

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SENATE MAJORITY PAC,	)	
	)	
Plaintiff,	)	Civ. No. 26-336 (BAH)
	)	
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 plaintiff Senate Majority PAC (“SMP”), 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> On October 3, 2025, former Commissioner James E. “Trey” Trainor resigned from the FEC, leaving the Commission with only two Commissioners.<sup>2</sup>

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<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>.

<sup>2</sup> 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.<sup>3</sup> Should Congress confirm the nominations of the two new Commissioners, the Commission will regain its quorum. Those nominations remain pending as of April 6, 2026.

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.

Respectfully submitted,

/s/ Brian S. Cunningham

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