

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER BERNEGGER,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Case: 1:26-cv-02194

Assigned To : Cobb, Jia M.

Assign. Date : 6/22/2026

Description: Pro Se Gen. Civ. (F-DECK)

COMPLAINT FOR DECLARATORY
RELIEF AND CONFORMANCE ORDER

**COMPLAINT FOR DECLARATORY RELIEF AND CONFORMANCE ORDER
UNDER 52 U.S.C. § 30109(a)(8)**

PRELIMINARY STATEMENT

Plaintiff Peter Bernegger brings this action under the Federal Election Campaign Act of 1971, as amended (“FECA”), 52 U.S.C. § 30109(a)(8)(A) and (C). This is the predicate, contrary-to-law action against the Federal Election Commission (“FEC” or “Commission”) seeking judicial review of the Commission’s alleged failure to take a cognizable enforcement step on Plaintiff’s sworn administrative complaint concerning Warnock for Georgia (FEC Committee ID C00736876), Warnock Victory Fund (FEC Committee ID C00740597), and their respective treasurers, Christopher Koob and Steven Mele, in their official capacities. The Commission received Plaintiff’s administrative complaint on or about December 30, 2025. More than 120 days have since elapsed, satisfying the statutory prerequisite to suit. Plaintiff does not contend that the mere passage of 120 days establishes illegality; rather, for the reasons alleged below, the Commission’s continued failure to take any cognizable enforcement step has become unreasonable and contrary

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to law under the governing rule-of-reason factors, a circumstance aggravated by the Commission's present lack of a quorum.

I. NATURE OF THE ACTION

1. This is a contrary-to-law action under 52 U.S.C. § 30109(a)(8)(A) and (C), which permits “[a]ny party aggrieved by . . . a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed” to file a petition in this Court. This predicate action tests the Commission's alleged inaction; it is not a citizen suit against the persons named as respondents in the administrative complaint. A later action against those respondents becomes available only if this Court declares the Commission's failure to act contrary to law, directs the Commission to conform within thirty (30) days, and the Commission fails to conform. 52 U.S.C. § 30109(a)(8)(C).

2. Plaintiff seeks (a) a declaration that the Commission's continued failure to take a cognizable enforcement step on Plaintiff's administrative complaint is contrary to law under 52 U.S.C. § 30109(a)(8)(C); and (b) an order directing the Commission to conform with that declaration within thirty (30) days by conducting a reason-to-believe vote or taking another cognizable enforcement step.

II. JURISDICTION AND VENUE

3. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331. Sections 30109(a)(8)(A) and (C) supply Plaintiff's cause of action and authorize declaratory and conformance relief; their prerequisites are nonjurisdictional. See *Campaign Legal Center v. 45Committee, Inc.*, No. 23-7040 (D.C. Cir. Oct. 8, 2024).

4. Declaratory relief is authorized by the Declaratory Judgment Act, 28 U.S.C. § 2201, which is a remedial statute and not an independent cause of action.

5. This action is properly and exclusively brought in this Court because 52 U.S.C. § 30109(a)(8)(A) requires a contrary-to-law petition to be filed in the United States District Court for the District of Columbia. Venue is also proper under 28 U.S.C. § 1391(e)(1) because Defendant is an agency of the United States headquartered in this District.

III. PARTIES

6. Plaintiff Peter Bernegger is a citizen of the United States and a registered voter residing at 1806 Brynwood Trace, New London, Wisconsin 54961. Plaintiff filed the underlying administrative complaint with the Commission and is a “party aggrieved” within the meaning of 52 U.S.C. § 30109(a)(8). See *FEC v. Akins*, 524 U.S. 11, 19–26 (1998).

7. Defendant Federal Election Commission is an independent agency of the United States Government established by FECA, 52 U.S.C. § 30106, and is responsible for administering, interpreting, and civilly enforcing FECA. The Commission’s principal office is located at 1050 First Street, NE, Washington, D.C. 20463. The Commission is the sole defendant.

8. The persons named as respondents in the underlying administrative complaint—Warnock for Georgia (FEC Committee ID C00736876), the principal campaign committee of Senator Raphael G. Warnock; Warnock Victory Fund (FEC Committee ID C00740597), an associated joint fundraising committee; Christopher Koob, Treasurer of Warnock for Georgia, in his official capacity; and Steven Mele, Treasurer of Warnock Victory Fund, in his official capacity—are the subjects of the administrative complaint and are not defendants in this action.

IV. STANDING

9. Plaintiff has suffered a concrete and particularized informational injury. Plaintiff lacks access to specific factual information that, under his view of FECA, is required to be publicly disclosed, including: the identities of the persons who allegedly supplied the actual funds for contributions reported under the names of nominal contributors; the dates and amounts attributable to each alleged true source; required occupation and employer information; and any reattribution, refund, or corrected-reporting information. Existing FEC reports identify only the nominal contributors and therefore do not disclose the alleged true-source information. See *FEC v. Akins*, 524 U.S. 11, 21 (1998).

10. Plaintiff regularly obtains, analyzes, and publishes federal campaign-finance disclosures through Election Watch (electionwatch.info), and communicates the results of those analyses to the public and to voters. Plaintiff would use the missing or corrected information for those same purposes, including evaluating candidates and committees and deciding how to participate in elections, including how to vote.

11. The Commission's continued failure to engage with the administrative complaint prolongs Plaintiff's inability to obtain that information. The relief requested here could lead to Commission action, including investigation, corrective reporting, amended reports, or other additional disclosures, and would therefore redress Plaintiff's informational injury.

V. STATUTORY AND REGULATORY FRAMEWORK

12. Under 52 U.S.C. § 30109(a)(1), “[a]ny person who believes a violation of this Act . . . has occurred[] may file a complaint with the Commission.”

13. Upon receiving a complaint, the Commission must notify the respondent(s) and provide them an opportunity to respond. 52 U.S.C. § 30109(a)(1); 11 C.F.R. § 111.6.

14. The Commission may determine, by an affirmative vote of four Commissioners, whether there is “reason to believe” that a violation has occurred. 52 U.S.C. § 30109(a)(2).

15. After the expiration of the 120-day period beginning on the date a complaint is filed, a complainant aggrieved by the Commission’s failure to act may petition this Court. 52 U.S.C. § 30109(a)(8)(A). The 120-day period establishes when the cause of action ripens; it is not a mandatory adjudication deadline, and a failure to act within 120 days is not automatically contrary to law. See *FEC v. Rose*, 806 F.2d 1084 (D.C. Cir. 1986).

16. A “failure to act” means a failure to take a cognizable enforcement step on the administrative complaint. A reason-to-believe vote is a cognizable enforcement step regardless of whether it produces four votes for investigation or results in any final disposition. See *Campaign Legal Center v. 45Committee, Inc.*, No. 23-7040 (D.C. Cir. Oct. 8, 2024).

17. Whether a failure to act has become “contrary to law” is assessed under a rule of reason, applying the factors identified in *Common Cause v. FEC*, 489 F. Supp. 738, 744 (D.D.C. 1980), and *Telecommunications Research & Action Center v. FCC*, 750 F.2d 70, 79–80 (D.C. Cir. 1984) (“TRAC”). If the Court so declares, it “may direct the Commission to conform” with the declaration within thirty (30) days. 52 U.S.C. § 30109(a)(8)(C).

18. Courts in this District have granted declaratory and conformance relief in failure-to-act cases. See *Giffords v. FEC*, No. 1:19-cv-01192, 2021 WL 4810333 (D.D.C. Sept. 30, 2021), appeal pending, No. 25-5188 (D.C. Cir.).

19. FECA provides for six voting Commissioners, 52 U.S.C. § 30106(a), and requires the affirmative votes of four members of the Commission to undertake an investigation or to authorize the defense of a civil action brought under 52 U.S.C. § 30109(a)(8)(A). 52 U.S.C. § 30107(a)(6); see also 52 U.S.C. § 30106(c).

VI. FACTUAL BACKGROUND

A. The Administrative Complaint

20. On or about December 29, 2025, Plaintiff dispatched to the Commission a written administrative complaint that was personally signed by Plaintiff, sworn and notarized, and made under penalty of perjury, and that complied with 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4. Plaintiff transmitted the administrative complaint via FedEx Standard Overnight (Tracking No. 8874 9306 1552), addressed to the Federal Election Commission, 1050 First Street, NE, Washington, D.C. 20002 (the ZIP code the Commission designates for delivery by commercial delivery services), for delivery on December 30, 2025.

21. The administrative complaint named the following respondents and their respective treasurers in their official capacities: (a) Warnock for Georgia (FEC ID C00736876); (b) Warnock Victory Fund (FEC ID C00740597); (c) Christopher Koob, Treasurer of Warnock for Georgia; and (d) Steven Mele, Treasurer of Warnock Victory Fund.

22. The administrative complaint alleged that the respondents violated:

- (a) 52 U.S.C. § 30122, by knowingly accepting contributions made in the name of another person;

(b) 52 U.S.C. § 30104(b), by filing reports with the Commission containing inaccurate, incomplete, or non-attributable contributor information; and

(c) 52 U.S.C. § 30116, by accepting contributions that, when properly aggregated to the true source, would exceed statutory contribution limits.

23. The administrative complaint described the FEC datasets analyzed, the committee identification numbers, the anomaly criteria applied, and the resulting transaction counts and dollar figures, and represented that the analysis is reproducible from publicly available FEC records. The allegations summarized below are made on information and belief based upon that analysis of Commission-reported records.

B. The Supporting Data Analysis

24. For Warnock for Georgia (C00736876), the analysis flagged 969,936 transactions, by specified anomaly criteria, totaling \$57,345,637.55 and involving 65,074 unique contributor identities, representing 64.9% of the committee transactions analyzed and 35.3% of the total committee transaction value analyzed.

25. For Warnock Victory Fund (C00740597), the analysis flagged 2,182 transactions, by the same criteria, totaling \$4,765,883.00 and involving 1,388 unique contributor identities, representing 23.8% of the committee transactions analyzed and 27.2% of the total committee transaction value analyzed.

26. Within those flagged sets, the analysis applied two reproducible name-structure criteria: (i) surnames appearing two or three times in the flagged list, each instance bearing a distinct first name and a distinct ZIP+State; and (ii) surnames associated with ten or more contributors and ten or more distinct first initials.

27. Counting any contributor identity meeting either criterion, and without double counting, the flagged dollars associated with those name-structure clusters total \$25,666,650.00 for C00736876 (44.76% of that committee's flagged dollar volume) and \$1,006,118.00 for C00740597 (21.11% of that committee's flagged dollar volume).

28. The administrative complaint further identified 100 individuals whose reported FEC contributor records exhibited unusually high transaction counts, ranging from approximately 34,000 to nearly 50,000 transactions each. Those 100 individuals are collectively associated with 4,185,961 FEC contribution transactions across all committees (an average of approximately 41,860 per individual), of which 6,960 were attributed to the respondent committees.

29. At the administrative level, Plaintiff requested that the Commission find reason to believe the respondents violated 52 U.S.C. §§ 30122 and 30104, investigate whether violations of 52 U.S.C. § 30116 occurred, authorize compulsory process to obtain records sufficient to determine the true source and accurate attribution of reported contributions, require corrective and amended reporting, and impose appropriate civil penalties.

C. The Commission's Receipt and Apparent Inaction

30. The FedEx delivery confirmation reflects delivery of the administrative complaint to the Commission on December 30, 2025. Under the Commission's published procedures, the Commission assigns a Matter Under Review ("MUR") number to a complaint it determines to be sufficient and notifies the complainant that the complaint has been received. The Commission acknowledged receipt and assigned a MUR number in a letter to Plaintiff.

31. Under 52 U.S.C. § 30109(a)(8)(A), the 120-day period for the Commission to act began on December 30, 2025, and expired on or about April 29, 2026. As of the filing of this action, more

than 120 days have elapsed, satisfying the statutory prerequisite. Plaintiff does not rely on the passage of 120 days alone.

32. Plaintiff has received no notice that the Commission has dismissed or otherwise finally resolved the administrative complaint.

33. On information and belief, after reasonable inquiry and based upon the absence of any disclosed disposition or other known enforcement activity, the Commission has not conducted a reason-to-believe vote or taken any other cognizable enforcement step with respect to the administrative complaint.

34. Because 52 U.S.C. § 30109(a)(12) may prohibit public disclosure of Commission action while a MUR remains pending, Plaintiff cannot independently determine whether an undisclosed vote has occurred. Plaintiff therefore requests that the Commission certify to the Court whether it has taken a cognizable enforcement step, with any such filing made under seal or otherwise protected as required by law.

D. The Commission's Lack of Quorum

35. As of the filing of this action, the Commission has two members and four vacancies and therefore lacks the four members required to take the enforcement action contemplated by FECA. See 52 U.S.C. §§ 30106(c), 30107(a)(6).

36. Plaintiff alleges that this circumstance makes continued delay indefinite and substantially prejudices his informational interests. Plaintiff recognizes that the Commission's resources are a factor in the Court's analysis, but alleges that the absence of a quorum does not eliminate the judicial remedy Congress provided in 52 U.S.C. § 30109(a)(8).

E. Related Matters Pending in This Court

37. Plaintiff has other actions under 52 U.S.C. § 30109(a)(8) pending in this Court concerning similar data-analysis allegations against other federal committees, which may be related within the meaning of Local Civil Rule 40.5, including Nos. 26-213, 26-106, 25-4563, 25-4559, and 25-4072 (D.D.C.). Plaintiff will verify the current status of each matter and will file the Notice of Related Cases required by Local Civil Rule 40.5 and serve it with the complaint.

VII. CLAIM FOR RELIEF

Count I — Failure to Act Contrary to Law (52 U.S.C. § 30109(a)(8))

38. Plaintiff realleges and incorporates by reference all preceding paragraphs as if fully set forth herein.

39. Plaintiff filed a written, signed, sworn, and notarized administrative complaint complying with 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4.

40. Plaintiff has suffered a concrete informational injury that is fairly traceable to the Commission's inaction and that would be redressed by the relief sought, as alleged above.

41. More than 120 days have elapsed since the administrative complaint was filed, satisfying the statutory prerequisite to suit under 52 U.S.C. § 30109(a)(8)(A). Plaintiff does not contend that the passage of 120 days alone renders the Commission's conduct unlawful.

42. On information and belief, the Commission has not conducted a reason-to-believe vote or taken any other cognizable enforcement step with respect to the administrative complaint.

43. The Commission's continued failure to take any cognizable enforcement step is unreasonable under the factors set out in *Common Cause v. FEC*: (a) the administrative complaint set forth facts

supporting a reason to believe a violation occurred, supported by Commission-reported records, data tables, defined criteria, calculations, committee identification numbers, and specific transaction examples sufficient to permit preliminary evaluation; (b) the threatened violations, if substantiated, would obscure the actual sources of campaign funds, the proper aggregation of contribution limits, the accurate identification of contributors, and the public's ability to evaluate the committees' fundraising; (c) the Commission presently lacks a quorum, a circumstance Plaintiff alleges makes continued delay indefinite; (d) the administrative complaint supplied information sufficient to permit the Commission to undertake a preliminary evaluation without first obtaining information from Plaintiff; and (e) although the substantive FECA prohibitions are well established, the data-analysis method used to identify potentially responsive transactions is one the Commission is fully capable of evaluating.

44. Application of the *TRAC* factors further demonstrates that the delay is unreasonable: no rule of reason justifies indefinite inaction on the administrative complaint; the delay prejudices Plaintiff's time-sensitive informational interests and forecloses any prospect of corrective reporting; and the Commission's lack of a quorum threatens to leave the matter unresolved indefinitely. Plaintiff need not establish bad faith.

45. Plaintiff does not ask this Court to decide that the respondents violated FECA or to direct any particular reason-to-believe outcome. Plaintiff asks only that the Court determine whether the Commission's continued failure to take a cognizable enforcement step has become contrary to law.

46. Taken together, the totality of the circumstances establishes that the Commission's continued failure to take a cognizable enforcement step on Plaintiff's administrative complaint is contrary to law within the meaning of 52 U.S.C. § 30109(a)(8)(C). See *FEC v. Rose*, 806 F.2d 1084 (D.C. Cir.

1986); *Common Cause v. FEC*, 489 F. Supp. 738, 744 (D.D.C. 1980); *TRAC*, 750 F.2d 70; *Campaign Legal Center v. 45Committee, Inc.*, No. 23-7040 (D.C. Cir. Oct. 8, 2024).


VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that the Federal Election Commission's continued failure to take a cognizable enforcement step on Plaintiff's administrative complaint has become contrary to law under 52 U.S.C. § 30109(a)(8)(C);
- B. Direct the Commission to conform with the Court's declaration within thirty (30) days by conducting a reason-to-believe vote or taking another cognizable enforcement step consistent with FECA and controlling law, and require the Commission to certify its conformity to the Court, under seal or with appropriate redactions to the extent required by 52 U.S.C. § 30109(a)(12);
- C. Retain jurisdiction over this matter to determine whether the Commission has conformed with the Court's order and to grant further appropriate relief;
- D. Award Plaintiff his taxable costs and other expenses to the extent permitted by applicable law; and

E. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



Peter Bernegger

Plaintiff

1806 Brynwood Trace

New London, WI 54961

Telephone: (920) 551-0510

Email: peter@electionwatch.info

Dated: June 19, 2026