

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		LEAVE BLANK (NARA use only)	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER <i>NI-339-03-1</i>	
1 FROM (Agency or establishment) <i>Federal Election Commission</i>		Date Received <i>7/28/03</i>	
2 MAJOR SUB DIVISION <i>Office of Administrative Review</i>		NOTIFICATION TO AGENCY	
3 MINOR SUBDIVISION		In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
4 NAME OF PERSON WITH WHOM TO CONFER <i>Sandra Holmes</i>	5 TELEPHONE <i>2/694-1244</i>	DATE <i>4-23-04</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>
<b>6 AGENCY CERTIFICATION</b> I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached _____ page(s) are not needed now for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,  <input type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>7/9/2003</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>		TITLE <i>Administrative Officer</i>
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	<i>See attached sheets</i>		
<i>cc Agency NARA NARA</i>			

Office of Administrative Review (Admin Fines)  
Request for Records Disposition Authority

Brief Description

On June 14, 2000, the Commission implemented a program for assessing civil money penalties for violations involving failure to file reports on time, file reports at all, or to file 48 hour notices

The Administrative Fine program is based on amendments to the Federal Election Campaign Act that permits the FEC to impose civil money penalties, based on schedules of penalties, for violations of reporting requirements that occur between January 1, 2000, and December 31, 2003

On March 6, 2003, the Commission approved final rules amending its administrative fines regulations. The amended rules clarify how late filers and non-filers are notified of Commission actions under these regulations and clarify what will be considered "extraordinary circumstances" when reason-to-believe findings or reason-to-believe penalties are challenged

Prior to initiating the Administrative Fine program, the FEC handled reporting violations (late filers, non-filers and committees that failed to file 48-hour notices) under the same enforcement procedures it employs for other alleged campaign finance violations, culminating in agreement on a civil penalty or court action. Under the administrative fines regulations, if the Commission finds "reason to believe" that a committee violated the law, the Commission will provide written notification to the committee containing the factual and legal basis of its finding and the amount of the proposed civil money penalty.

After reviewing the Commission's reason-to-believe finding and the committee's written response, the reviewing officer will forward a recommendation to the Commission, along with the original reason-to-believe finding, the committee's written response and any supporting documentation. A copy of the recommendation will also be sent to the respondents, who will have 10 days to submit a written response to the reviewing officer's recommendation. The Commission will then make a final determination as to whether the committee violated 2 USC §434(a) and, if so, assess a civil money penalty based on the schedules of penalties.

It is estimated that this program will generate 4-7 cubic feet of textual records per calendar year

## Rationale and Precedence

These records are unique and provide historical documentation of the United States electoral process. These records document the adherence to procedures by political election committees, federal election campaigns, and other similar entities. These records provide a source of historical documentation to the actions of these organizations. The documents in this department are not related to personnel disputes or any other individual dispute resolutions. They are however records which document the government's interaction with outside federal campaign contributors and potentially provide information in the event of future disputes.

The records created by this new department, have been determined by the NARA to be unclassified (at this current time), although they do closely mirror, in terms of function, other agency records (as it pertains to the mission of the FEC) already scheduled within the agency. FEC Schedule 1 Item 3 defines the retention period for records: "Correspondence reports and other material relative to information distributed to Commissioners for carrying out their duties and powers.. " This records series defines those records as being permanent and copies of those records as having retention of 1 year. These records document the basis of 'agency head' level decisions and within the case files can be found the actual tallies from the Commissioners in addition to the background documentation. The FEC recognizes their particular Admin Fines program as being of similar nature yet unique in methodology. The FEC proposes to follow the precedent and secure these records for all posterity, as they are instrumental evidence of the American democratic process.

In Summary this FEC Records Series

1 Documents high-level commission decisions

2 Our unique, as they relate to the historical documentation of the federal election process

Proposed Disposition

FEC Schedule 1 Item 17

Reviewing Officer memoranda and recommendations, information work papers and other material including indices relative to challenges submitted under the administrative fine program and distributed to Commissioners for carrying out their duties of administering fines. This material includes material circulated on an informational and action basis. Material is maintained in numbered series.

~~a) Record Copy Arranged by case number, assigned consecutively~~

Permanent Retention. Cut off annually, offer to NARA in 5-year blocks, 10 years after close of case.

*Temporary. Cut off at end of each election cycle. Retain on site for 2 election cycles (8 years). Send to offsite storage. Destroy 10 years after cut-off.*

b) Other Textual Copies

Destroy when 2 yrs old or when no longer needed for reference purposes, whichever is longer.

c) Electronic Mail and Word Processing System Copies.

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a record keeping copy of the records. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

1) Copies that have no further administrative value after the record keeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the record keeping copy.

Destroy/delete within 180 days after the record keeping copy has been produced.

2) Copies used for dissemination, revision, or updating that are maintained in addition to the record keeping copy.

Destroy/delete when dissemination, revision, or updating is completed.

*Per e-mail  
Marcus Smallwood  
12/5/03  
MH  
on site storage  
reduced from 8  
years to 4  
years. Per  
email Shawn  
Wirth  
8/10/12  
sent*