

FEC Commissioner Ann M. Ravel Resigns from Agency, Others May Soon Follow

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On March 1, Democratic Federal Election Commission (FEC or Commission) Commissioner Ann M. Ravel resigned from the agency where she had served since October 2013. While Commissioner Ravel's departure still leaves the Commission with five of its six members in place, the terms of the remaining commissioners have already expired, leading some insiders to predict that President Trump will appoint a whole new set of commissioners by this time next year.

As she departed the agency, Commissioner Ravel received praise in some quarters for her willingness to use her position to publicly call out her Republican colleagues for—in her view—failing to faithfully enforce the law, particularly in the area of donor disclosure by 501(c) organizations. Ravel's critics, on the other hand, including *The Wall Street Journal*, criticized her partisanship and push to regulate free political postings on the Internet.

Setting these issues aside, however, Commissioner Ravel's tenure was noteworthy for several instances where she actually teamed up with her Republican colleagues. For example, in October 2014, Commissioner Ravel broke a long-standing stalemate by voting with the FEC's three Republican Commissioners to conform the agency's regulations to the Supreme Court's 2010 and 2014 decisions in *Citizens United v. FEC* and *McCutcheon v. FEC*, respectfully. (Other FEC Democratic commissioners had balked at updating the FEC's own regulations to reflect these decisions unless new disclosure rules for nonprofits were included as part of the final deal.) Ravel also voted with the FEC's Republicans to dismiss an enforcement matter against Wal-Mart, approving a 2-for-1 charitable matching program the company had set up to incentivize PAC contributions by company

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employees. During their time together, Commissioner Ravel and Republican Commissioner Lee E. Goodman also teamed up to work on redesigning the FEC's website, a project that is scheduled to debut later this year.

According to various news reports, Commissioner Ravel intends to teach an ethics course at the University of California-Berkeley in the coming months, and she also will serve on various boards and remain active in this area of law.

Apart from Commissioner Ravel's departure, published reports suggest that several other commissioners may be looking to leave the agency later this year. For example, in an interview with *The Hill* posted earlier this month, Commissioner Goodman announced that he is looking to leave the FEC sometime in 2017.

Given that former Republican FEC Commissioner Don McGahn is now President Trump's White House counsel, it is likely that the views of any future Republicans appointed by the President to the FEC will be consistent with those of the three current Republican Commissioners (who either served with or are ideologically close to Mr. McGahn). Nevertheless, anytime that new appointees are added to a federal agency, there is some chance that their views on substantive and/or procedural issues will differ from those of their predecessors. So the changing personnel at the Commission is worth keeping an eye on in the months ahead to see what impact the new lineup will have on the interests of the business, nonprofit, and campaign communities.