

FEDERAL ELECTION COMMISSION

RULES OF PROCEDURE

(NOTICE 1978- 6)

In accordance with the provisions of
2 U.S.C. §437c(e), the Federal Election Commission
publishes the following rules of procedure. These
procedures were adopted by the Commission in its
open meeting of July 13, 1978.

7/17/78
DATE

Joan D. Aikens

JOAN D. AIKENS
CHAIRMAN OF THE
FEDERAL ELECTION COMMISSION

DIRECTIVE NO: @

ADOPTED:

COMMISSION MEETING OF JULY 13, 1978

RULES OF PROCEDURE OF THE
FEDERAL ELECTION COMMISSION
PURSUANT TO 2 U.S.C. 437c(e)

A. Meetings

The Commission shall meet at least once every month and also at the call of any Member, pursuant to 2 U.S.C. 437c(d).

1. For the purpose of these rules, the word Member means a Commissioner appointed by the President with the advice and consent of the Senate pursuant to 2 U.S.C. 437c(a)(1).
2. For the purpose of these rules, the word meeting means the collegiate deliberation of at least four Members of the Commission pursuant to 2 U.S.C. 437c(d).

B. Quorum

Four Members of the Commission shall constitute a quorum for the consideration and resolution of matters that involve the exercise of its duties and powers under the Federal Election Campaign Act of 1971 as amended and Chapters 95 and 96 of the Internal Revenue Code of 1954 (the Act). If less than four Members of the Commission are present at

any time during a Commission meeting, the Chairman shall declare a temporary recess until a quorum is again present at which time the meeting may resume.

C. Presiding Officer

1. The Chairman of the Commission shall be the presiding officer over meetings of the Commission.
2. He or she shall call meetings to order.
3. The Vice-Chairman shall act as presiding officer in the absence or disability of the Chairman or in the event of a vacancy in the office of Chairman. In the absence of the Chairman and Vice-Chairman, the Members of the Commission present shall select a presiding officer, to act during the absence of the Chairman and Vice-Chairman.

D. Introduction of Business

1. Meetings of the Commission shall be called to order by the Chairman.
2. The Chairman shall ascertain the presence of a quorum before proceeding with the business of any meeting.
3. All business before the Commission shall be brought by the presiding officer.

E. Motions

1. Any motion shall be reduced to writing at the request of any Member of the Commission.
2. Any motion may be withdrawn or modified by the movant at any time before it is amended or voted upon.
3. Any principal or secondary motion that exercises a duty or power of the Commission under the Act shall require four votes for approval.
4. Any motion to adjourn or recess shall require a majority vote of at least three Members of the Commission for approval.
5. Any principal or secondary motion regarding a procedural matter shall require a majority vote of at least three Members of the Commission for approval.
6. For the purpose of these rules, a procedural motion is any matter not exercising the powers of the Commission under the Federal Election Campaign Act, as amended or Chapter 95 or 96 of the Internal Revenue Code of 1954, including but not limited to any motion to delay a vote on a matter to any subsequent meeting; or any motion requesting a status report; or directing further studies, information and reports from the General Counsel,

the Staff Director or any division thereof;
or any motion to waive the timely submission
requirement for circulation of material for
the agenda of the Commission.

7. Motions to Consider

The introduction of a principal motion puts a
matter before the Commission for deliberation.

When any such matter is under debate the Chairman
shall entertain no motion except:

(a) A motion to adjourn.

(b) A motion to recess.

(c) A motion to call for the order of the day.

(d) Motion to Reconsider. The effect of the
adoption of a motion to reconsider is to
place before the Commission again the question
on which the vote to reconsider was taken
in the exact position in which it was before
the original vote. Four votes are necessary
to adopt a motion to reconsider. It is in
order for any such motion to be offered by
a member who was on the prevailing side
of the question when it was initially adopted.

(e) A motion to lay a matter over. Any such
motion shall require a majority vote of at

least three members of the Commission;
at least three votes will be required
for any subsequent motion to take any
such matter from the table. Any such
motion shall be undebatable. Any such
matter which is laid on the table pursuant
to these rules shall be taken from the
table pursuant to these rules at the next
subsequent meeting or the matter dies. In
order to table any agenda item which was
placed on the agenda for a particular
meeting by a Member of the Commission who
is absent at that meeting a vote of a majority
of at least three members of the Commission
is required for approval. A motion to lay
a matter over takes precedence over any
motion to move the previous question.

(f) A motion to postpone consideration of a matter
to a date certain. Any such motion shall
require a majority vote of at least three
members of the Commission.

(g) A motion to move the previous question.

(h) A motion in the nature of a substitute.

(i) A motion to amend. Any motion to amend
takes precedence over the motion that it

proposes to amend but is subordinate to all other motions. The effect of the foregoing is that the adoption of any such motion to amend does not result in the adoption of the motion to be amended; instead, that motion remains pending in its modified form. Rejection of a motion to amend leaves the pending motion as it was before the amendment was offered.

F. Personal Privilege

Any Commissioner may as a matter of personal privilege obtain recognition to speak upon any subject matter which in his or her judgment may affect the Commission, or the Commissioner.

G. General Consent

In cases where there appear to be no opposition, the Chairman may state that in the absence of objection, action shall be considered taken on a matter.

H. Members Subsequently Recorded as Voting

Whenever any Member of the Commission who was absent when a vote was taken subsequently requests consent to be recorded as having voted on the matter, he or she shall place the reason for his or her absence on the record. Any such

request shall be in order only on the same day on which the vote was taken.

I. Points of Order

Points of order shall be debatable at the discretion of the chair. Any Member of the Commission may appeal any decision of the chair but for any such appeal to prevail it must receive a majority vote of at least three Members of the Commission.

J. Proxies

No vote by any Member of the Commission with respect to any matter may be cast by proxy; 2 U.S.C. 437c(c).

K. Miscellany

Any parliamentary situation or circumstance not addressed in these Rules shall be governed by Roberts Rules of Order, Newly Revised or if not covered therein by a decision of the Chairman. Any Member of the Commission may appeal any such decision of the Chair but for any such appeal to prevail it must receive a majority vote of at least three Members of the Commission.

1 Commission Directive 10 is hereby amended by adding at the end thereof the following
2 new section:

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4 L. Special Rules to apply only when the Commission has fewer than four Members

5 When the Commission has fewer than four Members, all of the foregoing

6 provisions of this directive shall apply, except as follows:

7 1. Notwithstanding section A.2 of this directive, the word "meeting" shall mean
8 the collegiate deliberation of two or more Members.

9 2. Notwithstanding section B of this directive, all Members of the Commission
10 must be present to constitute a quorum for the consideration or resolution of any matter.
11 If any Member of the Commission is absent at any time during a Commission meeting,
12 the Chairman shall automatically declare a temporary recess (notwithstanding the
13 absence of a call for a quorum) until a quorum is again present at which time the meeting
14 may resume.

15 3. When these special rules are in effect, the Commission may discuss any matter
16 otherwise in order for discussion pursuant to the other provisions of this Directive.

17 However, the Commission may not act on any matter except for the following:

18 (a) Documents such as *Campaign Guides* and any other brochures or public
19 education materials that may customarily be voted on by the Commission;

20 (b) Notices of filing dates, including filing dates for special elections;

21 (c) Any action otherwise requiring Commission approval with respect to FEC

22 Conferences or invitations for public appearances;

1 (d) Election of which Members shall serve as chairman and vice chairman solely
2 for the period during which the Commission has fewer than four Members, provided that
3 in each instance that there is a Member eligible to hold the position pursuant to the
4 eligibility requirements of 2 U.S.C. § 437c(a)(5);

5 (e) Appointment of an acting general counsel, an acting staff director, an acting
6 chief financial officer or an acting inspector general, approval of temporary personnel
7 actions at the GS-15 level and above, and approval of other personnel actions;

8 (f) Budget estimates or requests for concurrent submission to the President and
9 Congress, and other budget related matters requiring Commission approval;

10 (g) Minutes of previous meetings;

11 (h) Non-filer notices issued pursuant to 2 U.S.C. § 438(a)(7);

12 (i) Debt settlement plans pursuant to 11 C.F.R. Part 116;

13 (j) Administrative terminations pursuant to 11 C.F.R. § 102.4 and Commission
14 Directive 45;

15 (k) Systems of Records Notices pursuant to the Privacy Act;

16 (l) Policies, procedures and directives pursuant to the Privacy Act or Section 522
17 of the Consolidated Appropriations Act, 2005;

18 (m) Agency head review of labor-management agreements;

19 (n) Any other action where a statute imposes a duty of "agency head review" on
20 the Commission;

21 (o) Appeals under the Freedom of Information and Privacy Acts;

22 (p) Sunshine Act recommendations for items on an agenda;

23 (q) Contracts;

1 (r) The FEC Management Plan, pursuant to OMB Circular A-123 and the Federal
2 Managers' Financial Integrity Act;

3 (s) Corrective action plans prepared in response to audits both financial and non-
4 financial pursuant to FEC Directive 50 and/or the Accountability of Tax Dollars Act; or,

5 (t) EEO-related Federal Register notices.

6 4. Notwithstanding any provision of sections E, I or K of this directive, approval
7 of any motion or appeal properly before the Commission under this section L shall
8 require the affirmative vote of a majority of the Members of the Commission. However,
9 if such majority comprises exclusively the affirmative votes of Members affiliated with
10 the same political party (or Members whose positions are aligned for the purpose of
11 nomination by the President), then the motion or appeal shall be deemed not approved.

12 5. Section H of this directive shall not be operative during any period in which
13 these special rules are in effect.

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