



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

February 5, 2024

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson *LJS by wdb*
Acting General Counsel

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for Enforcement

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SUBJECT: Status of Enforcement – First Quarter 2024 (10/01/23-12/31/23)

To assist the Commission and the Office of General Counsel in assessing the current productivity of the Commission's enforcement program, we submit the Status of Enforcement for the first quarter of fiscal year 2024 (10/01/23-12/31/23). The tables that follow provide information to assist agency management in its review of the enforcement program.

At the close of the quarter, the total enforcement caseload was matters 213 matters — 102 active and 111 inactive. During the first quarter of fiscal year 2024, the Enforcement Division circulated First General Counsel's Reports ("FGCRs") in 17 matters in an average of 222 days, meeting the internal circulation goal 29% of the time. The Enforcement Division's Office of Complaints Examination & Legal Administration ("CELA") circulated 8 EPS reports in an average of 79 days. No new investigations commenced during the first quarter and eight matters were pending in investigation stage at the close of the quarter. The Commission closed 22 matters in an average of 667 days, thereby meeting its goal of closing within 15 months in 6% of these matters. Finally, the Commission assessed \$112,999 in civil penalties during the fiscal year.

Table 1. Caseload

| <u>CASELOAD</u> | Inactive | Active | Total |
|---|-----------------|---------------|--------------|
| Number of Cases | 111 | 102 | 213 |
| Number of Reports Pending w/Commission* | 2 | 18 | 20 |
| FGCR | N/A | 80 | 80 |
| Investigation | N/A | 8 | 8 |
| Pre-Probable Cause Conciliation | N/A | 12 | 12 |
| Probable Cause / PC Brief | N/A | 2 | 2 |

*As of February 5, 2024

Table 2. CELA Statistics

| <u>CELA INITIAL CASE PROCESSING</u> | Current Quarter | 2023 | 2022 | 2021 | 2020 | 2019 | 2018 | 2017 |
|---|------------------------|------------------|-----------------|------------------|------------------|------------------|------------------|------------------|
| Number of Cases Received | 26 | 122 | 154 | 128 | 176 | 149 | 258 | 148 |
| Number of Cases Rated | 34 | 129 | 83 | 152 | 135 | 144 | 172 | 115 |
| Average Days from Last Response to Rating (Goal: 30 days) | 4 | 16 | 14 | 15 | 11 | 11 | 10 | 30 |
| Ratings Meeting Goal | 94% [32/34] | 81% [104/129] | 79% [85/108] | 77% [117/152] | 84% [114/135] | 75% [108/144] | 87% [149/172] | 75% [86/115] |
| Number of Cases Activated | 26 | 75 | 74 | 101 | 109 | 112 | 128 | 131 |
| Average Days from Last Response to Activation (Goal: 90 Days) | 153 | 86 | 99 | 77 | 39 | 47 | 44 | 65 |
| Activations Meeting Goal | 48% [12/25] | 64% [48/75] | 70% [52/74] | 65% [66/101] | 92% [100/109] | 72% [81/112] | 90% [115/128] | 84% [110/131] |
| Number of Cases Dismissed Via EPS | 0 | 26 | 20 | 42 | 18 | 44 | 76 | 64 |
| Number of Cases Circulated Via EPS | 8 | 15 | 27 | 34 | 24 | 49 | 50 | 58 |
| Average Days from Assignment to Circulation of EPS Report | 79 | 27 | 118 | 116 | 58 | 50 | 36 | 45 |
| Number of Cases Transferred to ADRO | 2 | 0 | 0 | 6 | 11 | 7 | 9 | 9 |
| Average Days from Rating to Transfer to ADRO (Goal: 60 Days) | 40 | N/A | N/A | 60 | 32 | 36 | 26 | 42 |
| ADRO Transfers Meeting Goal | 100% [2/2] | N/A [0/0] | N/A [0/0] | 67% [4/6] | 82% [9/11] | 71% [5/7] | 89% [8/9] | 75% [6/8] |

Table 3. Enforcement Statistics

| <u>ENFORCEMENT PROCESS</u> | Current Quarter | FY 2023 | 2022 | 2021 | 2020 | 2019 | 2018 | 2017 |
|--|------------------------|----------------|----------------|-----------------|-----------------|-----------------|----------------|------------------|
| First General Counsel’s Reports (“FGCRs”) | | | | | | | | |
| Cases with FGCRs Circulated | 17 | 69 | 88 | 128 | 103 | 143 | 95 | 140 |
| Average Days from Activation to Circulation | 222 | 169 | 231 | 165 | 153 | 177 | 142 | 103 |
| FGCRs Meeting Established Time Goal | 29% [5/17] | 70% [48/69] | 68% [60/88] | 73% [93/128] | 68% [70/103] | 68% [97/143] | 76% [72/95] | 86% [120/140] |
| Pre-Probable Cause Conciliation (“PPCC”) | | | | | | | | |
| Negotiations Commenced | 23 | 35 | 114 | 103 | 2 | 79 | 80 | 51 |
| Negotiations Concluded | 15 | 89 | 92 | 49 | 12 | 84 | 49 | 53 |
| Average Days in PPCC (Goal: 60 Days) | 53 | 179 | 119 | 122 | 221 | 127 | 163 | 130 |
| Number of Negotiations Meeting Goal | 73% | 19% | 22% | 65% | 0% | 30% | 31% | 34% |
| Investigations | | | | | | | | |
| Investigations Commenced | 0 | 2 | 7 | 12 | 1 | 31 | 16 | 14 |
| Investigations Closed | 0 | 6 | 9 | 22 | 8 | 10 | 8 | 7 |
| Average Days in Investigation | N/A | 437 | 862 | 660 | 549 | 634 | 387 | 400 |
| Active Investigations at Close of Quarter | 8 | | | | | | | |
| Probable Cause | | | | | | | | |
| Hearing Requests/Number Granted | 0/0 | 1/1 | 2/2 | 1/1 | 0/0 | 1/1 | 1/1 | 0/0 |
| Cases with Probable Cause Findings | 0 | 1 | 2 | 2 | 0 | 0 | 0 | 2 |
| Negotiated PC Settlements Approved | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 0 |
| Average Days in PC Conciliation | N/A | N/A | 841 | 29 | N/A | N/A | N/A | 40 |
| Closed Cases | | | | | | | | |
| Matters Closed | 22 | 116 | 245 | 194 | 37 | 189 | 169 | 151 |
| Matters Closed Within 15 Months | 6 (%) | 62 (53%) | 55 (34%) | 66 (34%) | 23 (62%) | 106 (56%) | 104 (62%) | 100 (66%) |
| Average Days from Receipt to Closing | 667 | 632 | 811 | 852 | 530 | 630 | 436 | 472 |
| Civil Penalties | \$112,999 | \$1,482,300 | \$2,062,128 | \$803,878 | \$702,000 | \$2,123,436 | \$635,200 | \$1,384,300 |

Table 4. Cases Pending Without a Commission Vote for 12 Months

| Matter | Case Name | Opened | Days Received to Close of Quarter | Circulation Date | Status Letter Date |
|--------|-----------|--------|-----------------------------------|------------------|--------------------|
| 1 | | | | (02/16/24) | 07/26/23 |
| 2 | | | | (3/1/24) | 11/08/23 |
| 3 | | | | | 10/19/23 |
| 4 | | | | | 09/21/21 |
| 5 | | | | 12/22/23 | 02/07/23 |
| 6 | | | | | 04/19/23 |
| 7 | | | | | 04/19/23 |
| 8 | | | | | 07/25/23 |
| 9 | | | | 10/31/23 | 07/17/23 |
| 10 | | | | (04/05/24) | 02/05/24 |
| 11 | | | | N/A | 07/27/23 |
| 12 | | | | (4/29/24) | 06/02/23 |
| 13 | | | | 12/06/23 | 07/28/23 |
| 14 | | | | N/A | 07/31/23 |
| 15 | | | | 12/08/23 | 08/01/23 |
| 16 | | | | 12/13/22 | 10/25/23 |
| 17 | | | | N/A | 07/27/23 |
| 18 | | | | | N/A |
| 19 | | | | 12/06/23 | 07/27/23 |
| 20 | | | | (04/16/24) | 08/01/23 |
| 21 | | | | (02/20/24) | 10/26/23 |
| 22 | | | | (04/29/24) | N/A |
| 23 | | | | 12/06/23 | 07/27/23 |
| 24 | | | | | 08/01/23 |
| 25 | | | | | 08/01/23 |
| 26 | | | | (02/09/24) | 07/27/23 |
| 27 | | | | (05/29/24) | 10/27/23 |
| 28 | | | | 06/16/23 | 10/27/23 |

| Matter | Case Name | Opened | Days Received to Close of Quarter | Circulation Date | Status Letter Date |
|--------|-----------|--------|-----------------------------------|------------------|--------------------|
| 29 | | | | (5/29/24) | 10/27/23 |
| 30 | | | | 12/06/23 | 07/27/23 |
| 31 | | | | 06/16/23 | 10/27/23 |
| 32 | | | | (05/15/24) | 10/25/23 |
| 33 | | | | | N/A |
| 34 | | | | N/A | 10/26/23 |
| 35 | | | | (4/19/24) | 10/25/23 |
| 36 | | | | 01/09/24 | 07/27/23 |
| 37 | | | | N/A | 10/26/23 |
| 38 | | | | N/A | 10/26/23 |
| 39 | | | | N/A | 10/25/23 |
| 40 | | | | 02/02/24 | 10/26/23 |
| 41 | | | | N/A | 10/26/23 |
| 42 | | | | N/A | 10/30/23 |
| 43 | | | | (02/23/24) | 08/17/23 |
| 44 | | | | | 11/13/23 |
| 45 | | | | 12/06/23 | 10/25/23 |
| 46 | | | | N/A | 10/26/23 |
| 47 | | | | 10/26/23 | 10/25/23 |
| 48 | | | | (06/07/24) | 10/30/23 |
| 49 | | | | 01/30/24 | 10/31/23 |
| 50 | | | | (04/25/24) | N/A |
| 51 | | | | (04/30/24) | 01/09/24 |
| 52 | | | | (02/07/24) | 11/01/23 |
| 53 | | | | | 02/05/24 |
| 54 | | | | 09/29/23 | N/A |
| 55 | | | | (03/01/24) | 11/08/23 |
| 56 | | | | N/A | 02/05/24 |
| 57 | | | | N/A | 02/05/24 |
| 58 | | | | | N/A |

| Matter | Case Name | Opened | Days Received to Close of Quarter | Circulation Date | Status Letter Date |
|---------------|------------------|---------------|--|-------------------------|-------------------------------|
| 59 | | | | (03/29/24) | N/A |
| 60 | | | | | N/A |
| 61 | | | | | N/A |

A date in parenthesis is the date FGCR is expected to circulate

Table 5. Statute of Limitations Sensitive Matters (18 Months)

| | Matter | Case Name | Tolling | Opened | Earliest SOL | Latest SOL | Current Stage |
|----|---------------|------------------|----------------|---------------|---------------------|-------------------|----------------------|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 13 | | | | | | | |
| 14 | | | | | | | |
| 15 | | | | | | | |
| 16 | | | | | | | |
| 17 | | | | | | | |
| 18 | | | | | | | |
| 19 | | | | | | | |
| 20 | | | | | | | |
| 21 | | | | | | | |
| 22 | | | | | | | |
| 23 | | | | | | | |
| 24 | | | | | | | |
| 25 | | | | | | | |
| 26 | | | | | | | |
| 27 | | | | | | | |
| 28 | | | | | | | |
| 29 | | | | | | | |

| | Matter | Case Name | Tolling | Opened | Earliest SOL | Latest SOL | Current Stage |
|----|---------------|------------------|----------------|---------------|---------------------|-------------------|----------------------|
| 30 | | | | | | | |
| 31 | | | | | | | |
| 32 | | | | | | | |
| 33 | | | | | | | |
| 34 | | | | | | | |
| 35 | | | | | | | |
| 36 | | | | | | | |
| 37 | | | | | | | |
| 38 | | | | | | | |
| 39 | | | | | | | |
| 40 | | | | | | | |
| 41 | | | | | | | |
| 42 | | | | | | | |
| 43 | | | | | | | |
| 44 | | | | | | | |
| 45 | | | | | | | |

Table 6. Matters Beyond the Reason to Believe Stage

| Matters | Case Name | Current Stage |
|---------|-----------|---------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |

Table 7. First General Counsel's Reports Pending with the Commission at the End of the Quarter

| Matter | Case Name | Receipt | Assigned | Circ. | # of Days Receipt to Circ. | # of Days Assigned to Circ. | # of Days Receipt to Close of Quarter | # of Days Assigned to Close of Quarter | # of Days Circ. to Close of | Held Over |
|--------|-----------|----------|----------|----------|----------------------------------|-----------------------------------|--|---|--------------------------------------|--|
| 1 | | 05/06/22 | 08/16/23 | 12/13/22 | | 119 | 604 | 502 | 383 | 01/24/23; 01/26/23; 02/07/23; 02/09/23; 03/28/23; 03/30/23; 03/31/23; 04/18/23; 04/19/23; 05/02/23; 06/21/23; 06/22/23; 07/11/23; 07/13/23 |
| 2 | | 06/16/22 | 05/03/23 | 06/16/23 | | 44 | 563 | 242 | 198 | 08/08/23; 08/10/23; 08/29/23; 08/30/23; 10/03/23; 10/05/23; 10/17/23; 10/19/23; 11/01/23; 11/02/23; 11/14/23; 11/16/23; 12/12/23; 12/14/23 |
| 3 | | 07/08/22 | 05/03/23 | 06/16/23 | | 44 | 563 | 242 | 198 | 08/08/23; 08/10/23; 08/29/23; 08/30/23; 10/03/23; 10/05/23; 10/17/23; 10/19/23; 11/01/23; 11/02/23; 11/14/23; 11/16/23; 12/12/23; 12/14/23 |
| 4 | | 03/09/23 | 06/01/23 | 08/17/23 | | 77 | 297 | 213 | 136 | 09/12/23; 09/14/23; 10/03/23; 10/05/23; 10/17/23; 10/19/23; 11/01/23; 11/02/23; 11/14/23; 11/16/23; 12/12/23; 12/14/23 |
| 5 | | 10/27/22 | 04/25/23 | 09/29/23 | | 157 | 338 | 158 | 1 | 11/01/23; 11/02/23; 12/12/23; 12/14/23; 01/09/24; 01/11/24; 01/23/24; 01/25/24 |

| | | | | | | | | |
|----|----------|----------|----------|-----|------|-----|----|--|
| 6 | 09/19/22 | 01/09/23 | 10/26/23 | 290 | 468 | 356 | 66 | 12/12/23; 12/14/23; 01/09/23; 01/11/23; 01/23/24; 01/25/24 |
| 7 | 03/23/21 | 07/08/21 | 10/31/23 | 845 | 1013 | 906 | 61 | 12/12/23; 12/14/23 |
| 8 | 04/20/22 | 01/13/23 | 12/06/23 | 327 | 620 | 352 | 25 | |
| 9 | 05/19/22 | 11/04/22 | 12/06/23 | 397 | 591 | 422 | 25 | |
| 10 | 06/02/22 | 07/20/23 | 12/06/23 | 139 | 577 | 164 | 25 | |
| 11 | 06/22/22 | 07/20/23 | 12/06/23 | 139 | 557 | 164 | 25 | |
| 12 | 08/24/22 | 06/07/23 | 12/06/23 | 182 | 494 | 207 | 25 | |
| 13 | 05/02/22 | 08/24/22 | 12/08/23 | 471 | 608 | 494 | 23 | |
| 14 | 10/23/20 | 07/14/21 | 12/22/23 | 891 | 1164 | 900 | 9 | |

Table 8. Foreign National Matters

| Matter # | Primary Respondent | Complainant | Receipt | Assigned | Last Response | Status | To DOJ | Country | Earliest SOL |
|----------|--------------------|-------------|---------|----------|---------------|--------|--------|---------|--------------|
| 1 | | | | 01/28/19 | | | | | |
| 2 | | | | 01/03/24 | | | | | |
| 3 | | | | 12/15/23 | | | | | |
| 4 | | | | 12/08/23 | | | | | |