



**FEDERAL ELECTION
COMMISSION**

ENFORCEMENT PROFILE

SEPTEMBER 30, 2004

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.

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 9% of its cases without substantive action in FY 2001-2004, compared to 54% in the period from FY 1995-2000. Simultaneously in FY 2004, the FEC obtained fines and civil penalties totaling a record \$3,463,050.

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

EXECUTIVE SUMMARY (continued)

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.

With respect to matters resolved through the traditional enforcement process, OGC negotiated \$3,024,595 in civil penalties or 89% of the total fines and penalties obtained in FY 2004. This is an increase of \$800,000 over the previous fiscal year totals. In addition, OGC reduced by 25% from the previous year the median number of days needed to complete action with respect to matters closed with substantive analysis. A corresponding reduction of 16% was seen in the average number of days needed to close a case with substantive action.

Since FY 2001, the Administrative Fine Program has resolved 1,009 cases of late and non-filed reports, 137 of which were completed in FY 2004. During this time period the Commission has assessed administrative fines totaling \$1,891,148. 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.

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 training, 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 135 cases, with 51 of these closed in 2004.

The material that follows details the noteworthy improvement made in the FEC's enforcement program between FY 1995 and FY 2004 (October 1, 1994 – September 30, 2004). 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.

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	i-ii	SECTION III	
SECTION I		Profile of Alternative Dispute Resolution (ADR) Enforcement	20-27
Federal Election Commission Enforcement Profile.....	1-9	Highlights.....	21
Highlights.....	2	Civil Penalties Negotiated.....	22
Total Fines Assessed and Penalties negotiated	3	Total Cases Closed.....	23
Total Cases Closed.....	4	Substantive Disposition of Issues	24
Substantive Disposition of Issues	5	Cases Dismissed or Closed with Substantive Action.....	25
Average Number of Substantive Disposition Issues	6	Elapsed Time Report.....	26
Cases Dismissed or Closed with Substantive Action.....	7	Vote Report	27
Elapsed Time Report.....	8	SECTION IV	
Vote Report	9	Profile of Administrative Fine Program (AF) Enforcement	28-33
SECTION II		Highlights.....	29
Profile of the Office of the General Counsel (OGC) Enforcement....	10-19	Dispositions Fines Assessed	30
Highlights.....	11	Total Dispositions	31
Civil Penalties Negotiated.....	12	Elapsed Time Report.....	32
Total Cases Closed.....	13	Vote Report	33
Substantive Disposition of Issues	14	SECTION V	
Average Number of Substantive Disposition Issues	15	Glossary	34-36
Cases Dismissed or Closed with Substantive Action.....	16		
Elapsed Time Report.....	17		
Dispositions – cases closed or transferred	18		
Vote Report	19		

SECTION I

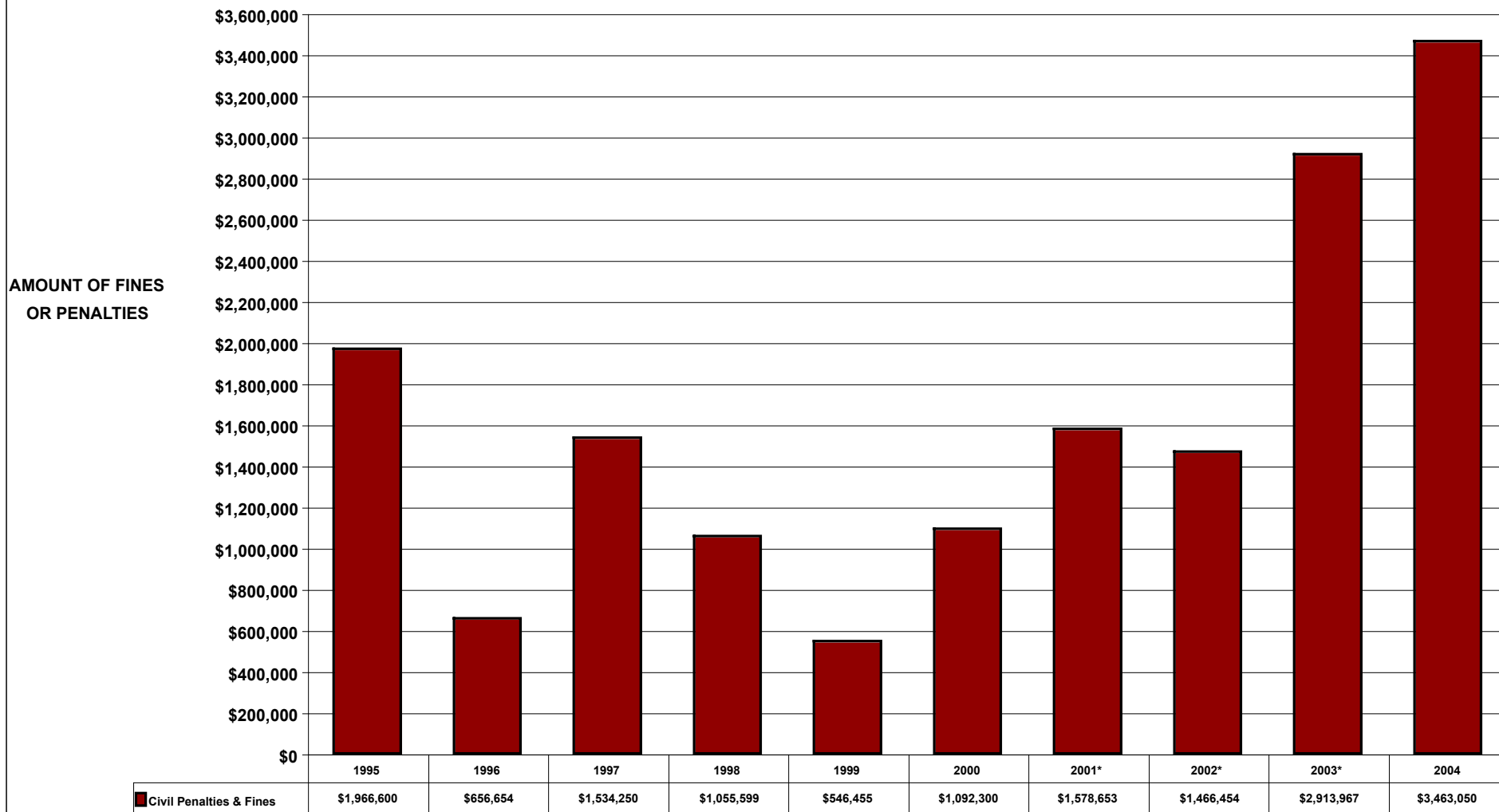
FEDERAL ELECTION COMMISSION

ENFORCEMENT PROFILE

FEDERAL ELECTION COMMISSION

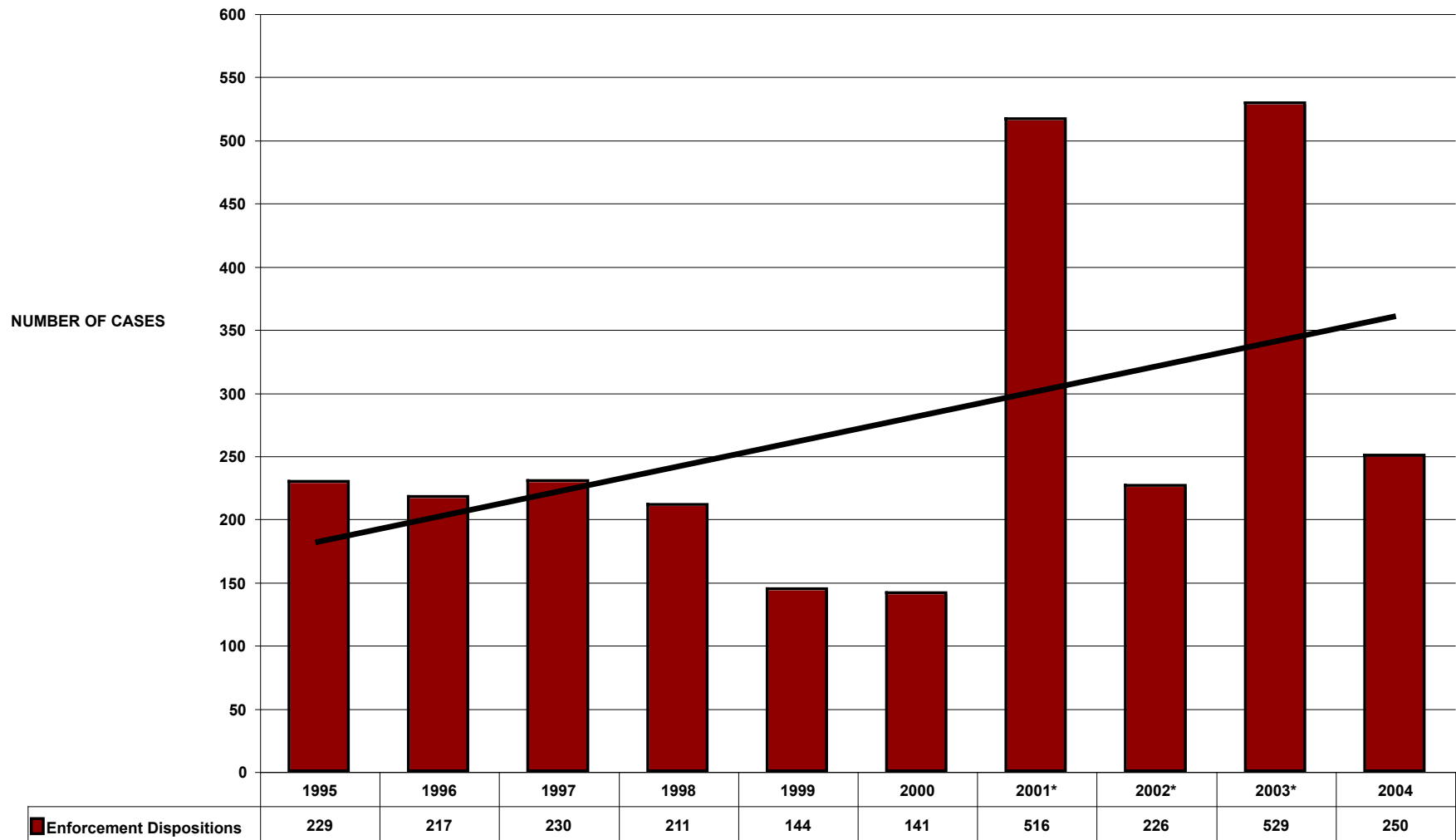
- Since FY 1995, the FEC has increased the efficiency and effectiveness of its Enforcement Program, which includes the Administrative Fine and Alternative Dispute Resolution (ADR) programs, and the standard enforcement process set forth in 2 U.S.C. § 437g. The following charts and tables, derived from the FEC's Case Management System and Administrative Fine databases, detail the significant progress made by the FEC between FY 1995 and FY 2004.
- Total fines and penalties assessed have increased steadily and substantially since 1999. In FY 2004, total civil penalties and fines were a record \$3,463,050, more than in any previous year.
- In FY 2004, reduced to zero the number of matters dismissed without substantive analysis for the first time since the FEC began tracking this number in 1993.
- Including matters resolved through the standard enforcement process and the ADR and Administrative Fine programs, the FEC dismissed only 9% of cases without a substantive finding in FY 2001-2004, compared to 54% in the period from FY 1995-2000.

**FEC ENFORCEMENT DISPOSITIONS
TOTAL FINES ASSESSED AND PENALTIES NEGOTIATED
FISCAL YEARS 1995-2004**



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

**FEC ENFORCEMENT DISPOSITIONS
TOTAL CASES CLOSED
FISCAL YEARS 1995-2004**



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

**FEC ENFORCEMENT SUBSTANTIVE DISPOSITIONS OF ISSUES
FISCAL YEARS 1995-2004**

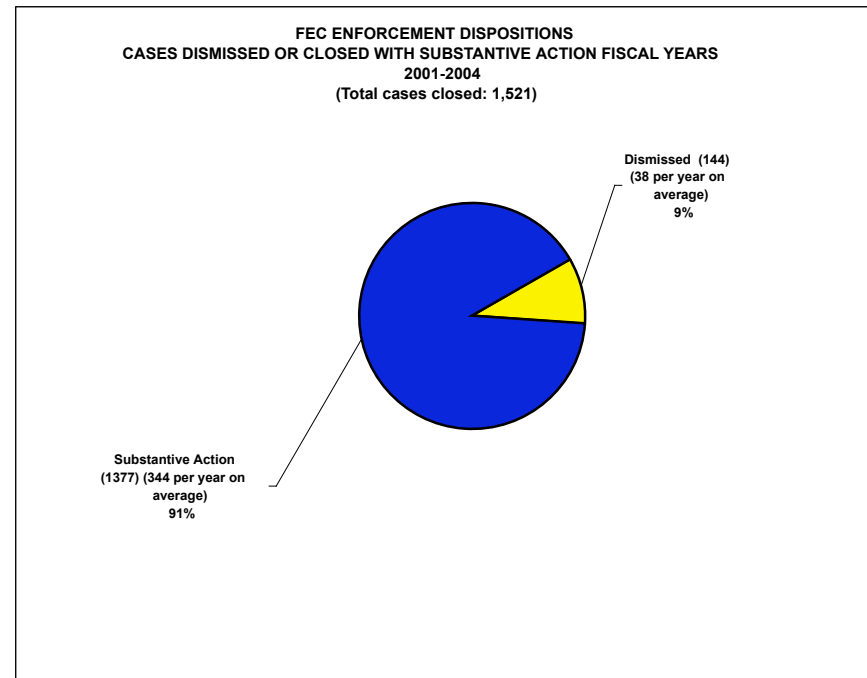
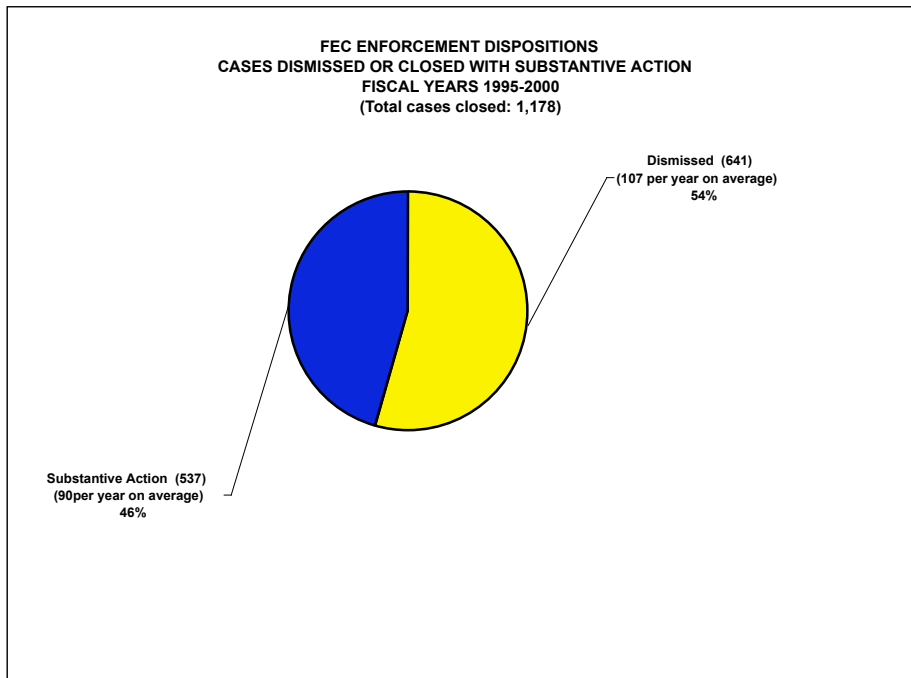
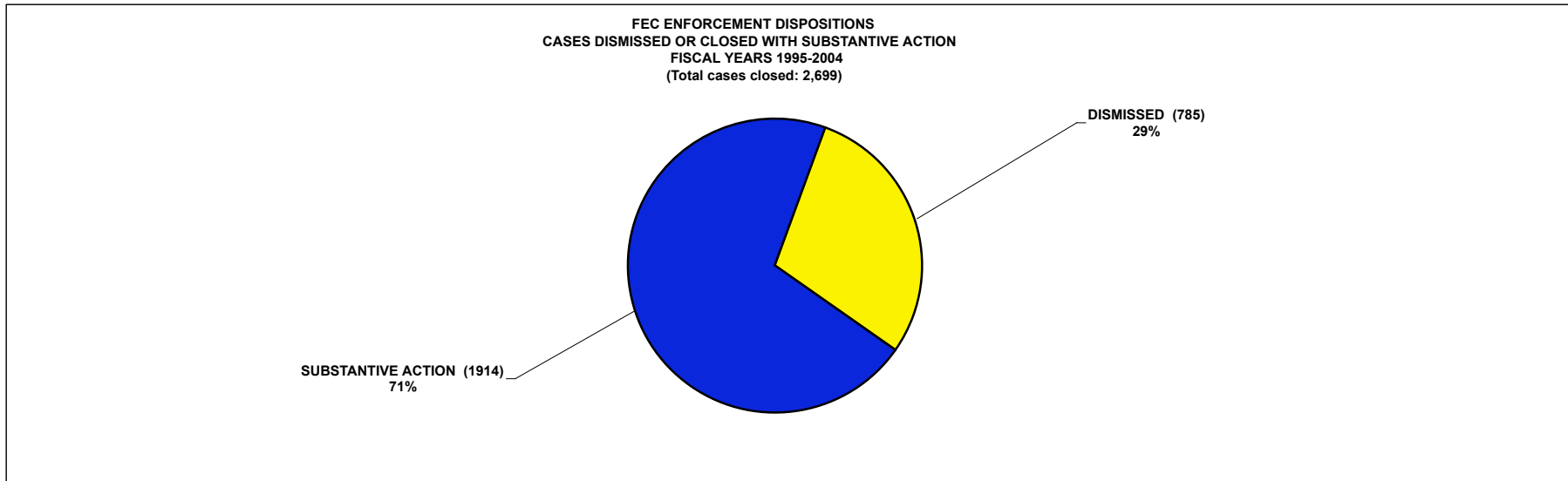
Issues	1995	1996	1997	1998	1999	2000	1995-2000 (Total)
Sec. 432 - Organization of Political Committee	3	8	7	4	4	10	36
Sec. 433 - Registration of Political Committee	11	6	11	5	3	6	42
Sec. 434 - Reporting requirements	61	48	47	47	32	74	309
Sec. 437 - Reports on convention financing	0	0	0	0	0	2	2
Sec. 438(a)(4) - Sale or Use Restriction	0	2	0	1	0	0	3
Sec. 439a - Personal Use of Campaign Funds	5	1	1	3	1	0	11
Sec. 441a - Limitations, Contributions & Expenditures	31	22	18	11	7	23	112
Sec. 441a (f) Prohibited Contributions & Expenditures	31	23	24	14	11	37	140
Sec. 441b - Corporate Contributions	33	18	31	23	14	44	163
Sec. 441c - Contributions by Government Contractors	3	0	3	4	0	1	11
Sec. 441d - Disclaimer	14	10	10	6	8	9	57
Sec. 441e - Contributions by foreign nationals	1	5	2	2	4	3	17
Sec. 441f - Contributions in Name of Another Prohibited	11	7	10	9	6	20	63
Sec. 441g - Limitation on Contribution of Currency	1	0	1	0	0	2	4
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	0	0	0	0	0	0
Sec. 9008 - Payments for Presidential Nominating conventions	4	0	0	0	0	1	5
Sec. 9035 - Qualified Campaign Expense Limitations	1	2	0	0	0	3	6
TOTAL CASES WITH SUBSTANTIVE ISSUES	113	86	84	68	63	118	532
Issues	2001	2002	2003	2004	2001-2004 (Total)		
Sec. 432 - Organization of Political Committee	6	9	7	8	30		
Sec. 433 - Registration of Political Committee	4	6	8	10	28		
Sec. 434 - Reporting requirements	409	142	436	179	1166		
Sec. 437 - Reports on convention financing	2	1	0	0	3		
Sec. 438(a)(4) - Sale or Use Restriction	0	0	0	0	0		
Sec. 439a - Personal Use of Campaign Funds	1	1	1	6	9		
Sec. 441a - Limitations, Contributions & Expenditures	28	21	27	24	100		
Sec. 441a (f) Prohibited Contributions & Expenditures	26	16	25	28	95		
Sec. 441b - Corporate Contributions	39	21	31	30	121		
Sec. 441c - Contributions by Government Contractors	1	1	0	2	4		
Sec. 441d - Disclaimer	11	9	5	9	34		
Sec. 441e - Contributions by foreign nationals	4	5	1	2	12		
Sec. 441f - Contributions in Name of Another Prohibited	9	11	14	8	42		
Sec. 441g - Limitation on Contribution of Currency	1	2	0	0	3		
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	1	0	1	2	4		
Sec. 9008 - Payments for Presidential Nominating conventions	3	1	0	0	4		
Sec. 9035 - Qualified Campaign Expense Limitations	1	0	0	0	1		
TOTAL CASES WITH SUBSTANTIVE ISSUES	467	193	512	217	1389		

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

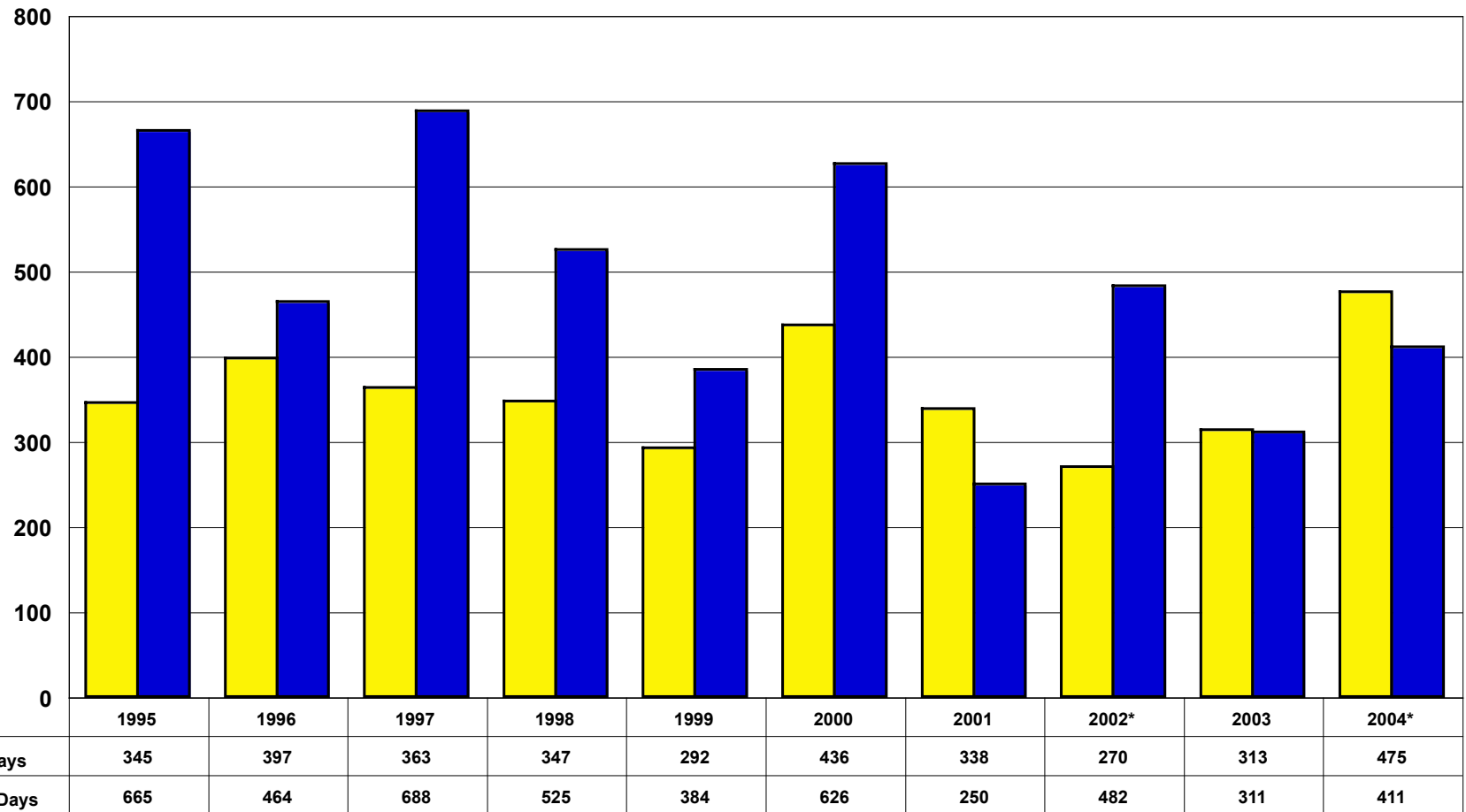
**FEC ENFORCEMENT
AVERAGE NUMBER OF SUBSTANTIVE DISPOSITION ISSUES PER YEAR
FISCAL YEARS 1995-2004**

Issues	1995-2000	2001-2004	1995-2004
Sec. 432 - Organization of Political Committee	6	8	7
Sec. 433 - Registration of Political Committee	7	7	7
Sec. 434 - Reporting requirements	52	292	148
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. 9008 - Payments for Presidential Nominating conventions	1	1	1
Sec. 9035 - Qualified Campaign Expense Limitations	1	0	1
AVERAGE NUMBER OF CASES WITH SUBSTANTIVE ISSUES	89	347	192

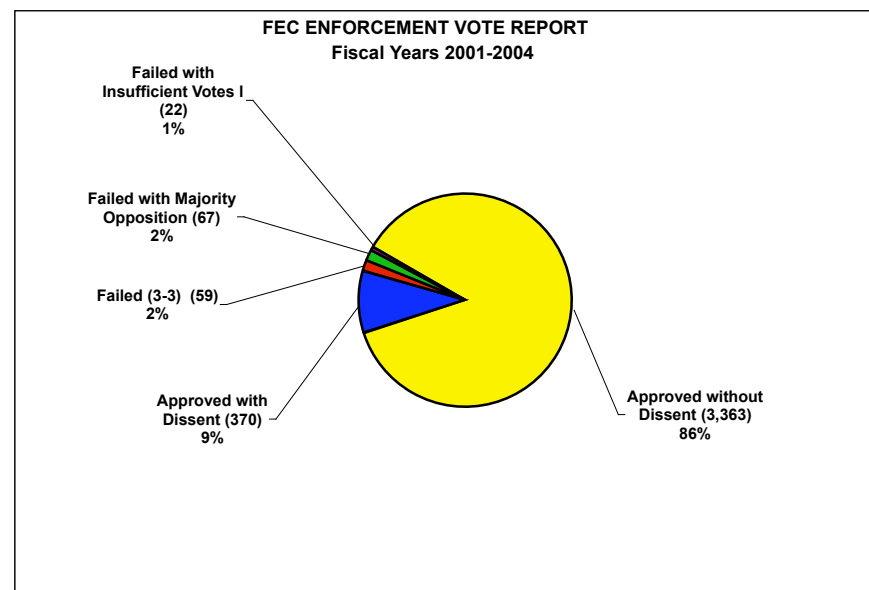
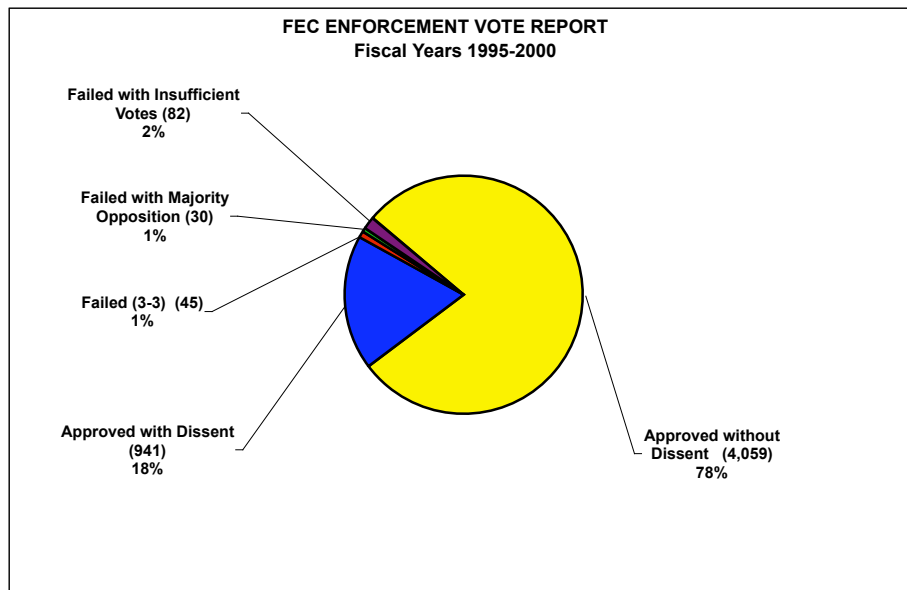
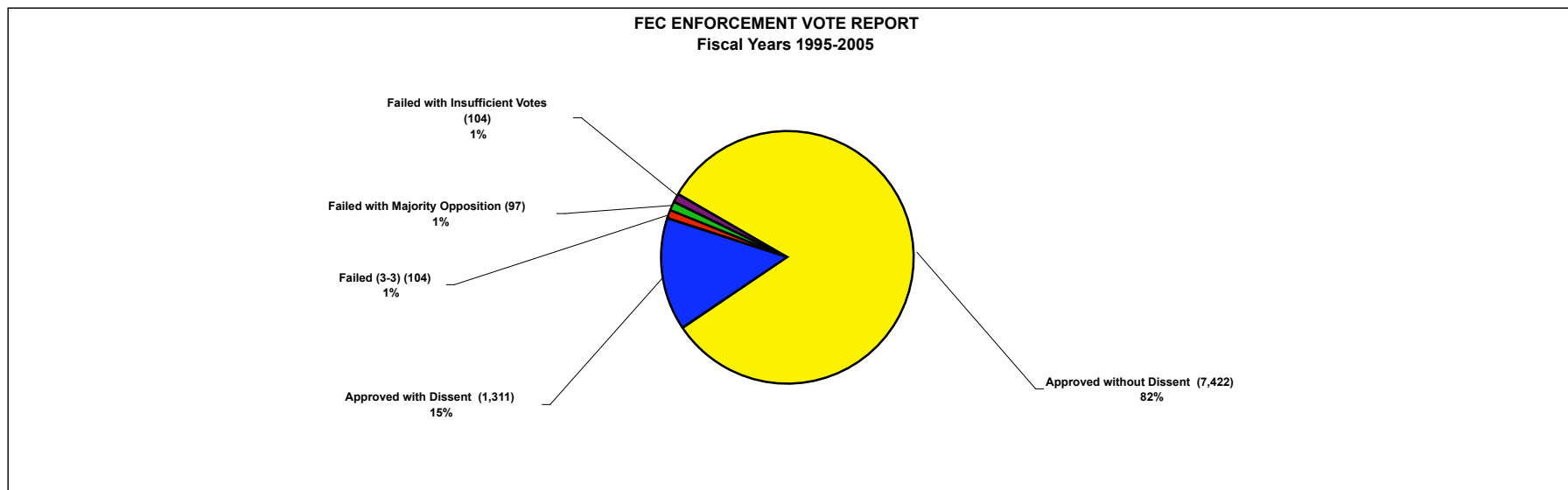
The issues are related to all Respondents in the case. The number of cases is not the same as the number of issues. In some cases there may be more than one violation. In "No RTB" findings the Commission may not cite an alleged violation. The majority of the Sec. 434 violations are the result of the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



FEC ELAPSED TIME REPORT
Average Number of Days for Cases Dismissed or Closed with Substantive Action
Fiscal Years 1995-2004



*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.



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 the Commission did not have a full complement of six Commissioners.

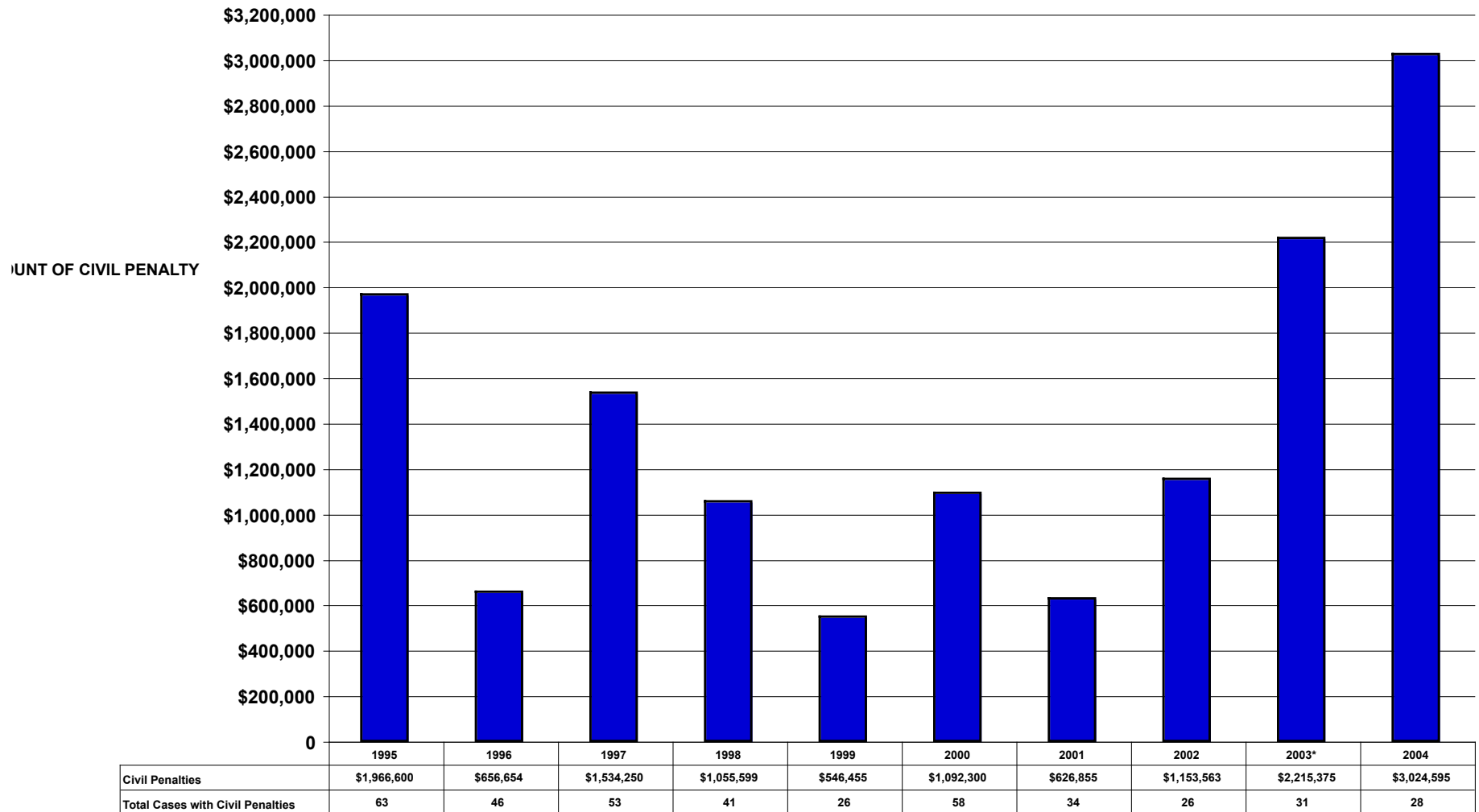
SECTION II

OFFICE OF GENERAL COUNSEL (OGC)

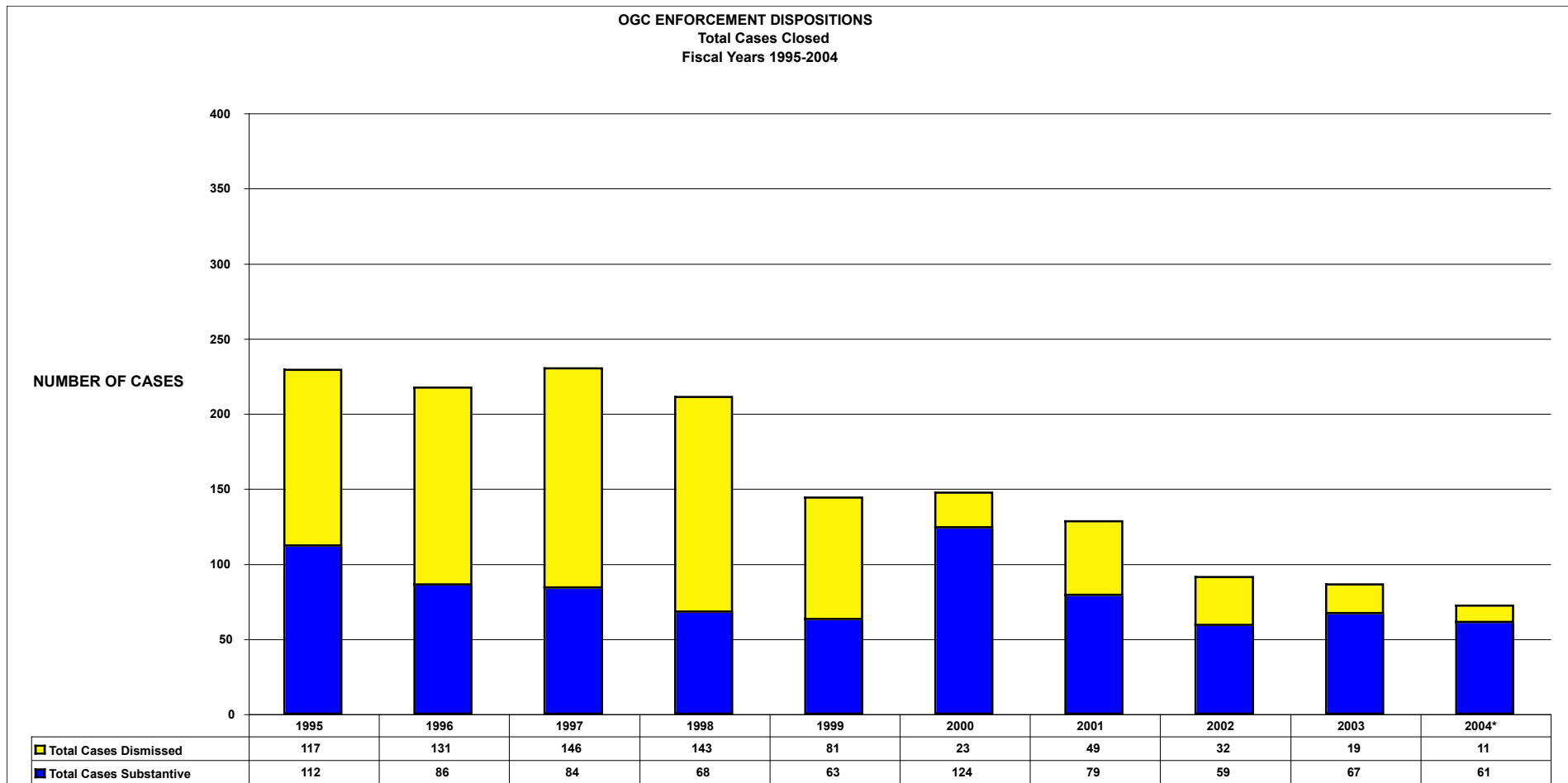
437g ENFORCEMENT MATTERS

- 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 2004, OGC negotiated \$3,024,595 in civil penalties in matters resolved through the standard enforcement process, exceeding FY 2003's total by 27%.
- OGC reduced the average and median number of days between complaint and closing by 16% and 25%, respectively. Between FY 2001 and FY 2004, the Commission closed or dismissed with substantive action 71% of standard enforcement matters, 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 1995-2004**



*Due to a clerical oversight, civil penalties in the amount of \$16,200 were not included in the final totals for FY 2003.



Total Percentage of Closed Substantive Cases

49% 40% 37% 32% 44% 88% 62% 65% 78% 85%

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

**OGC ENFORCEMENT SUBSTANTIVE DISPOSITION OF ISSUES
FISCAL YEARS 1995-2003**

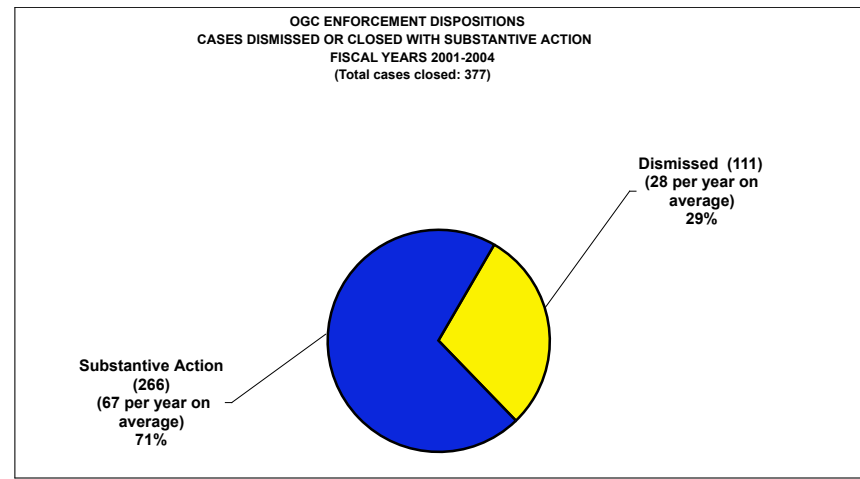
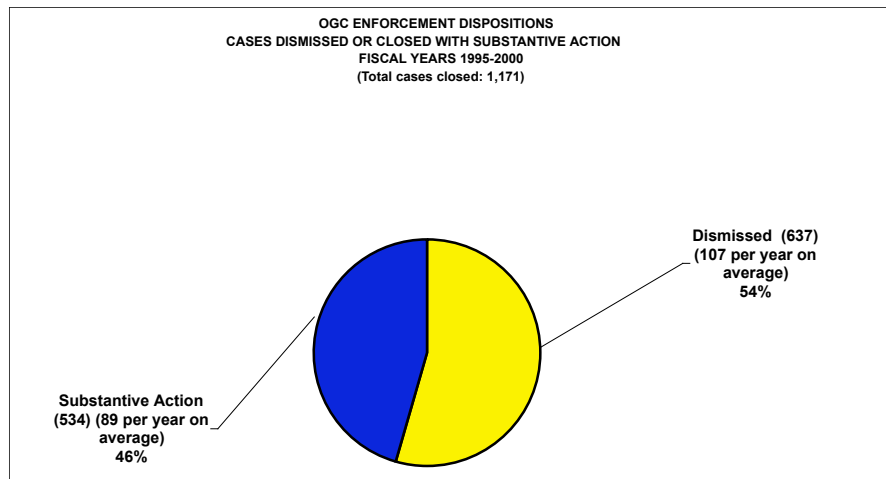
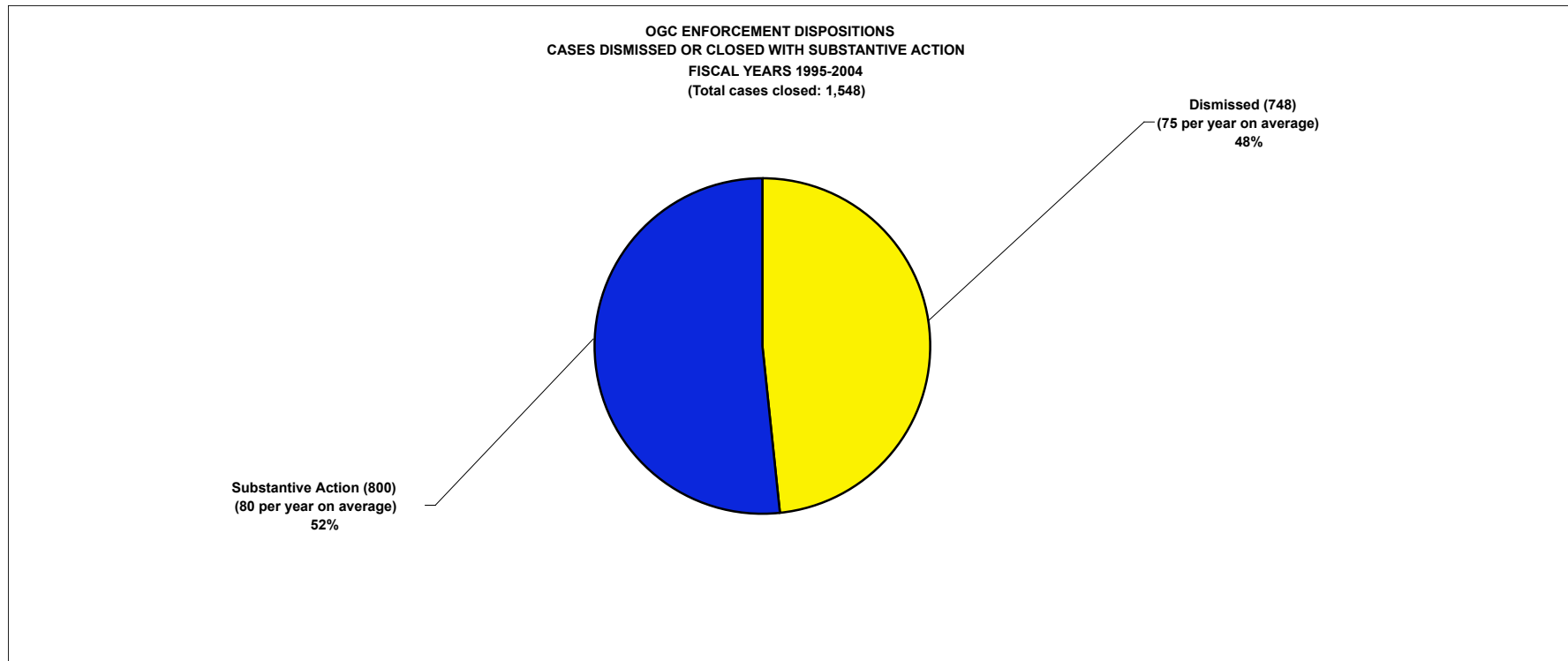
Issues	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	TOTAL
Sec. 432 - Organization of Political Committee	3	8	7	4	4	10	4	8	5	7	60
Sec. 433 - Registration of Political Committee	11	6	11	5	3	6	4	5	4	6	61
Sec. 434 - Reporting requirements	61	48	47	47	32	74	41	21	33	27	431
Sec. 437 - Reports on convention financing	0	0	0	0	0	2	1	1	0	0	4
Sec. 438(a)(4) - Sale or Use Restriction	0	2	0	1	0	0	0	0	0	0	3
Sec. 439a - Personal Use of Campaign Funds	5	1	1	3	1	0	0	0	0	5	16
Sec. 441a - Limitations, Contributions & Expenditures	31	22	18	11	7	23	24	16	20	22	194
Sec. 441a (f) Prohibited Contributions & Expenditures	31	23	24	14	11	37	25	15	23	26	229
Sec. 441b - Corporate Contributions	33	18	31	23	14	44	33	19	25	25	265
Sec. 441c - Contributions by Government Contractors	3	0	3	4	0	1	1	1	0	1	14
Sec. 441d - Disclaimer	14	10	10	6	8	9	9	7	5	7	85
Sec. 441e - Contributions by foreign nationals	1	5	2	2	4	3	4	5	1	1	28
Sec. 441f - Contributions in Name of Another Prohibited	11	7	10	9	6	20	6	11	12	7	99
Sec. 441g - Limitation on Contribution of Currency	1	0	1	0	0	2	1	2	0	0	7
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	0	0	0	0	0	1	0	1	2	4
Sec. 9008 - Payments for Presidential Nominating conventions	4	0	0	0	0	1	3	1	0	0	9
Sec. 9035 - Qualified Campaign Expense Limitations	1	2	0	0	0	3	1	0	0	0	7
TOTAL CASES WITH SUBSTANTIVE ISSUES	113	86	84	68	63	118	79	59	67	55	792

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

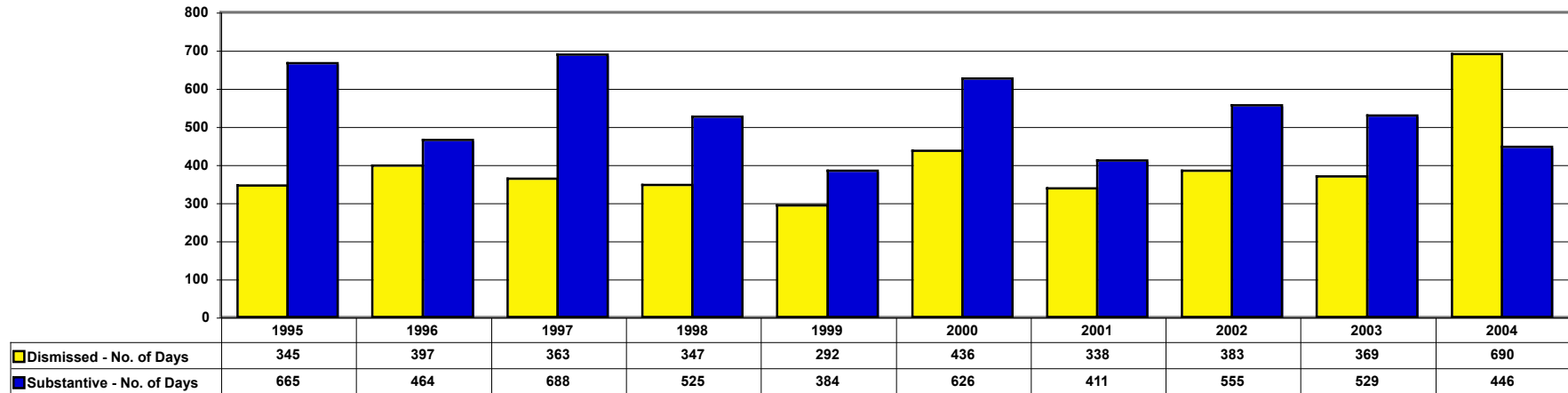
OGC ENFORCEMENT
AVERAGE NUMBER OF SUBSTANTIVE DISPOSITION ISSUES PER YEAR
FISCAL YEARS 1995-2004

Issues	1995-2000	2001-2004	1995-2004
Sec. 432 - Organization of Political Committee	6	6	6
Sec. 433 - Registration of Political Committee	7	5	6
Sec. 434 - Reporting requirements	52	31	43
Sec. 437 - Reports on convention financing	0	1	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	21	21
Sec. 441a (f) Prohibited Contributions & Expenditures	23	22	22
Sec. 441b - Corporate Contributions	27	26	26
Sec. 441c - Contributions by Government Contractors	2	1	1
Sec. 441d - Disclaimer	10	7	7
Sec. 441e - Contributions by foreign nationals	3	3	3
Sec. 441f -Contributions in Name of Another Prohibited	11	9	9
Sec. 441g - Limitation on Contribution of Currency	1	1	1
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	1	1
Sec. 9008 - Payments for Presidential Nominating conventions	1	1	1
Sec. 9035 - Qualified Campaign Expense Limitations	1	0	0

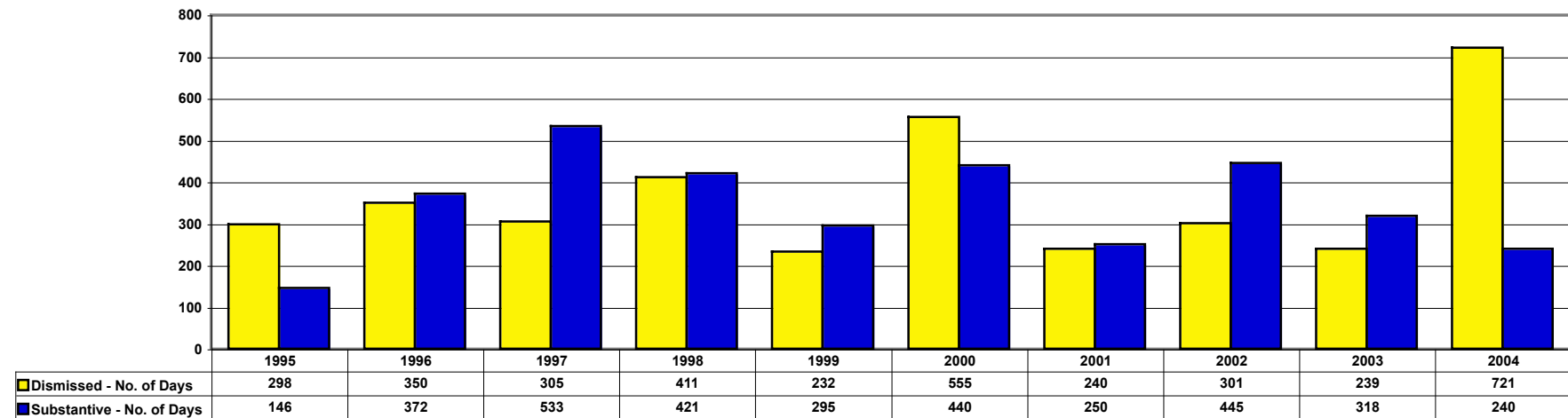
The issues are related to all the Respondents in the case. The number of cases is not the same as the number of issues. In some cases there may be more than one violation. In "No RTB" findings the Commission may not cite an alleged violation. The majority of the Sec. 434 violations are the result of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

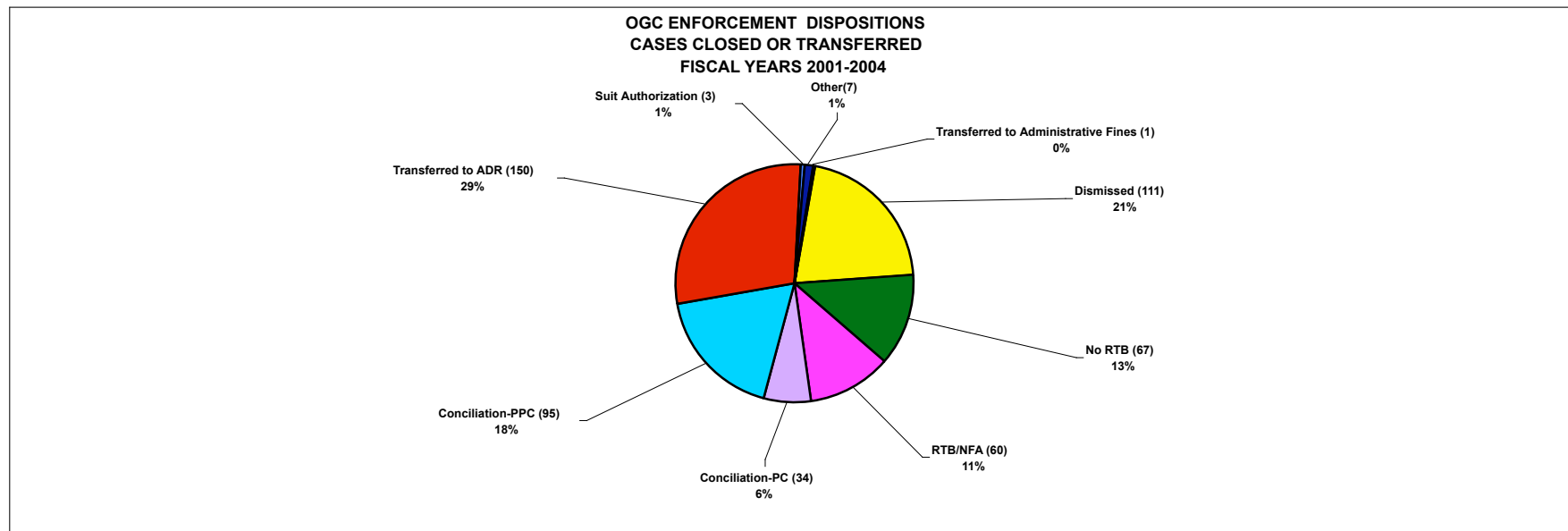
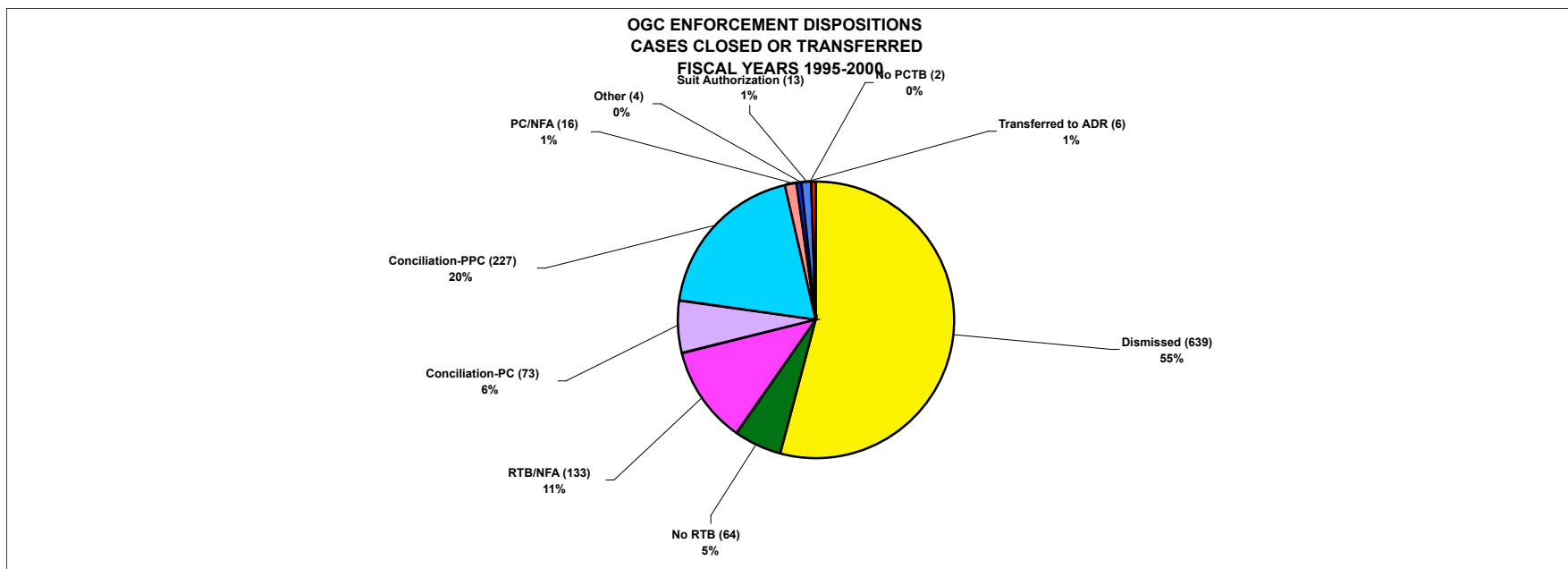


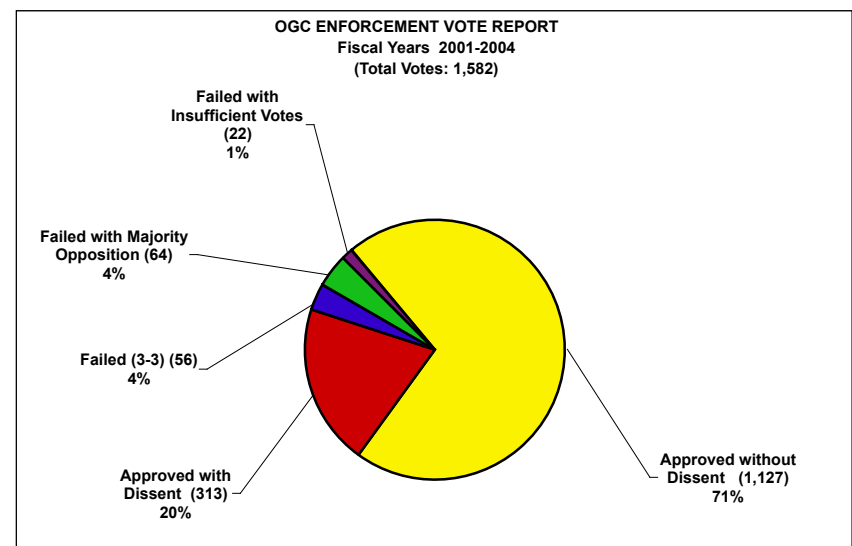
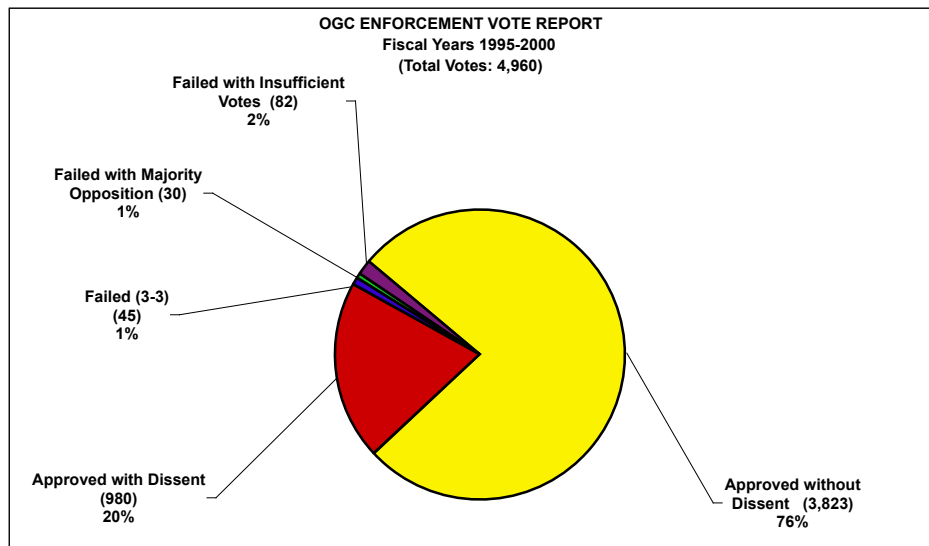
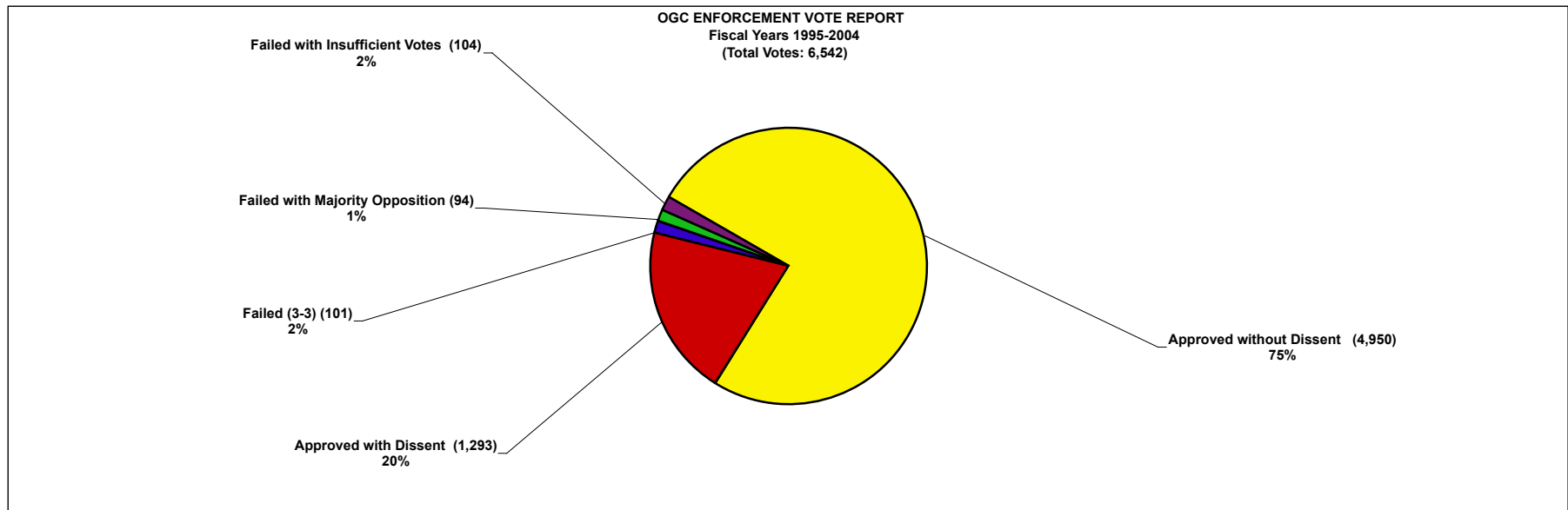
OGC ELAPSED TIME REPORT
Average Number of Days for Cases Dismissed or Closed with Substantive Action
Fiscal Years 1995-2004



OGC ELAPSED TIME REPORT
Median Number of Days for Cases Dismissed or Closed with Substantive Action
Fiscal Years 1995-2004







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 the Commission did not have a full complement of six Commissioners.

SECTION III

ALTERNATIVE DISPUTE RESOLUTION (ADR)

ALTERNATIVE DISPUTE RESOLUTION

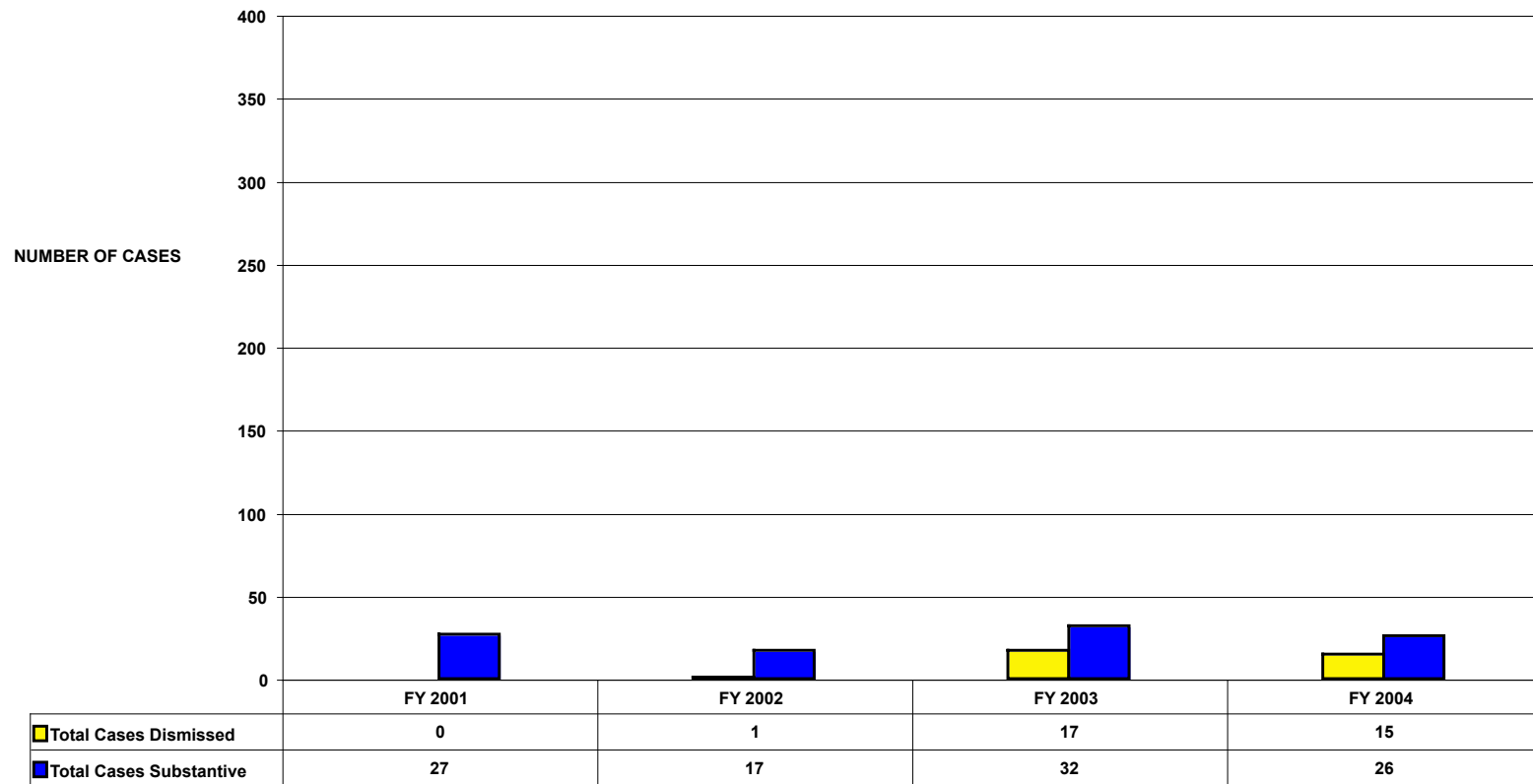
- The Alternative Dispute Resolution (ADR) program was implemented in FY 2001 to improve efficiency and minimize case processing times by resolving certain matters outside the standard enforcement process. Cases processed by the ADR office are referred by other divisions and are reviewed by OGC before being considered for ADR.
- ADR cases are typically completed within 6 months of referral.
- ADR has imposed \$154,743 in civil penalties since FY 2001. In FY 2004, ADR more than doubled the civil penalties it negotiated, exceeding its total civil penalties for each of the three previous years since its inception. 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 135 cases, with 76% 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 and 441 violations. Section 441b violations also represent a substantial percentage of ADR enforcement cases.
- In FY 2003, the ADR office began reviewing matters that were previously dismissed under the Enforcement Priority System.

**ALTERNATIVE DISPUTE RESOLUTION ENFORCEMENT DISPOSITIONS
CIVIL PENALTIES NEGOTIATED
FISCAL YEARS 2001-2004**



	2001	2002	2003	2004
Civil Penalties	\$32,143	\$23,000	\$30,200	\$69,400
Total Cases with Civil Penalties	16	6	16	23

**ALTERNATIVE DISPUTE RESOLUTION DISPOSITIONS
TOTAL CASES CLOSED
FISCAL YEARS 2001-2004**

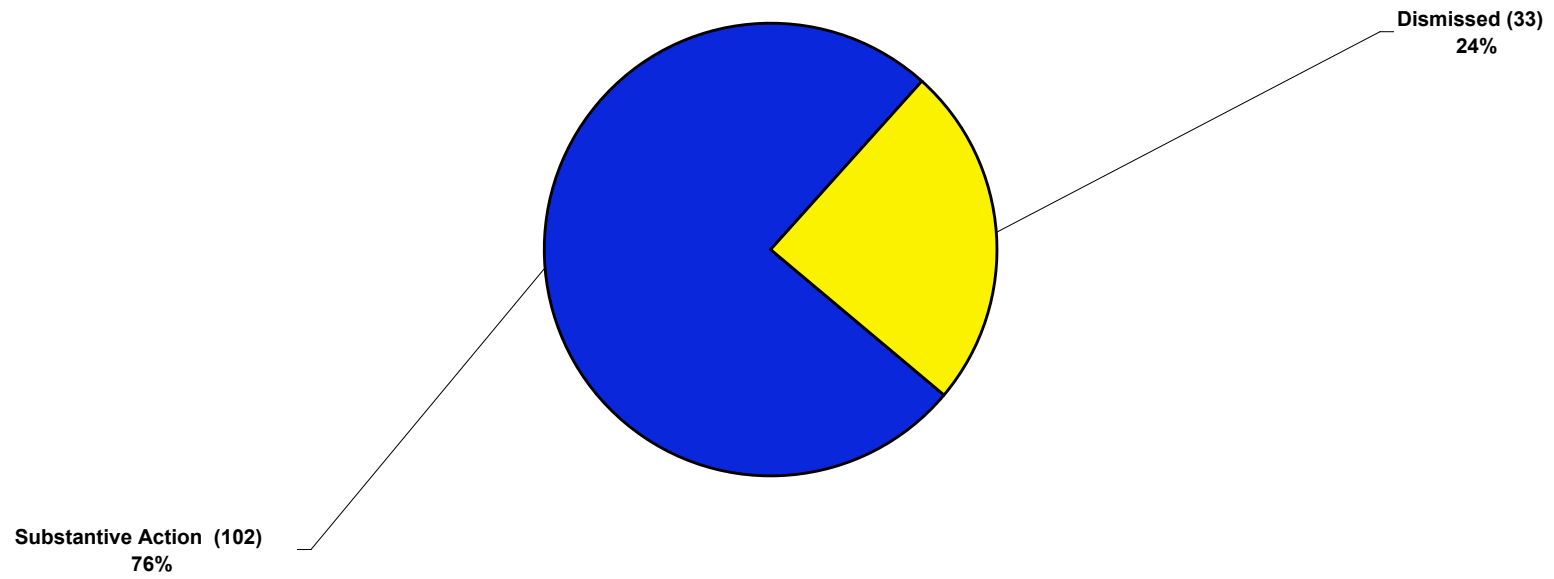


**ALTERNATIVE DISPUTE RESOLUTION ENFORCEMENT SUBSTANTIVE DISPOSITION OF ISSUES
FISCAL YEARS 2001-2004**

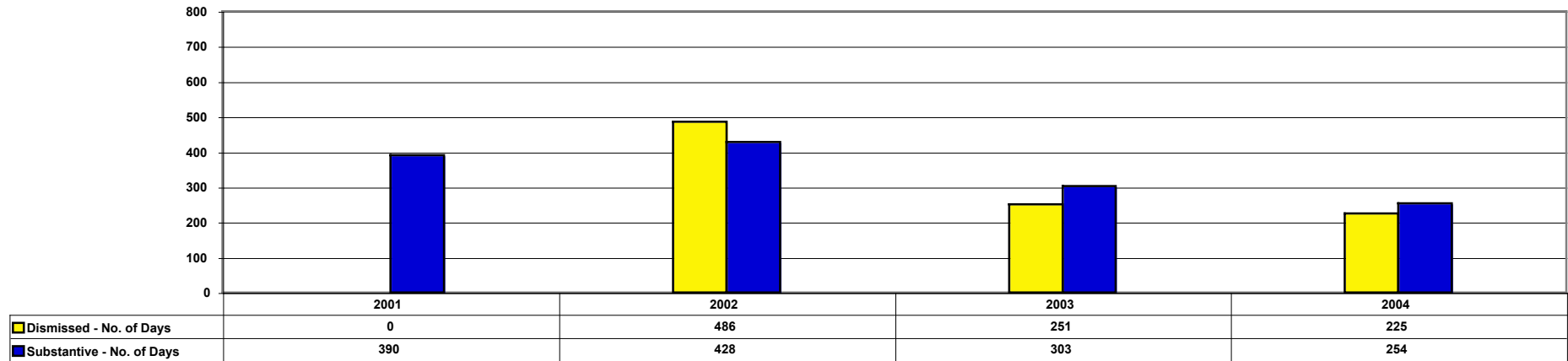
Issues	2001	2002	2003	2004
Sec. 432 - Organization of Political Committee	1	1	2	1
Sec. 433 - Registration of Political Committee	2	1	4	5
Sec. 434 - Reporting requirements	7	3	9	15
Sec. 437 - Reports on convention financing	1	0	0	0
Sec. 438(a)(4) - Sale or Use Restriction	0	0	0	0
Sec. 439a - Personal Use of Campaign Funds	1	1	1	1
Sec. 441a - Limitations, Contributions & Expenditures	4	5	7	2
Sec. 441a (f) Prohibited Contributions & Expenditures	1	1	2	2
Sec. 441b - Corporate Contributions	6	2	6	5
Sec. 441c - Contributions by Government Contractors	0	0	0	1
Sec. 441d - Disclaimer	2	2	0	2
Sec. 441e - Contributions by foreign nationals	0	0	0	1
Sec. 441f - Contributions in Name of Another Prohibited	3	0	2	1
Sec. 441g - Limitation on Contribution of Currency	0	0	0	0
Sec. 441h - Fraudulent Misrepresentation of Campaign Authority	0	0	0	0
Sec. 9008 - Payments for Presidential Nominating Conventions	0	0	0	0
Sec. 9035 - Qualified Campaign Expense Limitations	0	0	0	0
TOTAL CASES WITH SUBSTANTIVE ISSUES	20	17	27	25

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

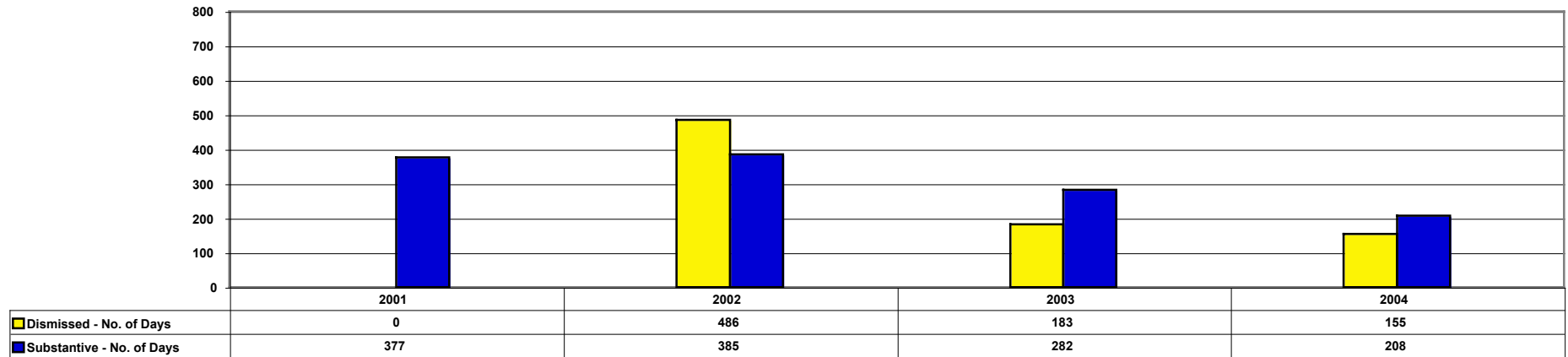
**ALTERNATIVE DISPUTE RESOLUTION ENFORCEMENT CASES
DISMISSED OR CLOSED WITH SUBSTANTIVE ACTION
FISCAL YEARS 2001-2004**



ALTERNATIVE DISPUTE RESOLUTION ELAPSED TIME REPORT
Average Number of Days for Cases Dismissed or Closed with Substantive Action
Fiscal Years 2001-2004

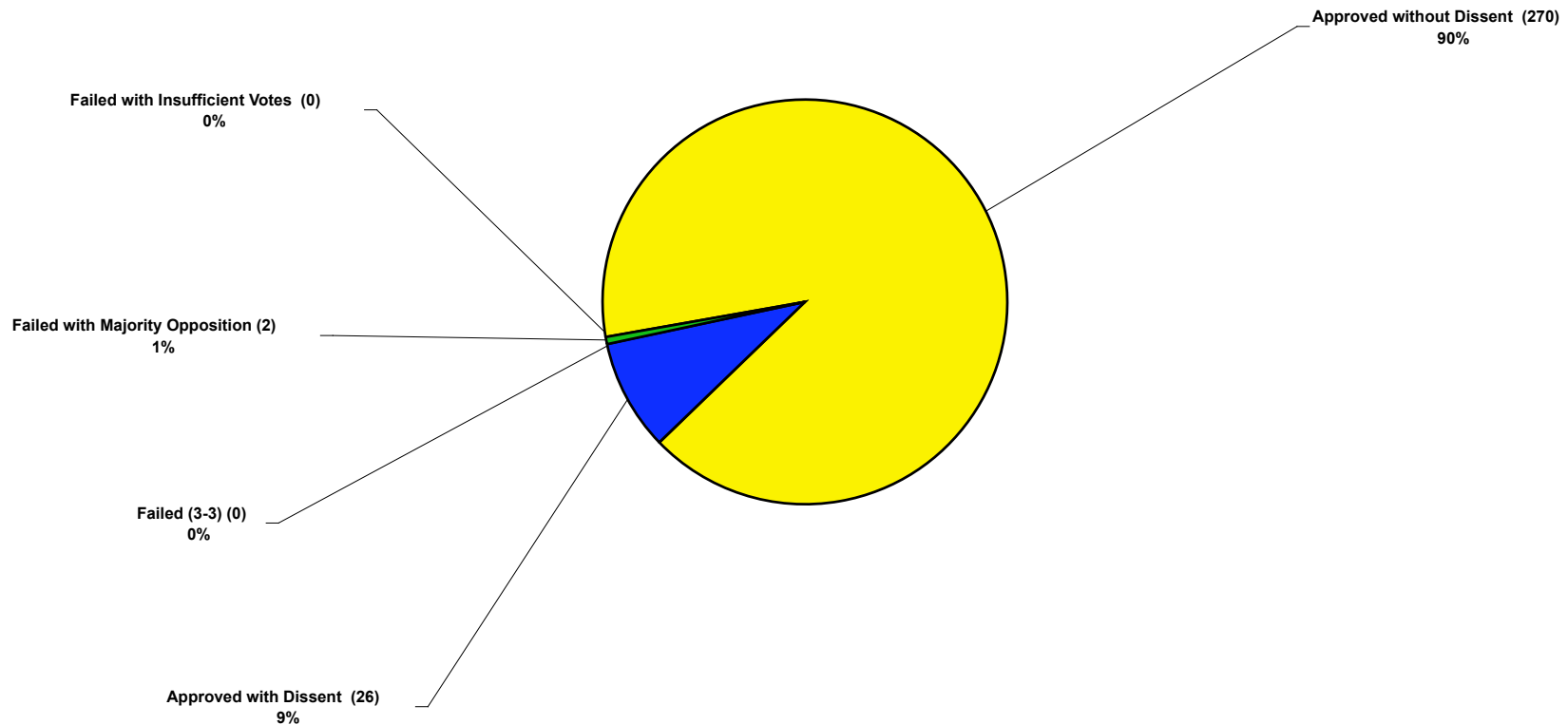


ALTERNATIVE DISPUTE RESOLUTION ELAPSED TIME REPORT
Median Number of Days for Cases Dismissed or Closed with Substantive Action
Fiscal Years 2001-2004



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 ENFORCEMENT VOTE REPORT
Fiscal Years 2001-2004



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 Votes (3-2, 3-1, 2-2)

*Commission recusals, absence or no votes are not counted.

From October, 1965 to August, 1998 the Commission did not have a full complement of six Commissioners.

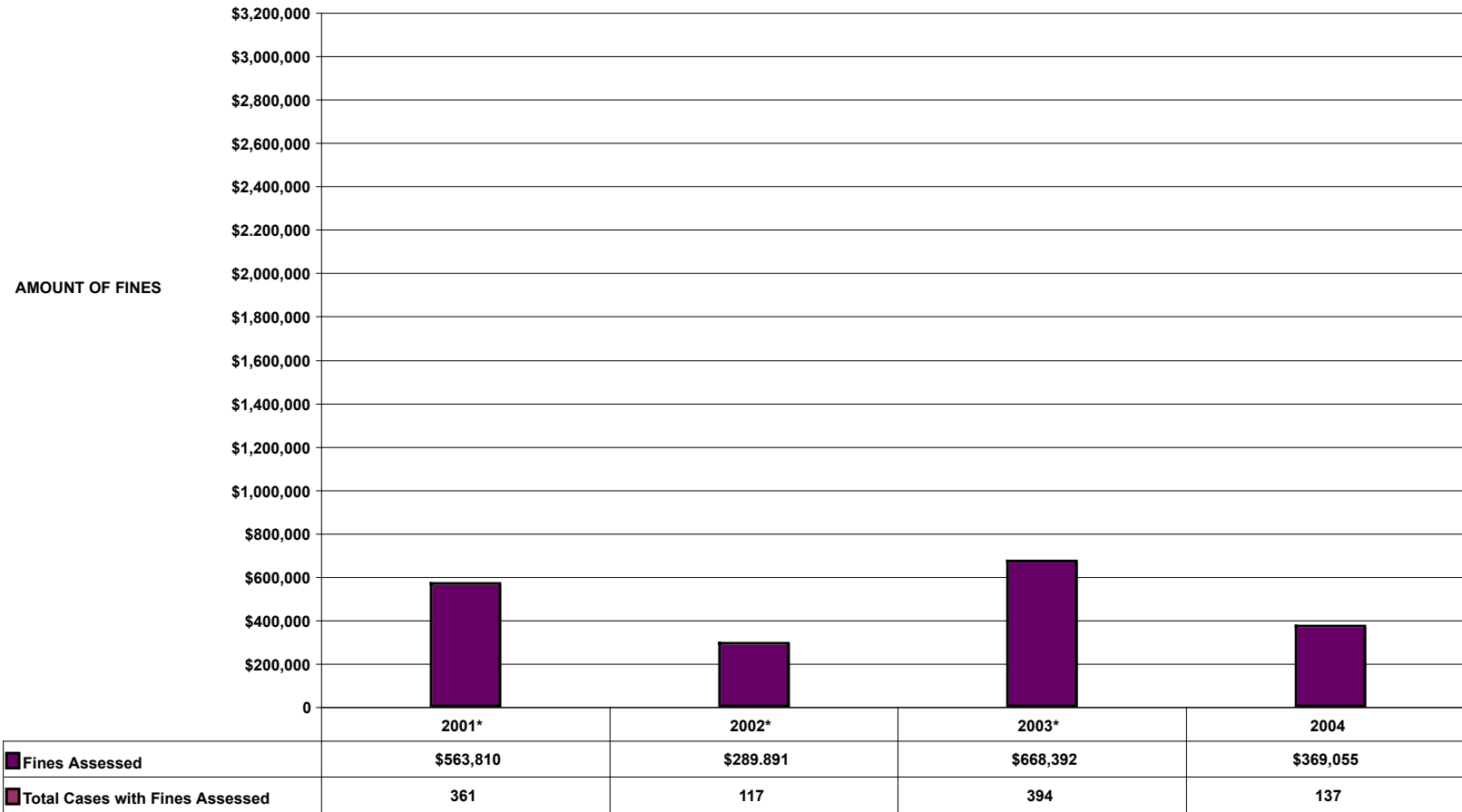
SECTION IV

ADMINISTRATIVE FINE (AF)

ADMINISTRATIVE FINE PROGRAM

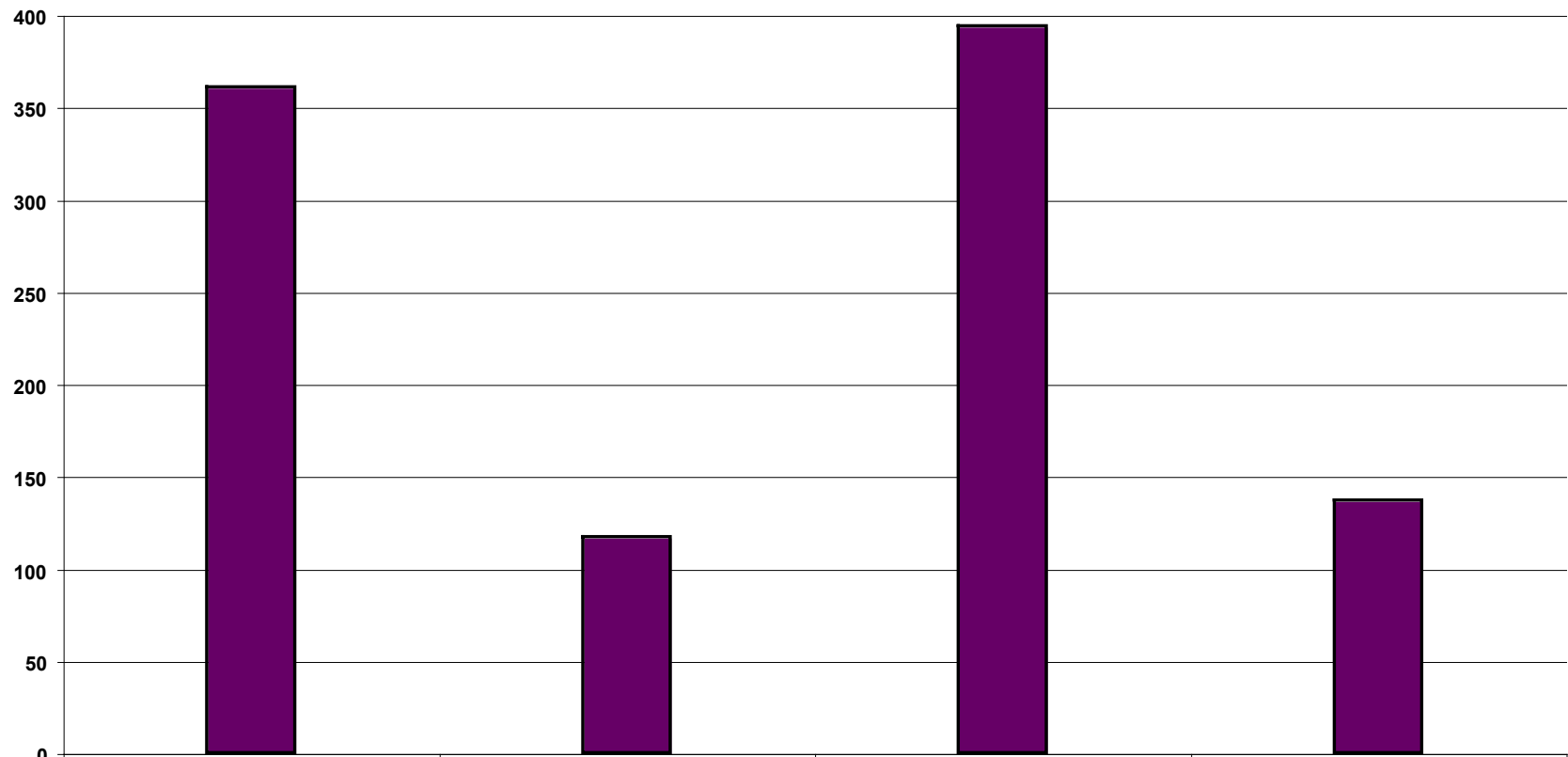
- The Administrative Fine program was established in FY 2000 to provide an expedited system for processing late and non-filer violations using a published schedule of penalties. The Administrative Fine program closes cases in an average of 242 days from the report's due date to the Commission's final action.
- Since FY 2000, the Administrative Fine program has assessed civil penalties totaling \$1,891,148 in 1,009 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.
- FY 2002 and FY 2004 saw a reduction in the number of Administrative Fine cases caused by fewer off year reporting due dates. In addition, the majority of the cases released in those years were ones that were challenged, 70% in FY 2002 and 53% in FY 2004, as compared to approximately 22% in FY 2001 and 2003.

**ADMINISTRATIVE FINE PROGRAM
DISPOSITIONS FINES ASSESSED
FISCAL YEARS 2001-2004**



*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 2001-2004**



■ Administrative Fines

2001*

2002*

2003*

2004

361

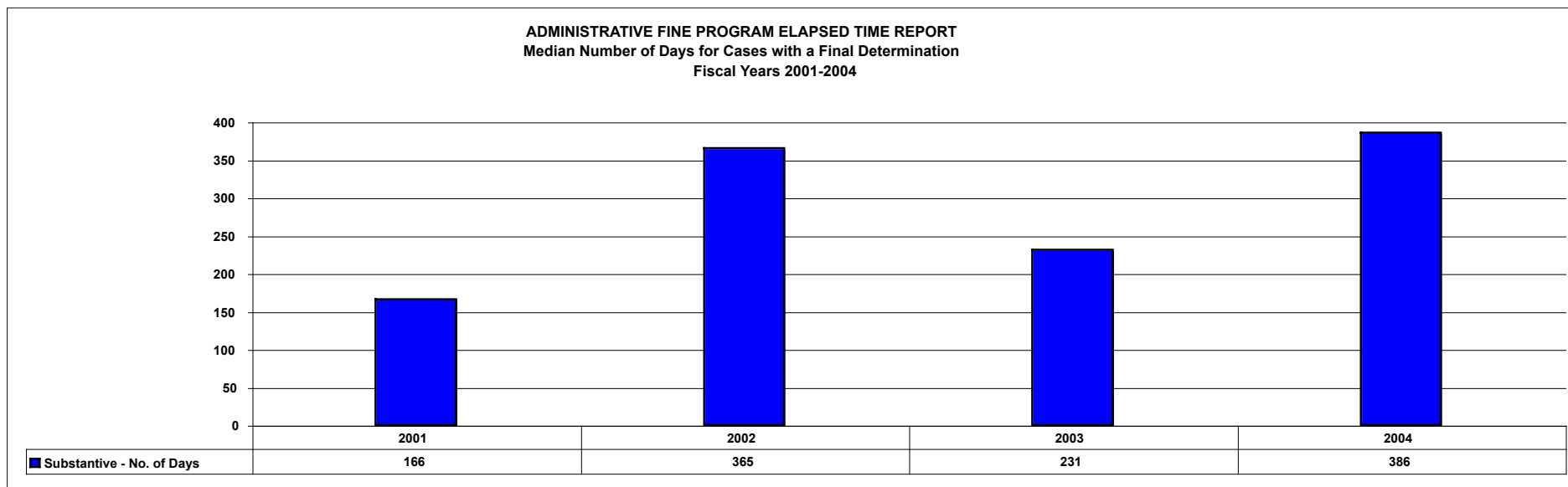
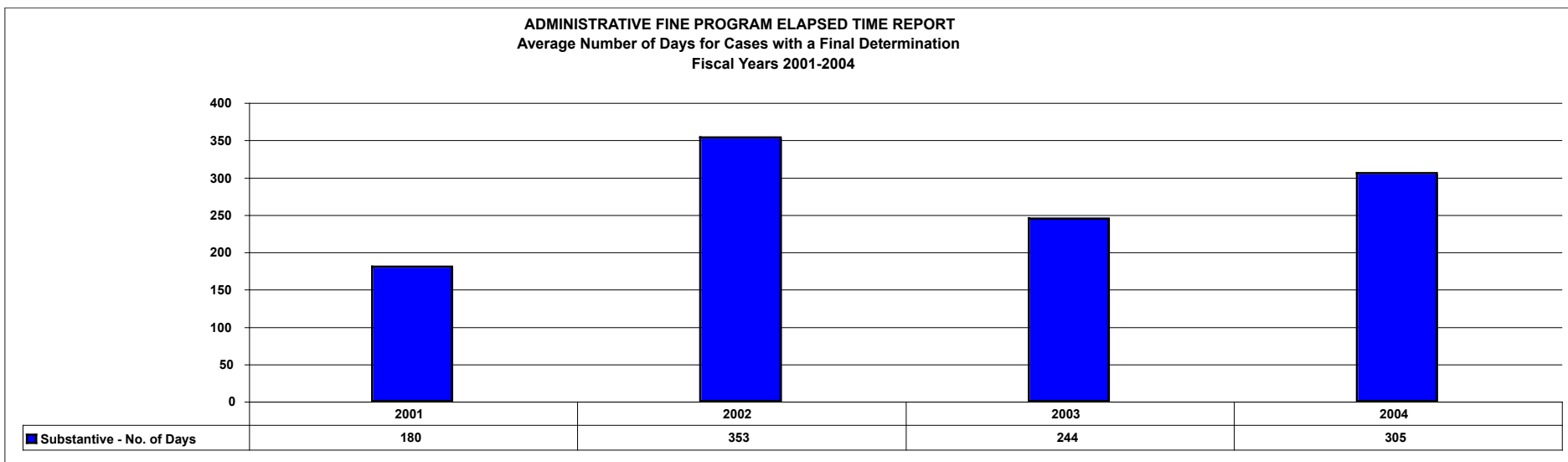
117

394

137

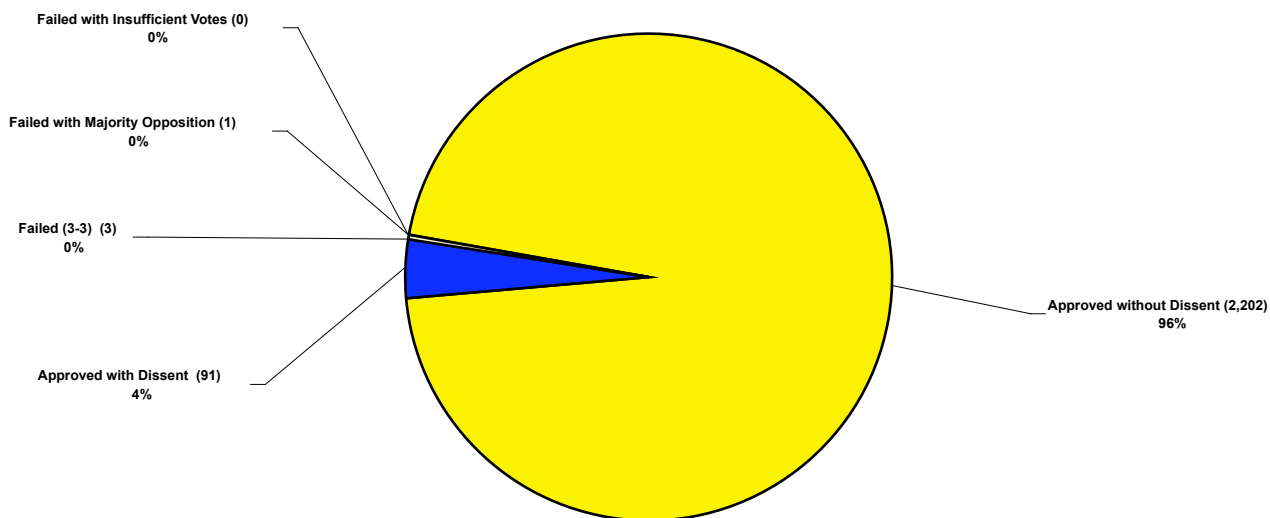
*Total number of cases has been corrected to show total cases assessed a fine not paid as previously reported

All Administrative Fine cases are violations of Section 434 of the FECA



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
FY 2000-2004**



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 Votes (3-2, 3-1, 2-2)

*Commission recusals, absence or no votes are not counted.
From October, 1965 to August, 1998 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 or Action: case closed by OGC, ADR or AF with a Commission finding of RTB, No RTB, Conciliation, Probable Cause, No Probable Cause, Conciliation-Probable Cause, Conciliation-Pre-Probable Cause or Suit Authorization.

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.