

December 1, 2006

April Sands, Attorney
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
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Dear FEC:

It is my opinion that the reduction of penalties for reporting one's own violations of campaign finance law may be too high because there is no prevention in doing so. If the penalty is lowered too much, then the fine instead becomes a tax on those who violate the law instead of a reason to not break it at all. Those who created and passed the law would not necessarily want all motivation for following what are important guidelines stripped simply because a person now has the written right to disclose their own improprieties to avoid paying a massive sum. The party has the power to disclose and the Commission, to my knowledge, has the right to lower fines at whim.

Another problem is that if the person or entity is aware that they broke the laws on campaign finance, then the self-reporting could serve as an excuse to enforce the law less. Let me explain. Self-reporting will only giving the feeling of breaking a minor scoff law. Once they "scoff" the law there will be a gradual increase in confidence as they got away with it and can continue to scoff the law as time passes and no enforcement takes place. Approving self-reporting appears that the Federal Election Commission has surrendered total enforcement. To rely on the lawbreaker to turn theirself in is naïve in nature and is better handled by having the Commission decide at the time what the penalty should be (such as a slap on the wrist or \$50,000) as that would be more fair.

Sincerely,



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