

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
CHRISTOPHER VAN HOLLEN, JR.,)	
)	
Plaintiff,)	Civ. No. 11-cv-00766-ABJ
)	
v.)	
)	STATUS REPORT
FEDERAL ELECTION COMMISSION,)	
)	
Defendant.)	
_____)	

STATUS REPORT OF DEFENDANT FEDERAL ELECTION COMMISSION

Pursuant to the Court’s Orders of October 9, 2012 and October 10, 2012, the Federal Election Commission (“Commission” or “FEC”) hereby notifies the Court of an initial decision regarding the petition for rulemaking filed with the FEC by the Center for Individual Freedom (“CFIF”) on October 5. This decision is the first of several steps that could lead to a revised regulation:

1. Today, the Commission voted 6-0 to publish a Notice of Availability (“NOA”) in the Federal Register soliciting public comment in support of or opposition to CFIF’s request for a rulemaking. The publishing of an NOA is a routine procedure described in the Commission’s regulations and is not an indication as to whether the Commission will ultimately decide to undertake a rulemaking. 11 C.F.R. § 200.3.

2. The Commission will consider the merits of CFIF’s petition after the comment period of sixty days has concluded. 11 C.F.R. § 200.3(d). At that time, the Commission will determine, based on the comments and other relevant information, whether to initiate a rulemaking. 11 C.F.R. § 200.4.

3. If the Commission decides to initiate a rulemaking, it will publish a notice of proposed rulemaking in the Federal Register and seek comments from the public. 5 U.S.C. § 553(b), (c). If the Commission decides not to initiate a rulemaking, it will publish a notice of such disposition in the Federal Register and explain the grounds for its decision. 11 C.F.R. § 200.4(b).

4. If the Commission publishes a notice of proposed rulemaking, it may also hold a public hearing. 5 U.S.C. § 553(c).

5. After consideration of any public comments received and other relevant information, the Commission will decide whether to issue a revised regulation and will explain the basis for its decision. 5 U.S.C. § 553(c).

The Commission also hereby notifies the Court that it opposes the motion to establish a briefing schedule filed by CFIF on October 15, 2012 (Docket No. 69) because establishing a briefing schedule at this time would be premature in view of CFIF's own pending petition for rulemaking.

Respectfully submitted,

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