

FEC Solicits Comments on Enforcement Process, Due April 19

January 2013

The Federal Election Commission (FEC) is currently evaluating the agency's enforcement process and is soliciting comments from the public with respect to: (1) the FEC's policies, practices, and procedures during the enforcement process prior to a "reason to believe" determination (*i.e.*, the initial determination of whether a violation occurred); and (2) the FEC's practices concerning and its authority to seek civil penalties prior to and after a "probable cause to believe" determination (*i.e.*, a final determination of whether a violation occurred).

Specifically, the FEC is seeking comments from individuals and entities that have been complainants or respondents and directly interacted with the FEC during the enforcement process. Although the FEC welcomes comments on any aspect of the enforcement process, it is particularly interested in whether the Federal Election Campaign Act (FECA) and FEC regulations contemplate an FEC finding of "reason to believe" that is based on or takes into account publicly available information (*e.g.*, news articles) or legal theories that were not contained or referenced in a complaint that initiated the enforcement process. The FEC also is interested in comments concerning its civil penalty practices.

Wiley Rein can assist in drafting comments on the FEC's enforcement process and in submitting the comments to the FEC in a timely manner. Comments must be received by Friday, April 19, 2013.

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