



# ENFORCEMENT PROFILE

*September 30, 2005*

## EXECUTIVE SUMMARY

The Federal Election Commission (FEC) has implemented a series of measures aimed at improving the efficiency and effectiveness of the agency's enforcement program. Two of the initiatives are geared toward the agency's traditional enforcement program that is administered by the Office of General Counsel (OGC). These are the Enforcement Priority System (EPS) and the Case Management System (CMS). The Staff Director manages two additional improvement efforts, the Administrative Fine Program and the Alternative Dispute Resolution Program (ADR). This report documents the impact of these changes.

To address an increasingly large and complex caseload, the OGC in 1993 initiated EPS, a system that categorizes cases by complexity and importance. In FY 2000, OGC implemented the Case Management System (CMS), a database that electronically tracks and stores information related to enforcement cases, thereby helping staff to manage their workload more efficiently. Recognizing the increased demands on the Commission's traditional enforcement program, Congress called for a comprehensive review of the FEC by Pricewaterhouse Coopers (PwC). As an outgrowth of that review, Congress enacted legislation in 1999 that created the Administrative Fine Program within the FEC. Effective in FY 2000, this Congressional action authorized the Commission to streamline its enforcement of late and failure to file violations in an expedited manner using a published schedule of penalties. Within the same general timeframe, the Commission established an Alternative Dispute Resolution Program (ADR) designed to address straightforward violations in a more expeditious manner than is possible through the traditional enforcement process.

Taken together, these initiatives have enabled the Commission to resolve a significantly larger number of routine reporting violations, to address straightforward violations far more expeditiously and to focus OGC resources on the most significant cases. As a result, the number of matters not pursued because they were either stale or less important was dramatically reduced while at the same time fines and civil penalties increased substantially. For example, the FEC's agency-wide enforcement program dismissed only 11% of its cases without substantive action in FY 2001-2005, compared to 54% in the period from FY 1995-2000. Fines and penalties collected during the most recent five years totaled approximately \$11 million, up from just under \$5 million in the preceding five years.

With respect to matters resolved through the standard enforcement process, OGC negotiated \$1,428,300 in civil penalties or 71% of the total fines and penalties obtained in FY 2005. This represents the fourth consecutive year with civil penalties in excess of \$1 million.

Since FY 2001, the Administrative Fine Program has resolved 1,223 cases of late and non-filed reports, 214 of which were completed in FY 2005. During this five year period the Commission has assessed administrative fines totaling \$2.3 million. This program when viewed in combination with reporting violations resolved through the traditional enforcement process has resulted in a six-fold increase in the number of reporting violation actions resolved by the FEC. FY 2005 showed fewer fines assessed than in comparable prior years along with considerable improvement in the time required to complete action after reports were due, evidence of improved compliance with reporting deadlines.

## EXECUTIVE SUMMARY (cont.)

The Alternative Dispute Resolution (ADR) program seeks to resolve certain types of matters in a collaborative and expeditious manner. While the potential exists for civil penalties, the focus of ADR is to correct behavior. As a consequence, ADR employs non-financial solutions such as attendance at an FEC educational seminar, adoption by the reporting entity of additional or revised policies and procedures and audits to reduce the likelihood of future violations. Since its inception in FY 2001, ADR has successfully completed 214 cases, with 79 of these closed in 2005.

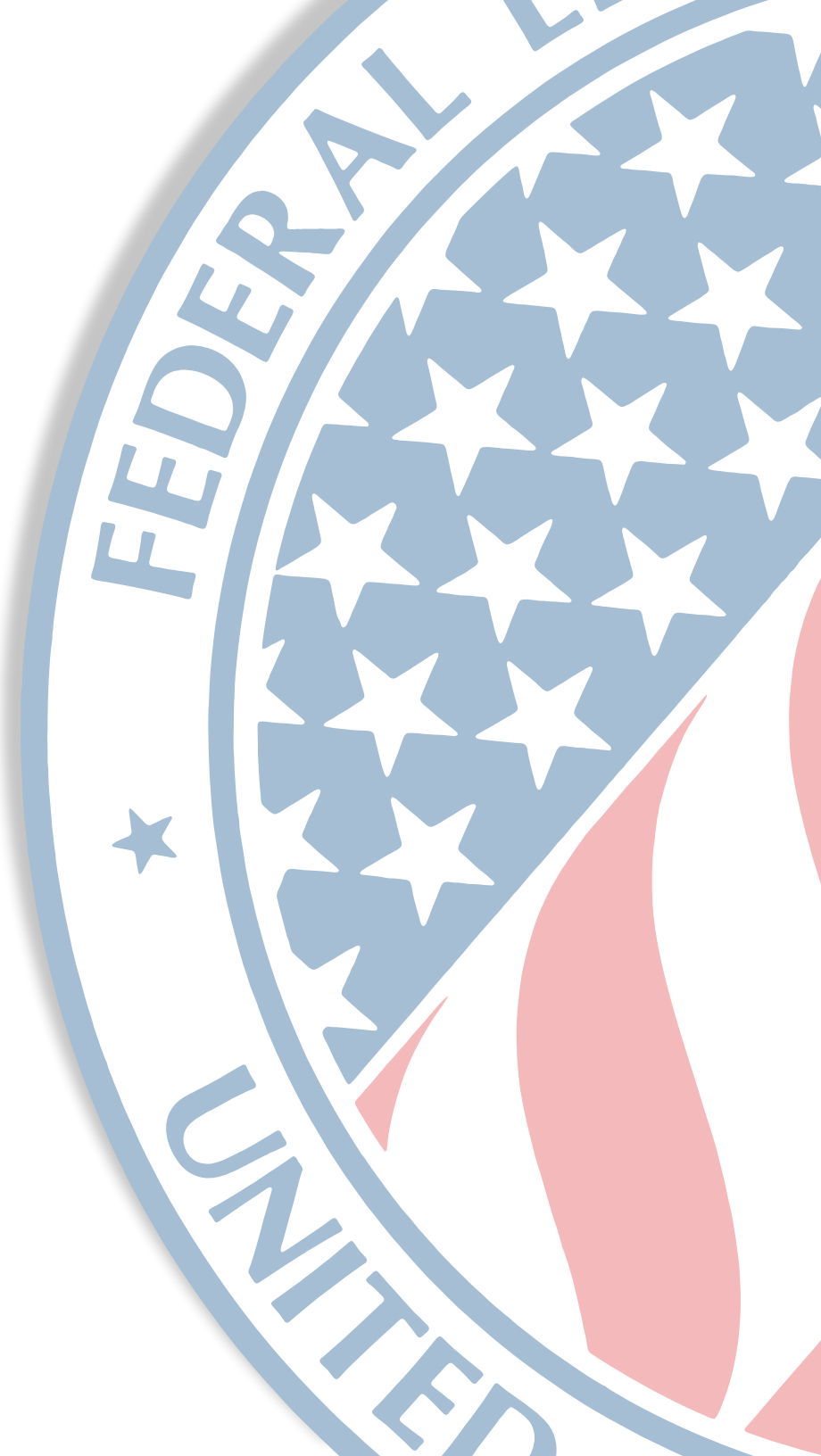
The material that follows details the noteworthy improvement made in the FEC's enforcement program between FY 1995 and FY 2005 (October 1, 1994 – September 30, 2005). As the charts and tables on the following pages document, the FEC has been able to close significant numbers of routine reporting violations and address other straightforward violations more expeditiously; focus OGC resources on more major cases resulting in substantially higher civil penalties and reduced processing times; and notably reduce the number of matters closed by the FEC without substantive analysis.

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# SECTION I

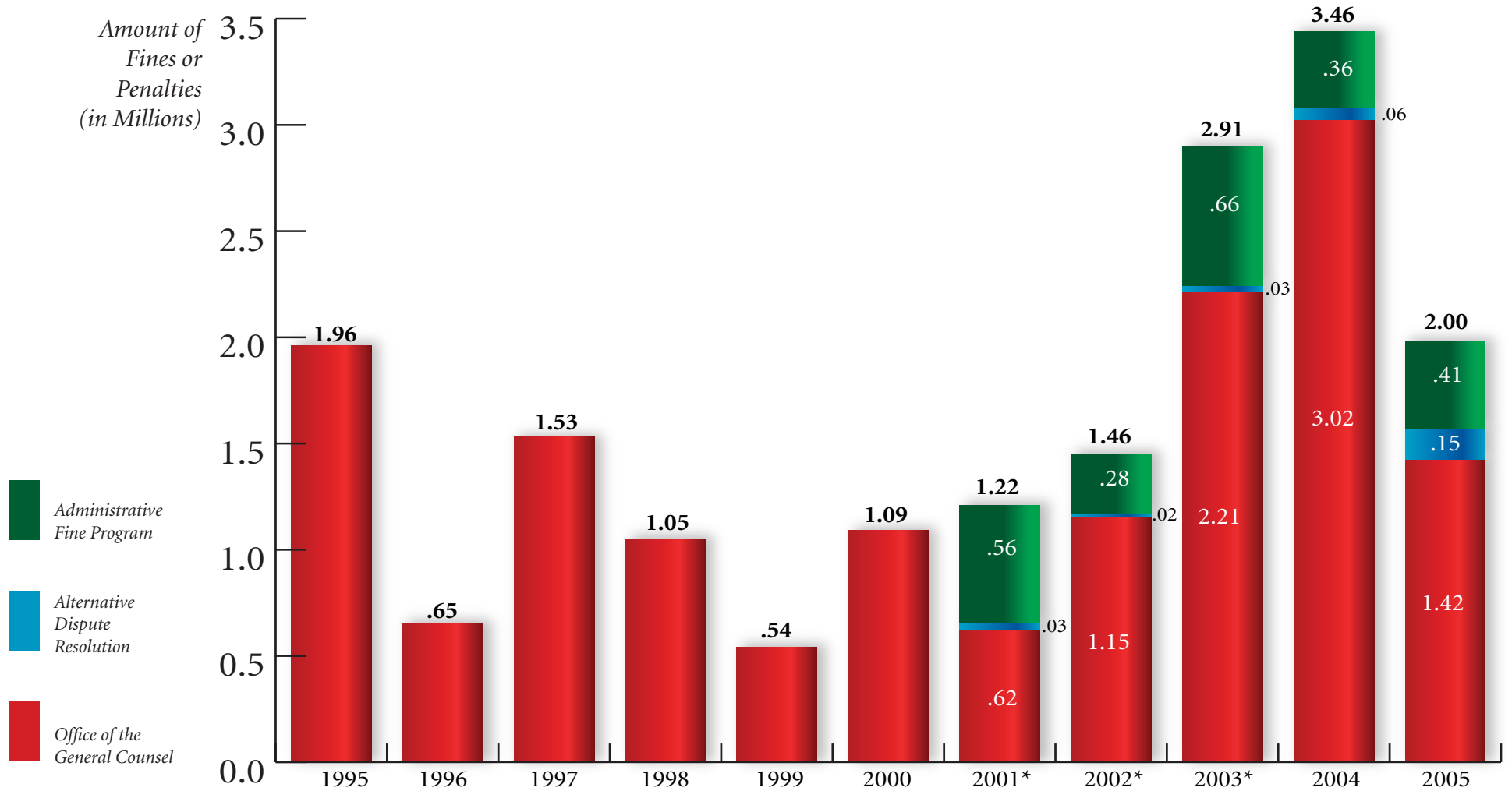
FEDERAL ELECTION COMMISSION  
ENFORCEMENT PROFILE



## FEDERAL ELECTION COMMISSION

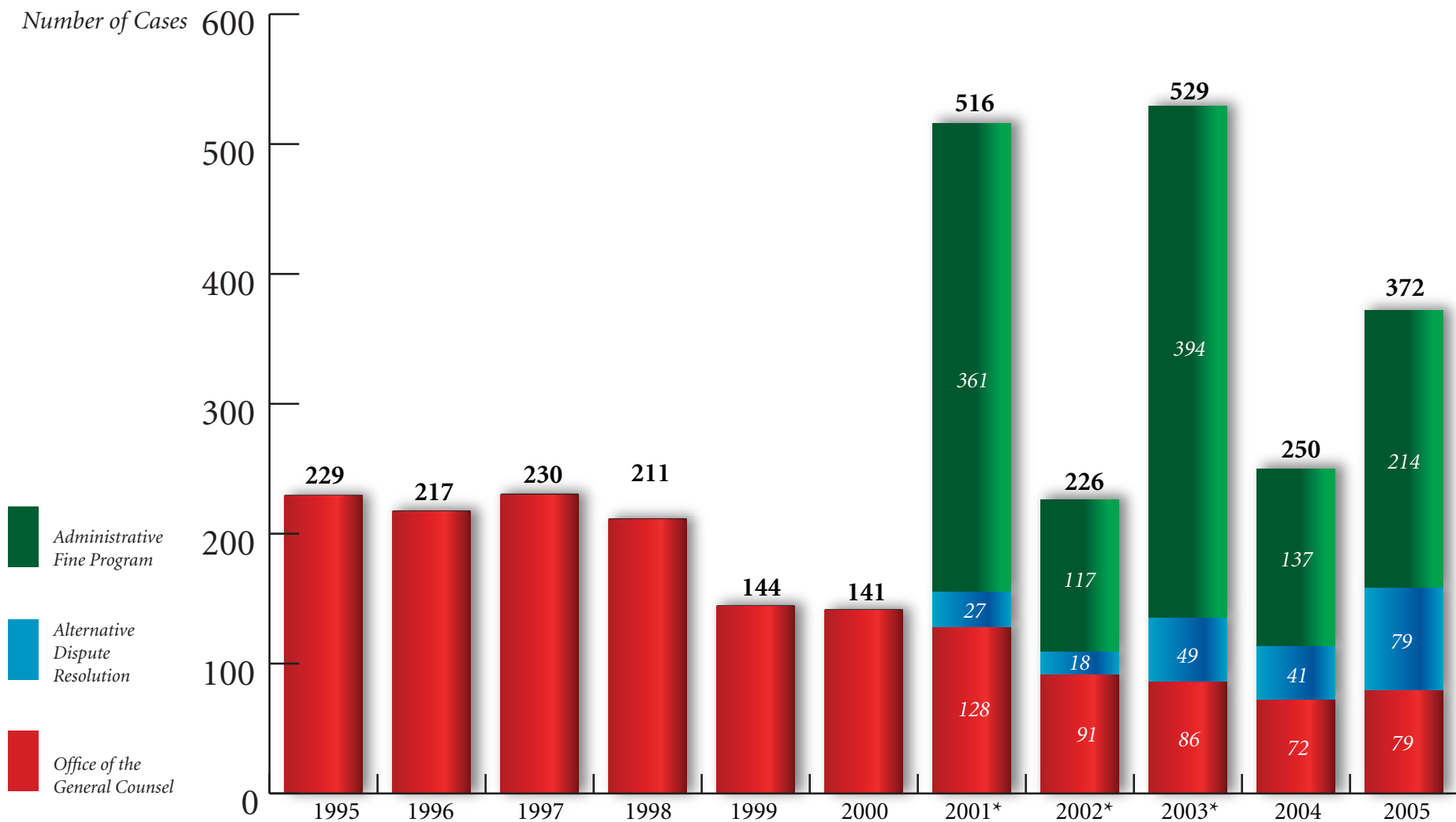
- Since FY 1995, the FEC has increased the efficiency and effectiveness of its Enforcement Program, which includes the Administrative Fine and Alternative Dispute Resolution (ADR) programs, and the standard enforcement process set forth in 2 U.S.C. § 437g. The following charts and tables, derived from the FEC's Case Management System and Administrative Fine databases, detail the significant progress made by the FEC between FY 1995 and FY 2005.
- Total fines and penalties assessed have increased substantially since 1999. In FY 2005, total civil penalties and fines totaled \$2,001,106, the fourth consecutive year with more than \$1 million in penalties.
- Including matters resolved through the standard enforcement process and the ADR and Administrative Fine programs, the FEC dismissed only 11% of cases without a substantive finding in FY 2001-2005, compared to 54% in the period from FY 1995-2000.

**FEC Enforcement Dispositions: Total Fines Assessed And Penalties Negotiated, Fiscal Years 1995–2005**



\*Total revised to include amounts assessed for Administrative Fine Program, not amounts paid as previously reported.

**FEC Enforcement Dispositions: Total Cases Closed, Fiscal Years 1995–2005**



\*Total revised to reflect correction to cases closed by Administrative Fine Program.



**FEC Enforcement: Substantive Dispositions Of Issues, Fiscal Years 1995–2005**

Issues	1995	1996	1997	1998	1999	2000	1995-2000 (Total)	2001	2002	2003	2004	2005	2001-2005 (Total)
Sec. 432 – Organization of Political Committee	3	8	7	4	4	10	36	6	9	7	8	4	34
Sec. 433 – Registration of Political Committee	11	6	11	5	3	6	42	4	6	8	10	5	33
Sec. 434(a) – Reporting - Filing Requirements	33	33	31	28	26	39	190	387	132	412	157	236	1,324
Sec. 434(b) – Reporting - Contents of Reports	28	15	16	19	6	35	119	22	13	27	29	45	114
Sec. 437 – Reports on convention financing	0	0	0	0	0	2	2	2	1	0	0	0	3
Sec. 438(a)(4) – Sale or Use Restriction	0	2	0	1	0	0	3	0	0	0	0	1	0
Sec. 439a – Personal Use of Campaign Funds	5	1	1	3	1	0	11	1	1	1	6	0	9
Sec. 441a – Limitations, Contributions & Expenditures	31	22	18	11	7	23	112	28	21	27	24	7	107
Sec. 441a (f) – Prohibited Contributions & Expenditures	31	23	24	14	11	37	140	26	16	25	28	4	99
Sec. 441b – Corporate Contributions	33	18	31	23	14	44	163	39	21	31	30	4	125
Sec. 441c – Contributions by Government Contractors	3	0	3	4	0	1	11	1	1	0	2	1	5
Sec. 441d – Disclaimer	14	10	10	6	8	9	57	11	9	5	9	8	42
Sec. 441e – Contributions by foreign nationals	1	5	2	2	4	3	17	4	5	1	2	1	13
Sec. 441f – Contributions in Name of Another Prohibited	11	7	6	9	6	8	47	9	11	8	8	9	45
Sec. 441g – Limitation on Contribution of Currency	1	0	1	0	0	2	4	1	2	0	0	0	3
Sec. 441h – Fraudulent Misrepresentation of Campaign Authority	0	0	0	0	0	0	0	1	0	1	2	0	4
Sec. 441i – Soft Money of Political Parties	0	0	0	0	0	0	0	0	0	1	0	6	7
Sec. 9008 – Payments for Presidential Nominating Conventions	4	0	0	0	0	1	5	3	1	0	0	6	10
Sec. 9035 – Qualified Campaign Expense Limitations	1	2	0	0	0	3	6	1	0	0	0	0	1
<b>TOTAL CASES WITH SUBSTANTIVE ISSUES</b>	<b>113</b>	<b>86</b>	<b>84</b>	<b>68</b>	<b>63</b>	<b>118</b>	<b>532</b>	<b>467</b>	<b>193</b>	<b>512</b>	<b>217</b>	<b>332</b>	<b>1,721</b>

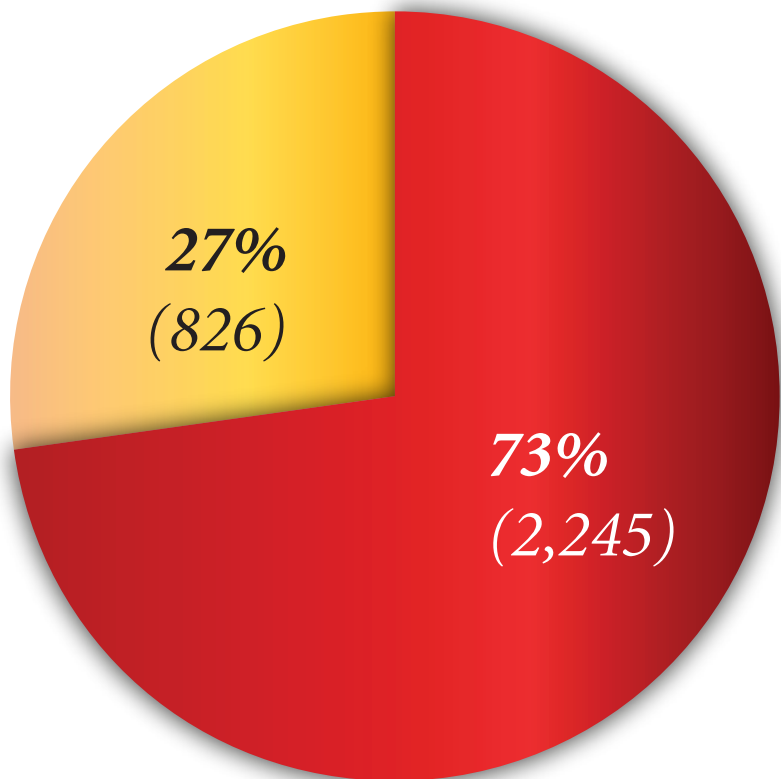
The issues are related to all Respondents in the case. The number of cases is not the same as the number of issues because in some cases there may be more than one violation and in “No RTB” findings the Commission may not cite an alleged violation. The majority of the Sec. 434(a) violations are the result of the Administrative Fine Program.

**FEC Enforcement: Average Number of Substantive Disposition Issues Per Year, Fiscal Years 1995–2005**

Issues	1995–2000	2001–2005	1995–2005
Sec. 432 - Organization of Political Committee	6	8	7
Sec. 433 - Registration of Political Committee	7	7	7
Sec. 434(a) - Reporting - Filing Requirements	32	265	138
Sec. 434(b) - Reporting - Contents of Reports	20	27	23
Sec. 437 - Reports on convention financing	0	1	1
Sec. 438(a)(4) - Sale or Use Restriction	1	0	0
Sec. 439a - Personal Use of Campaign Funds	2	2	2
Sec. 441a - Limitations, Contributions & Expenditures	19	25	21
Sec. 441a (f) Prohibited Contributions & Expenditures	23	24	24
Sec. 441b - Corporate Contributions	27	30	28
Sec. 441c - Contributions by Government Contractors	2	1	2
Sec. 441d - Disclaimer	10	9	9
Sec. 441e - Contributions by foreign nationals	3	3	3
Sec. 441f - Contributions in Name of Another Prohibited	11	11	11
Sec. 441g - Limitation on Contribution of Currency	1	1	1
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	1	0
Sec. 441i - Soft Money of Political Parties	0	1	1
Sec. 9008 - Payments for Presidential Nominating conventions	1	1	1
Sec. 9035 - Qualified Campaign Expense Limitations	1	0	1
<b>AVERAGE NUMBER OF CASES WITH SUBSTANTIVE ISSUES</b>	<b>89</b>	<b>344</b>	<b>205</b>

The issues are related to all Respondents in the case. The number of cases is not the same as the number of issues because in some cases there may be more than one violation and in "No RTB" findings the Commission may not cite an alleged violation. The majority of the Sec. 434(a) violations are the result of the Administrative Fine Program. The periods used throughout this report are intended to clarify changes resulting from new initiatives implemented in FY 2000.

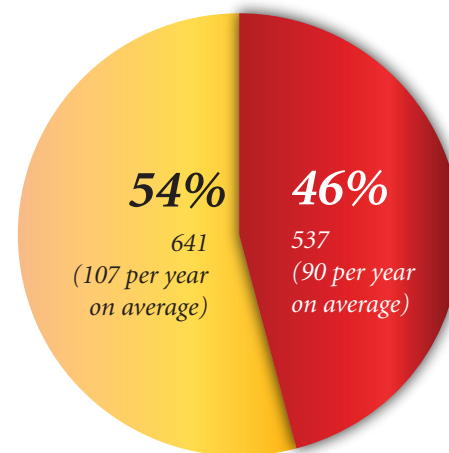
**FEC Enforcement Dispositions: Cases Dismissed or Closed with Substantive Action**



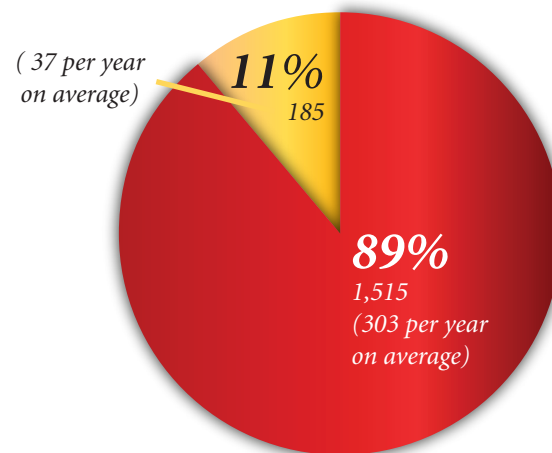
*Fiscal Years 1995–2005*

 Substantive Action

 Dismissed



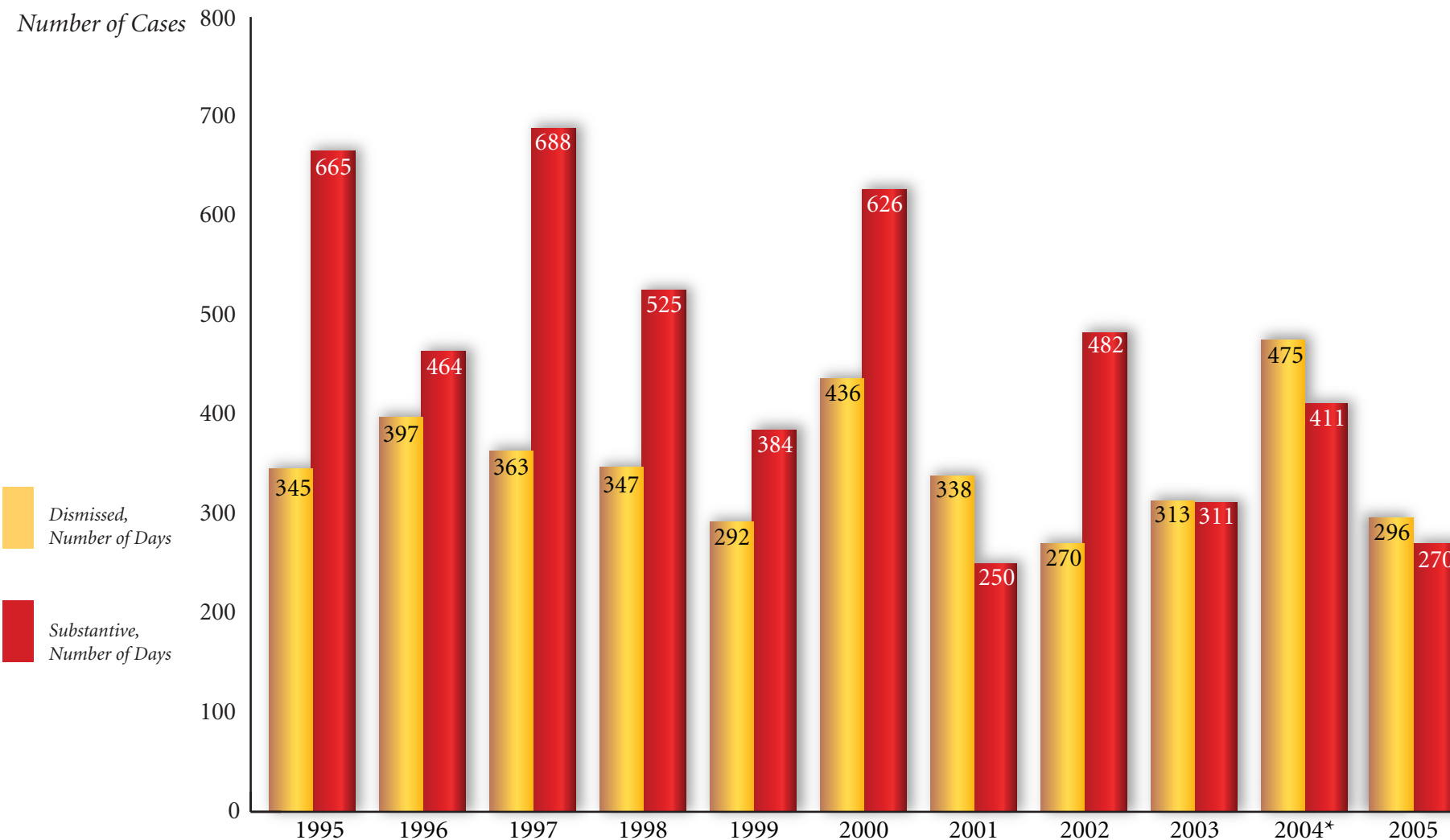
*Fiscal Years 1995–2000*



*Fiscal Years 2001–2005*

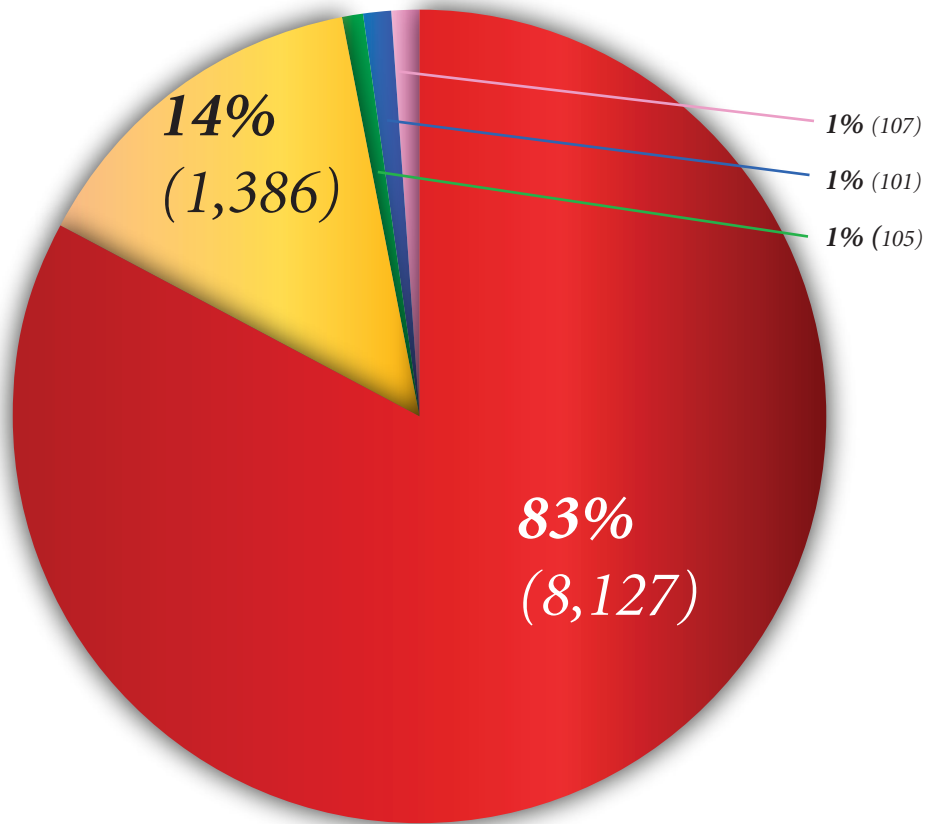
**FEC Elapsed Time Report:  
Fiscal Years 1995–2005**

**Average Number of Days for Cases Dismissed or Closed with Substantive Action,**

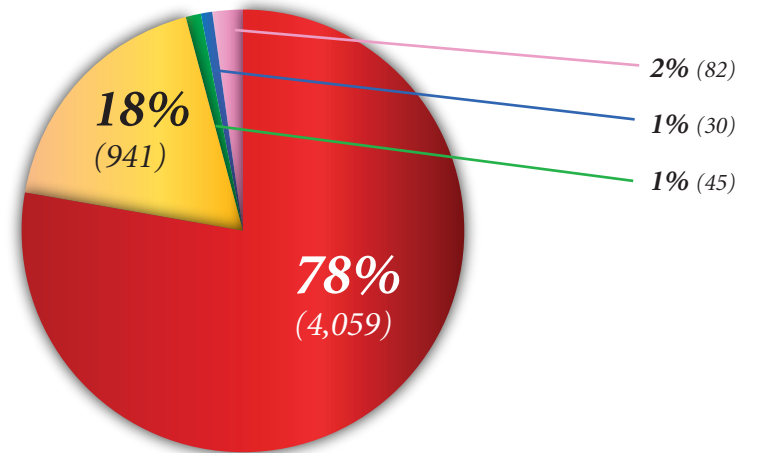


\* The majority of the Administrative Fine cases released in FY 2002 and 2004 were ones that were challenged (FY 02– 70% and FY 04– 53%) as compared to approximately 22% for FY 2001 and 2004.

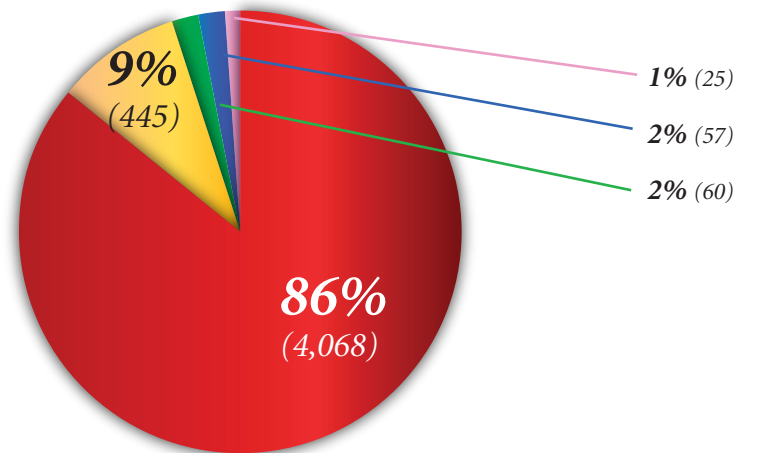
**FEC Enforcement Vote Report**



**Fiscal Years 1995–2005**  
9,826 Total Votes



**Fiscal Years 1995–2000**



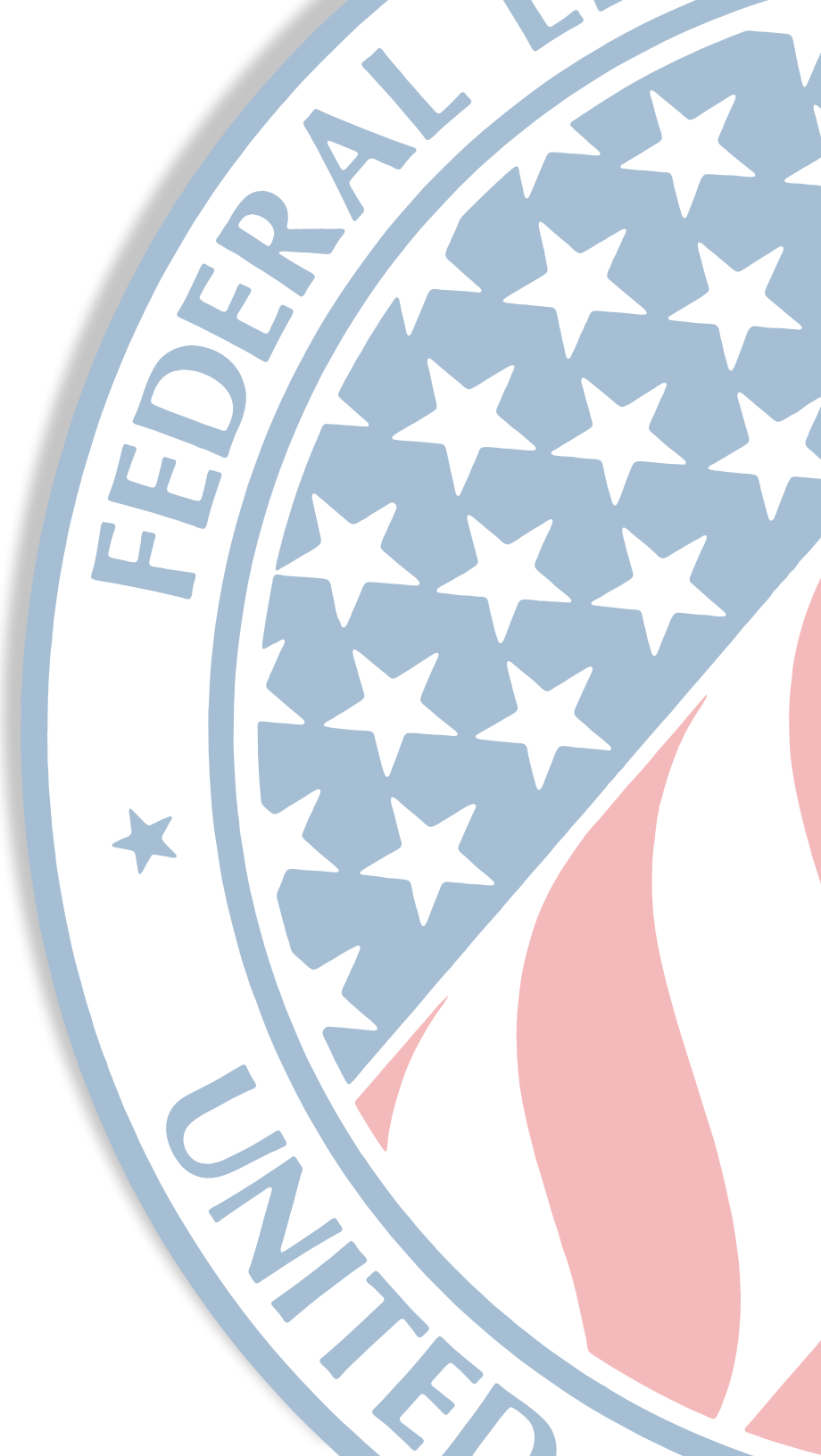
**Fiscal Years 2001–2005**



Approved without dissent (6-0, 5-0, 4-0); Approved with Dissent (5-1, 4-2, 4-1); Failed with Majority Opposition (2-4, 2-3, 1-5, 1-3); Failed with Insufficient Approval (3-2, 3-1, 2-2) Commissioners recusals, absence or no votes are not counted. From October 1995 to August 1998 and August 21, 2005 to September 30, 2005, the Commission did not have a full complement of six Commissioners.

# SECTION II

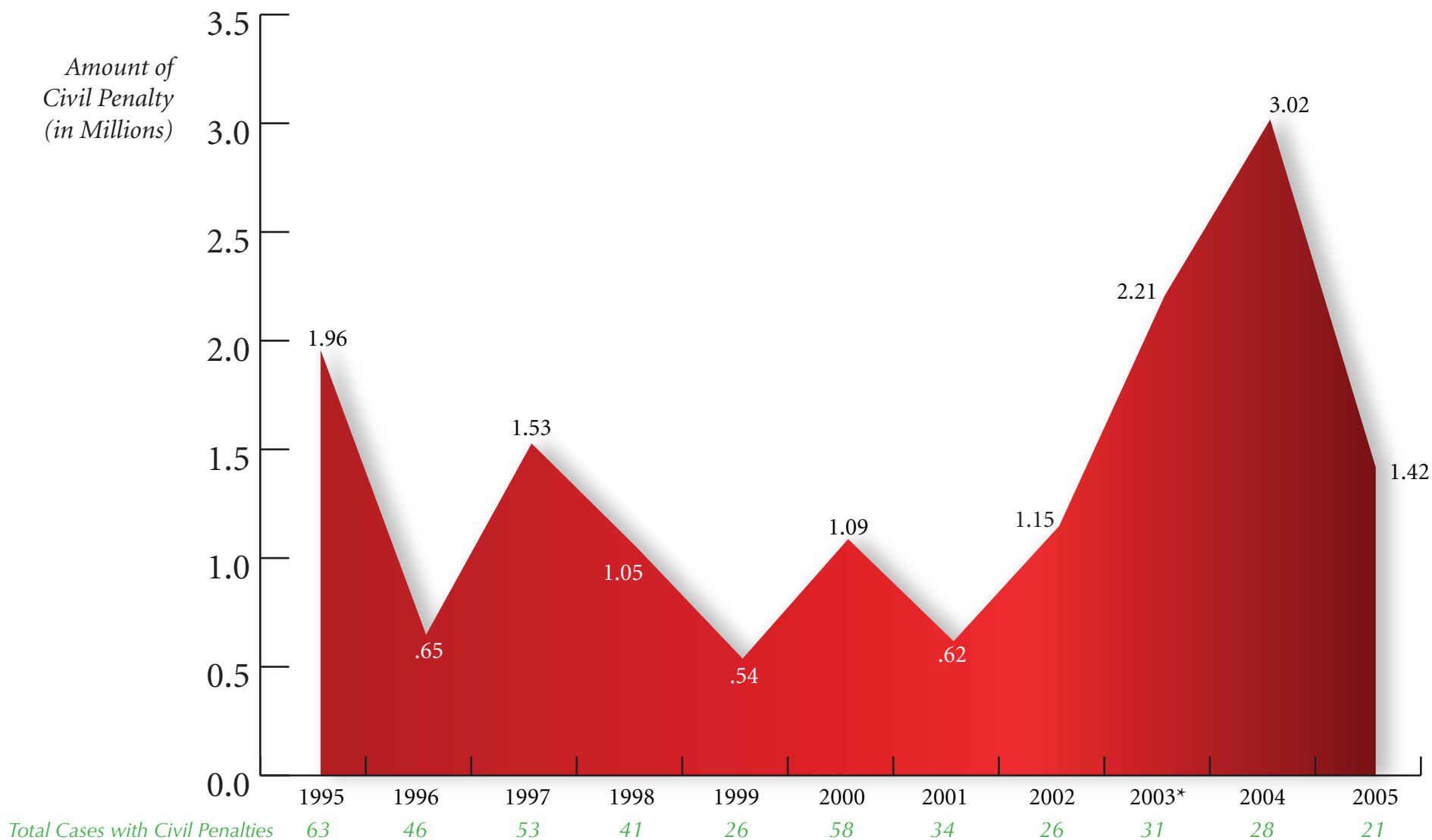
OFFICE OF GENERAL COUNSEL  
(OGC)



## 437g ENFORCEMENT MATTERS

- As required by 2 U.S.C. § 437g, the FEC's Office of General Counsel (OGC) reviews and investigates enforcement matters, makes recommendations to the Commission regarding the disposition of matters, and negotiates conciliation agreements requiring the payment of civil penalties.
- In FY 2005, OGC negotiated \$1,428,300 in civil penalties in matters resolved through the standard enforcement process. From FY2001 to date OGC has imposed a total of \$8,448,688 in civil penalties.
- In FY 2005 OGC resolved 87% of standard enforcement matters with substantive action, compared to 46% between FY 1995 and 2000.
- OGC continues to focus its enforcement resources on the most serious violations of the Federal Election Campaign Act, including failure to register and report as a political committee, prohibited contributions and expenditures, corporate contributions, contributions in the name of another, and fraudulent misrepresentation of campaign authority.

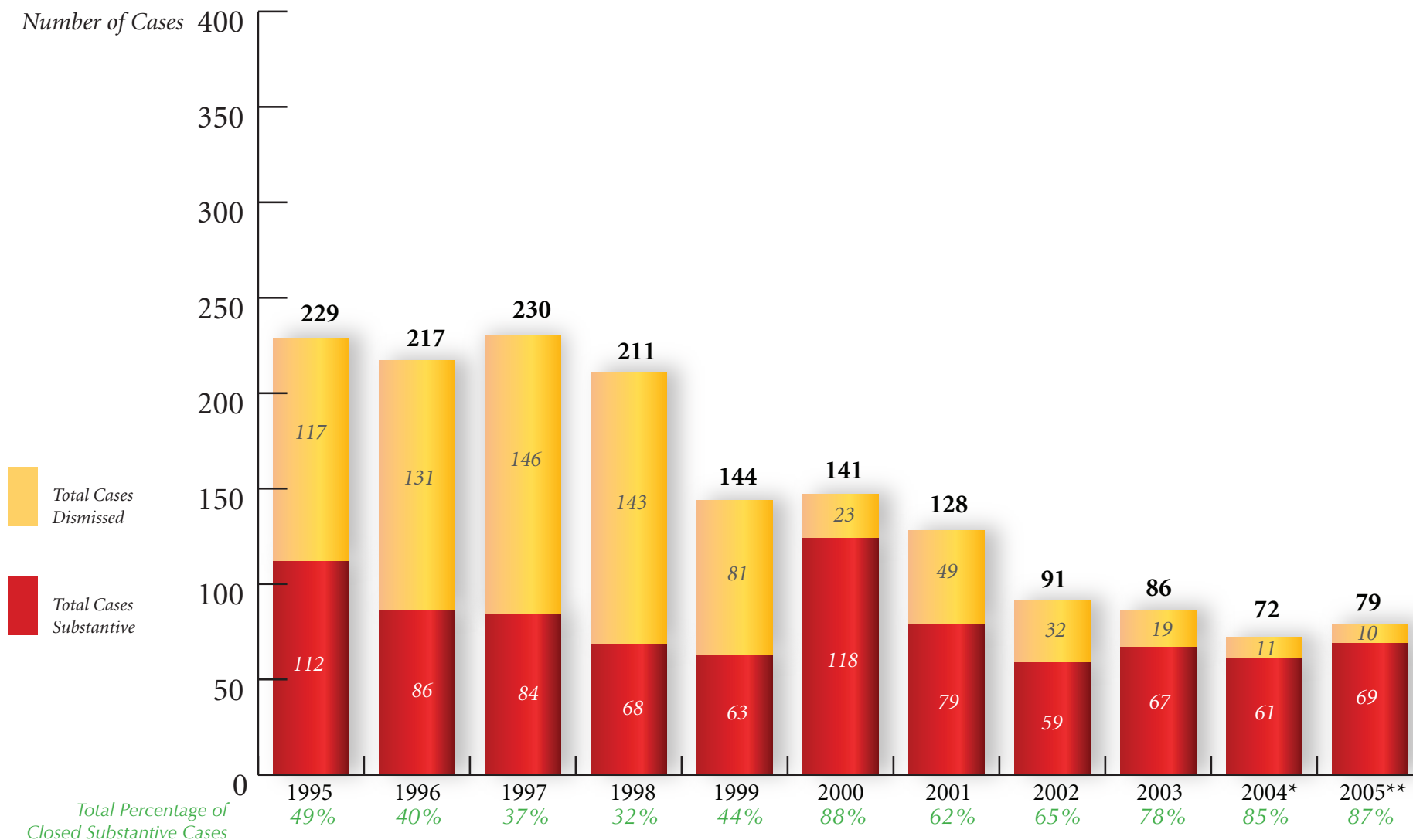
**OGC Enforcement Dispositions: Civil Penalties Negotiated, Fiscal Years 1995–2005**



FY 1995–2000 include matters that are now being handled by the Administrative Fine Program  
 \*Due to a clerical error, civil penalties totaling \$16,200 were not included in the final totals for FY 2003.



**OGC Enforcement Dispositions: Total Cases Closed, Fiscal Years 1995–2005**



FY 1995–2000 include matters that are now being handled by the Administrative Fine Program

\*The dismissed cases were closed following a substantive analysis and report presented to the Commission. There were no low-rated or stale closures among these dismissals.

\*\*Two of the dismissed cases were low-rated and the remaining eight were chosen following a substantive analysis and report presented to the Commission. There were no stale closures.

**OGC Enforcement: Substantive Disposition Of Issues, Fiscal Years 1995–2005**

Issues	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	TOTAL
Sec. 432 - Organization of Political Committee	3	8	7	4	4	10	4	8	5	7	3	<b>63</b>
Sec. 433 - Registration of Political Committee	11	6	11	5	3	6	4	5	4	6	4	<b>65</b>
Sec. 434(a) - Reporting - Filing Requirements	33	33	31	28	26	39	21	9	12	11	1	<b>244</b>
Sec. 434(b) - Reporting - Contents of Reports	28	15	16	19	6	35	20	12	21	16	17	<b>205</b>
Sec. 437 - Reports on convention financing	0	0	0	0	0	2	1	1	0	0	0	<b>4</b>
Sec. 438(a)(4) - Sale or Use Restriction	0	2	0	1	0	0	0	0	0	0	0	<b>3</b>
Sec. 439a - Personal Use of Campaign Funds	5	1	1	3	1	0	0	0	0	5	2	<b>18</b>
Sec. 441a - Limitations, Contributions & Expenditures	31	22	18	11	7	23	24	16	20	22	15	<b>209</b>
Sec. 441a (f) Prohibited Contributions & Expenditures	31	23	24	14	11	37	25	15	23	26	13	<b>242</b>
Sec. 441b - Corporate Contributions	33	18	31	23	14	44	33	19	25	25	29	<b>294</b>
Sec. 441c - Contributions by Government Contractors	3	0	3	4	0	1	1	1	0	1	2	<b>16</b>
Sec. 441d - Disclaimer	14	10	10	6	8	9	9	7	5	7	10	<b>95</b>
Sec. 441e - Contributions by foreign nationals	1	5	2	2	4	3	4	5	1	1	1	<b>29</b>
Sec. 441f -Contributions in Name of Another Prohibited	11	7	6	9	6	8	6	11	6	7	7	<b>84</b>
Sec. 441g - Limitation on Contribution of Currency	1	0	1	0	0	2	1	2	0	0	0	<b>7</b>
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	0	0	0	0	0	1	0	1	2	1	<b>5</b>
Sec. 441i - Soft Money of Political Parties	0	0	0	0	0	0	0	0	1	0	6	<b>7</b>
Sec. 9008 - Payments for Presidential Nominating Conventions	4	0	0	0	0	1	3	1	0	0	0	<b>9</b>
Sec. 9035 - Qualified Campaign Expense Limitations	1	2	0	0	0	3	1	0	0	0	0	<b>7</b>
<b>TOTAL CASES WITH SUBSTANTIVE ISSUES</b>	<b>113</b>	<b>86</b>	<b>84</b>	<b>68</b>	<b>63</b>	<b>118</b>	<b>79</b>	<b>59</b>	<b>67</b>	<b>55</b>	<b>51</b>	<b>843</b>

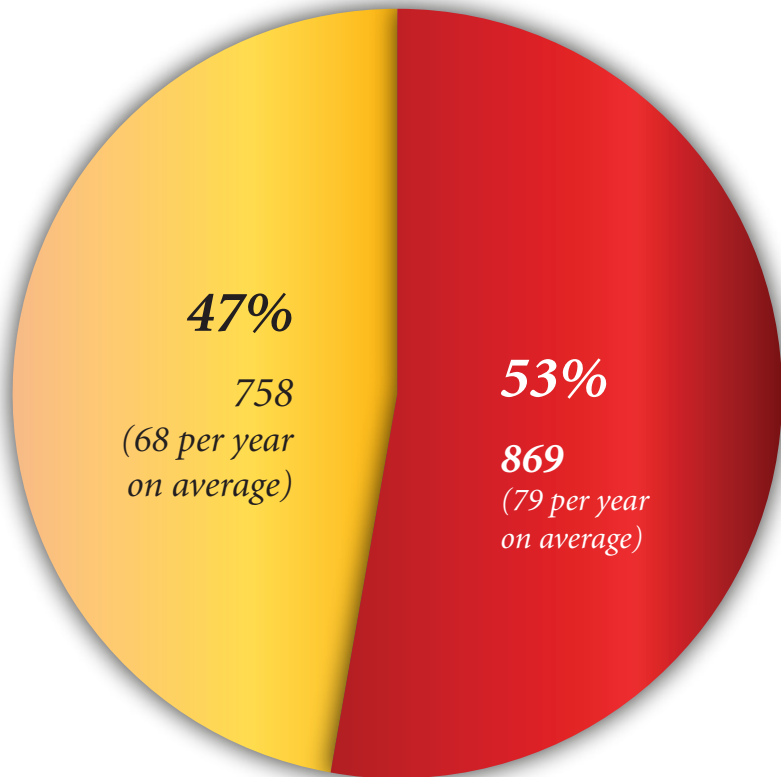
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**OGC Enforcement: Average Number of Substantive Disposition Issues Per Year, Fiscal Years 1995–2005**

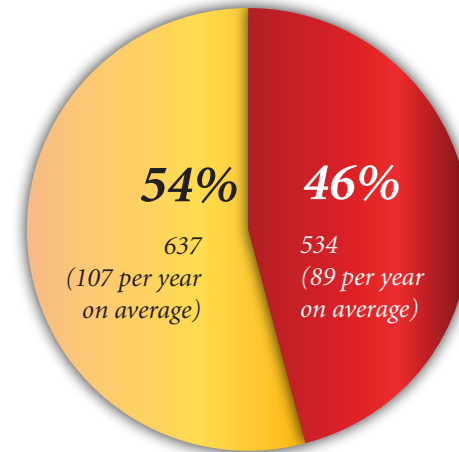
Issues	1995-2000	2001-2005	1995-2004
Sec. 432 - Organization of Political Committee	6	6	6
Sec. 433 - Registration of Political Committee	7	5	6
Sec. 434(a) - Reporting - Filing Requirements	32	11	22
Sec. 434(b) - Reporting - Contents of Reports	20	17	19
Sec. 437 - Reports on convention financing	0	0	0
Sec. 438(a)(4) - Sale or Use Restriction	1	0	0
Sec. 439a - Personal Use of Campaign Funds	2	1	1
Sec. 441a - Limitations, Contributions & Expenditures	19	17	18
Sec. 441a (f) Prohibited Contributions & Expenditures	23	21	22
Sec. 441b - Corporate Contributions	27	23	25
Sec. 441c - Contributions by Government Contractors	2	6	4
Sec. 441d - Disclaimer	10	6	8
Sec. 441e - Contributions by foreign nationals	3	4	3
Sec. 441f - Contributions in Name of Another Prohibited	11	7	9
Sec. 441g - Limitation on Contribution of Currency	1	2	1
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	1	0
Sec. 441i - Soft Money of Political Parties	0	1	1
Sec. 9008 - Payments for Presidential Nominating conventions	1	1	1
Sec. 9035 - Qualified Campaign Expense Limitations	1	0	1

The issues are related to all Respondents in the case. The number of cases is not the same as the number of issues because in some cases there may be more than one violation and in "No RTB" findings the Commission may not cite an alleged violation. The periods used throughout this report are intended to clarify changes resulting from new initiatives implemented in FY 2000.

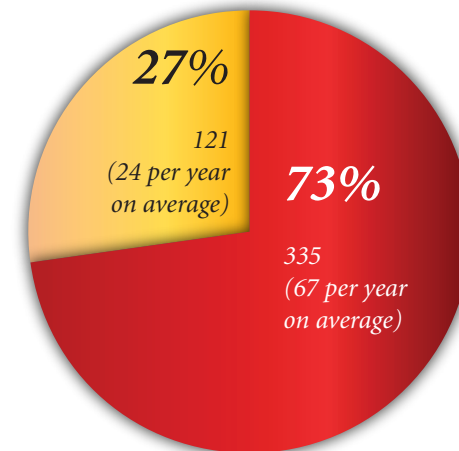
**OGC Enforcement Dispositions: Cases Dismissed or Closed with Substantive Action**



*Fiscal Years 1995–2005*



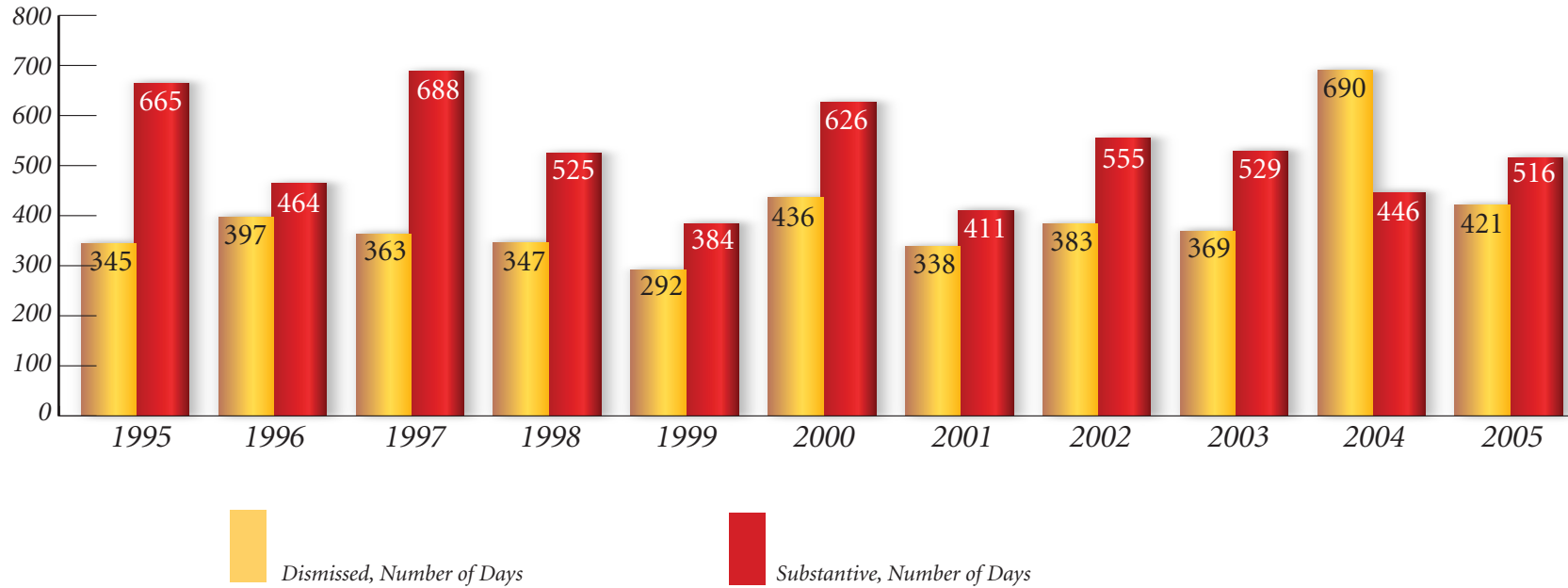
*Fiscal Years 1995–2000*



*Fiscal Years 2001–2005*

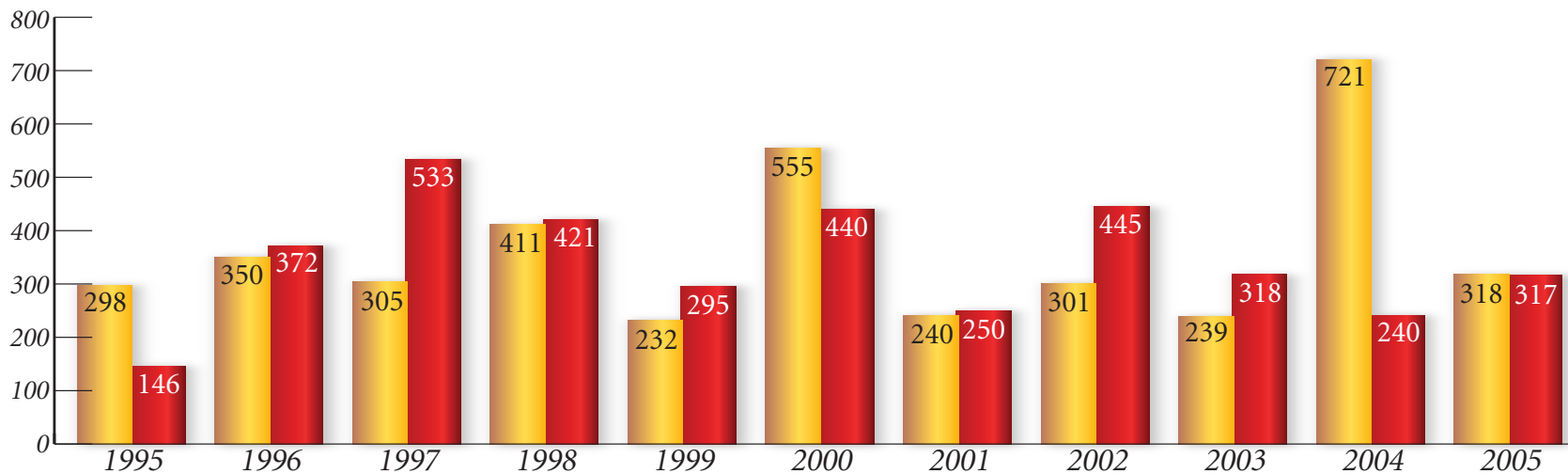
**OGC Elapsed Time Report:**

**Average Number of Days for Cases Dismissed or Closed with Substantive Action, Fiscal Years 1995–2005**

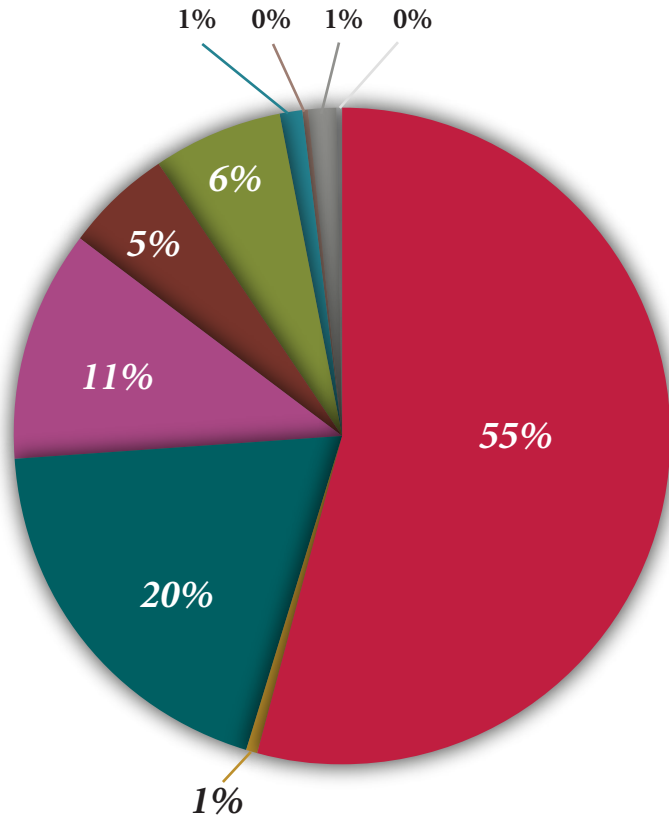


**OGC Elapsed Time Report:**

**Median Number of Days for Cases Dismissed or Closed with Substantive Action, Fiscal Years 1995–2005**

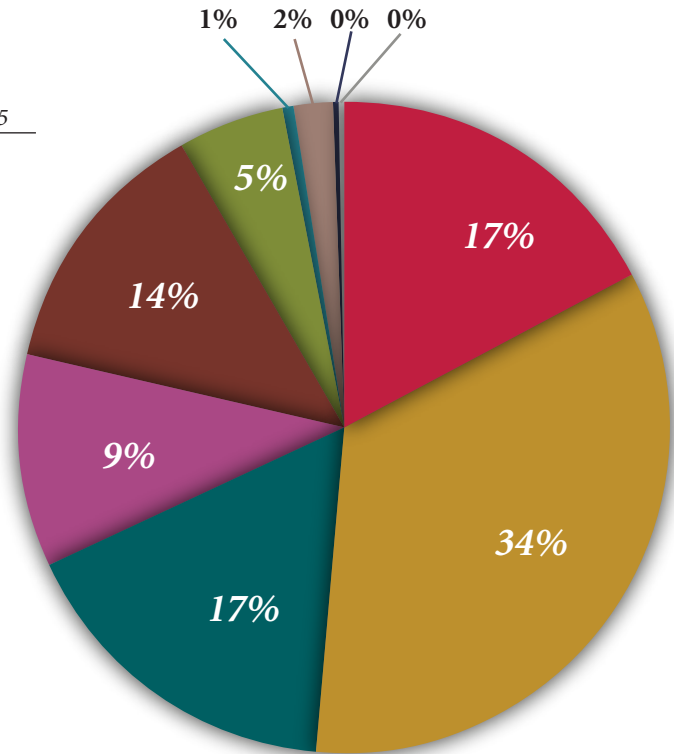


**OGC Enforcement Dispositions: Cases Closed or Transferred, Fiscal Years 1995–2005**



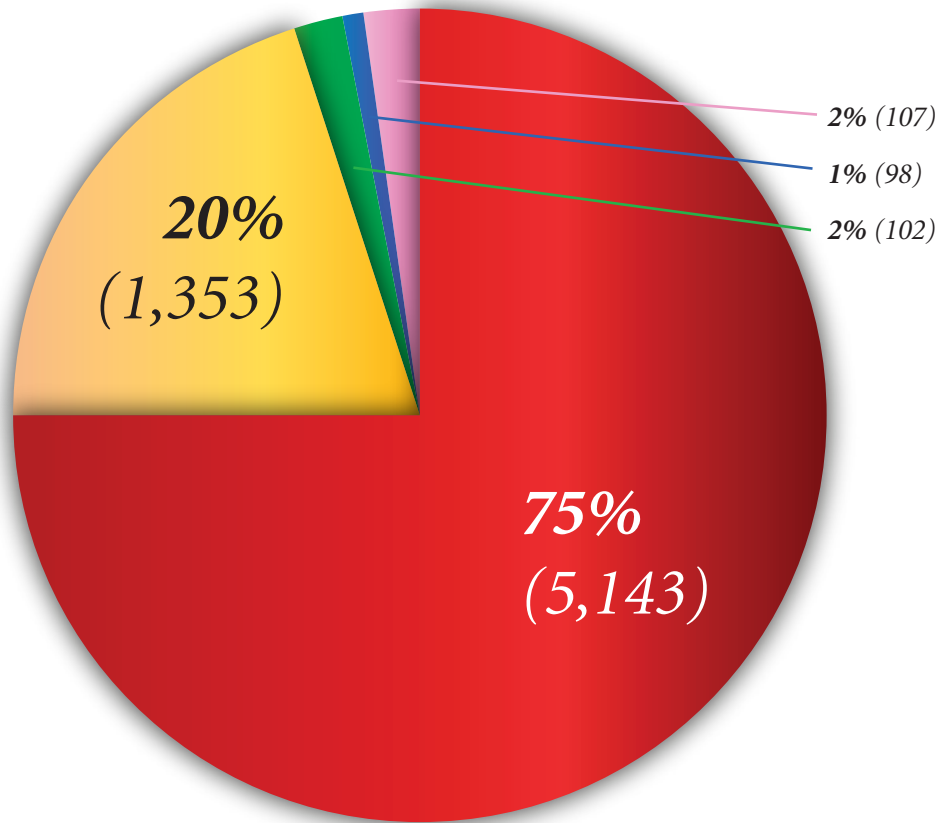
Fiscal Years 1995–2000

Total Per Category		
1995–2000		2001–2005
639	Dismissed	121
6	Transferred to ADR	238
227	Conciliation-PPC	114
133	RTB/NFA	74
64	No RTB	92
73	Conciliation-PC	35
13	Suit Authorization	4
4	Other	15
16	PC/NFA	1
2	No PCTB	–
–	Transferred to Administrative Fines	4

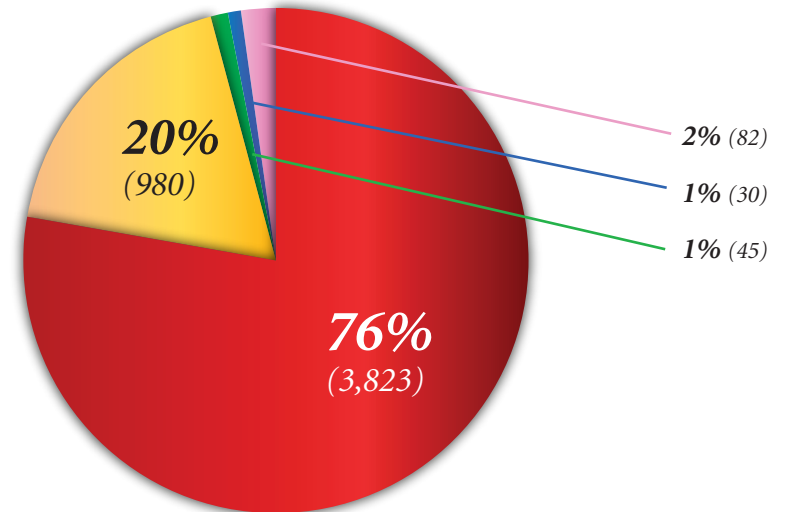


Fiscal Years 2001–2005

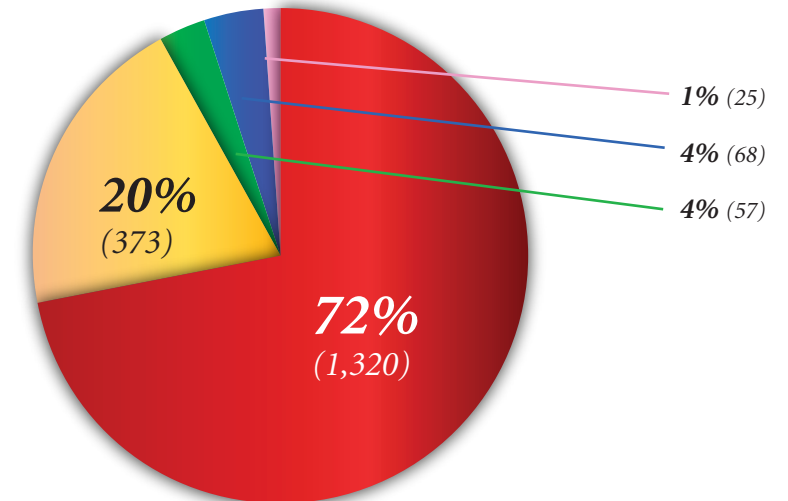
**OGC Enforcement Vote Report**



**Fiscal Years 1995–2005**  
(6,803 total votes)



**Fiscal Years 1995–2000**  
(4,960 total votes)



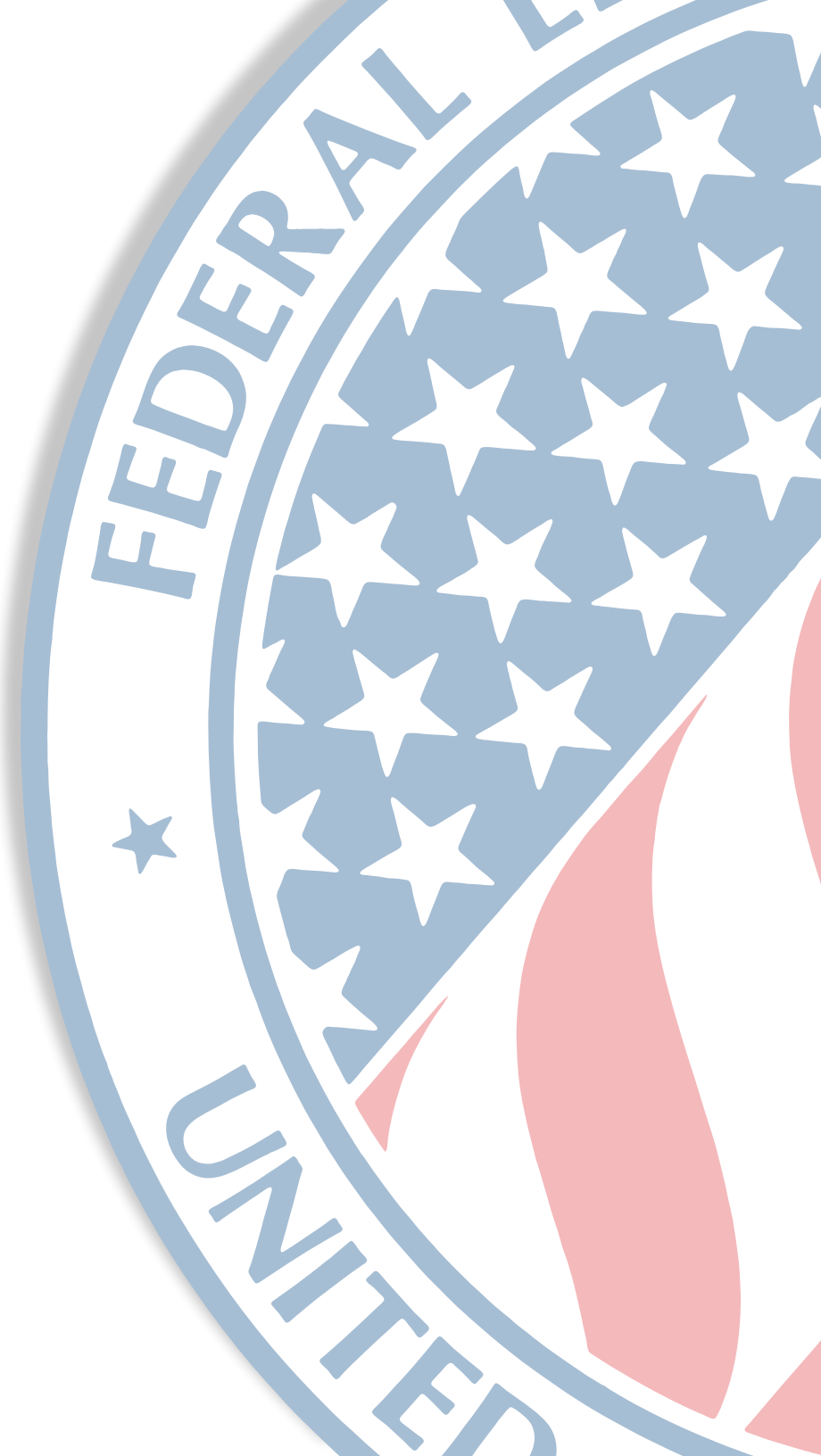
**Fiscal Years 2001–2005**  
(1,843 total votes)



Approved without dissent (6-0, 5-0, 4-0); Approved with Dissent (5-1, 4-2, 4-1); Failed with Majority Opposition (2-4, 2-3, 1-5, 1-3); Failed with Insufficient Approval (3-2, 3-1, 2-2) Commissioners recusals, absence or no votes are not counted. From October 1995 to August 1998 and August 21, 2005 to September 30, 2005, the Commission did not have a full complement of six Commissioners. Commissioners recusals, absence or no votes are not counted.

# **SECTION III**

**ALTERNATIVE DISPUTE RESOLUTION  
(ADR)**

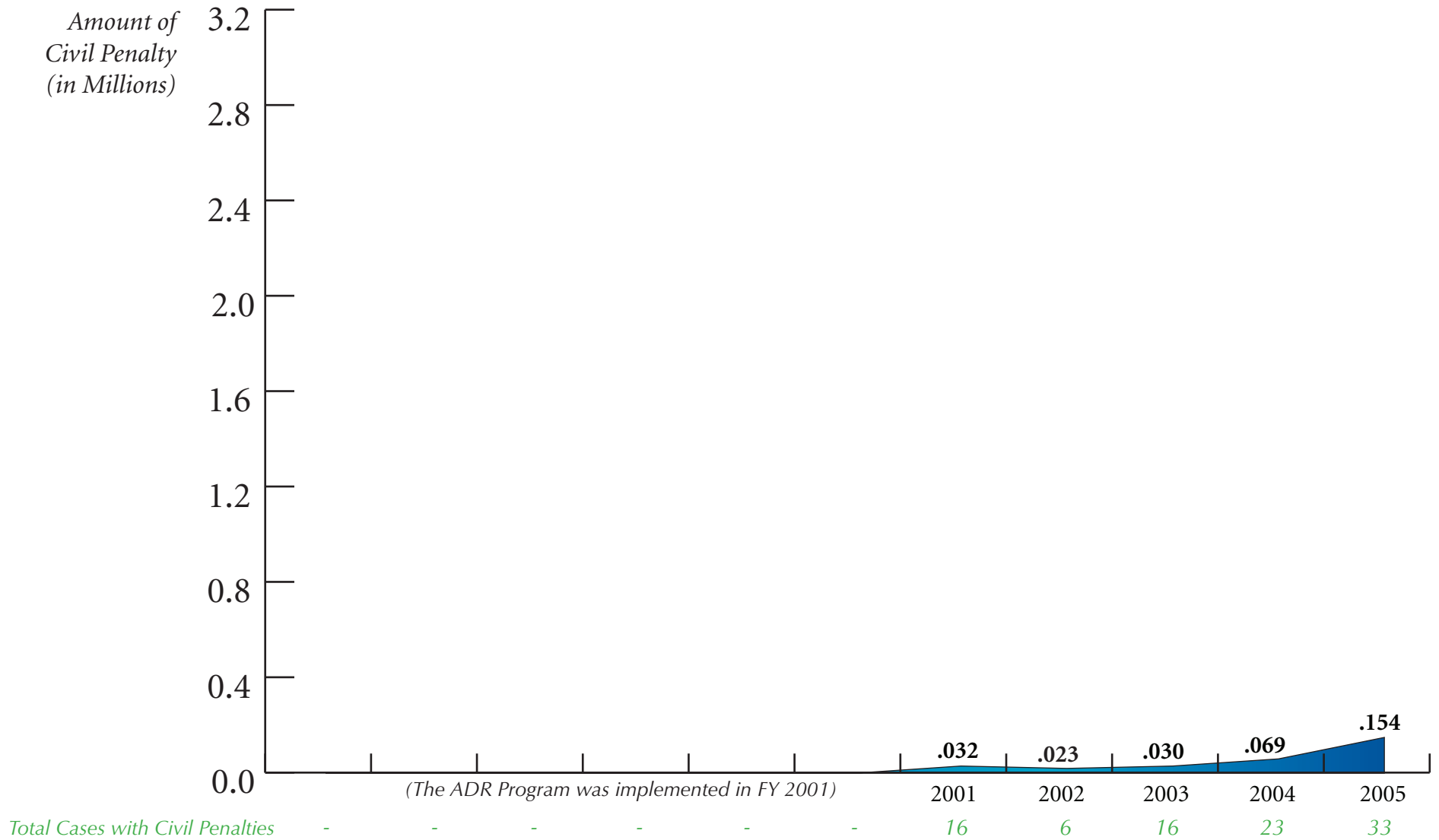




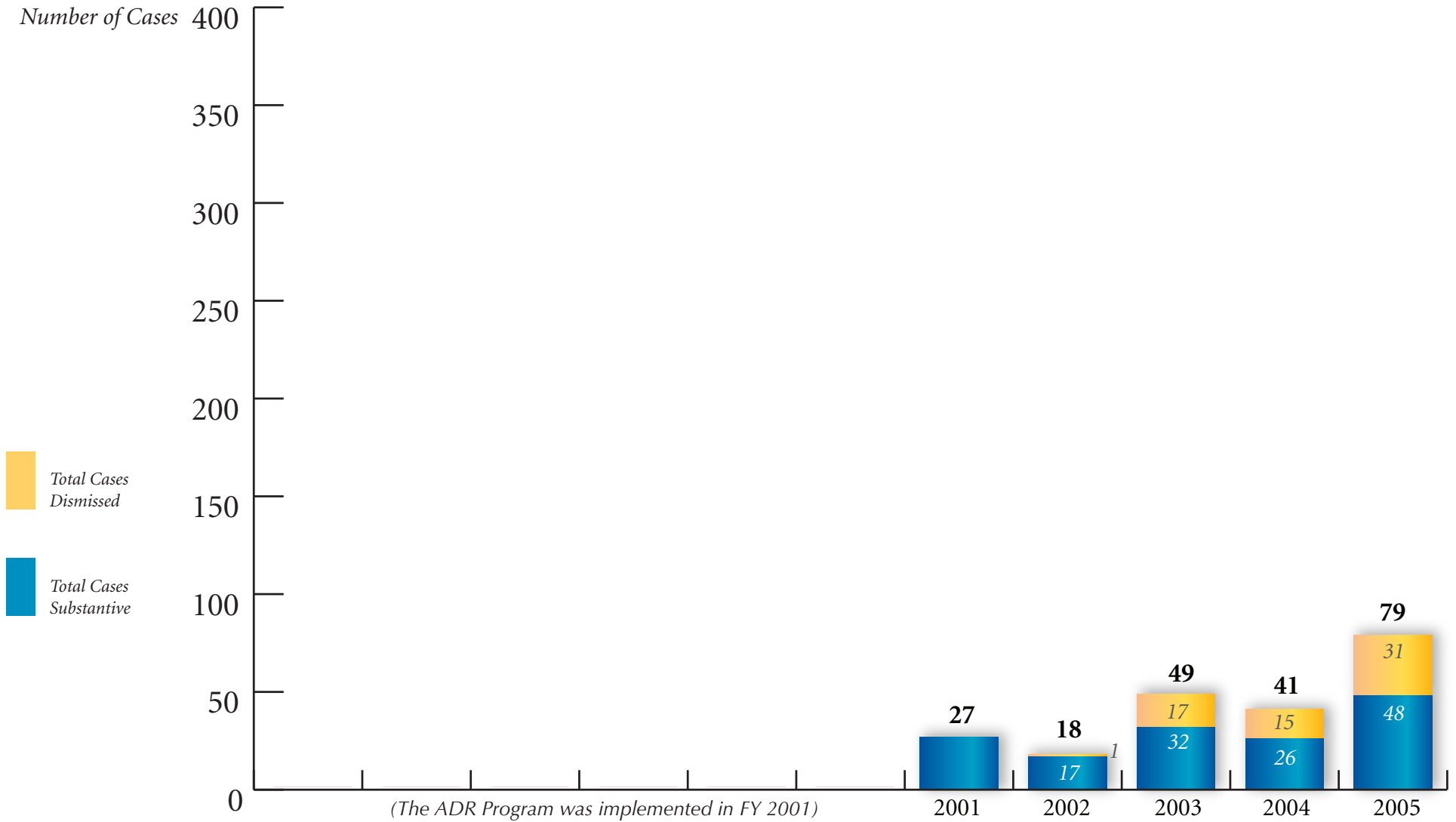
## ALTERNATIVE DISPUTE RESOLUTION

- The Alternative Dispute Resolution (ADR) program was implemented in FY 2001 to improve efficiency and minimize case processing times by resolving certain matters outside the standard enforcement process. Cases processed by the ADR office are referred by other divisions and are reviewed by OGC before being considered for ADR.
- ADR has imposed \$309,243 in civil penalties since FY 2001. In FY 2005 alone, civil penalties negotiated through ADR totaled \$154,500, more than it negotiated during the previous four years combined. ADR also negotiated non-financial sanctions (e.g., conference attendance, committee staff resource changes) to reduce the likelihood of future violations.
- Since FY 2001, ADR has successfully completed action on 214 cases, with 70% of all cases dismissed or closed with substantive action.
- While ADR caseload is increasing, it still only represents a fraction of FEC enforcement activity.
- The majority of ADR enforcement cases are FECA Section 434 (reporting) and 441 (contribution limitations and prohibitions), particularly Section 441b violations.
- Since FY 2003, the ADR office has been reviewing matters that were previously dismissed under the Enforcement Priority System.

**Alternative Dispute Resolution Enforcement Dispositions: Civil Penalties Negotiated, Fiscal Years 2001–2005**



**Alternative Dispute Resolution Dispositions: Total Cases Closed, Fiscal Years 2001–2005**

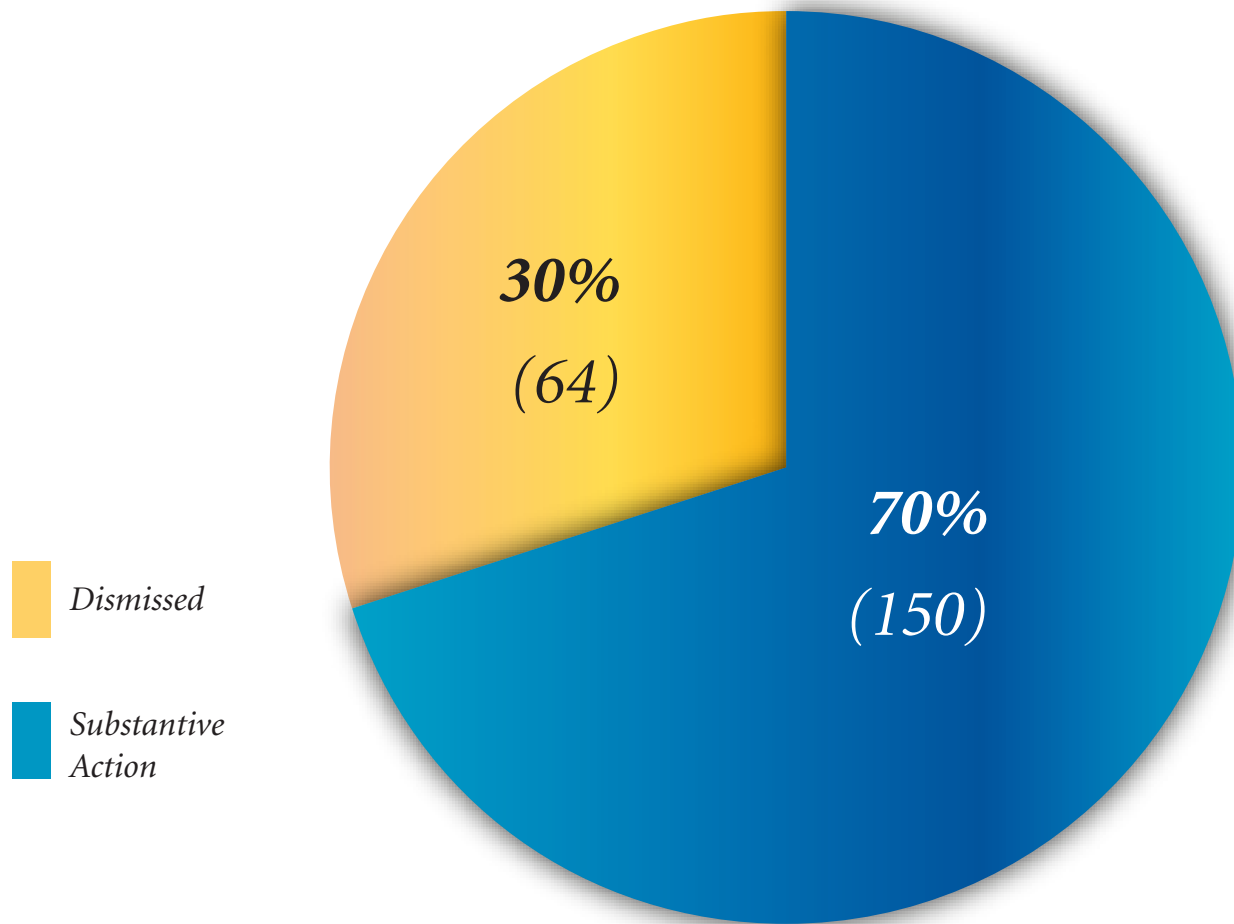


## Alternative Dispute Resolution Enforcement: Substantive Disposition Of Issues, Fiscal Years 2001–2005

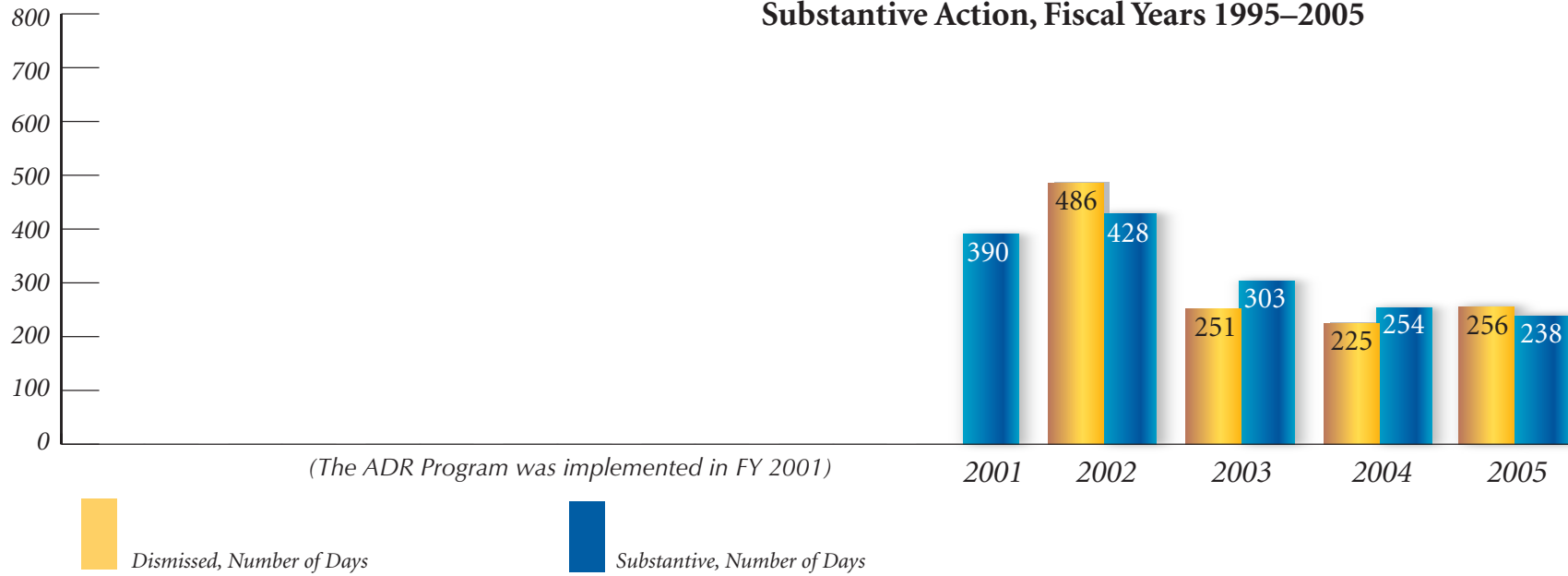
Issues	2001	2002	2003	2004	2005
Sec. 432 - Organization of Political Committee	1	1	2	1	1
Sec. 433 - Registration of Political Committee	2	1	4	5	1
Sec. 434(a) - Reporting - Filing Requirements	5	6	6	9	21
Sec. 434(b) - Reporting - Contents of Report	2	1	6	12	28
Sec. 437 - Reports on convention financing	1	0	0	0	0
Sec. 438(a)(4) - Sale or Use Restriction	0	0	0	0	1
Sec. 439a - Personal Use of Campaign Funds	1	1	1	1	0
Sec. 441a - Limitations, Contributions & Expenditures	4	5	7	2	7
Sec. 441a (f) Prohibited Contributions & Expenditures	1	1	2	2	4
Sec. 441b - Corporate Contributions	6	2	6	5	4
Sec. 441c - Contributions by Government Contractors	0	0	0	1	1
Sec. 441d - Disclaimer	2	2	0	2	8
Sec. 441e - Contributions by foreign nationals	0	0	0	1	1
Sec. 441f - Contributions in Name of Another Prohibited	3	0	2	1	2
Sec. 441g - Limitation on Contribution of Currency	0	0	0	0	0
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	0	0	0	0
Sec. 441i - Soft Money of Political Parties	0	0	0	0	0
Sec. 9008 - Payments for Presidential Nominating Conventions	0	0	0	0	0
Sec. 9035 - Qualified Campaign Expense Limitations	0	0	0	0	0
<b>TOTAL CASES WITH SUBSTANTIVE ISSUES</b>	<b>20</b>	<b>17</b>	<b>27</b>	<b>25</b>	<b>48</b>

The issues are related to all Respondents in the case. The number of cases is not the same as the number of issues because in some cases there may be more than one violation and in "No RTB" findings the Commission may not cite an alleged violation.

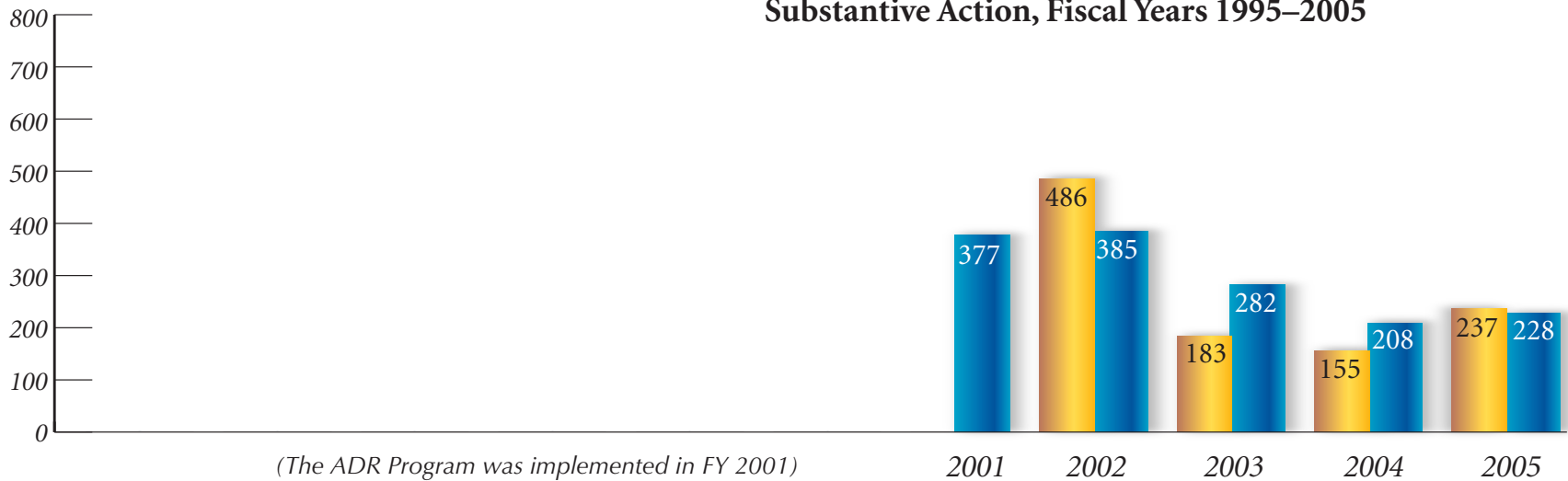
**Alternative Dispute Resolution:** Enforcement Cases Dismissed or Closed with Substantive Action, Fiscal Years 2001–2005



**Alternative Dispute Resolution Elapsed Time Report: Average Number of Days for Cases Dismissed or Closed with Substantive Action, Fiscal Years 1995–2005**

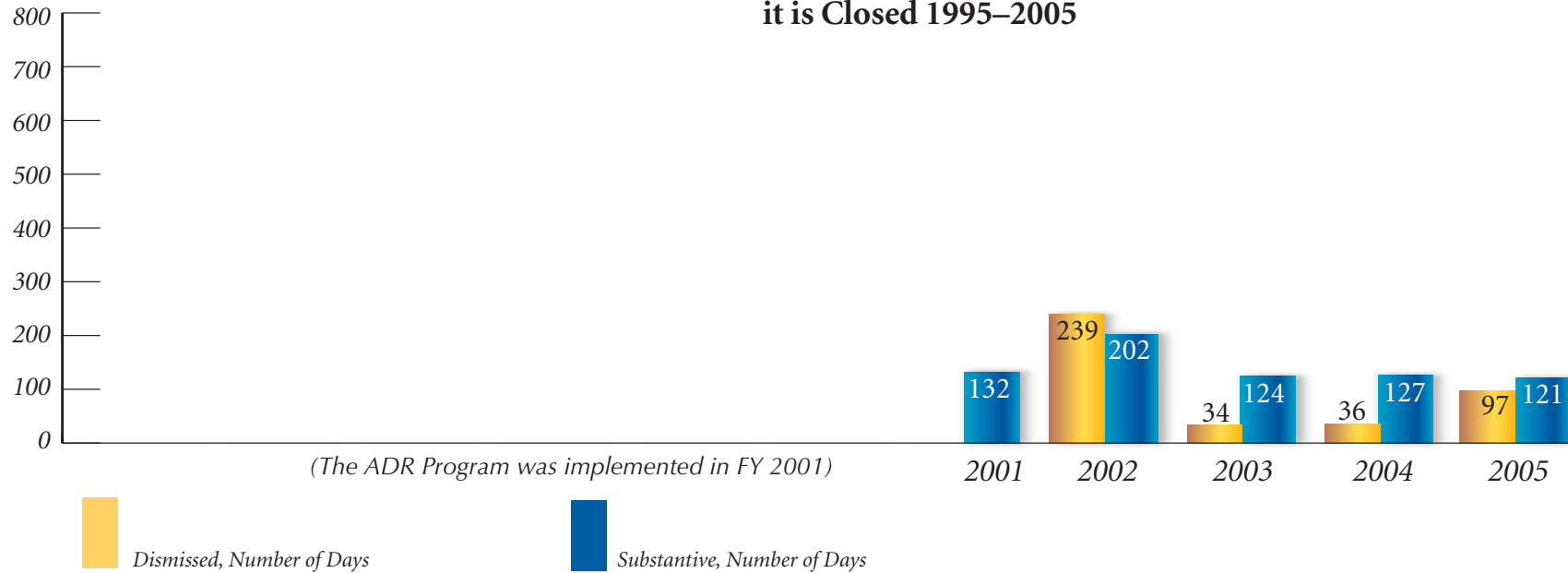


**Alternative Dispute Resolution Elapsed Time Report: Median Number of Days for Cases Dismissed or Closed with Substantive Action, Fiscal Years 1995–2005**

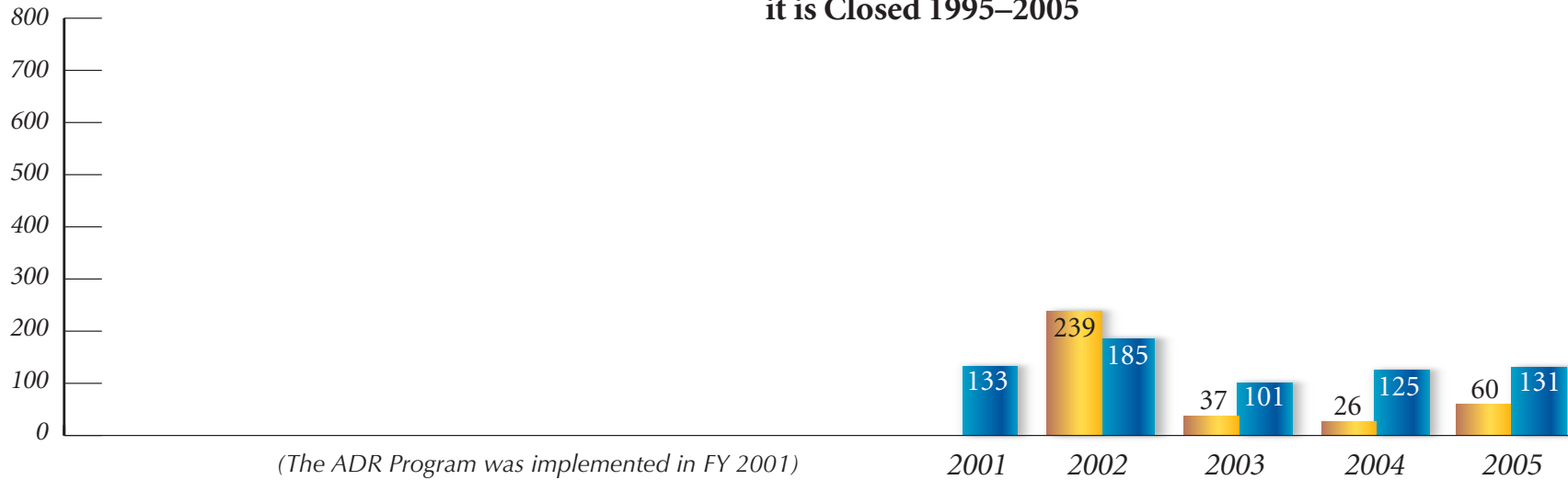


The average and median number of days is from the date a complaint is received in OGC and the date referred by the Audit or Reports Analysis Division until the date the case is closed.

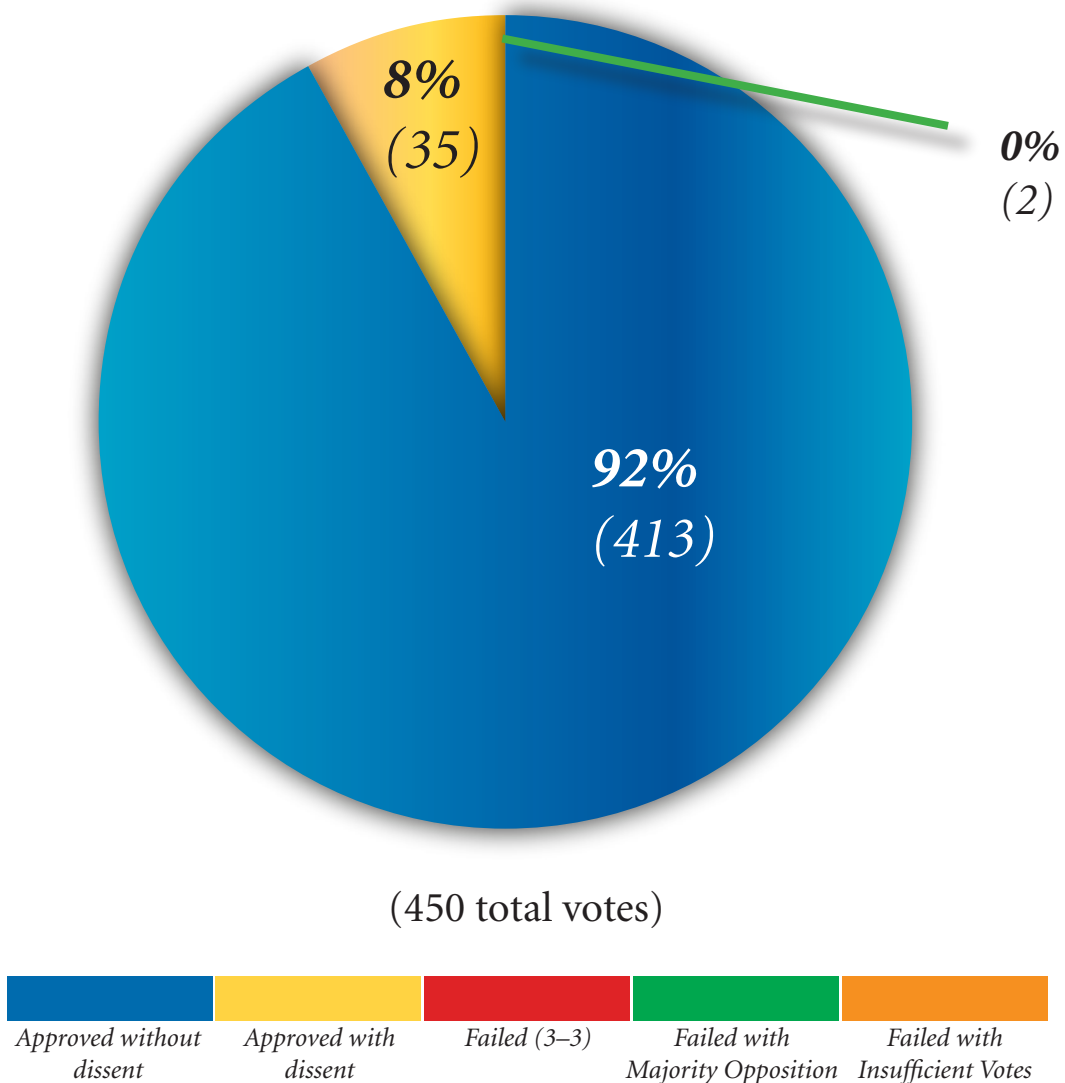
**Alternative Dispute Resolution Elapsed Time Report: Average Number of Days from Date Matter is Received in ADR until it is Closed 1995–2005**



**Alternative Dispute Resolution Elapsed Time Report: Median Number of Days from Date Matter is Received in ADR until it is Closed 1995–2005**



Alternative Dispute Resolution Enforcement Vote Report, Fiscal Years 2001–2005

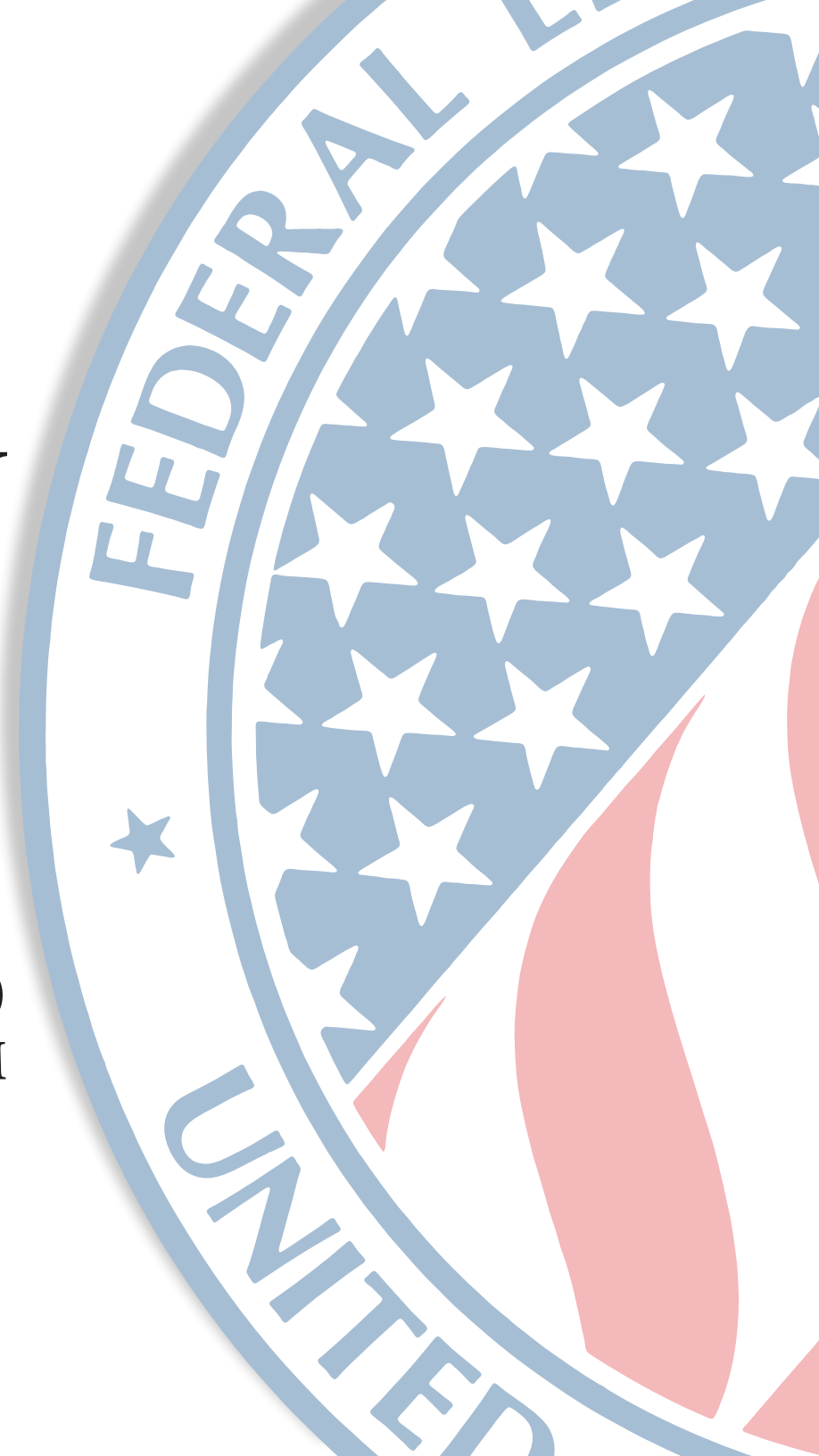


Approved without dissent (6–0, 5–0, 4–0); Approved with Dissent (5–1, 4–2, 4–1); Failed with Majority Opposition (2–4, 2–3, 1–5, 1–3); Failed with Insufficient Approval (3–2, 3–1, 2–2) Commissioners recusals, absence or no votes are not counted. From August 21, 2005 to September 30, 2005, the Commission did not have a full complement of six Commissioners.



# SECTION IV

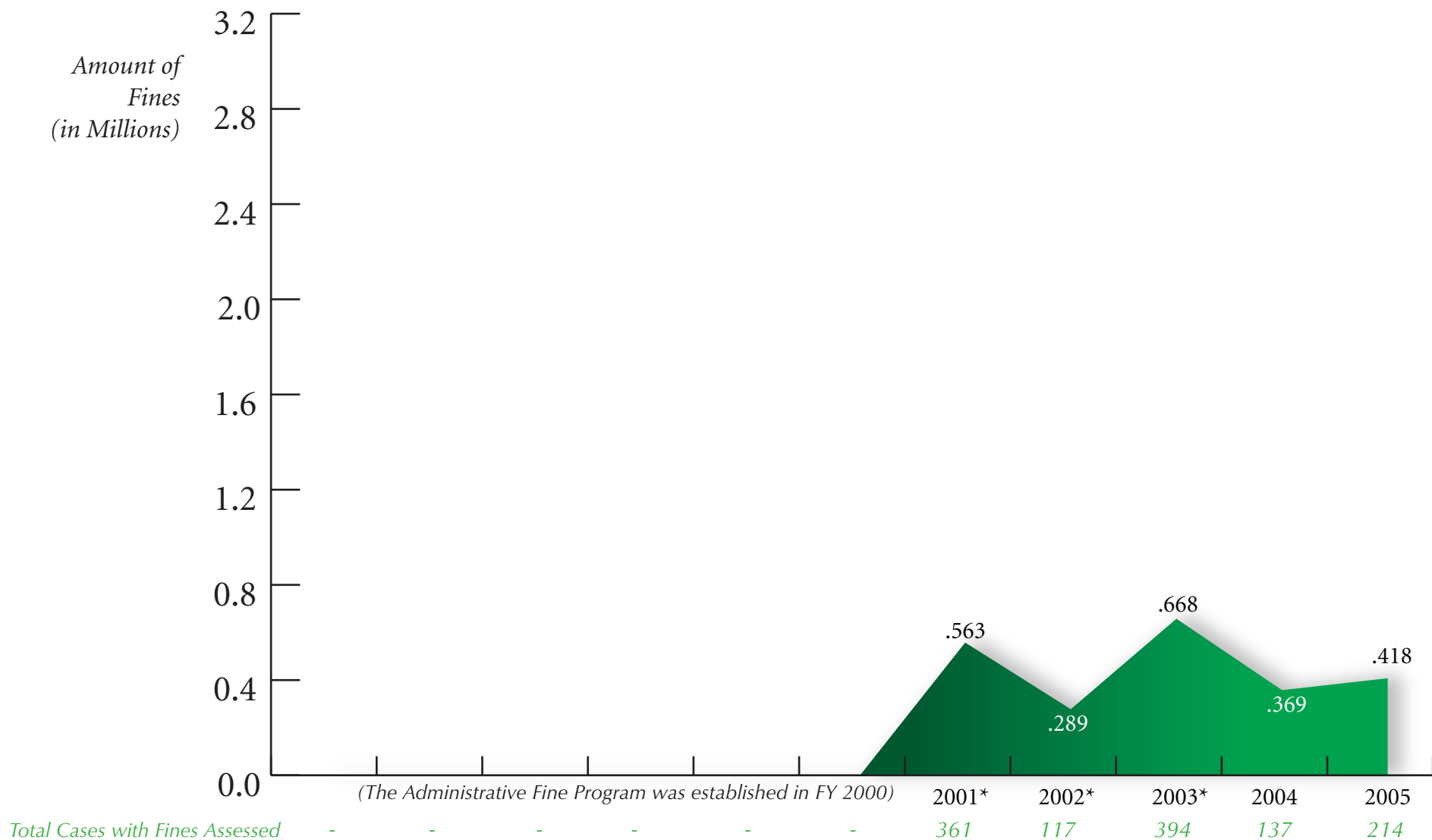
ADMINISTRATIVE FINE (AF)  
PROGRAM



## ADMINISTRATIVE FINE PROGRAM

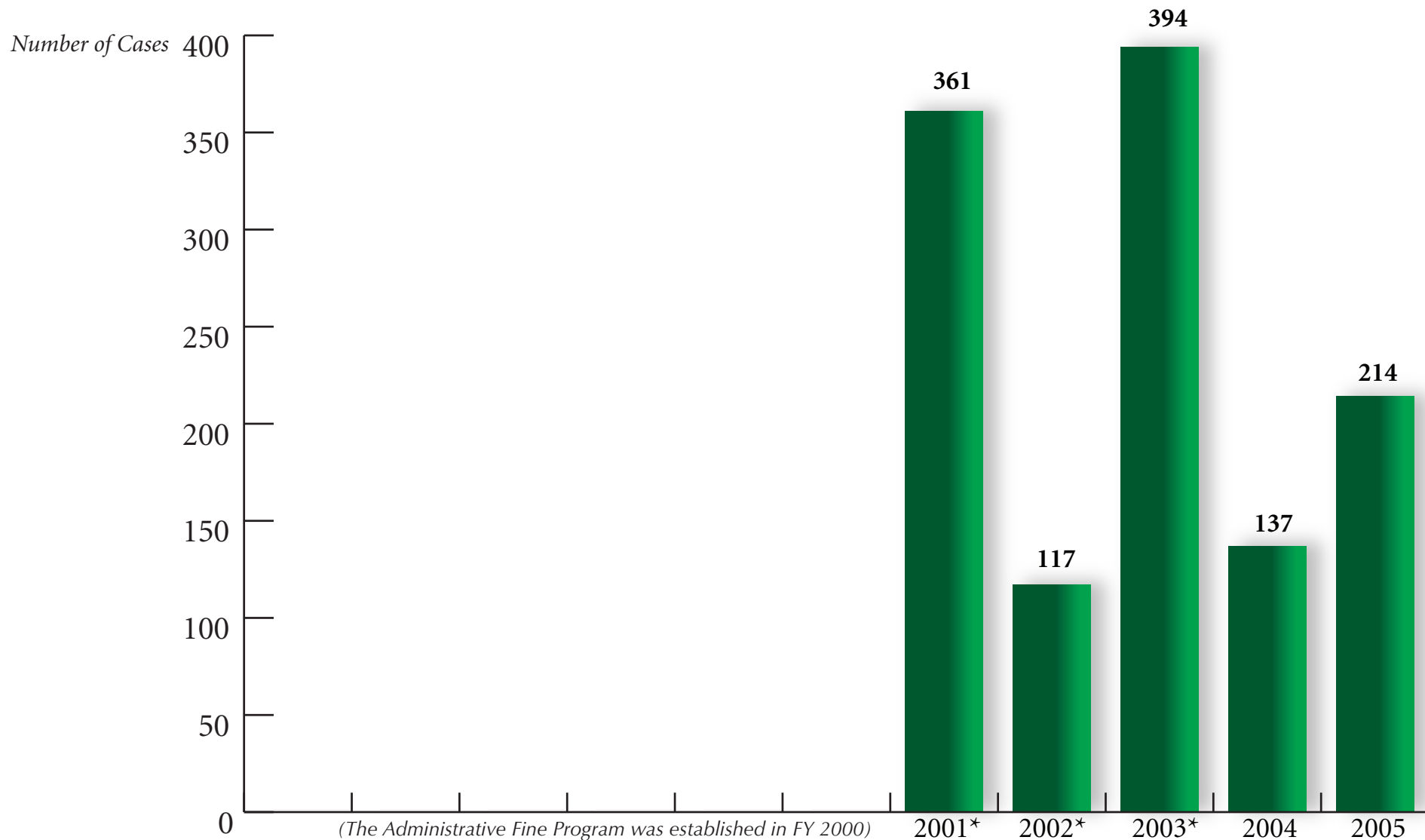
- The Administrative Fine program was established in FY 2000 to provide an expedited system for processing late and non-filer violations using a published schedule of penalties.
- In FY 2005, the Administrative Fine program closes cases in an average of 201 days from the report's due date to the Commission's final action.
- Since FY 2000, the Administrative Fine program has assessed civil penalties totaling \$2,309,454 in 1,223 cases of late and non-filed reports, producing a six-fold increase in FEC actions on reporting violations when combined with reporting violations resolved through the standard enforcement process.
- The number of Administrative Fines assessed in FY2005 was down considerably from FY 2003 and FY 2001 levels even though these years include pre-election and post-election reports and for 2003 BCRA required quarterly filings in non election years. This suggests greater overall compliance with filing deadlines during the 2004 campaign.

**Administrative Fine Program Dispositions: Fines Assessed, Fiscal Years 1995–2005**



\* Totals number of cases and fines revised to show number of cases in which fines were assessed, not paid as previously reported.

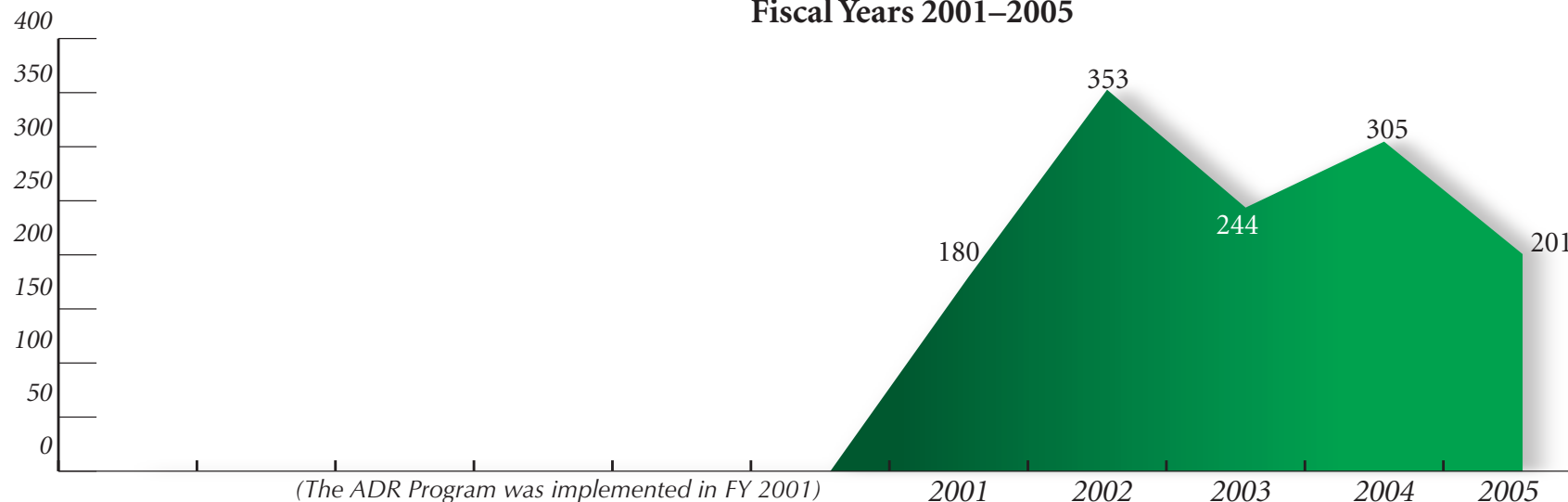
**Administrative Fine Program Dispositions: Fiscal Years 2001–2005**



\* Totals number of cases has been corrected to show total cases assessed a fine, not paid as previously reported. All Administrative Fine cases are violations of Section 434(a) of the FECA.

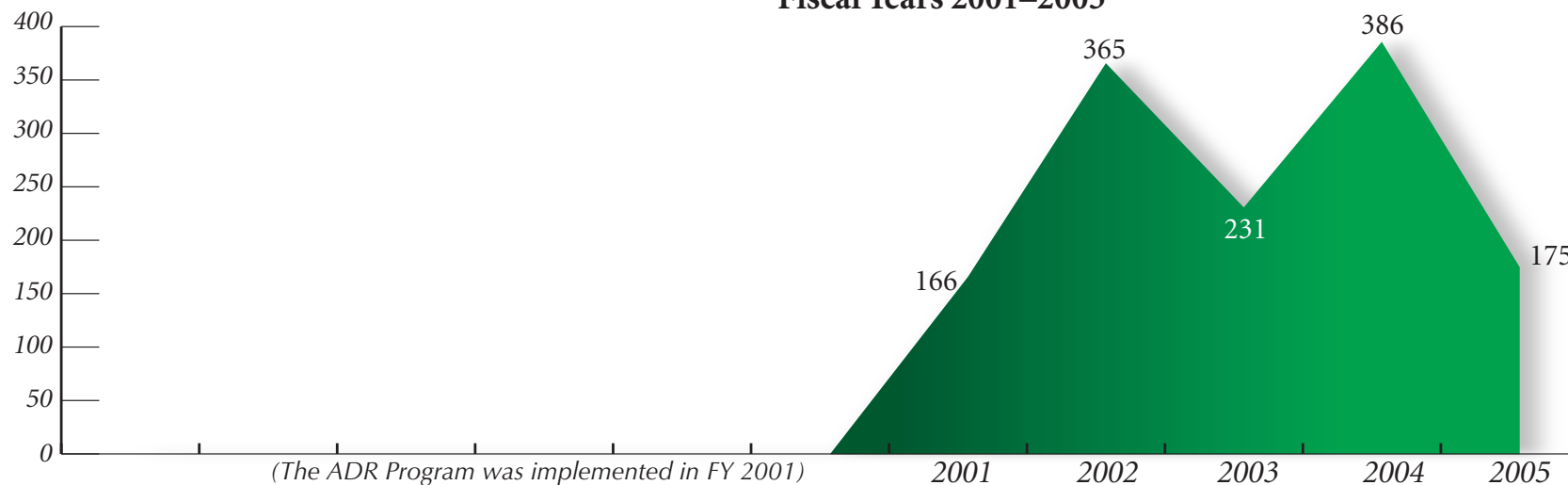
**Administrative Fine Program Elapsed Time Report:**

**Average Number of Days for Cases with a Final Determination, Fiscal Years 2001–2005**



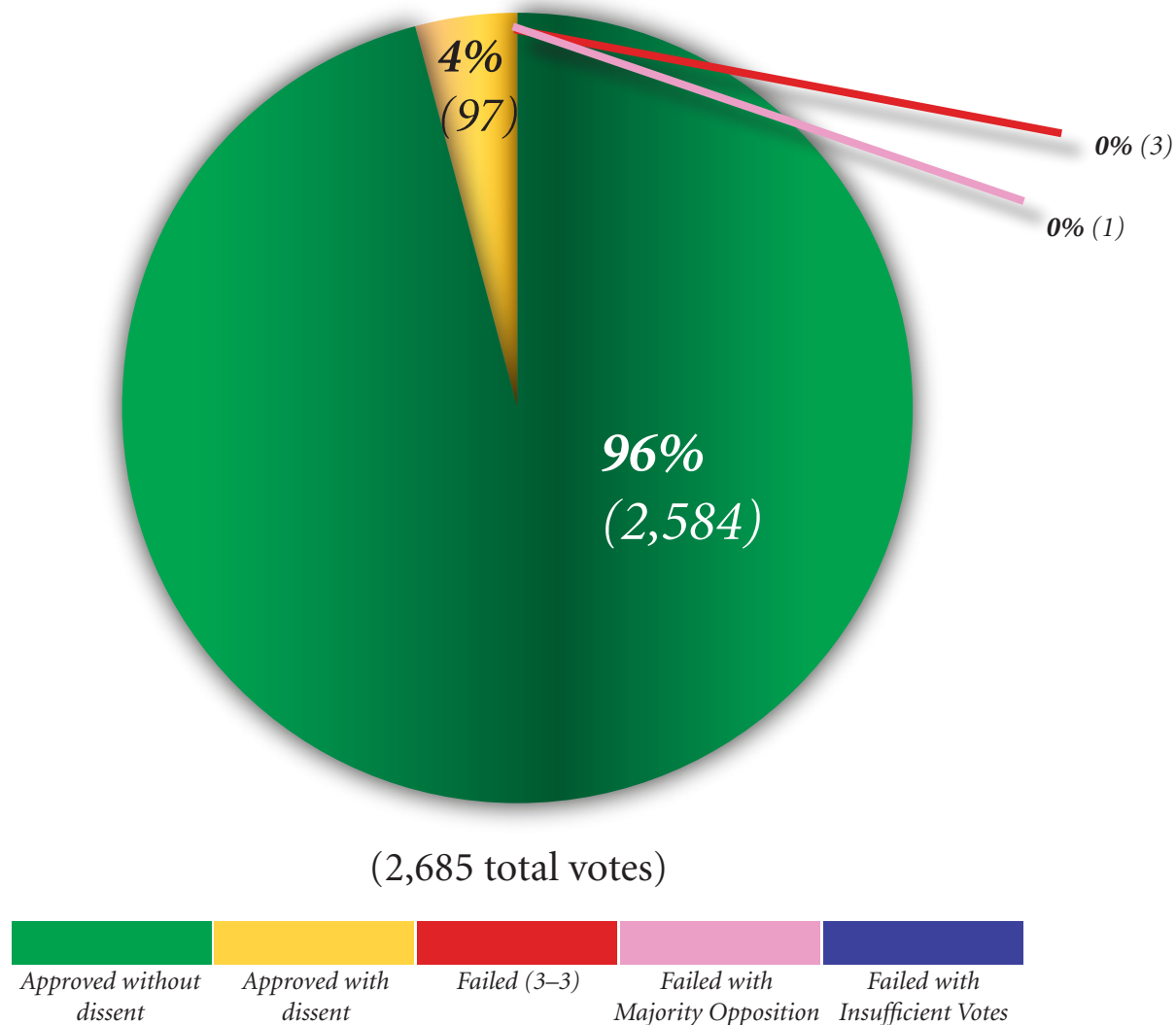
**Administrative Fine Program Elapsed Time Report:**

**Median Number of Days for Cases with a Final Determination, Fiscal Years 2001–2005**



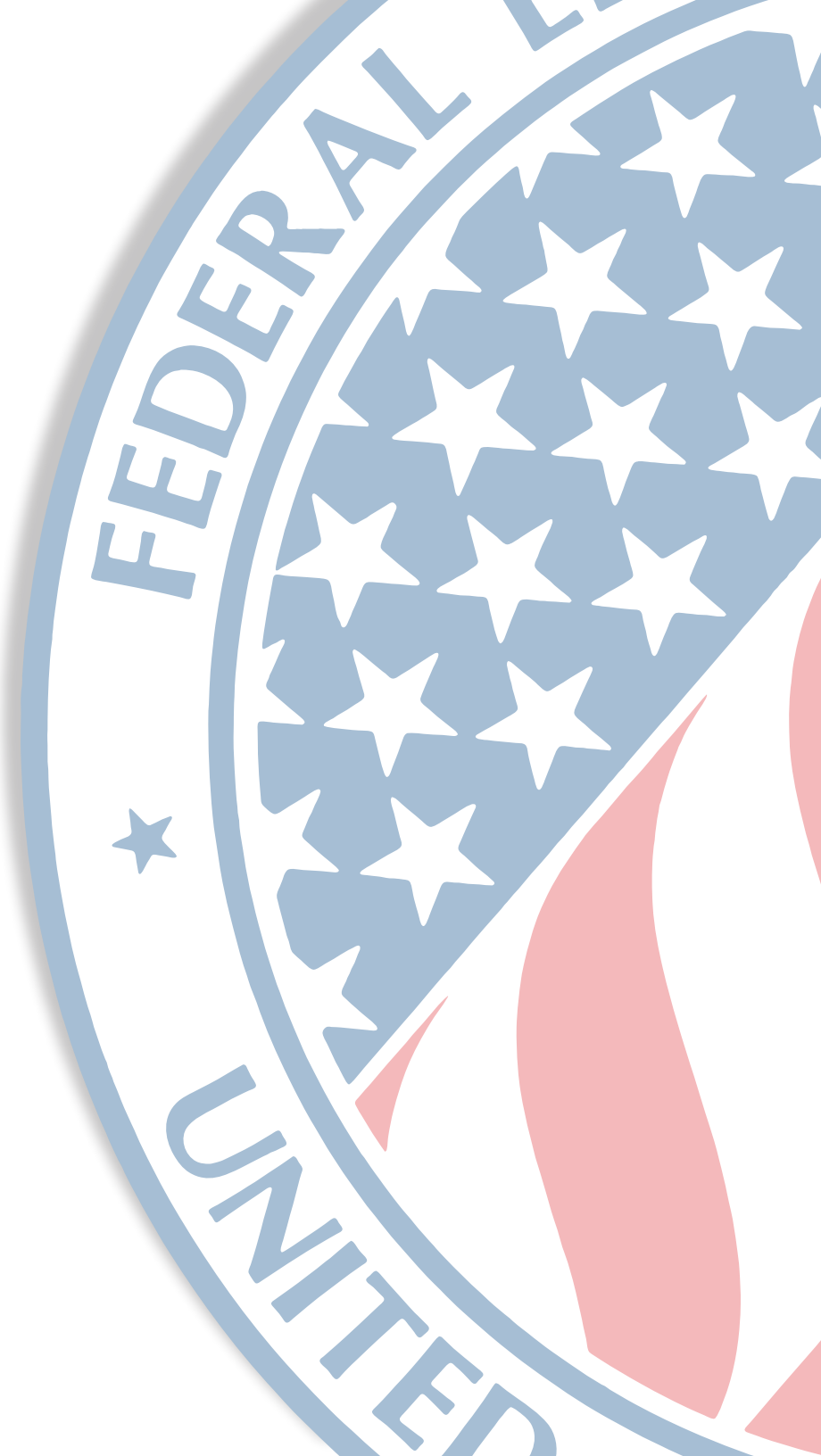
The average and median number of days is determined from the report due date to the date of final determination. The majority of the cases released in FY 2002 and 2004 were ones that were challenged (FY 02– 70% and FY 04– 53%) as compared to approximately 22% for FY 2001 and 2003.

Administrative Fine Program Vote Report, Fiscal Years 2000–2005



Approved without dissent (6-0, 5-0, 4-0); Approved with Dissent (5-1, 4-2, 4-1); Failed with Majority Opposition (2-4, 2-3, 1-5, 1-3); Failed with Insufficient Approval (3-2, 3-1, 2-2) Commissioners recusals, absence or no votes are not counted. From August 21, 2005 to September 30, 2005, the Commission did not have a full complement of six Commissioners.

# GLOSSARY



## GLOSSARY

**Administrative Fine Program (AF):** a mechanism to assess civil money penalties for violations involving: (1) failure to file reports on time; (2) failure to file reports at all; and (3) failure to file 48-hour notices.

**Administrative Fine Final Determination:** final action approved by Commission vote.

**Administrative Fine Elapsed Time:** the length of time from the due date of the report until the date a final determination is approved.

**ADR Elapsed Time:** the length of time from when a complaint or referral is received in OGC until it is dismissed or closed with substantive action in the ADR office and the length of time from when a complaint is assigned to the ADR office until it is dismissed or closed with substantive action.

**Alternative Dispute Resolution (ADR) Office:** a series of constructive and efficient procedures for resolving disputes through the mutual consent of the parties involved. ADR encourages the parties to engage in negotiations, outside the traditional enforcement or litigation processes, that promptly lead to the resolution of their dispute.

**Assessed:** the final civil penalty or administrative fine approved by Commission vote.

**Dispositions Closed or Dismissed:** cases handled by OGC, ADR and AF that are closed with a substantive Commission action or dismissed with no finding by the Commission.

**Disposition Issues:** violation of the Federal Election Campaign Act (FECA) approved by the Commission at the final stage of a matter.

**FEC Enforcement:** complaints filed with the Federal Election Commission (FEC) or internal referrals to the Office of General Counsel or the Alternative Dispute Resolution Office and late reporting violation matters handled by the Administrative Fine process.

**Office of General Counsel (OGC):** directs the agency's enforcement activities, represents and advises the Commission in any legal actions brought before it and houses the Designated Agency Ethics Official. The Office of General Counsel handles all civil litigation, including Title 26 cases that come before the Supreme Court. The office also drafts, for Commission consideration, advisory opinions and regulations, as well as other legal memoranda interpreting the federal campaign finance law.

**OGC Elapsed Time:** the length of time from when a complaint or referral is received in OGC until it is dismissed or closed with substantive action.

**OGC Enforcement:** complaints or internal referrals handled by OGC.

**Substantive Disposition:** case closed by OGC, ADR or AF with a Commission finding of RTB, No RTB, Conciliation, Probable Cause, No Probable Cause, Conciliation-Probable Cause, Suit Authorization, Settlement Agreement or Final Determination.



## GLOSSARY (continued)

**Source Data:** the data relating to OGC and ADR is from the Case Management System and the Administrative Fine Program data is taken from an Administrative Fine database. The responsibility for the entry and verification of the data in the profile is as follows:

**Office of General Counsel (OGC):** date a case was received in OGC, date a case was closed and transferred to ADR and civil penalties assessed from October 1999 to September 2004.

**Alternative Dispute Resolution (ADR) Office:** date a case was received and concluded in ADR, substantive disposition issues and civil penalties assessed.

**Reports Analysis Division (RAD):** date Administrative Fine process begins and concludes and date and amount of fines assessed.

**Office of Administrative Review (OAR):** date of final determination after challenge process completed and date and amount of fines assessed.

**Staff Director's Office (SDO):** date a case closed with type of disposition and substantive disposition issues from October 1994 to September 2004 along with civil penalties assessed from October 1994 to September 1999.