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One Hundred Eighteenth
Congress of the United States
House of Representatives

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August 5, 2024

The Honorable Sean Cooksey
Chairman
Federal Election Commission
1050 First St NE
Washington, D.C. 20463

The Honorable Ellen Weintraub
Vice-Chair
Federal Election Commission
1050 First St NE
Washington, D.C. 20463

Dear Chairman Cooksey and Vice-Chair Weintraub:

As Chairman of the U.S. House of Representatives Committee on House Administration (“the Committee”), which has broad oversight jurisdiction over our nation’s federal elections¹, I write today to formally request that the Federal Election Commission (“FEC”) immediately initiate an emergency rulemaking to require political campaigns to verify the card verification value (“CVV”) of donors who contribute online using a credit or debit card, and to prohibit political campaigns from accepting online contributions from a gift card or other prepaid credit cards. Following widespread allegations of fraudulent donations being reported to the FEC by ActBlue, one of the largest fundraising platforms in the country, this emergency rulemaking is necessary to reassure the American people that ActBlue is taking the necessary steps to protect its donors.

The Committee has carefully studied and considered these issues for months. Last year, the full Committee held an oversight hearing of the FEC featuring all six Commissioners and the agency’s Inspector General for the first time in over a decade.² At that hearing, we discussed why political campaigns need to have the right processes in place to protect and verify their donors and steps Congress should take to keep foreign money out of U.S. elections.

Following that hearing, I wrote to ActBlue requesting information about its donor protection and verification procedures.³ In response, ActBlue confirmed that that it does not require a CVV to

¹ Rules of the United States House of Representatives, Rule X(k)(12), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.

² *Oversight of the Federal Election Commission: Hearing Before the H. Comm. on Admin.*, 118th Cong. (2023). The last traditional oversight hearing of the Federal Election Commission before the Committee on House Administration occurred on November 3, 2011. See *Federal Election Commission: Reviewing Policies, Processes and Procedures: Hearing Before the Subcomm. on Elections of the H. Comm. on Admin.*, 112th Cong. (2011).

³ Letter from Chairman Bryan Steil, Chairman of the U.S. House of Representatives Committee on House Administration to Regina Wallace-Jones CEO & President, ActBlue (Oct. 31, 2023), https://cha.house.gov/_cache/files/f/2/f28462dc-15dd-490c-a7f0-bc20772db975/4922D896A967959D5BC6530F6615E9B9.actblue-letter-final-78-.pdf.

donate.⁴ However, the vast majority of online transactions, including a donation to most political campaigns and to other large fundraising platforms, require a CVV number to reduce fraud and prevent unlawful foreign transactions. ActBlue's donor procedures are painfully outside the norm, and an emergency rulemaking is required to address them.

Similarly, the Committee has taken important steps to keep foreign money out of U.S. elections. Last May, we held a full committee hearing on Preventing Noncitizen Voting and Other Foreign Interference⁵ where we heard important testimony explaining the myriad ways wealthy foreign nationals influence U.S. elections by exploiting loopholes in our campaign finance system.⁶ On a bipartisan basis, we passed the Stop Foreign Funds in Elections Act⁷, a top legislative FEC recommendation⁸ that prohibits contributions or donations by foreign nationals in connection with state or local ballot initiatives, referenda, or recall elections. In addition, we passed my own legislation, the Preventing Foreign Interference in American Elections Act⁹ that prohibits foreign nationals from using nonprofit organizations as a pass through to donate to Super PACs.

ActBlue's practices invite the possibility of foreign donations, and allowing political committees to accept donations from gift cards or other prepaid credit cards promote the appearance and the very real possibility that straw donors are making campaign donations with funds provided by another person or an unlawful donor including a foreign national. These issues present a serious loophole to the transparency and integrity of the campaign donation process, and an emergency rulemaking is required to rectify these issues.

Please send any follow-up questions you might have to March Bell, General Counsel, at March.Bell@mail.house.gov.

Sincerely,



Bryan Steil
Chairman
Committee on House Administration

⁴ Letter from Regina Wallace-Jones CEO & President, ActBlue to Chairman Byran Steil, Chairman of the U.S. House of Representatives Committee on House Administration (Nov. 27, 2023), https://cha.house.gov/_cache/files/4/5/453a1689-6471-4632-8874-2ea5018820a7/FEE0032E48BFF011537DA5927F7E9298.response-to-house-admin-committee-11-27-23.pdf.

⁵ *American Confidence in Elections: Preventing Noncitizen Voting and Other Foreign Interference: Hearing Before the H. Comm. On Admin.*, 118th Cong. (2024).

⁶ Federal law prohibits contributions, donations, expenditures (including independent expenditures) and disbursements solicited, directed, received or made directly or indirectly by or from foreign nationals in connection with any federal, state or local election. See 52 U.S.C. § 30121.

⁷ H.R.3229 - 118th Congress (2023-2024): Stop Foreign Funds in Elections Act, H.R.3229, 118th Cong. (2023).

⁸ Legislative Recommendations of the Federal Election Commission 2023, FEC (Dec. 14, 2023), available at <https://www.fec.gov/resources/cms-content/documents/legrec2023.pdf>.

⁹ H.R.8399 - 118th Congress (2023-2024): Preventing Foreign Interference in American Elections Act, H.R.8399, 118th Cong. (2024).