

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RECEIVED  
MAY 20 2026

Angela D. Caesar, Clerk of Clerk  
U.S. District Court, District of Columbia

JULIE SEEGERs,	)	
	)	
Plaintiff,	)	Civ. No. 1:26-cv-00276 (JMC)
	)	
v.	)	Judge Jia M. Cobb
	)	
FEDERAL ELECTION COMMISSION,	)	
	)	
Defendant.	)	

**PLAINTIFF'S RESPONSE TO DEFENDANT'S NOTICE OF LACK OF QUORUM (ECF NO. 8) AND OPPOSITION TO ANY STAY**

Pursuant to the Court's Minute Order of May 7, 2026, Plaintiff Julie Seegers respectfully submits this response to Defendant Federal Election Commission's Notice of Lack of Quorum (ECF No. 8), filed April 24, 2026. Plaintiff opposes any stay of this action.

**INTRODUCTION**

1. The Court has invited Plaintiff to state her position on whether this action should be stayed pending the reinstatement of a quorum at the Federal Election Commission. Plaintiff respectfully states that no stay should issue. The Commission's Notice is not an answer, not a motion under Federal Rule of Civil Procedure 12, and not a motion to stay; it identifies the Commission's internal inability to vote on litigation authority and asks for no relief. The Court is not required to convert that filing into a stay, and ample reasons counsel against doing so.

2. The factual premise of this case - that the Commission failed to act on Plaintiff's verified administrative complaint within the 120-day period mandated by 52 U.S.C. § 30109(a)(8)(A) - is

undisputed and indisputable on the existing administrative record. The legal question presented under § 30109(a)(8)(C) is whether that failure to act is contrary to law. That question can be adjudicated on the existing record without an adversarial defense of any underlying merits.

### **BACKGROUND**

3. On August 29, 2025, Plaintiff filed a verified, sworn administrative complaint with the Commission under 52 U.S.C. § 30109(a)(1) naming ActBlue (FEC ID C00401224) and its treasurer George Gilmer as respondents. Compl. ¶¶ 24–27 (ECF No. 1).

4. On September 26, 2025, the Commission acknowledged receipt of the administrative complaint and assigned it Matter Under Review No. 8394. Id. ¶ 28.

5. The 120-day period under 52 U.S.C. § 30109(a)(8)(A) expired on December 27, 2025, without any reason-to-believe determination, vote to dismiss, conciliation, or other final action by the Commission. Id. ¶¶ 29–33.

6. Plaintiff timely commenced this action on January 30, 2026, within the 60-day window after expiration of the 120-day administrative period. Compl. (ECF No. 1).

7. Service was effected on all three required recipients under Federal Rule of Civil Procedure 4(i): the Federal Election Commission was personally served on February 24, 2026 (ECF No. 6, p. 2); the United States Attorney for the District of Columbia was personally served on February 24, 2026 (ECF No. 6, p. 1); and the Attorney General of the United States was served by certified mail, delivered March 4, 2026 (ECF No. 7, Article No. 9414 8362 0855 1295 5585 87).

8. Under Federal Rule of Civil Procedure 12(a)(2), the Commission's deadline to answer or otherwise plead expired sixty days after service on the United States Attorney, i.e., on April 27, 2026.

9. On April 24, 2026 - one day before that deadline - the Commission filed its Notice of Lack of Quorum. The Notice states it 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." ECF No. 8 ¶ 4. The Notice is not framed as an answer, does not admit or deny any allegation, does not assert any Rule 12 defense, and requests no relief.

10. The Notice further reports that the President nominated two new Commissioners on February 11, 2026, but acknowledges that those nominations "remain pending as of April 24, 2026." Id. ¶ 3. The Notice identifies no Senate calendar, no confirmation hearing date, and no projected restoration of a quorum.

## ARGUMENT

### **I. A STAY WOULD DEFEAT THE STATUTORY SCHEME CONGRESS ENACTED PRECISELY TO GUARD AGAINST AGENCY INACTION.**

11. Section 30109(a)(8) reflects an explicit congressional judgment that administrative complaints filed under FECA should not languish. After 120 days have passed without Commission action, the complainant's failure-to-act claim ripens and the complainant may seek judicial review under 52 U.S.C. § 30109(a)(8)(A). Plaintiff does not contend that the mere passage of 120 days automatically requires judgment in her favor; rather, the expiration of the statutory period gives this Court jurisdiction to decide whether the Commission's continued failure to act is contrary to law under 52 U.S.C. § 30109(a)(8)(C). Here, an indefinite stay tied to political events outside the Commission's control would frustrate Congress's failure-to-act

remedy by extending the very agency inaction that § 30109(a)(8) permits complainants to challenge.

## **II. THE COMMISSION'S NOTICE IS NOT A RESPONSIVE PLEADING AND NO STAY MOTION IS BEFORE THE COURT.**

12. The Notice of Lack of Quorum is neither an answer under Federal Rule of Civil Procedure 8(b) nor a motion under Rule 12. It does not respond to the allegations of the Complaint, raises no defense, and requests no relief. It is, on its face, a one-purpose notice. ECF No. 8 ¶ 4. The Commission did not move for a stay, did not move to dismiss, did not seek any extension of time, and did not move under Rule 6(b) for relief from its responsive-pleading deadline. The Court should not award the Commission a stay it did not request, and should not treat a procedural non-event as a substitute for the responsive pleading Rule 12(a)(2) requires.

## **III. ADJUDICATING THE CONTRARY-TO-LAW QUESTION DOES NOT REQUIRE AN ACTIVE MERITS DEFENSE BY THE COMMISSION.**

13. The contrary-to-law question under 52 U.S.C. § 30109(a)(8)(C) is a question of law decidable on undisputed administrative facts: the filing date of the administrative complaint, the Commission's acknowledgment, the expiration of the 120-day period, and the absence of any reason-to-believe determination, vote to dismiss, conciliation, or other final action. None of those facts is or can be contested by the Commission. Federal courts have repeatedly entertained FECA failure-to-act and contrary-to-law claims under § 30109(a)(8); a stay would now withhold relief Congress placed within the complainant's reach. Cf. *FEC v. Akins*, 524 U.S. 11, 19 (1998). The Supreme Court has explained that "[h]istory associates the word 'aggrieved' with a congressional intent to cast the standing net broadly - beyond the common-law interests and substantive statutory rights upon which 'prudential' standing traditionally rested." *FEC v. Akins*, 524 U.S. 11, 19 (1998).

Granting an indefinite stay would, in operation, withdraw the broad statutory access Congress so deliberately conferred.

14. The injury Plaintiff alleges is the same kind the Supreme Court has held cognizable: "[t]he 'injury in fact' that respondents have suffered consists of their inability to obtain information," and "a plaintiff suffers an 'injury in fact' when the plaintiff fails to obtain information which must be publicly disclosed pursuant to a statute." *FEC v. Akins*, 524 U.S. 11, 21 (1998). That injury exists with or without a Commission quorum; a stay would prolong it.

**IV. SECTION 30109(a)(8)(C) PROVIDES A PRIVATE-ENFORCEMENT BACKSTOP, SO ADJUDICATION IS NOT FUTILE.**

15. Should the Court declare the Commission's failure to act contrary to law and the Commission fail to conform within thirty days, the statute permits the complainant to commence her own civil enforcement action in this Court. 52 U.S.C. § 30109(a)(8)(C). Adjudication of the contrary-to-law question is therefore not made futile by the present absence of a quorum: the statute anticipates precisely the circumstance in which the Commission cannot or does not act, and it places the next step in the complainant's hands.

**V. PROCEDURAL POSTURE: PLAINTIFF SEPARATELY REQUESTS A CLERK'S ENTRY OF DEFAULT.**

16. Contemporaneously with this Response, Plaintiff submits to the Clerk a Request for Clerk's Entry of Default under Federal Rule of Civil Procedure 55(a), supported by Plaintiff's affidavit and a proposed entry. The Commission had until April 27, 2026 to plead or otherwise defend; its filing of a Notice of Lack of Quorum the day before, asking for no relief, did not satisfy that obligation. Plaintiff submits the Request without prejudice to any limitations Rule 55(d) places on the entry

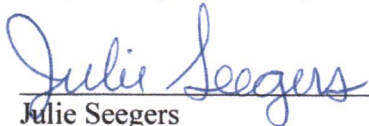
of default judgment against a federal agency, and without prejudice to any subsequent motion practice.

### CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court decline to stay this action and permit it to proceed to adjudication of the contrary-to-law question under 52 U.S.C. § 30109(a)(8)(C) on the existing administrative record, including by entertaining a forthcoming motion for summary judgment.

Respectfully submitted,

Dated: May 19, 2026



Julie Seegers  
Plaintiff  
7729 334th Avenue  
Burlington, WI 53105  
(608) 212-6037  
julies53597@yahoo.com