MINUTES OF AN OPEN MEETING
OF THE
FEDERAL ELECTION COMMISSION
THURSDAY, NOVEMBER 30, 2006

PRESENT:

Robert D. Lenhard, Vice Chairman, presiding
David M. Mason, Commissioner
Hans A. von Spakovsky, Commissioner
Steven T. Walther, Commissioner
Ellen L. Weintraub, Commissioner
Joseph F. Stoltz, Office of the Staff Director (Audit Division), representing
Patrina M. Clark, Staff Director
Lawrence H. Norton, General Counsel
Mary W. Dove, Secretary
Vice Chairman Robert D. Lenhard called the Federal Election Commission to order in an open meeting at 10:05 A.M. on Thursday, November 30, 2006, with a quorum present.

I. CORRECTION AND APPROVAL OF MINUTES

Minutes for November 9, 2006
Agenda Document No. 06-75

Vice Chairman Lenhard recognized Commissioner Mason, who moved to approve the minutes for the Open Meeting of Thursday, November 9, 2006, as submitted in Agenda Document No. 06-75.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

II. BEST EFFORTS POLICY STATEMENT

Agenda Document No. 06-76
(Submitted by Commissioner von Spakovsky)

Vice Chairman Lenhard recognized Commissioner von Spakovsky who reviewed his proposed draft of the above-captioned matter, and

MOVED to approve the best efforts policy statement, as set forth in Agenda Document
II. BEST EFFORTS Policy Statement (continued)

No. 06-76, subject to the following amendment:

Page 1, beginning at the 8th line from the bottom, delete the words "that the committee took all reasonable steps to properly obtain, maintain or submit information and reports to the Commission as required by FECA, and....."

further, to instruct the General Counsel's Office to make any necessary technical and conforming amendments prior to publication in the Federal Register.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovskv, Walther, and Weintraub voting affirmatively.

III. NOTICE OF PROPOSED RULEMAKING ON BEST EFFORTS IN ADMINISTRATIVE FINES

Agenda Document No. 06-77 (Submitted late)
(Submitted by Vice Chairman Lenhard and Commissioner von Spakovskv)

The Vice Chairman recognized Commissioner Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 06-77.

The motion carried on the vote of 5-0 with Commissioners
III. NOTICE OF PROPOSED RULEMAKING ON BEST EFFORTS IN ADMINISTRATIVE FINES (continued)

Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

Vice Chairman Lenhard recognized Commissioner von Spakovsky who reviewed the proposed notice of proposed rulemaking regarding incorporation of a "best efforts" defense into the administrative fines program, and

MOVED to approve the proposed notice of proposed rulemaking, as set forth in Agenda Document No. 06-77, for publication in the Federal Register.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

IV. PROPOSED POLICY STATEMENT ESTABLISHING A PILOT PROGRAM FOR PROBABLE CAUSE HEARINGS

Agenda Document No. 06-78 (Submitted late) (Submitted by Chairman Toner and Commissioner Weintraub)

Agenda Document No. 06-78-A (Submitted late) (Submitted by Commissioner Walther)
IV. PROPOSED POLICY STATEMENT ESTABLISHING A PILOT PROGRAM FOR PROBABLE CAUSE HEARINGS (continued)

The Vice Chairman recognized Commissioner Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Documents No. 06-78 and No. 06-78-A.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

Vice Chairman Lenhard recognized Commissioner Weintraub who presented an overview of the subject document which was co-authored by Chairman Toner.

A discussion followed.

The Vice Chairman recognized Commissioner Weintraub, who

MOVED to approve the proposed policy statement, as set forth in Agenda Document No. 06-78, as amended by Agenda Document No. 06-78-A, and to instruct the General Counsel's Office to make any necessary technical and conforming amendments prior to publication in the Federal Register.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.
V. PROPOSED POLICY STATEMENT REGARDING SELF-REPORTING OF CAMPAIGN FINANCE VIOLATIONS (Sua Sponte Submissions)

Agenda Document No. 06-79 (Submitted late)

Vice Chairman Lenhard recognized Commissioner Mason, who

MOVED to suspend the rules on the timely submission of agenda documents in order to consider Agenda Document No. 06-79.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.

Vice Chairman Lenhard recognized Ms. April Sands of the General Counsel's Office who presented the subject document.

There was discussion.

The Vice Chairman recognized Commissioner Weintraub, who

MOVED to approve the draft proposed policy statement regarding self-reporting of Campaign Finance Violations (Sua Sponte Submissions), as set forth in Agenda Document No. 06-79, and to instruct the General Counsel's Office to make any necessary technical and conforming amendments prior to publication in the Federal Register.

The motion carried on the vote of 5-0 with Commissioners Lenhard, Mason, von Spakovsky, Walther, and Weintraub voting affirmatively.
VI. MANAGEMENT AND ADMINISTRATIVE MATTERS

There were no management and administrative matters to come before the Commission.

The meeting adjourned at 11:05 A.M.

Signed:

Michael E. Toner
Chairman of the Commission

Attest:

Mary W. Dove
Secretary of the Commission