



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
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| In the Matter of |) | |
| |) | MUR 5855 |
| National Educational Association |) | |
| Fund for Children and Public Education |) | |

Statement of Reasons

Chairman Robert D. Lenhard
Vice Chairman David M. Mason
Commissioner Hans A. von Spakovsky
Commissioner Steven T. Walther
Commissioner Ellen L. Weintraub

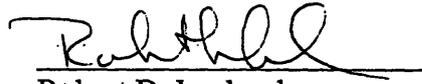
On May 30, 2007, the Commission unanimously voted to find no reason to believe that the respondent violated any provision of the Federal Election Campaign Act or Commission regulations. In so doing, the Commission rejected the recommendation from the Office of General Counsel to dismiss MUR 5855 on the basis of prosecutorial discretion as outlined in *Heckler v. Chaney*, 470 U.S. 821 (1985). The Commission preferred to make a dispositive finding that no violation occurred rather than dismiss without reaching a legal conclusion.

The complainant alleged that the National Education Association Fund for Children and Public Education ("NEA Fund") violated the Act by failing to report within 48 hours its independent expenditures for television advertisements that were critical of Rep. J.D. Hayworth. However, the complaint was filed roughly twelve hours before the

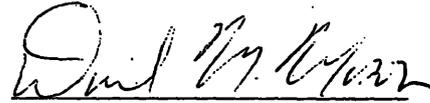
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NEA Fund's report was due to be filed with the Commission. In fact, respondent did file timely its necessary 48 Hour report. Hence, no violation occurred.

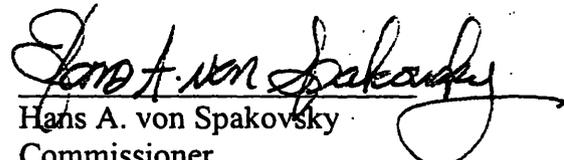
6/19/07
Date


Robert D. Lenhard
Chairman

6/20/07
Date


David M. Mason
Vice Chairman

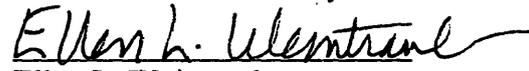
June 19, 2007
Date


Hans A. von Spakovsky
Commissioner

6/19/07
Date


Steven T. Walther
Commissioner

6/19/07
Date


Ellen L. Weintraub
Commissioner

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