



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

OFFICE OF THE CHAIR

**Recent FEC Policies, Procedures, and Directives**

- Advisory Opinion Procedures – allows persons requesting an advisory opinion, or their counsel, an opportunity to appear before the Commission to answer questions from the Commission at an Open Meeting. These appearances may clear up ambiguous or conflicting statements in the requestors' written submissions or allow the Commission to obtain additional information.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2009/notice\\_2009-11.pdf](http://www.fec.gov/law/cfr/ej_compilation/2009/notice_2009-11.pdf)
- Audit Hearings – affords committees that are the subject of a Commission audit the opportunity to participate in hearings and present oral arguments directly to the Commissioners prior to any Commission adoption of an audit report that includes findings that assert a potential violation of law. Gives the Commission an opportunity to ask relevant questions prior to adopting a final audit report.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2009/notice\\_2009-12.pdf](http://www.fec.gov/law/cfr/ej_compilation/2009/notice_2009-12.pdf)
- Notice to Respondents in Non-Complaint Generated Matters – provides procedural protections to respondents in internally generated enforcement matters through notification of the allegations, their basis, and an opportunity to respond.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2009/notice\\_2009-18.pdf](http://www.fec.gov/law/cfr/ej_compilation/2009/notice_2009-18.pdf)
- Probable Cause Hearings – made permanent and amended the process where respondents in enforcement matters have the ability to address questions from the Commission regarding alleged violations before the Commission makes a determination on whether or not to find probable cause to believe a violation has occurred.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2009/notice\\_2009-24.pdf](http://www.fec.gov/law/cfr/ej_compilation/2009/notice_2009-24.pdf)
- Placing First General Counsel's Reports on the Public Record – returns to a prior practice of placing all First General Counsel's Reports on the public record, whether or not the recommendations in these First General Counsel's Reports are adopted by the Commission. All closed matters will have the corresponding report placed on the public record while allowing the Commission to reserve the right to redact portions as necessary.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2009/notice\\_2009-28.pdf](http://www.fec.gov/law/cfr/ej_compilation/2009/notice_2009-28.pdf)
- Guidebook for Complainants and Respondents – assists complainants and respondents and educate the public concerning enforcement matters. The guidebook summarizes the Commission's general enforcement policies and procedures and provides a step-by-step guide through the Commission's enforcement process.  
[http://www.fec.gov/em/respondent\\_guide.pdf](http://www.fec.gov/em/respondent_guide.pdf)

- Directive on Enforcement Procedures – provides written guidelines on providing respondents with status reports of enforcement matters and allows for the accelerating the processing of matters that are statute of limitations-sensitive. The directive also requires certain reports be presented regularly to the Commission regarding the status of enforcement matters.  
[http://www.fec.gov/directives/directive\\_68.pdf](http://www.fec.gov/directives/directive_68.pdf)
- Directive on Legal Guidance to the Office of Compliance – provides guidance on how the Office of Compliance requests legal guidance and how the Office of General Counsel, or the Commission if so requested, provides such guidance.  
[http://www.fec.gov/directives/directive\\_69.pdf](http://www.fec.gov/directives/directive_69.pdf)
- Directive on Processing Audit Reports – established a comprehensive process on how the Audit staff prepares and the Commission handles and approves the various audit reports produced during the various stages of an audit.  
[http://www.fec.gov/directives/directive\\_70.pdf](http://www.fec.gov/directives/directive_70.pdf)
- Disclosure of Documents and Information in the Enforcement Process – a procedure of providing respondents in enforcement matters with certain documents and other information obtained as a result of the investigation during the enforcement process. The documents and certain information are available by request from the respondent when either a conciliation or probable cause recommendation is made to the Commission.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2011/notice\\_2011-06.pdf](http://www.fec.gov/law/cfr/ej_compilation/2011/notice_2011-06.pdf)
- Requesting Consideration of Legal Questions by the Commission – program that provides a means for persons and entities to have a legal question considered by the Commission earlier in both the report review process and the audit process. Specifically, when the person or entity disagrees with a request from agency staff to take corrective action during the report review and audit processes based on a material dispute on a question of law, the person or entity may seek Commission consideration.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2011/notice\\_2011-11.pdf](http://www.fec.gov/law/cfr/ej_compilation/2011/notice_2011-11.pdf)
- Procedure following Submission of Probable Cause Briefs – formalizes that the Office of General Counsel must provide to respondents its notice to the Commission after probable cause briefs have been filed and allow respondents to reply to such brief if new facts or legal arguments are raised in the notice and a vote of four Commissioners.  
[http://www.fec.gov/law/cfr/ej\\_compilation/2011/notice\\_2011-15.pdf](http://www.fec.gov/law/cfr/ej_compilation/2011/notice_2011-15.pdf)
- Providing Respondents Method Used to Determine Opening Settlement Offers – provides Respondents, in writing, the method used to determine the Commission's opening settlement offers at the conciliation stage of certain enforcement matters. This information will be included with the proposed conciliation agreement.  
<http://www.fec.gov/press/press2012/20120112openmeeting.shtml>