



FEDERAL ELECTION COMMISSION

Washington, DC 20463

UNITED STATES SENATE

COMMITTEE ON RULES & ADMINISTRATION

STATEMENT OF HANS A. von SPAKOVSKY

Wednesday, June 13, 2007

Thank you Madame Chairman, Senator Bennett and members of the Committee. I am pleased to be here with my fellow nominees, Robert Lenhard, Steven Walther, and David Mason, and to have this opportunity to speak to you and to answer your questions. I was deeply honored to have been nominated for a seat on the Federal Election Commission, and with my Democratic colleagues, I have been serving on the Commission since January of 2006.

I am grateful to President Bush for the confidence he has shown by nominating me. I have to say though, that this nomination, and your consideration of me for a seat on the Commission, is really a reflection not so much of me, but of what a great country this is. I think that only in America could a first- generation son of immigrants be considered for such a post of public service. I would like to thank my wife and my three children for putting up with the long hours that I have worked since we moved to Washington in 2001. I also want to thank my parents, and especially my mother, whose hard work and emphasis on education and taking advantage of all of the opportunities that this wonderful country has to offer are why I am sitting here before you today.

When Chairman Lenhard, Commissioner Walther, and I started at the FEC last year, it was one month short of the 55th anniversary of the day my parents arrived in the United States. They arrived here in the same shape as countless immigrants before them, almost penniless, my father with no job, with a three-year old daughter, and another child only six weeks away from being born. They went on to have five children, all of whom have been very successful in their chosen professions, and we have assimilated into the great American melting pot.

My mother grew up in Nazi Germany and my father escaped from Russia in the early 1920's after the Communists took control. When my father fled Russia, he settled in Yugoslavia. When World War II ended, he once again had to flee his adopted country when the Communists took control to avoid being arrested and shot. My parents met in a refugee camp in the American Sector of Occupied Germany. My childhood was full of stories from my parents of what life was like in a dictatorship, and from that, we learned to appreciate how lucky we were to be living in this democracy that all of us call home. I have understood from a very early age how important it is to safeguard not just our right to vote, but our ability to participate in the political process.

If you want to know how we would carry out our duties as Commissioners if we are confirmed, you now have the advantage of seeing how we have voted and performed on the FEC during the past year and six months. In 2006, the FEC had one of its most active years in the Agency's 32-year history. We collected \$6.2 million dollars in civil penalties – more than twice as much as in any other year – including the largest civil penalty in FEC history, \$3.8 million. Since the FEC opened its doors in 1975, it has had 55 enforcement cases with penalties over \$100,000 – 19 of those cases, or more than one in three, were concluded in 2006 and 2007.

We also closed four cases against 527 organizations, collecting almost \$1.4 million dollars in civil penalties, including one penalty of \$750,000, the third largest penalty in the Agency's history. In the first quarter of 2007, we collected \$1.1 million in civil penalties, the most successful first quarter ever. We closed 315 enforcement matters in 2006, the largest number since 2001, and the average time to complete a case, from the time a complaint is filed until the case is closed, has declined by nearly one third from earlier years. Over 89% of our cases are now closed within the 2-year federal election cycle, the fastest processing of cases in the Agency's history. And all of us are intent on improving this even further.

We also issued 25 Advisory Opinions in 2006, instituted an expedited process for responding to time-sensitive requests, and completed 7 regulatory rulemakings. Finally, we made policy changes to improve our enforcement process, including adopting a pilot program to provide oral hearings to the targets of investigations – a very basic due process right. The ABA has been recommending that the FEC implement such a right to a hearing since 1983 – this set of Commissioners sitting before you finally accomplished it, adopting it unanimously.

Contrary to popular belief, Commissioners vote unanimously in about 99% of enforcement cases – there is no partisan split between the Commissioners. The times that we split 3/3 on a vote are very rare. We have a very collegial and bipartisan atmosphere at the Commission. On the rare occasions when we disagree on the meaning of specific provisions of the Federal Campaign Finance Act, which even its authors I think would admit is not always crystal clear in its intent and reach, we do so on a reasoned, legal basis, take our vote, and move on to the next issue.

I have pledged to the President, and I pledge to you, that I will work hard to ensure that this Agency carries out its mission to protect our election system. The laws we enforce are intended to make sure that the ground rules governing campaigns are fair, above board, and prevent corruption that will damage our democratic system. The biggest lesson I have learned in my time at the FEC is that the rules must be clear, straightforward, and easy to understand. If they are so complex that they can only be understood by a high-priced Washington lawyer, then we are not doing our job, with due apologies to some of those high-priced lawyers who are probably in the audience today. We have to ensure that ordinary Americans who want to run for office or serve in a campaign are not discouraged from doing so because they cannot understand the rules governing campaigns. They need to easily know what is legal and what is not.

That is my goal, and I know it is a bipartisan goal shared by my colleagues, too. Our job is not to make sure one party wins and the other party loses, but that everyone on all sides knows what the rules are, that they are fairly enforced, and that the American

people can make their choices of who should govern the nation. I have the greatest respect for all of my colleagues on the Commission, of both parties, and particularly the gentlemen I am sitting with. They are true professionals who have the best interests of the American people at heart, and we share the goal of doing everything we can to improve the effectiveness and efficiency of the FEC in carrying out its duty to enforce the law, while making sure we protect the First Amendment rights of individuals to participate in the political process.



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BIOGRAPHY OF HANS A. von SPAKOVSKY

Hans A. von Spakovsky was nominated to the Federal Election Commission by President George W. Bush on December 15, 2005 and renominated on January 9, 2007. He was appointed as a Commissioner on January 4, 2006.

Prior to his appointment, Commissioner von Spakovsky served as Counsel to the Assistant Attorney General for Civil Rights in the U.S. Department of Justice, where he provided expertise and advice on voting and election issues, including on the Help America Vote Act of 2002.

Commissioner von Spakovsky has had a wide range of experiences in election related issues, including as a member of the first Board of Advisors of the U.S. Election Assistance Commission and the Fulton County Board of Registration and Elections, which administered elections in the largest county in Georgia. He served on the Voting Standards Committee of the Institute of Electrical and Electronics Engineers (IEEE) and on the Election and Voter Service Technical Committee of the Organization for the Advancement of Structured Information Standards (OASIS), which were developing standards for voting equipment and electronic data interchange.

Commissioner von Spakovsky is a past member of the Board of Advisors of the Georgia Public Policy Foundation, the Georgia Election Officials Association and the International Association of Clerks, Recorders, Election Officials and Treasurers. The Commission on Federal Election Reform organized by President Jimmy Carter and Secretary James Baker has also sought his expertise. Commissioner von Spakovsky has testified before state and Congressional legislative committees and published articles on voter fraud, election reform, e-government, and Internet voting. He has appeared before numerous organizations including the National Association of Secretaries of State and the National Association of State Election Directors.

Prior to entering public service, Commissioner von Spakovsky worked as a government affairs consultant, in a corporate legal department, and in private practice. He received a J.D. from the Vanderbilt University School of Law in 1984 and a B.S. from the Massachusetts Institute of Technology in 1981. He is a member of the Georgia and Tennessee bars. He is a first-generation American whose parents immigrated to the United States in 1951. They met in a refugee camp as displaced persons after the end of World War II. He is originally from Huntsville, Alabama.