

FEC Back in Business, Elects New Chair and Vice-Chair for 2021

January 2021

The Federal Election Commission (FEC) is back at full strength after three new Commissioners were sworn into office late last month. The new Commissioners – Democrat Shana Broussard and Republicans Sean Cooksey and Allen Dickerson – restore a quorum to the agency, which had lacked one for most of 2020.

Ms. Broussard will serve as FEC Chair for 2021 and is very familiar with agency operations, having worked in several capacities at the FEC since 2008. Most recently, she served as counsel to Democrat-leaning Commissioner Steven T. Walther. Ms. Broussard was born on Vandenberg Air Force Base in California, is a 1991 graduate of Dillard University in New Orleans, and has spent time working – among other places – at the Louisiana Department of Justice and the Internal Revenue Service.

Mr. Cooksey most recently served as chief counsel to U.S. Senator Josh Hawley. He previously served as deputy counsel to U.S. Senator Ted Cruz; was an attorney with the law firm Gibson, Dunn & Crutcher; and clerked for Judge Jerry E. Smith on the U.S. Court of Appeals for the Fifth Circuit. Mr. Dickerson comes to the Commission from the Institute for Free Speech, where he directed national litigation in support of First Amendment rights. He also was an associate at Kirkland & Ellis. Mr. Dickerson will be the Commission's Vice-Chair for 2021.

Citizens and organizations with matters pending before the agency can expect the agency to take action in 2021, with the Commission already calendaring several public and non-public meetings for January. Notably, the Commission now faces a backlog of enforcement matters, with 200 complaints reportedly awaiting

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Commission consideration and action. During her confirmation hearing before the U.S. Senate Rules Committee, Ms. Broussard indicated that the Commission's first order of business should be to address matters facing imminent expiration of their respective five-year statute of limitations with prioritization of the most serious alleged violations. Given that Chair Broussard controls the ordering of items on the enforcement agenda for 2021, it is likely the Commission will proceed in this fashion.

The enforcement backlog is likely to preoccupy the Commission for the better part of 2021, but the Commission has a few other matters (e.g., advisory opinions, a rulemaking to clarify disclaimers on digital advertising, etc.) that it could work together to address in the coming months. Broussard, Cooksey, and Dickerson join recently appointed Republican Commissioner James E. "Trey" Trainor, as well as longtime Democratic Commissioners Walther and Ellen L. Weintraub, on the six-member Commission.