

FEDERAL ELECTION COMMISSION



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FEC RE-VOTES OR RATIFIES AUDIT DECISIONS; ADOPTS ENFORCEMENT GUIDELINES

WASHINGTON -- The Federal Election Commission Tuesday approved additional measures to preserve the validity of pending audits and enforcement cases in the aftermath of the U.S. Court of Appeals opinion in FEC v. NRA Political Victory Fund.

Specifically, the Commission unanimously:

- Re-voted or ratified (depending on the circumstances) agency actions in audits of publicly funded presidential campaigns and in "audits for cause" of political committees; and
- Adopted specific procedures for re-voting or ratifying decisions pertaining to open enforcement or litigation.

"These actions are additional indications that the Commission is serious about continuing to meet its obligation to administer and enforce federal election law without interruption," said Scott E. Thomas, FEC Chairman.

Last week the FEC voted to ratify existing federal campaign finance regulations and forms, and adopted a policy statement which affirmed the validity of advisory opinions. The Commissioners also decided to petition the Supreme Court for a writ of certiorari following the court of appeals opinion. That opinion said that the presence at the Commission of two officers of Congress, as non-voting Ex Officio members, violated the constitution's separation of powers clause.

The court of appeals reversed a judgment by the district court which agreed with the FEC by finding that the NRA had violated federal election law by using \$415,000 in prohibited corporate funds in connection with a federal election. In its ruling, the court of appeals did not address the legality of NRA's action, because it held that the FEC's enforcement case had been decided by an unconstitutionally composed Commission. To abide by court of appeals opinion, the agency voted - pending review - to no longer treat the Ex Officio Commissioners as members. The agency is now operating with only the six Commissioners who were nominated by the President and confirmed by the U.S. Senate.
