

FEC Regulations on Bundling in Limbo

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The Federal Election Commission's regulations regarding the disclosure by candidates and others of contributions bundled by lobbyists are in limbo because of the makeup of the Commission itself.

Since Congress failed to confirm three of the nominations to the Commission, their recess appointments expired on December 31, 2007. Thus, the Commission is left with two Commissioners—David Mason and Ellen Weintraub. It takes the affirmative vote of four Commissioners to promulgate regulations or to take any other official action by the Commission such as the issuing of advisory opinions. As long as it has only two Commissioners, the FEC is unable to promulgate final regulations on the reporting by federal candidates, leadership PACs, and party committees of bundled contributions. To date, the FEC has issued a Notice of Proposed Rulemaking on such regulations and received comments from the public.

Congress mandated disclosure by recipient committees of certain contributions bundled by lobbyists as part of the Honest Leadership and Open Government Act of 2007 (HLOGA). The statute also mandated FEC regulations on the topic.

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