

Congress of the United States
House of Representatives
Washington, DC 20515-2003

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May 3, 2023

Dara Lindenbaum
Chairwoman
Federal Election Commission
1050 First Street NE
Washington, DC 20463

Dear Chairwoman Lindenbaum:

As you know, under the Federal Election Campaign Act, the Federal Election Commission (FEC) may conduct an audit of a political committee that does not receive public funds if its disclosure reports indicate the committee may not have met the threshold requirements for substantial compliance with the law. In such instances, the agency routinely seeks a variety of relevant documents and audited entities are afforded the opportunity to provide additional information or dispute factual or legal issues under review. While this may result in extensive deliberations of individual cases, it is critical that any measures to streamline this process not sacrifice its purpose of ensuring all entities play by the rules and that there is sufficient transparency.

For these reasons, I urge the Commission to exercise care in its consideration and potential adoption of the new audit procedures that were proposed at its May 4, 2023, meeting, including any proposed departure from the routine pursuit of documents regarding communications and independent expenditures. A narrowing of the scope of FEC audits could constrain the Commission's ability to appropriately shed light on all relevant issues and ensure that the public has accurate information about who is financing campaigns and how.

I am also concerned about the process by which the Commission has considered revisions to the audit process. At your February 14th hearing, there was no discussion of any specific proposals and it was not until late last week that the Commission published the text of proposals to significantly revise its audit processes and accompanying legal review processes. Before the Commission votes on adoption of these revisions, it would benefit -- as would the public's confidence in the process -- from the opportunity for meaningful public comment where regulated entities, other stakeholders and the general public have adequate time to review the proposed changes and provide feedback.

Thank you for your consideration.

Sincerely,



John P. Sarbanes
Member of Congress