

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER BERNEGGER,)	
)	
Plaintiff,)	Civ. No. 26-213 (TSC)
)	
v.)	
)	
FEDERAL ELECTION COMMISSION,)	NOTICE OF LACK OF QUORUM
)	
Defendant.)	

**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 On October 3, 2025, former Commissioner James E. “Trey” Trainor resigned from the FEC, leaving the Commission with only two Commissioners.²

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>.

² See <https://www.washingtonexaminer.com/news/washington-secrets/3823999/trey-trainor-resigns-fec-2026-elections/>.

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 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. On February 11, 2026, President Trump announced the nominations of two new Commissioners.³ Should Congress confirm the nominations of the two new Commissioners, the Commission will regain its quorum. Those nominations remain pending as of March 31, 2026.

4. This Notice is given for the sole purpose of notifying the Court that the Commission currently lacks a quorum and is currently without the authority to litigate the merits of plaintiff's Complaint.⁴

Respectfully submitted,

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/s/ Michael D. Contino
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COUNSEL FOR DEFENDANT

³ See <https://www.whitehouse.gov/presidential-actions/2026/02/nominations-sent-to-the-senate-b65f/>.

⁴ As of March 31, 2026, this plaintiff has filed four 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.); *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.

FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463
(202) 694-1650

March 31, 2026

CERTIFICATE OF SERVICE

Pursuant to Local Civil Rule 5.4(d)(2), I hereby certify that on March 31, 2026, I caused to have served on *pro se* plaintiff Peter Bernegger a copy of the Federal Election Commission's Notice of Lack of Quorum, which was electronically filed on February 12, 2026 with the Clerk of the United States District Court for the District of Columbia by using the Court's CM/ECF system.

This document was served on the plaintiff by United Parcel Service at the following address listed on the docket:

Peter Bernegger
1806 Brynwood Trace
New London, WI 54961

Respectfully submitted,

/s/ Michael D. Contino
Federal Election Commission
1050 First Street NE
Washington, DC 20463
(202)-694-1650