



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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April 8, 2002


AGENDA ITEM

For Meeting of: 4-11-02

SUBMITTED LATE

MEMORANDUM

TO: The Commission

FROM: Lawrence H. Norton
General Counsel 

RE: Ex Parte Communications and the Bipartisan Campaign Reform Act: Late
Submission and Placement as Agenda Item

The attached memorandum contains a summary of the procedures for handling ex parte communications during a rulemaking. In light of the Commission's discussion of the Bipartisan Campaign Reform Act regulations at its meeting on April 11, 2002, this Office requests that the Commission suspend its rules regarding late submission of documents and place this item on the agenda for the Open Session to begin, April 11, 2002.




FEDERAL ELECTION COMMISSION

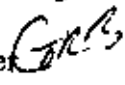
WASHINGTON, D.C. 20463


April 8, 2002

MEMORANDUM

TO: The Commissioners

FROM: Lawrence H. Norton 
General Counsel

Gregory R. Baker 
Acting Associate General Counsel

Jack MacDonald 
Deputy Ethics Official

SUBJECT: Ex Parte Communications and the Bipartisan Campaign Reform Act

In light of the Commission's upcoming work on the Bipartisan Campaign Reform Act regulations, Chairman Mason requested that the Office of General Counsel prepare this memorandum as a reminder to the Commissioners and their staffs about the procedures for handling ex parte communications during a rulemaking.

Pursuant to 11 C.F.R. § 201.2(a)(4), an ex parte communication means any written or oral communication by any person outside the agency to any Commissioner or any member of a Commissioner's staff which imparts information or argument regarding prospective Commission action or potential action concerning any pending rulemaking. *See* 11 C.F.R. § 201.2(a)(4).

A Commissioner or member of a Commissioner's staff who receives an ex parte communication concerning any rulemaking shall provide a copy of a written communication or a written summary of an oral communication to the Commission Secretary for placement in the public file of the rulemaking. *See* 11 C.F.R. § 201.4(a). The ex parte communication should be reported as soon as is reasonably possible but no later than three business days after the communication unless special circumstances make this impracticable, or prior to the next Commission discussion of the matter, whichever is earlier. *See Id.* The Commissioner or staff member shall advise any person making an oral communication that a written summary of the conversation will be made part of the public record. *See Id.*

Memorandum to the Commissioners

Ex Parte Communications and the Bipartisan Campaign Reform Act

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Please be reminded that the requirements for documenting an ex parte communication concerning a rulemaking apply from the date a petition for rulemaking is circulated to Commissioners' offices, or the date on which a proposed rulemaking document is first circulated to the Commission or placed on an agenda of a Commission public meeting, through final Commission action on that rulemaking. *See* 11 C.F.R. § 201.4(b)(1).

