

## **Restoring Integrity to America's Elections**

Senators Udall and Van Hollen are excited to introduce the Restoring Integrity to America's Elections Act, a bill that will revitalize the Federal Election Commission (FEC) by breaking the deadlock of its leadership structure and strengthening its enforcement actions through faster and more efficient processes. In the past decade the number of enforcement actions and penalties levied against campaign finance violations has dropped to a fraction of its previous efforts. In 2006 enforcement was robust and the FEC collected over \$5 million in civil penalties, but a decade later enforcement and collection of penalties plummeted to only \$600,000. The Restoring Integrity to America's Elections Act will restructure the FEC and restore its role as an effective and timely enforcer of campaign finance regulations.

The FEC has increasingly become deadlocked on critically important decisions because of the even partisan divide of its six commissioners. In 2016, nearly 40% of regular enforcement cases deadlocked, compared to 4.2% in 2006. Worse yet, those votes that did not deadlock were nearly all housekeeping matters or minor violations.

Under the Restoring Integrity to America's Elections Act:

- The number of appointed commissioners would be reduced from six to five, with two members from each major party and one independent. This change would bring the FEC more in line with how most other independent agencies are structured and end deadlock, while ensuring the president's party would not hold the majority.
- A Blue-Ribbon Advisory Panel, convened by the president, will recommend individuals for appointment to the Commission.

Today, the FEC acts far too slowly in enforcing campaign finance violations. It can often take years to determine whether an investigation should even begin after a potential violation has occurred.

- The Restoring Integrity to America's Elections Act streamlines the FEC's enforcement processes while maintaining safeguards to protect the rights of alleged violators. Upon the filing of a complaint, the FEC's general counsel is given authority to determine whether there is reason to believe a violation has occurred, and that determination will stand unless a majority of the Commission votes to overrule the general counsel within 30 days. If a reason to believe determination is made, the FEC investigates the matter and the Commissioners decide whether a violation has occurred.
- In cases where the agency fails to act on a complaint within one year of its filing, the Act allows the complainant to seek judicial review in the district court for the District of Columbia of whether the failure to act is contrary to law.
- The Act also makes permanent the FEC's authority to impose administrative penalties for certain violations of the law.