



AGENDA DOCUMENT NO. 06-80

**MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, NOVEMBER 30, 2006**

PRESENT:

Robert D. Lenhard, Vice Chairman, presiding

David M. Mason, Commissioner

Hans A. von Spakovsky, Commissioner

Steven T. Walther, Commissioner

Ellen L. Weintraub, Commissioner

**Joseph F. Stoltz, Office of the Staff
Director (Audit Division), representing
Patrina M. Clark, Staff Director**

Lawrence H. Norton, General Counsel

Mary W. Dove, Secretary

Vice Chairman Robert D. Lenhard called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, November 30, 2006, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

**Minutes for November 9, 2006
Agenda Document No. 06-75**

Vice Chairman Lenhard recognized Commissioner Mason, who

MOVED to approve the minutes for the Open Meeting of Thursday, November 9, 2006, as submitted in Agenda Document No. 06-75.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

II. BEST EFFORTS POLICY STATEMENT

**Agenda Document No. 06-76
(Submitted by Commissioner von Spakovsky)**

Vice Chairman Lenhard recognized Commissioner von Spakovsky who reviewed his proposed draft of the above-captioned matter, and

MOVED to approve the best efforts policy statement, as set forth in Agenda Document

II. **BEST EFFORTS POLICY STATEMENT** (continued)

No. 06-76, subject to the following amendment:

Page 1, beginning at the 8th line from the bottom, delete the words "that the committee took all reasonable steps to properly obtain, maintain or submit information and reports to the Commission as required by FECA, and....."

further, to instruct the General Counsel's Office to make any necessary technical and conforming amendments prior to publication in the *Federal Register*.

The motion carried on the vote of 5-0 with Commissioners

Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

III. **NOTICE OF PROPOSED RULEMAKING ON BEST EFFORTS IN ADMINISTRATIVE FINES**

Agenda Document No. 06-77 (Submitted late)
(Submitted by Vice Chairman Lenhard and
Commissioner von Spakovsky)

The Vice Chairman recognized Commissioner Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 06-77.

The motion carried on the vote of 5-0 with Commissioners

III. **NOTICE OF PROPOSED RULEMAKING ON BEST EFFORTS IN
ADMINISTRATIVE FINES** (continued)

Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

Vice Chairman Lenhard recognized Commissioner von Spakovsky who reviewed the proposed notice of proposed rulemaking regarding incorporation of a "best efforts" defense into the administrative fines program, and

MOVED to approve the proposed notice of proposed rulemaking, as set forth in Agenda Document No. 06-77, for publication in the *Federal Register*.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

IV. **PROPOSED POLICY STATEMENT ESTABLISHING A PILOT
PROGRAM FOR PROBABLE CAUSE HEARINGS**

Agenda Document No. 06-78 (Submitted late)
(Submitted by Chairman Toner and
Commissioner Weintraub)

Agenda Document No. 06-78-A (Submitted late)
(Submitted by Commissioner Walther)

IV. PROPOSED POLICY STATEMENT ESTABLISHING A PILOT PROGRAM FOR PROBABLE CAUSE HEARINGS (continued)

The Vice Chairman recognized Commissioner Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 06-78 and No. 06-78-A.

The motion carried on the vote of 5-0 with Commissioners

Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

Vice Chairman Lenhard recognized Commissioner Weintraub who presented an overview of the subject document which was co-authored by Chairman Toner.

A discussion followed.

The Vice Chairman recognized Commissioner Weintraub, who

MOVED to approve the proposed policy statement, as set forth in Agenda Document No. 06-78, as amended by Agenda Document No. 06-78-A, and to instruct the General Counsel's Office to make any necessary technical and conforming amendments prior to publication in the *Federal Register*.

The motion carried on the vote of 5-0 with Commissioners

Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

V. **PROPOSED POLICY STATEMENT REGARDING SELF-REPORTING
OF CAMPAIGN FINANCE VIOLATIONS (*Sua Sponte* Submissions)**

Agenda Document No. 06-79 (Submitted late)

Vice Chairman Lenhard recognized Commissioner Mason, who

MOVED to suspend the rules on the
timely submission of agenda documents
in order to consider Agenda Document
No. 06-79.

The motion carried on the vote of 5-0 with Commissioners
Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting
affirmatively.

Vice Chairman Lenhard recognized Ms. April Sands of the
General Counsel's Office who presented the subject document.

There was discussion.

The Vice Chairman recognized Commissioner Weintraub, who

MOVED to approve the draft proposed policy
statement regarding self-reporting of Campaign
Finance Violations (*Sua Sponte* Submissions), as
set forth in Agenda Document No. 06-79, and to
instruct the General Counsel's Office to make any
necessary technical and conforming amendments
prior to publication in the *Federal Register*.

The motion carried on the vote of 5-0 with Commissioners
Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting
affirmatively.

VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

**There were no management and administrative matters to
come before the Commission.**

The meeting adjourned at 11:05 A.M.

Signed:

**Michael E. Toner
Chairman of the Commission**

Attest:

**Mary W. Dove
Secretary of the Commission**

