



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**STATEMENT OF COMMISSIONER CAROLINE C. HUNTER
ON CONSIDERATION OF MATTERS WITHOUT A QUORUM**

Late last week, my colleague, Ellen Weintraub, unilaterally and without advance notice, made public a draft interpretative rule regarding the Act's foreign national ban and placed it on the agenda for the open meeting of October 17, 2019. Approval of such a document, however, requires a quorum of four Commissioners, which we currently lack. Under these circumstances, a discussion in an open meeting without a quorum would be a useless and misleading exercise. I cannot participate in my colleague's efforts to grandstand.¹

Despite erroneous press reports, we all agree that federal law clearly prohibits a foreign national from making a contribution, donation, expenditure, or disbursement in connection with a Federal, State, or local election, and no person may solicit such a contribution or donation from a foreign national.² For decades, the Commission has enforced this ban, and I stand by my votes to do so.³ But the Commission currently lacks a quorum to take official action on most substantive matters, and I object to actions that create the misimpression that the Commission can do more than is permissible under the circumstances.

My concerns about discussing in open meeting a proposal that cannot be adopted do not impair my colleague's ability to speak on issues within the Commission's jurisdiction (subject to the Act's confidentiality requirement). Particularly with an issue as sensitive and troubling as foreign interference in American elections, however, it is crucial that Commissioners act prudently and judiciously.

October 1, 2019

¹ Given that the draft notice is the only substantive item on the October 17, 2019, open meeting agenda and we cannot act on it, it would not be unreasonable to consider cancelling the meeting. The Chair has already indicated that she would agree to cancel the meeting if her colleagues determine the meeting would be unproductive.

² See 52 U.S.C. § 30121(a).

³ See, e.g., MUR 7122 (American Pacific International Capital) (conciliating violations of foreign national ban), MUR 6184 (Skyway Concession Company, LLC) (same), MUR 6093 (Transurban) (same); see also, e.g., MUR 5987/5995/6015 (Clinton) (finding no reason to believe that foreign national made and committee accepted a contribution).