required for any official Commission action.” [FEC.gov, accessed [9/14/23](#)]

**A requirement of four votes for any commission action “was created to encourage nonpartisan decisions.”** “By law, no more than three Commissioners can represent the same political party, and at least four votes are required for any official Commission action. This structure was created to encourage nonpartisan decisions.” [FEC.gov, accessed [9/14/23](#)]

**With the four-vote requirement, “the evenly split commission often cannot agree even on personnel and other administrative matters, with critical posts often sitting vacant for years.”** “Today, that rarely happens on matters of significance. By long-standing practice, FEC commissioners are usually handpicked by Democratic and Republican leaders in Congress, who increasingly disagree not only about the need for new reforms but also about how to interpret existing laws. The evenly split Commission often cannot agree even on personnel and other administrative matters, with critical posts often sitting vacant for years.” [Brennan Center, [4/30/19](#)]

**In the early 1990’s, House Minority Whip Newt Gingrich began to test the boundaries of FEC enforcement through the GOP Action Committee**

**In the 1990’s, House Minority Whip Newt Gingrich began to test the boundaries of election law by using “the GOP Action Committee, known as GOPAC” to try to “indirectly influence” federal elections despite failing to meet “registration and disclosure requirements for political committees.”**

**In 1989, Newt Gingrich became the House Minority Whip.** “Interested in politics since he was a young man, Gingrich joined the Republican Party and made two unsuccessful runs for the Congress of the United States in 1974 and 1976. He was elected to the U.S. House as a representative for Georgia in 1978 on a conservative platform advocating lower taxes. [...] In 1989, when Wyoming representative Dick Cheney became secretary of defense, Gingrich succeeded Cheney as House minority whip.” [PBS, accessed [9/14/23](#)]

**Gingrich “took control of a group called GOPAC” which he used to send out “cassette tapes and memos to Republican candidates across the country” to create “a new vocabulary for a generation of conservatives.”** “Rather than letting the party bosses in Washington decide which candidates deserved institutional support, he took control of a group called gopac and used it to recruit and train an army of mini-Newts to run for office. [...] Through gopac, he sent out cassette tapes and memos to Republican

candidates across the country who wanted to ‘speak like Newt,’ providing them with carefully honed attack lines and creating, quite literally, a new vocabulary for a generation of conservatives.” [The Atlantic, [10/17/18](#)]

**In 1990, Gingrich was general chairman of GOPAC when “the organization was not registered with the government to finance federal election campaigns.”** “Gingrich was general chairman of GOPAC in 1990, a time when the organization was not registered with the government to finance federal election campaigns.” [The Spokesman-Review, [12/1/95](#)]

**In 1989-90, GOPAC distributed “materials [...] for Republican candidates, including federal candidates” and made contributions to state and local candidates GOPAC hoped would “indirectly influence the election of other candidates, including federal candidates, on the Republican ticket.”** “The court said that although this mission statement had as its ultimate objective the election of Republican candidates to the U.S. House of Representatives, GOPAC's direct support in 1989 and 1990 was for state and local candidates and not for any federal candidates. GOPAC did develop and distribute materials espousing a set of ideas for Republican candidates, including federal candidates. GOPAC also targeted cash contributions to local and state candidates in areas where it hoped this support might indirectly influence the election of other candidates, including federal candidates, on the Republican ticket.” [FEC.gov, accessed [9/14/23](#)]

**In the 1989-90 election cycle, the FEC alleged GOPAC spent “at least \$250,000 for consultants’ salaries, travel costs” and other costs to reelect Newt Gingrich.** “But U.S. District Judge Louis F. Oberdorfer concurred with GOPAC’s claim that it had directly assisted only state and local candidates and therefore was not a federal political action committee. The judge also rejected the election watchdog agency’s assertion that GOPAC spent at least \$250,000 for consultants’ salaries, travel costs and other “Newt support” in 1990 to reelect the Georgia Republican.” [The Los Angeles Times, [3/1/96](#)]

**In 1994, the FEC filed a lawsuit against GOPAC after an investigation found “probable cause” to believe that GOPAC qualified as a political action committee and “failed to abide by the [Federal Election Campaign] Act's registration and disclosure requirements for political committees.”** “Following an investigation into an administrative complaint filed by the Democratic Congressional Campaign Committee in September 1990, the FEC found probable cause to believe that in 1989 GOPAC qualified as a political committee under the Act, and that, until 1991, GOPAC failed to abide by the Act's registration and disclosure requirements for political committees. [...] The FEC was unable to reach a conciliation agreement with GOPAC and filed this lawsuit on April 14, 1994.” [FEC.gov, accessed [9/14/23](#)]

**In 1996, a federal judge dismissed the lawsuit, but one critic said the decision “raises more questions than it answers” and questioned if the money spent to support Gingrich was not a political contribution, “then what was it?”** “But U.S. District Judge Louis F. Oberdorfer concurred with GOPAC’s claim that it had directly assisted only state and local candidates and therefore was not a federal political action committee. The judge also rejected the election watchdog agency’s assertion that GOPAC spent at least \$250,000 for consultants’ salaries, travel costs and other “Newt support” in 1990 to reelect the Georgia Republican. [...] In contrast, House Whip David E. Bonior (D-Mich.), Gingrich’s chief ethics nemesis, maintained that Oberdorfer’s decision ‘raises more questions than it answers.’ ‘GOPAC documents make repeated references that \$250,000 a year was spent on Newt support. If this wasn’t a direct contribution to Mr. Gingrich’s reelection campaign, then what was it?’ Bonior asked in a news release.” [The Los Angeles Times, [3/1/96](#)]

**Congress initiated reforms in the early 2000's, but Senate Majority Leader Mitch McConnell used his power to appoint commissioners opposed to action just as the Supreme Court loosened spending limits**

**Following Gingrich's test of what is a federal political action committee, some reforms took place during the early 2000's despite challenges from Senate Majority Leader Mitch McConnell.**

**In 2002, President Bush signed the Bipartisan Campaign Reform Act into law banning unlimited "soft money" donations to political parties.** "In 2002, Congress passed—and President George W. Bush signed—the Bipartisan Campaign Reform Act, which among other reforms banned those unlimited 'soft money' donations to political parties." [The Atlantic, [12/17/13](#)]

**The law was largely upheld by the Supreme Court despite a legal challenge by Senate Majority Leader Mitch McConnell, "a fervent opponent of contribution limits."** "In 2002, Congress passed—and President George W. Bush signed—the Bipartisan Campaign Reform Act, which among other reforms banned those unlimited 'soft money' donations to political parties. The Supreme Court largely upheld the law the following year despite a challenge by Senate Majority Leader Mitch McConnell, a fervent opponent of contribution limits, and like-minded allies." [The Atlantic, [12/17/13](#)]

**McConnell, an opponent of contribution limits, saw an opportunity to hinder the FEC in 2008 by nominating like-minded individuals to all three Republican commissioner spots at the same time.**

**In 2008, following battles over White House nominees during President George W. Bush's second term, Senate Minority Leader Mitch McConnell had the "rare opportunity to fill three [commissioner] slots at once."** "But battles over White House nominees during President George W. Bush's second term had created an unusual situation at the Federal Election Commission in 2008 — four simultaneous vacancies, three reserved for Republicans, one for a Democrat. That presented the Senate's minority leader — Republican Mitch McConnell of Kentucky, a staunch opponent of curbs on campaign spending — with a rare opportunity to fill three slots at once." [The Boston Globe, [7/7/13](#)]

**The Senate confirmed "Republican Don McGahn—a kinetic lawyer and quick-witted rock-band guitar player who abhorred campaign regulations—along with current Republican Commissioners Caroline Hunter and Matthew Petersen " In 2008.** "After a half-year idled by too few commissioners to conduct business in the midst of a presidential election, the parties reached an uneasy pact. The U.S. Senate in mid-2008 then confirmed as commissioners Republican Don McGahn—a kinetic lawyer and quick-witted rock-band guitar player who abhorred campaign regulations—along with current Republican commissioners Caroline Hunter and Matthew Petersen and Democrat-backed Steven Walther, who identifies as an independent." [The Atlantic, [12/17/23](#)]

**The new Republican Commissioners were committed to "the free speech rights of political actors" which extended to "the raising and spending of big money to either promote or lambaste political**

**candidates.**” “The Republicans, led by McGahn, insisted the agency should above all ensure the free speech rights of political actors—rights they believe should include the raising and spending of big money to either promote or lambaste political candidates.” [The Atlantic, [12/17/23](#)]

**Since the 2008 appointment of McConnell’s picks for Republican Commissioners, “finding four votes for anything possessing a whiff of controversy became increasingly rare” leaving “issues that were left in limbo by the deadlocked votes.”** “Come 2008, once the slots were filled, finding four votes for anything possessing a whiff of controversy became increasingly rare. [...] What can’t be disputed, though, are the issues that were left in limbo by the deadlocked votes, regardless of where blame is best directed.” [The Atlantic, [12/17/23](#)]

**The deadlock caused by McConnell’s appointed FEC commissioners came at a time when “federal courts began handing conservatives a string of campaign finance victories that made it easier [...] to directly inject money into political elections.”**

**Following the 2008 appointment of McConnell’s appointed commissioners, “federal courts began handing conservatives a string of campaign finance victories that made it easier for corporations, labor unions and nonprofit groups to directly inject money into political elections.”** “The youthful, lawyerly Republican bloc of McGahn, Hunter, and Petersen arrived at the FEC just as federal courts began handing conservatives a string of campaign finance victories that made it easier for corporations, labor unions and nonprofit groups to directly inject money into political elections. The trio struck up friendships and forged a unified front against campaign-finance-reform overtures they believed would be overly burdensome, such as forcing politically active nonprofit groups to unveil their backers.” [The Atlantic, [12/17/23](#)]

**The string of cases includes the Supreme Court’s 2010 decision in *Citizens United v. FEC*, “which opened elections to unlimited corporate spending.”** “The commission has also been hobbled by internal discord as it responds to the profound changes wrought by the Supreme Court’s *Citizens United* ruling in 2010, which opened elections to unlimited corporate spending.” [The Boston Globe, [7/7/13](#)]

**The *Citizens United* decision facilitated “the creation of so-called super PACs,” and each election cycle began “breaking records with ease, with the bulk of the increase coming from a jump in outside spending.”** “The infamous decision set a precedent that through later rulings would spawn the creation of so-called super PACs, which can accept unlimited contributions from corporations, unions and other groups. [...] Since 2010, each new election cycle is breaking records with ease, with the bulk of the increase coming from a jump in outside spending.” [Open Secrets, [1/21/19](#)]

**The FEC has been slow to respond to the issues of *Citizens United*, with the agency not creating a form to register as a super PAC prior to the 2020 election.** “For example, more than nine years after *Citizens United*, there is still no FEC form for creating a super PAC. Instead, filers must fill out the form for creating a traditional PAC, and then send the FEC a separate letter.” [Brennan Center, [4/30/19](#)]

**In 2022, the FEC created a form to register as a super PAC.** “Super PACs came into existence in 2010 – that’s twelve years ago. They have spent roughly \$5 billion dollars since that time, leaving their mark on six different election cycles. On Thursday morning, the Federal Election Commission finally decided to include them on its registration forms.” [The Institute for Free Speech, [1/13/22](#)]

## **Former President Trump used the gridlock to push the boundaries of campaign finance laws to the extreme...**

### **Former President Trump and the MAGA movement have used FEC gridlock to avoid fines and regulations regarding campaign finance.**

In 2018, The FEC's General Counsel wrote the agency should "find reason to believe" the 2016 campaigns for former President Trump, Senator Ted Cruz, and other GOP-run groups broke the law by using Cambridge Analytica, a foreign-based data analytics firm, to make campaign decisions. "In August, the Federal Election Commission began winding down its investigation into the now-defunct data harvesting company Cambridge Analytica, the firm that worked for Donald Trump's 2016 campaign, Republican Sen. Ted Cruz's campaign for president and other GOP-run groups. [...] The FEC general counsel's first report, in late 2018, said the commission had strong grounds to investigate Cambridge Analytica, at least two company officials, and all the campaigns mentioned in the original complaints, including Trump's, for campaign law violations. The general counsel's initial report specifically advised that the commission 'find reason to believe' that those targeted in the first complaints may have broken the law, a recommendation to launch a larger probe into the alleged illegal behavior by Cambridge Analytica and the campaigns." [CNBC, [11/12/21](#)]

- **Using London-based Cambridge Analytica, a data firm connected to illegal data harvesting, to make campaign decisions is illegal because campaigns cannot "be run by foreigners" or "accept campaign contributions from non-U.S. citizens."** "In August, the Federal Election Commission began winding down its investigation into the now-defunct data harvesting company Cambridge Analytica, the firm that worked for Donald Trump's 2016 campaign, Republican Sen. Ted Cruz's campaign for president and other GOP-run groups. The FEC was investigating whether the company, originally headquartered in London, embedded foreign nationals into Republican campaigns during the 2014 and 2016 U.S. election cycles and whether those people made decisions for political organizations. It is illegal for American campaigns to be run by foreigners or to accept campaign contributions from non-U.S. citizens, and doing so can result in fines or referrals to the Department of Justice." [CNBC, [11/12/21](#)]

**The FEC did not pursue election violation charges against "the Trump campaign, a Republican super PAC that backed him, and Texas Republican Sen. Ted Cruz's campaign" because "the FEC at the time did not have enough commissioners to make up a quorum."** "Shana Broussard and Ellen Weintraub, two Democratic FEC commissioners, said in a joint statement this month that the commission in 2019 voted only to move ahead with finding reason to believe that federal campaign finance laws were broken during the 2014 election cycle. That let the Trump campaign, a Republican super PAC that backed him, and Texas Republican Sen. Ted Cruz's campaign for president virtually off the hook. Weintraub, in an interview with CNBC on Friday, said she was frustrated because the FEC at the time did not have enough commissioners to make up a quorum, which was required in order to proceed with a further investigation." [CNBC, [11/12/21](#)]

**In 2021, the FEC formally dropped a case "into whether former President Donald J. Trump violated election law with a payment of \$130,000" to cover up a romantic affair after FEC commissioners deadlocked.** "The Federal Election Commission said on Thursday that it had formally dropped a case looking



into whether former President Donald J. Trump violated election law with a payment of \$130,000 shortly before the 2016 election to a pornographic-film actress by his personal lawyer at the time, Michael D. Cohen. [...] But the election commission — split evenly between three Republicans and three Democratic-aligned commissioners — declined to proceed in a closed-door meeting in February. Two Republican commissioners voted to dismiss the case while two Democratic commissioners voted to move forward. There was one absence and one Republican recusal.” [The New York Times, [5/6/21](#)]

**In 2022, the FEC announced it would not take action against former President Trump after “commissioners deadlocked over whether his campaign broke the law by masking how it was spending cash during the 2020 campaign.”** “The Federal Election Commission has decided not to take action against former President Donald Trump after commissioners deadlocked over whether his campaign broke the law by masking how it was spending cash during the 2020 campaign.” [AP, [5/16/22](#)]

**In March 2023, a complaint was filed with the FEC alleging Fox News broke election law by sharing “Joe Biden’s campaign ad and debate strategy with Trump adviser Jared Kushner.”** “On Friday, End Citizens United PAC filed a complaint with the FEC arguing that Fox Corp. chair Rupert Murdoch broke the law when he shared Joe Biden’s campaign ad and debate strategy with Trump adviser Jared Kushner.” [[3/3/23](#)]

**... and other extremist candidates were quick to follow in testing the FEC’s capacity to enforce campaign finance law.**

**Extremists, including Thom Tillis, George Santos, Lauren Boebert, and allies of Ron DeSantis have faced FEC complaints, including using campaign funds for personal use.**

**In 2016, The FEC, deadlocked by a partisan divide, announced it would not further investigate whether an organization that spent millions supporting Senator Thom Tillis (NC) “should have disclosed the donors that funded its political ads in 2014 or register as a political committee.”** “The Federal Election Commission announced today that it has deadlocked along party lines on whether to further investigate whether a 501(c)(4) social welfare organization called Carolina Rising should have disclosed the donors that funded its political ads in 2014 or register as a political committee. [...] In the final months of the election, the new group spent almost all of its funds on ads supporting Tillis, then the speaker of the state Senate, in his successful bid to unseat incumbent Democratic Sen. Kay Hagan. On Election Day, Woodhouse went on live TV from the floor of the Tillis victory party, wearing a Tillis hat, saying that his group had spent \$4.7 million to get Tillis elected.” [Open Secrets, [11/18/16](#)]

- **Sen. Thom Tillis (NC) voted against forming a commission to investigate the attack on the Capitol on January 6, 2021.** [Sen. Thom Tillis, [5/20/21](#)]

**In 2023, the Campaign Legal Center filed a complaint to the FEC against Rep. George Santos (NY-3) for a myriad of issues including using campaign funds for personal expenses.** “Per the Campaign Legal Center’s complaint, Santos and his 2022 campaign committee, Devolder-Santos for Congress, stand accused of engaging ‘in a straw donor scheme to knowingly and willfully conceal the true sources of \$705,000 that Santos purported to loan to his campaign; deliberately reporting false disbursement figures on FEC disclosure

reports, among many other reporting violations; and illegally using campaign funds to pay for personal expenses, including rent on a house that Santos lived in during the campaign.” [Los Angeles Blade, [1/10/23](#)]

- **HEADLINE: George Santos, MAGA ‘IT’ Girl** [Intelligencer, [3/2/23](#)]

**The lawyer who brought the Santos complaint believes “the FEC is unlikely to pursue an investigation” because “there are at least 3 commissioners who are ideologically opposed to enforcing campaign finance law.”** “An attorney with the group that filed a complaint to the Federal Election Commission (FEC) on Monday against Republican Rep. George Santos (Ny.) said the FEC is unlikely to pursue an investigation or bring any enforcement action against the congressman or his campaign. ‘There are at least 3 commissioners who are ideologically opposed to enforcing campaign finance law,’ Campaign Legal Center Senior Vice President and Legal Director Adav Noti told The Washington Blade by phone on Tuesday.” [Los Angeles Blade, [1/10/23](#)]

**In January 2023, The Justice Department “Asked The Federal Election Commission To Hold Off On Any Enforcement Action Against George Santos [...] As Prosecutors Conduct A Parallel Criminal Probe.”** “The Justice Department has asked the Federal Election Commission to hold off on any enforcement action against George Santos, the Republican congressman from New York who lied about key aspects of his biography, as prosecutors conduct a parallel criminal probe, according to two people familiar with the request.” [The Washington Post, [1/27/23](#)]

**In May 2023, A “13-Count Indictment” Against Santos Was Unsealed In US District Court, With The US Attorney Who Announced The Charges Saying Santos “Used Political Contributions To Line His Pockets.”** “A 13-count indictment was unsealed today in the United States District Court for the Eastern District of New York charging George Anthony Devolder Santos, better known as “George Santos,” a United States Congressman representing the Third District of New York, with seven counts of wire fraud, three counts of money laundering, one count of theft of public funds, and two counts of making materially false statements to the House of Representatives. [...] ‘This indictment seeks to hold Santos accountable for various alleged fraudulent schemes and brazen misrepresentations,’ stated United States Attorney Peace. ‘He used political contributions to line his pockets, unlawfully applied for unemployment benefits that should have gone to New Yorkers who had lost their jobs due to the pandemic, and lied to the House of Representatives.’” [Department of Justice, [5/10/23](#)]

**In 2022, the FEC dropped a case after a 3-3 deadlocked vote on whether there was reason to believe Rep. Lauren Boebert (CO-3) illegally converted campaign funds to personal use.** “The Commission failed by a vote of 3-3 to: a. Find reason to believe that Lauren Boebert and Lauren Boebert for Congress and Mike McCauley in his official capacity as treasurer violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.2 by converting campaign funds to personal use.” [FEC, [4/12/22](#)]

**Boebert has faced multiple complaints related to campaign finance, including an accusation “she illegally spent \$60,000 on her 2022 campaign.”** “A political action committee advocating against big money in political elections filed a complaint against U.S. Rep. Lauren Boebert that alleges she illegally spent \$60,000 on her 2022 campaign. [...] Boebert has been subject to campaign finance complaints before, one directed to Colorado’s attorney general and another to the FEC, which dismissed it.” [Colorado Newsline, [5/5/23](#)]

- **Boebert “rose to fame as a ‘MAGA’ phenomenon” and “in one of her first days on the job, she voted to overturn the election results” of the 2020 election.** “In her first term in Congress, Lauren



Boebert rose to fame as a 'Maga' phenomenon. [...] Much like her run-in with Mr O'Rourke, Ms Boebert arrived in Congress in January 2021 ready for a fight. In one of her first days on the job, she voted to overturn the election results." [BBC, [12/13/22](#)]

**In 2023, allies of Florida Governor Ron DeSantis are facing a complaint they attempted “to evade campaign finance rules” against using funds for a state election in a federal election by moving nearly \$90 million from a state political committee to a super PAC controlled.** “But a sizable portion of that war chest—around \$86 million of it—is facing scrutiny from campaign finance watchdogs given its origins: a Florida political committee named Friends of Ron DeSantis. In an apparent attempt to evade campaign finance rules barring candidates from using funds raised for a state election to finance a federal campaign, DeSantis' allies reportedly plan to transfer the nearly \$90 million from the Florida committee to Never Back Down, a pro-DeSantis super PAC that is free to raise and spend unlimited sums as long as it does not coordinate directly with any candidate. The ability of Never Back Down to remain entirely independent has been called into doubt given that the organization is led by some of DeSantis' closest friends, including former Nevada Attorney General Adam Laxalt.” [Common Dreams, [5/24/23](#)]

- **Candidates are not permitted to use “funds raised for a state election to finance a federal campaign.”** “In an apparent attempt to evade campaign finance rules barring candidates from using funds raised for a state election to finance a federal campaign, DeSantis' allies reportedly plan to transfer the nearly \$90 million from the Florida committee to Never Back Down, a pro-DeSantis super PAC that is free to raise and spend unlimited sums as long as it does not coordinate directly with any candidate.” [Common Dreams, [5/24/23](#)]

- **A super PAC is “free to raise and spend unlimited sums,” but “an essential, fundamental legal requirement is that they operate independently.”** “In an apparent attempt to evade campaign finance rules barring candidates from using funds raised for a state election to finance a federal campaign, DeSantis' allies reportedly plan to transfer the nearly \$90 million from the Florida committee to Never Back Down, a pro-DeSantis super PAC that is free to raise and spend unlimited sums as long as it does not coordinate directly with any candidate. [...] ‘Although super PACs are permitted to raise and spend unlimited amounts of money, an essential, fundamental legal requirement is that they operate independently,’ said Chlopak.” [Common Dreams, [5/24/23](#)]

- **DeSantis has been labeled “the rising star of the conservative MAGA movement” and a “media-hostile politician who embraces the ultra-conservative tenets of Trumpism.”** “The rising star of the conservative Maga movement – named for Trump’s “make America great again” campaign slogan – has beaten the former president in several recent polls of party activists, some of whom appear to finally be growing weary of Trump’s “big lie” that the 2020 election was stolen. [...] DeSantis, 43, appears to offer everything that the Maga base would want in a candidate, a high-profile yet irascible and media-hostile politician who embraces the ultra-conservative tenets of Trumpism, but without the baggage of Trump’s two impeachments and seven-million vote thumping in the 2020 election after a single term in office. [The Guardian, [6/12/22](#)]

**The FEC is struggling to hold political campaigns accountable as more money than ever is expected to flow into the 2024 election.**

## **As political spending rises higher and higher, the future of the FEC's power to enforce campaign finance laws is at risk.**

**In 2015, the chairwoman of the FEC admitted “the likelihood of the laws being enforced is slim,” and she had “given up hope of reining in abuses in the 2016 presidential campaign.”** “The leader of the Federal Election Commission, the agency charged with regulating the way political money is raised and spent, says she has largely given up hope of reining in abuses in the 2016 presidential campaign, which could generate a record \$10 billion in spending. ‘The likelihood of the laws being enforced is slim,’ Ann M. Ravel, the chairwoman, said in an interview. ‘I never want to give up, but I’m not under any illusions. People think the F.E.C. is dysfunctional. It’s worse than dysfunctional.’” [The New York Times, [5/2/15](#)]

**In May 2019, the FEC had a backlog of nearly three hundred cases, with many set to hit the statute of limitations for punishment, and the agency admitted it had not penalized any illegal coordination between campaigns and outside political groups since 2010.** “As of May, the F.E.C. had a backlog of nearly three hundred cases, some dating back to 2012, forty-five of which were on the cusp of a five-year statute of limitations that will toss them off the docket. This spring, the F.E.C. acknowledged, in a letter to the chair of the House Administration Committee, Representative Zoe Lofgren, a Democrat from California, that it had not penalized any illegal coordination between campaigns and outside political groups since the Supreme Court’s 2010 landmark ruling in Citizens United v. F.E.C.” [The New Yorker, [9/29/19](#)]

**In a 2018 Letter, the Bipartisan Reformers Caucus warned former President Trump, a lack of FEC enforcement “hurts honest candidates who are trying to follow the letter of the law and robs the American people of an electoral process with integrity.”** “Today Rep. Mike Gallagher called on President Trump to fully staff the Federal Election Commission (FEC) in a letter he and other House members of the Bipartisan Reformers Caucus sent to the White House. [...] With two empty seats and one other hanging in the balance, the prospect of a shutdown looms over the Commission just as the 2018 election cycle approaches. Without a functioning FEC, there will be no federal agency overseeing violations of campaign finance law during the 2018 elections. This hurts honest candidates who are trying to follow the letter of the law and robs the American people of an electoral process with integrity.” [Office of Rep. Gallagher, [2/15/18](#)]

**In July 2023, House Republicans introduced the American Confidence In Elections (ACE) Act, which included provisions to “repeal many of the remaining fundraising limits on political party organizations” and “make campaign money even harder to track.”** “The ACE Act also contains harmful campaign finance provisions. For instance, it would repeal many of the remaining fundraising limits on political party organizations, which are already able to raise nearly \$2 million per donor in contributions. It would also make campaign money even harder to track by, for example, eliminating certain disclosure requirements for groups that run campaign ads but have not registered as PACs (which the Federal Election Commission rarely compels groups to do).” [Brennan Center, [7/13/23](#)]

**The 2024 election cycle is “projected to be the most expensive to date,” and more than \$10 billion could be spent on political ad spending alone.** “The 2024 election cycle is projected to be the most expensive to date, with anticipated ad spending of \$10.2 billion across all platforms.” [CNN, [9/12/23](#)]

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