

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

PETER BERNEGGER

Plaintiff,

V.

FEDERAL ELECTION COMMISSION,

Defendant.

Civ. No. 25-4559 (JEB)

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.¹

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

¹ 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/>.

the affirmative votes of four members of the Commission. 52 U.S.C § 30107(a)(6); *see also* 52 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.

5. Additionally, the Commission will notify the respondent in the administrative matter that this lawsuit has been filed.²

Respectfully submitted,

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January 29, 2026

² As of January 26, 2026, this plaintiff has filed three additional lawsuits alleging the Commission's failure to act on administrative complaints. *Bernegger v. FEC*, 25-4559 (D.D.C.); *Bernegger v. FEC*, 25-4563 (D.D.C.); and *Bernegger v. FEC*, 26-106 (D.D.C.). The FEC is filing Notices in each of the cases in which it has been served.