

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

PETER BERNEGGER,

Plaintiff,

V.

FEDERAL ELECTION COMMITTEE.

Defendant.

Civ. No. 25-106 (APM)

NOTICE OF LACK OF QUORUM

**DEFENDANT FEDERAL ELECTION COMMISSION'S  
NOTICE OF LACK OF QUORUM**

1. Defendant Federal Election Commission (“FEC” or “Commission”) submits this Notice to the Complaint for Declaratory and Injunctive Relief filed by *pro se* plaintiff Peter Bernegger, in which plaintiff challenges the FEC’s alleged delay in acting on an administrative complaint under 52 U.S.C. § 30109(a)(8)(A) of the Federal Election Campaign Act (“FECA”).

2. FECA provides for six voting Commissioners, 52 U.S.C. § 30106(a). On April 30, 2025, former Commissioner Allen Dickerson resigned from the FEC upon the expiration of his term. This resignation left the Commission with only three Commissioners.<sup>1</sup>

3. The authority for the Commission to conduct an investigation on an administrative matter or defend a civil action brought under 52 U.S.C. § 30109(a)(8)(A) requires the affirmative votes of four members of the Commission. 52 U.S.C § 30107(a)(6); *see also* 52

<sup>1</sup> See Statement of Allen J. Dickerson Upon the Conclusion of his Term (Apr. 30, 2025), *available at* <https://www.fec.gov/resources/cms-content/documents/Statement-Commissioner-Allen-J-Dickerson-Upon-Conclusion-of-Term.pdf>. On October 3, 2025, former Commissioner James E. “Trey” Trainor resigned from the FEC, leaving the Commission with only two Commissioners. See <https://www.washingtonexaminer.com/news/washington-secrets/3823999/trey-trainor-resigns-fec-2026-elections/>.

U.S.C. § 30106(c). Thus, as of May 1, 2025, the Commission is without a quorum and unable to authorize defense of this action.

4. This notice is given for the sole purpose of notifying the Court that the Commission lacks a quorum and is without the authority to litigate the merits of plaintiff's Complaint.<sup>2</sup>

Respectfully submitted,

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January 29, 2026

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<sup>2</sup> As of January 22, 2026, this plaintiff has filed three additional lawsuits alleging the Commission's failure to act on administrative complaints. *Bernegger v. FEC*, 25-4072 (D.D.C.); *Bernegger v. FEC*, 25-4559 (D.D.C.); and *Bernegger v. FEC*, 25-4563 (D.D.C.). The FEC is filing Notices in each of the cases in which it has been served.