



FEDERAL ELECTION COMMISSION
1050 FIRST STREET, N.E.
WASHINGTON, D.C. 20463

AGENDA DOCUMENT NO. 23-06-A
AGENDA ITEM
For meeting of April 19, 2023

TO: The Commission
The Office of the Commission Secretary

FROM: Allen Dickerson *AD*
Commissioner

DATE: April 10, 2023

RE: Press Office Acknowledgment of Complaints

The Federal Election Campaign Act of 1971, as amended (the “Act”), provides that “[a]ny notification or investigation made” under its enforcement authority “shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.” 52 U.S.C. § 30109(a)(12)(A). The Commission’s regulations interpret this language to include a “complaint filed with the Commission.” 11 C.F.R. § 111.21(a).

Nevertheless, the Commission’s Press Office has reportedly had a consistent practice, dating to the agency’s creation, of confirming the existence of complaints in response to press inquiries. Despite having been made aware of this practice at least sixteen years ago, the Commission has failed to provide the Press Office with formal instructions concerning its confidentiality obligations under the Act.

Accordingly, I propose that the Commission, consistent with its regulations [REDACTED] direct that the Press Office decline to confirm or deny the filing of any complaint in response to future inquiries.

I ask that the Chair place this item on the next meeting agenda.