

**AGENDA DOCUMENT NO. 15-26-A**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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2015 MAY 14 P 4: 15

May 14, 2015

**AGENDA ITEM**  
For Meeting of 5-21-15

**MEMORANDUM**

TO: The Commission

FROM: Lee E. Goodman  
Commissioner

A handwritten signature in black ink, appearing to read "Lee E. Goodman".

SUBJECT: Notice to Respondents of Information Sharing by the Commission

Attached is a memorandum recommending that the Commission include a brief notice to respondents that information shared with the Commission may be provided to other governmental agencies or law enforcement organizations. I request that this memorandum be made public and placed on the Commission's Open Meeting Agenda for May 21, 2015, for discussion along with the memorandum dated March 9, 2015, regarding Engaging the Public and Stakeholders.

Attachment:

Recommendation to Provide Notice to Respondents of Information Sharing by the  
Commission



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**MEMORANDUM**

TO: The Commission

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SUBJECT: Recommendation to Provide Notice to Respondents of Information Sharing by the Commission

In order to ensure that respondents, particularly those who are not represented by counsel, are apprised of their legal rights, responsibilities, and risks, I recommend that the Commission include language informing respondents that information shared with the Commission may be shared with other law enforcement agencies.

Such notice has been provided to respondents in prior matters, though not on a uniform basis. Thus, in order to standardize this practice, the following language shall be included in all letters providing initial notice of a complaint or internally generated referral, or providing initial notice that the Commission has made a reason to believe finding:

The Commission has the statutory authority to refer knowing and willful violations of the FECA to the Department of Justice for potential criminal prosecution, 52 U.S.C. 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. 52 U.S.C. 30107(a)(9). Please be advised that although the Commission cannot disclose information regarding an investigation to the public, it can and does share information on a confidential basis with other law enforcement agencies.

This language is taken explicitly from language adopted by the Commission and published in the *Federal Register* as part of the Commission's Policy Regarding Self-Reporting of Campaign Finance Violations (*Sua Sponte* Submissions), 72 Fed. Reg. 16,695, 16,698 (Apr. 5, 2007). This policy simply provides the notice directly to a respondent who otherwise may not know of or have access to the *Federal Register*.