

**Matt DeBergalis**  
<mattd@actblue.com>

07/21/2009 05:23 PM

To: improvefecinternet@fec.gov  
cc:  
Subject: Comments on Website and Internet Communications Initiative

Dear Sir,

Attached are comments in PDF form on the Website And Communication Initiative.

As per the notice, I request an opportunity to testify in front of the Commission at next week's hearing.

Matt DeBergalis  
Chairman and Founder  
ActBlue



fec-testimony.pdf

To: Robert Hickey, Staff Director, Federal Election Commission  
From: Matt DeBergalis, Chairman and Founder, ActBlue  
Re: Website & Internet Communications Improvement Initiative  
Date: 21 July 2009

Dear Sir:

I applaud the Commission's effort to improve the FEC website and disclosure tools.

Much of the Commission's request for public comments revolves around the access to and presentation of disclosure information. This is my particular area of expertise: since 2004, ActBlue has reported over two million individual disclosure events to the FEC. A software engineer by training, I have been variously responsible for architecting ActBlue's novel use of earmarked contributions, designing and implementing the software that processes these individual transactions, and managing the task of integrating that activity into ActBlue's monthly disclosure filings. I have also worked with the equivalent disclosure systems in over 20 individual states, again both from a campaign finance perspective as well as a software engineer.

It is in this context that I submit the following testimony to the Commission. I would welcome the opportunity to expand on these comments by testifying to the Commission at its hearing on this matter next week.

§

I believe the Commission can use a technology refresh as an opportunity to establish the FEC database as the gold standard of Federal compliance data while fostering a thriving ecosystem of independent software tools designed to query the FEC master data for specific information or to conduit specialized analysis. The Commission has a unique ability to serve as a kind of "neutral data warehouse" for compliance information, establishing standard data formats and online protocols, providing canonical identifiers for individuals and vendors that appear in compliance filings, ensuring interoperability, and publishing reference implementations of its own software where appropriate.

A clear data model opens the door to third parties who can build their own independent tools for submitting, analyzing or visualizing committee disclosure data. Some tools may prove useful to many committees or other interested parties; indeed, the Commission should search for ways to encourage developers to publish these tools. Others will be developed privately, perhaps on behalf of a individual committee to answer strategically important questions, or a third-party watchdog searching for hidden trends or archetypes. These tools may potentially remain far from the public's eye.

While the Commission will almost certainly build its own analysis software on top of this new foundation, a rich and well-documented data model relieves the Commission of many of its own software burdens. With appropriate formats and protocols in place that leverage open industry standards and development tools – both free and proprietary –

the Commission is no longer in the unenviable position of gating access to disclosure data behind its own software. In other words, while the Commission may continue to develop and support its own systems for uploading or analyzing disclosure data, these would no longer be required for other groups to develop their own systems.

From this perspective, the data itself reigns supreme and the toolkits are merely supporting players. The Commission is the only custodian of the data itself, and should focus its efforts on providing clear, complete, and well-documented data to its clients.

### **The Data Warehouse Model**

An excellent starting point for defining a clear data model are standard techniques developed for data warehousing in the commercial world. The universe of disclosure data that the Commission intends to publish should be integrated into a comprehensive schema. Such a schema would revolve around “facts” such as contributions to a committee, and “dimensions,” which might include committee information, individual donor information, election information, and other metadata relevant to the disclosure toolkit itself.

A successful data warehouse places the focus on individual facts and their supporting dimensions. The commission must target its greatest efforts here. If the data definitions capture the important meanings of each disclosure event, then there are numerous opportunities for a richer analysis framework, either developed in house by the Commission or by independent for-profit and non-profit groups. On the other hand, without a clear model and standards-based access to it, the Commission must carry the burden of developing and maintaining the toolkits used to upload compliance data (such as FECFile) and retrieve information (such as the custom search features of the current website).

In the language of data warehousing, one of the critical roles of the Commission is to canonicalize and aggregate incoming data into standard forms before publishing them in the warehouse. Canonicalization is the process of converting various similar representations into a single, standard value. A good example is converting postal addresses into a standard format with a ZIP+4 code. Once data is canonicalized, the commission may perform one or more aggregate calculations and provide those values to the warehouse alongside the individual disclosure database. In no case should aggregates replace the underlying facts in the warehouse, which are essential for third-party analysis that may be impossible when starting just with the aggregate information. The commission already does much of this canonicalization and aggregation today. The key is to precisely document the rules that are used, so that there is certainty about the final result and an opportunity for third party tools to align their own business logic.

Another critical role for the Commission is to develop standards for coding contributors, employers, industries, locations, purposes, and vendors with unique and consistent identifiers. Continuing with the language of a data warehouse, each of these attributes of a disclosure event is a dimension. Much of the challenge of a warehouse is in

maintaining a comprehensive database of these dimensions, particularly as new values are added over time. This task is essential, though: these dimensions form the backbone of virtually all the sophisticated analyses one might wish to attempt. In contrast to the value of independently-developed front-end tools with distinct strengths and weaknesses, there is no value in competing techniques for identifying repeat contributors or common vendors across multiple disclosures. Indeed, disagreement over whether two donor records refer to the same individual is singularly unhelpful. The Commission's internal system is the natural place for such an effort.

## **Formats and Protocols**

The Commission has a clear opportunity to define standard formats for disclosure data and standard protocols for the transmission of disclosure data. Naturally, these standards should build on modern software engineering best practices. Any new website and disclosure toolkit should accept incoming disclosure data in these formats, and provide canonical disclosure data to the public using them.

Two formatting standards would be particularly valuable: a standard XML representation of campaign finance events, committee records, and communications between the Commission and committees; and an XHTML microformat standard appropriate for use in an interactive website. Microformats are particularly well-suited for committee records and contribution and expenditure data. A successful microformat standard would allow both generic and purpose-built search engines to easily index disclosure data, offering an end-run around many of the search challenges the Commission raises in its RFP.

On the protocol side, it is critical that the Commission replace the closed software systems currently used to upload disclosure data with standard network protocols that third parties can easily tie into their existing systems. This work paves the way for more sophisticated reporting tools, real-time disclosure, and fewer translation errors caused when committees struggle to force disclosure data into FECFile.

## **Open Systems**

Finally, I urge the Commission to publish the disclosure system itself.

The Commission has an opportunity to improve campaign finance disclosure not just at the Federal level, but in states and local municipalities. The improvements I've suggested – and indeed the challenges laid out by the Commission in the RFP – are as applicable to state and local election commissions, many of whom have far fewer resources than does this Commission. While not a formal part of your mission, I would suggest that offering a template for disclosure systems to others in need of these tools is not at all in opposition to the FEC's charter. Standardizing formats and protocols grows the market for tools built against these standards, and will inexorably lead to a greater variety of higher quality tools.

The process should begin with a public collaboration to ensure a robust standard that meets disparate needs. The software components that define the data warehouse schema, accept incoming data, canonicalize and aggregate records, house the disclosure warehouse, support client queries and downloads, and Commission-developed front end tools should all be made available to the public in source form, with clear documentation and change histories. Many of the search and analysis tools currently offered by the Commission, such as the widgets on the current website to view data by House and Senate Elections, can be re-implemented using the new warehouse tools and again be made available in source form for others to modify and build on. And the process by which these tools were developed, including internal deliberations over formats and techniques are all valuable material that also deserve to be made available to the public.

Thank you again for the opportunity to contribute to the Commission's request. I look forward to a productive conversation.

Sincerely,

Matt DeBergalis

Chairman and Founder, ActBlue

**"Engle, Craig"**  
**<Engle.Craig@ARENTOX.COM>**

07/21/2009 05:29 PM

To "improvecinternet@fec.gov"  
<improvecinternet@fec.gov>  
cc  
Subje FEC Notice 2009-10  
ct

Mr. Robert Hickey:

Pursuant to FEC Notice 2009-10, attached you will find my comments regarding the Web Site and Internet Communications Improvement Initiative.

Best Regards,

Craig Engle

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IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed

 Comments to FEC re Web Site PDF

herein.

# Arent Fox

July 21, 2009

VIA E-MAIL

Mr. Robert Hickey  
Staff Director  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**Craig Engle**

Partner  
202.775.5791 DIRECT  
202.857.6395 FAX  
engle.craig@arentfox.com

Re: Comments on Web Site and Internet Communications Improvement Initiative

Dear Mr. Hickey:

I would like to file the following comments pursuant to Notice 2009-10. I commend the Commission on its openness and willingness to receive constructive input from the public about the Commission's operations and hope you find the following suggestions helpful. If the Commission would like me to expound upon these suggestions at the scheduled hearing, I would be happy to do so.

## Excess White Space in Reporting Forms

In an effort to streamline the data being reported and reduce the number of physical pages printed, I would propose a rethinking of the structure and layout of the committee contribution and expenditure reporting forms particularly form 3X. The current layout of form 3X only allows for three receipt or disbursement transactions per page. Given the relatively small amount of information required for each transaction, the form could easily be redesigned to accommodate upwards of twelve transactions. While elements of the paperless office have been achieved, every practitioner I know still ultimately must print and retain at least one paper copy of each report submitted to the Commission. Utilizing the entire page, even if just in the printable version of the reports made accessible on the Commission website, would save countless volumes of paper and other resources.

## Reliability

In my experience, the current search functions available in the Campaign Finance Reports and Data section work on an intermittent basis. Frequently search queries return a blank white page. The functionality of the search options does not seem tied to reporting dates or high traffic time periods. The unpredictable nature of the search functions is disappointing and time consuming.

## Arent Fox

### Searchable FEC Reports

In addition to being able to search for a donor using the Disclosure Database, it would be useful to have the ability to search within an actual FEC report. The ability to search for donors, vendors, and other information from a specific reporting period would reduce the amount of individual searches necessary to locate information.

### Disbursement Disclosure Database

Similar to the Donor Disclosure Database, the creation of a searchable database listing all persons, vendors or organizations receiving funds from each reporting entity would be useful. A database of this nature would allow for much greater transparency into the use of political donations. This would allow donors the ability to gain a general understanding of the types and levels of expenses an organization or campaign is incurring. Subsequently, it would also provide political organizations with another reason to monitor its spending knowing a complete breakdown of its disbursements are readily available.

### Hyperlinks

There are many areas where the utility of the information disclosed on the Commission's website could be improved through the use of hyperlinks to additional documents. The most notable example of this is in connection with the Advisory Opinion database. The ability to instantly bring up previous Advisory Opinions cited within later opinions would be an enlightening tool for both practitioners and the general public.

Sincerely,



Craig Engle

**"Laurence Gold"**  
<[lgold@ltsrlaw.com](mailto:lgold@ltsrlaw.com)>

07/21/2009 09:27 PM

To <[improvecinternet@fec.gov](mailto:improvecinternet@fec.gov)>  
cc  
Subject Web Site and Internet Initiative  
ct

Please see attached. Thank you.

Laurence E. Gold  
Lichtman, Trister & Ross, PLLC  
Suite 500  
1666 Connecticut Avenue, NW  
Washington, DC 20009  
(202) 328-1666, ext. 1352  
(202) 328-9162 (fax)  
[lgold@ltsrlaw.com](mailto:lgold@ltsrlaw.com)

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Laurence E. Gold FEC comments 072109.PDF

LAW OFFICES  
**LICHTMAN, TRISTER & ROSS, PLLC**  
1666 CONNECTICUT AVENUE, N.W., FIFTH FLOOR  
WASHINGTON, D.C. 20009  
PHONE: (202) 328-1666  
FAX: (202) 328-9162  
www.ltsrlaw.com

ELLIOTT C. LICHTMAN  
MICHAEL B. TRISTER  
GAIL E. ROSS  
B. HOLLY SCHADLER

KAREN A. POST  
LILAH S. ROSENBLUM<sup>Δ</sup>  
ALLEN H. MATTISON<sup>Δ</sup>  
DANIEL J. TAYLOR<sup>○</sup>  
<sup>Δ</sup>ALSO ADMITTED IN MARYLAND  
<sup>○</sup>ALSO ADMITTED IN VIRGINIA

LAURENCE E. GOLD  
ALEXANDER W. DEMOTS  
Of Counsel

July 21, 2009

Robert Hickey  
Staff Director  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: Web Site and Internet Communications  
Improvement Initiative

Dear Mr. Hickey:

I have practiced before the Federal Election Commission for some years and welcome this opportunity to comment on some of the questions posed and issues raised in the Commission's July 1, 2009 notice concerning its website and Internet communications. This initiative is extremely welcome and the notice is both thorough in its inquiries and highly informative in itself concerning the current scope of the Commission's website and the possibilities of expanding and improving it. Although my comments are brief and do not address most of the specific matters raised by the notice, that is so because of time constraints and the fact that I am not in an informed position to address many of the technical and website-comparative questions that the notice raises. I believe that all aspects of the notice raise worthwhile matters, and I trust that others will address them.

The website has become progressively more comprehensive and usable in recent years, and I urge the Commission to devote whatever resources are reasonably available to continuing that process. The more information that is posted, and the more accessible it can be made to the website's diverse users, the more that individuals and organizations can understand, comply with and constructively influence the Commission's administrative, enforcement and policy initiatives and management. And, for lawyers who advise those who are directly regulated by the Federal Election Campaign Act ("Act"), the website is an invaluable resource, particularly because, to my knowledge, commercial providers of legal resources and information do not treat campaign finance and election law as a distinct area of the law in organizing and presenting their materials.

I believe the Commission should make it a priority to add legal materials to the website that directly relate to the meaning and application of the Act, and to make it as word-searchable as possible both within each category of materials and within selected groupings of these categories. This would include:

1. The complete legislative history of the Act and all of its amendments. I believe none of this material is on the website, at least as so categorized, and most of it is unavailable in any organized fashion elsewhere.
2. Documents relating to rulemakings from the beginning, at least in the manner now available for those that have occurred in recent years.
3. Documents relating to advisory opinions dating from the beginning, at least in the manner now available for advisory opinions in recent years.
4. Documents relating to closed Matters Under Review, insofar as documents would be placed on the public record now consistently with applicable law and Commission policy, similarly dating from the beginning.
5. At least insofar as available now, transcripts of Commission proceedings. (I recognize that, unlike most of the other materials I describe, most transcripts would have to be created rather than simply digitized or otherwise converted to an electronic format from existing hard-copy materials, and that this could be particularly costly.)
6. Judicial decisions on the merits in cases to which the Commission has been a party, again dating from the beginning, rather than, as now, only decisions in recent years; and, although of less urgency, the key briefs of the parties and *amici curiae* in those cases at the merits stages.
7. At least, United States Supreme Court, federal courts of appeals and state supreme court merits decisions concerning state and local campaign finance laws, given that principles and doctrines developed in these decisions frequently affect, often quite directly, to interpretation of the Act itself.
8. Legal treatises, law review articles and other scholarly analyses of the Act. Of course, commercial and proprietary rights may preclude many or most of such postings, but they should be posted where there are no such impediments, and at the very least the website should link to or list those that cannot be made directly available.

Let me make a few additional comments.

First, the weekly digest is a very useful method to advise the public about recent developments and new materials on the website. This feature should continue and should alert the public to any changes in the website more generally.

Second, in organizing the website, I believe the Commission should do so more on the nature of the material than on particular audience segments. Information should be organized and presented thematically on its own terms rather than on the basis of which consumers the Commission believes might be particularly interested in or even affected by which items. The

website could include pages addressed to for particular audience segments that enable them to access through links materials elsewhere on the website that are most likely of importance and interest to them, along with a general overview of the organization of the entire website.

Third, the Commission's educational programs are not reasonably accessible, for resource or travel reasons, to many who might benefit from them. The Commission should explore the utility of webinars and other electronically-based means to inform and train committees and groups in an interactive manner.

Finally, given the nature of the matters raised in the notice, it seems that the Commission could undertake a regular and ongoing process of engagement with regulated groups, technical experts and others in order to elicit advice about the Commission's website and internet communications on an informal basis, without having to do so via Federal Register notices and formal comments and hearings, useful as those may be, especially at the outset now. Insofar as the Commission has legal leeway to do so, it should.

Thank you for your consideration of these comments.

Yours truly,

A handwritten signature in cursive script that reads "Laurence E. Gold". The signature is written in black ink and is positioned above the printed name.

Laurence E. Gold

**"Beth Kingsley"**  
<bkingsley@harmoncurran.com> To <improvecfecinternet@fec.gov>  
07/21/2009 03:29 PM cc  
Subject: FEC web site comments

Dear Commissioners:

Thank you for soliciting comments on your web site. We appreciate the continual efforts of the Commission and its staff to make information easily available to the interested public.

We do not have comprehensive comments on the site, but have noted a few small points during recent experience that we submit for your consideration.

- When searching for all reports filed by a committee using the "view images of all financial reports" section, the results display in reverse chronological order by year, but chronologically within years. In other words, if you run your eye down the page, a report covering the beginning of Jan. 2007 will be listed immediately after one covering December 2008. This presentation makes it difficult to scan a listing and determine if all reports have been filed, whether they have been filed on time, and if there have been problems with timely filing whether the trend is towards improvement or not.
- Links from the home page organize materials on a relatively intuitive basis. However, if one is searching for information on reports filed by a committee, the first three links under "Campaign Finance Reports and Data" are not easy to distinguish. My use is generally to try to pull up an actual report in its entirety. The first link that allows me to search the database sounds helpful, but it only allows extraction of specific information from that database. Re-naming these links, and maybe providing more explanation with each about what they provide, would be helpful.
- The AO search function is not very satisfactory. Most people I talk to just use google to search the site when trying to find AOs. Further improving the on-site search should be a priority. For instance, add a feature where one can search by the section of the statute or regulations addressed by an AO.
- Many of the publications are available in both PDF and HTML format, except for the Campaign Guides. Because things change quickly, the Campaign Guides must always be read in conjunction with the supplements, which are also PDFs. It would be helpful if the Campaign Guides could be offered in HTML format with revisions made directly to the affected sections as changes occur. This would

eliminate the need to have to check two sources every time a guide is used and potentially lead to improved compliance.

- As a simple navigational aid, repeating the key links on the toolbar to the left that is on the home page would make it easier to get around the site without having to return home before finding a different section.
- An improved FAQ would also be helpful. Include FAQs about the site. To take a random example, the answer to "How can I find out who contributed to my Representative or Senator?" tells the use to look on the web site of call the Public Records Office. If someone is already on the site, it would be better to direct them to the various search functions available and explain that they can run a search on database information to identify specific donors, or pull up entire reports filed by a campaign.

Thank you again for this opportunity to provide comments, and for undertaking this process.

Elizabeth Kingsley

Harmon, Curran, Spielberg & Eisenberg, LLP

1726 M St., NW

Suite 600

Washington, DC 20036

202-328-3500

**"Howard Merkel"**  
<Howard.Merkel@foreseeresults.com>  
07/21/2009 04:48 PM

To <improvecinternet@fec.gov>  
cc "Bernie Lubran" <Bernie.Lubran@foreseeresults.com>  
Subject Public Comment on FEC website

To: [improvecinternet@fec.gov](mailto:improvecinternet@fec.gov)  
From: Bernie Lubran  
Regional Manager – Federal Government

In September 1993, President Clinton issued Executive Order #12862, Setting Customer Service Standards. According to this directive, which is still in effect, executive branch agencies are expected to be “customer-driven,” and their customer service performance should be equal to the “best in business.”

Executive Order #12862 set a series of standards that agencies are to meet or exceed, including but not limited to the following:

- Identify who are or who should be the agency’s customers.
- Survey customers to determine their satisfaction with current services and determine what additional services and the quality of services customers want.
- Post service standards and measure against those standards.
- Benchmark customer service performance against the best in business.

In August 2001, President Bush set out his agenda for improving the federal government’s performance. In that document, he established three overarching principles regarding his vision for reforming government. The very first of these principles was that Government should be “Citizen-centered, not bureaucracy-centered”

It seems to me that in order for the Federal Election Commission to improve its website and Internet communications, it needs to survey its customers to find out who is coming to the website and why, whether or not site visitors are able to accomplish what they came to do, assess their satisfaction with the overall experience as well as their satisfaction with the functionality of the website, and benchmark the FEC’s website performance against other government websites with similar objectives in order to develop a strategy to make the website as good as the “best in government” and the “best in business.”

**Bernie Lubran**

Regional Manager - Federal Government

[Bernie.Lubran@foreseeresults.com](mailto:Bernie.Lubran@foreseeresults.com)

240-994-0240 cell

734.205.2601 fax

2500 Green Road

Suite 400

Ann Arbor, MI 48105

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*To opt-out of receiving future emails from me, please respond to this email.*

**From:** David Magleby [David\_Magleby@byu.edu]

**Sent:** 07/21/2009 05:08 PM CST

**To:** "improvecinternen@fec.gov" <improvecinternen@fec.gov>

**Subject:** Comments

I have attached our comments on the FEC website. I hope they are helpful.

 Magleby et al. Comments for FEC website hearing FINAL, 7.21.09.doc

Dave

## MEMORANDUM

**To:** Mr. Robert Hickey, Staff Director, Federal Election Commission

**From:** David B. Magleby, Stephanie Curtis, David Lassen, and Brad Jones, Center for the Study of Elections and Democracy, Brigham Young University

**Re:** Comments Concerning a Proposed Revision of the FEC Website

**Date:** 21 July 2009

We frequently use the Federal Election Commission (FEC) data in our research at the Center for the Study of Elections and Democracy. We appreciate the helpful assistance of FEC staff, who answer our questions in a timely manner. We applaud the efforts of the FEC to improve the web site and expect that in the future it may lessen our need to ask questions of staff. While an improved web site will facilitate academic research and improve the public outreach function of the FEC, there will be a continuing need for user friendly staff to assist with specific technical questions. With respect to specific questions posed in your request for comments we provide the following:

On the organization and navigation of the site:

The current website design requires several clicks to access desired information. We like the easy accessibility of news releases, but have become frustrated with the need to sort through a long list of releases to find desired campaign finance summary tables. It would be helpful if the campaign finance summary data was also available through the campaign finance data section of the website. The “Other Campaign Finance Data” section is a step in the right direction, but not everything is there. Not every type of data summary is available (i.e. PACs, parties, presidential, and congressional summaries) for every year. It would be helpful if every summary table was available for every reporting period. At a minimum, we urge ready access to at least the year-end data for every data summary type.

On the design and layout of the home page:

We like the campaign finance map. It is a quick way to obtain very useful information. We also applaud how the disclosure database search engine is easily accessible from the home page. However, there needs to be a “Campaign Finance Data Summaries” folder added to the “Campaign Finance Reports and Data” tab with subfolders for PACs, parties, candidates (presidential and congressional) added, so that summary data tables for these categories can be easily accessed.

Many of the proposed changes are on the right track, especially a proposal to provide portals on the home page for individuals depending on what type of user they are. These portals would include areas for academics, campaign officials, and the general public. Each portal would emphasize a different set of analysis tools and datasets that would most likely be useful for the

individual.

On how often the FEC might update or change the home page:

Once a good design and layout is found, we recommend that it be changed rarely. It is often frustrating when organizations change their websites too often because users have to learn the site's layout all over again. This is especially true for data-centered sites such as the FEC's. Frequent updates to website data is also crucial, as is providing the data in a timely manner. Major campaign finance press releases are often slow to be posted. Not all major campaign finance data summaries are released every year. The year-end data summaries are often the most important resources for academic researchers and they are not always posted. We urge that the posting of these be made a higher priority.

On the overall ease of use of the site:

It would be helpful if there were quicker ways to find data. The campaign finance map is a step in this direction. Quick and easy menus for PACs, 527s, Parties, Candidates (Presidential and Congressional), etc. would make the site more user-friendly. Making summary tables of campaign finance data easily accessible from these menus would be very helpful. Using the current site, a user has to sort through press releases to find summary tables and not every summary table is provided for every year. Providing easily accessible menus under which all summary tables could be accessed would be a major enhancement.

On data presentation, search engine efficiency:

We recognize that the FEC data base is constantly changing. This is one reason why there are occasional inconsistencies in the data. At the same time, depending on where an individual looks, data for the same individual or organization is at times different. A user can think they are looking up the same data via the campaign finance map or through the disclosure database and yet find different figures. It is even more of a problem when cross-checking data from the FTP site and the main website. Including explanatory footnotes for each table—especially to readily identify what data are included—would greatly improve data presentation. A system of footnoting or flagging which reports have been amended or where the most up-to-date information is on a committee would also be helpful. Another difficulty in this area is the multiple names and committee numbers associated with a single campaign. Grouping all such committees under an easily accessible candidate name, office, and year search (potentially with explanations concerning the function of each associated committee) would improve site use as well. Alternatively, a note could be provided to identify all associated committees.

On raw data storage and downloading of data:

It would be helpful if all FEC data (for every year) was available on the FTP site. We understand that storage space realities may make this difficult. Currently, not every table is in their respective folders, there isn't always a codebook for the tables provided, and not every table is available for every year.

When downloading data it is not always clear how the different fields in the databases were constructed. The uncertainty is troubling, and could be remedied by including technical reports along with each of the files that go into more detail about how the data were brought together. Perhaps these reports already exist. If they do, they should be more accessible. The reports would be most helpful if they went beyond the brief descriptions of the fields that are included with the data files. They should detail the process of assembling the file and make it clear what the data can and cannot be used for. For example, is the date recorded in the file really the date the contribution was made? How much leeway do committees have in submitting their reports? Does the individual file have a record for all contributions over \$200 dollars? It would be helpful to understand the whole process of how the files are compiled and what happens to them at each step of the way.

It also would be helpful to know how exactly the different reports are created and how they relate to each other. Is it possible to recreate something approaching the yearend report using the detailed files? If not, what additional information is included in the candidate reports that cannot be found in the detailed files? Similarly, there are several summary files available for download. Can those be reconstructed from the detailed files? If so, how? If not, what is included in the summary files that is not included in the detailed files?

On the presence and extent of educational materials:

It would be helpful if the FEC released a user-friendly version of federal election contribution and spending regulations for each election cycle (i.e. pre-BCRA, post-BCRA, what individuals, parties, PACs, etc. can give to federal candidates, parties, PACs, etc.). Here the committee would do well to emulate the Center for Responsive Politics (CRP). CRP's site, [opensecrets.org](http://opensecrets.org), has easy to access tables and charts that detail contribution limits, types, etc. We understand that the FEC needs to use appropriate technical and legal language so as to avoid confusion and court proceedings with campaigns and other organizations, but this does not preclude the presence of a more streamlined version of such information as well.

**Nathaniel Pearlman**  
<ngp@ngpsoftware.com>

07/21/2009 11:13 PM

To "improvefecinternet@fec.gov"  
<improvefecinternet@fec.gov>  
Stu Trevelyan <stu@ngpsoftware.com>, Nathaniel  
cc Pearlman <ngp@ngpsoftware.com>  
Subje Comments for FEC  
ct

Attached please find the comments of NGP Software, Inc., pursuant to the FEC's request for public comment on its use of the internet.



Comments\_to\_FEC\_submit.docx

**"Norton, Lawrence"**  
**<LNorton@wcsr.com>**

07/21/2009 04:01 PM

To ""improvecinternet@fec.gov"  
<improvecinternet@fec.gov>  
cc "Kahl, James" <JKahl@wcsr.com>  
Subject Comments on Web Site and Internet Communications  
Improvement Initiative

Dear Mr. Hickey:

Attached please find comments regarding the Commission's Web Site and Internet Communications Improvement Initiative. We appreciate the opportunity to submit comments in this matter.

Sincerely,

Larry Norton

**Lawrence H. Norton**  
Womble Carlyle Sandridge & Rice, PLLC  
1401 Eye Street, NW  
7th Floor  
Washington, DC 20005-2225  
Phone: (202) 857-4429  
Fax: (202) 261-0097  
Email: [lnorton@wcsr.com](mailto:lnorton@wcsr.com)

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FEC - Web Site and Internet Communications.pdf

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Seventh Floor  
1401 Eye Street, N.W.  
Washington, DC 20005

Telephone: (202) 467-6900  
Fax: (202) 467-6910  
Web site: www.wcsr.com

Lawrence H. Norton  
Direct Dial: (202) 857-4429  
Direct Fax: (202) 261-0097  
E-mail: LNorton@wcsr.com

James A. Kahl  
Direct Dial: (202) 857-4417  
Direct Fax: (202) 261-0066  
E-mail: JKahl@wcsr.com

July 21, 2009

**Via E-mail**

Mr. Robert A. Hickey  
Staff Director  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: Web Site and Internet Communications Improvement Initiative

Dear Mr. Hickey:

Thank you for this opportunity to submit comments regarding the Commission's initiative to improve its web site and Internet communications.

There are many areas in which the Commission does an excellent job of public disclosure through conferences and workshops, campaign guides, and other outreach. The Commission's web site, however, is frustratingly difficult to use, even for experienced campaign finance counsel. Additionally, while the e-mail updates from the Commission have been a welcome development, it remains a cumbersome and time-consuming process to access the documents that are the subject of these updates. We offer the following observations and suggestions:

**Create a User-friendly and Non-static Homepage**

As a general matter, the web site should be organized from the perspective of a member of the public who is not already familiar with the functions and jargon of the Commission. In this regard, the homepage of the Commission's web site could be substantially improved to guide web site visitors to available information.

We suggest that the homepage present some basic options for locating certain categories of records. For instance, it would be helpful if a web site visitor could click on a "Search FEC Records" button and be presented with the option of searching advisory opinions, closed enforcement files, litigation documents, etc. As currently configured, one would already have to know what categories of documents exist and that use of the general search function will not

disclose documents contained in the Advisory Opinion or Enforcement Query System databases. The availability of litigation documents is even more obscured because there is no tab on the homepage for "Litigation" or obvious path to find documents relating to pending and closed litigation. One can find those documents by clicking on "Law and Regulations," a link that one might reasonably assume contains only statutes, regulations, and Commission policy statements.

Similarly, there is a button at the bottom of the main page called, "What's New," which due to its size and color, and its location next to items such as the web site privacy policy, is easily overlooked. This tab deserves a more prominent place on the FEC's web site. The "What's New" button would be even more useful if the homepage were not static and if immediately below the "What's New" button one could see the most recent entries (even in truncated form) before clicking through to particular items. See, for example, [www.ftc.gov](http://www.ftc.gov) (headlines) and [www.sec.gov](http://www.sec.gov) (other news).

In this same vein, there are many times we have chanced upon useful information on the FEC web site and then attempted to determine how we would find the information through the site's various pull-down options. For example, our search for information about one organization turned up a chart listing civil penalties paid by respondents in settling enforcement matters. But this document cannot be found through the main "Enforcement Matters" tab. We determined through the document's address that you would have to go to the main "Press Office" tab and then click on a link called "Backgrounders for Reporters," at which point you can find the document.

Some Commission jargon could also be eliminated or at least explained. For instance, if one clicks on Enforcement Matters on the homepage, the second item in the list is "Matters Under Review (MURs)." It is safe to say that only those familiar with internal Commission processes understand that the term "MUR" refers to individual enforcement cases and that the term includes matters that are actually no longer "under review" because they are closed.

Over the longer term, we urge the Commission to move toward a system where one could enter the name of an individual or organization and find a list of closed enforcement matters, advisory opinions, and other links that relate to that person or individual. Even if the current search engines cannot be easily integrated, it should be possible to see at a glance the various matters in which a particular individual or organization has interacted with the Commission – and then click through to each matter of interest.

### **Overhaul the Enforcement Query System**

Put simply, the Enforcement Query System (EQS) does not and has never worked well. Searches commonly turn up numerous matters and countless documents, or else nothing at all. In fact, we have found that we are more likely to learn of the existence of a relevant enforcement matter by conducting a search through the general search engine than by attempting to use the EQS.

If one is fortunate enough to locate a closed file that addresses an issue of interest the documents contained in that file are categorized in a generic manner that adds considerable time and effort to the search. For example, if one is looking through the file of a case in which there were multiple conciliation agreements, there is no way to tell which link in a long list contains the agreement between the Commission and a particular respondent. Likewise, a reference to "General Counsel's Report #3" does not indicate the nature of the recommendation made in that document.

It is welcome news that the Commission will post on its web site the files from closed enforcement matters going back to the opening of the agency. The fact that the information is available on the web site, however, is only meaningful if people can find it.

### **E-mail Notifications**

One of the most positive developments concerning disclosure has been the e-mail system through which the Commission announces new developments or conveys important reminders. Clicking on the links embedded in these e-mails, however, will rarely take you directly to the subject document. In fact, a good deal of additional searching is sometimes required. For instance, when the Commission sends a notice that an audit report has been released, clicking the link will take you to a page where there are literally dozens of audit reports. One can only guess which of these reports was the one recently released. Similarly, e-mail subscribers receive announcements that draft advisory opinions are available, but clicking on the link will not yield a copy of the draft. One must already know how to navigate the advisory webpage (click first on "pending advisory opinion requests" which takes you to a list) to find the draft opinion. The same is true for the e-mail announcement of closed enforcement cases and other matters.

Also, while we welcome e-mails from Commissioners' offices attaching a just-issued Statement of Reasons (SOR), it is difficult to understand why days or weeks transpire before the Commission publicly announces the issuance of the SOR, posts the SOR on its web site, or releases the file. Indeed, we often hear about SORs through the postings of bloggers, who presumably received the SOR the same way we did. We suspect that these long gaps between informal and formal announcements may be partly attributable to the press office's longstanding (and unfortunate) practice of deferring the release of closed files until a number of closed matters have accumulated. Regardless of the reason, however, there should be no major gap between when a blogger is handed a copy of a Statement of Reasons and when the Commission's press office formally releases it.

Finally, it is not easy for web visitors to know that this e-mail service exists. At the moment, the only indication is the word "subscribe" that appears in small print at the bottom of the homepage among a list of other items (Inspector General, Privacy Policy) that are unlikely to be of interest to the average web site visitor.

### **Searching for Campaign Records**

The system for searching campaign records should be addressed. There are at least four different ways to search for information about candidates and candidate committees. For instance, you can go to “Search the Disclosure Database” and click on “Candidate and PAC/Party Summaries,” “Candidate,” or “Committee.” But that will not necessarily retrieve the records for a particular candidate or PAC. An FEC analyst recently advised us that her preferred way of searching for records is through another tab, “View Images of All Finance Reports.” The problem here is not that there are multiple ways to find information – in fact, the web site would benefit from more redundancy. Rather, these different paths take you to different information, yet there is nothing about the search options that would suggest this is the case. As a result, persons new to the site might have to explore multiple search options to ensure that they obtain access to all available information.

### **Avoid Stovepiped Approaches**

As a final note, we urge the Commission to take a holistic approach to this initiative. For instance, certain features of the web site function better than others because the development of those features drew on expertise across internal organizational lines.

It is equally important to break down barriers when aggregating information. The outside world sees the Commission as one agency, not a series of divisions with different functions. For instance, the Commission now produces weekly summaries of news, which can be found under the “Press Office” tab. At the same time, monthly news reports, which are contained in a publication called “The Record,” are found under the tab, “Help with Reporting and Compliance.” Again, from the perspective of web site visitors, news is news. We suggest aggregating this information in one place.

The same approach should be taken in prioritizing information on the web site. To take one illustration, if one clicks the tab for “Enforcement Matters,” the search engine for closed enforcement cases appears in a list of options as the fifth choice, below a tab called “Enforcement Profile,” which contains charts depicting the historical performance of the Commission’s enforcement program, and other tabs containing summaries of the Administrative Fines and ADR programs. The relative importance of information and the ability of the public to find that information quickly should be the prime considerations in prioritizing information on the web site.

We appreciate this opportunity to share our thoughts with the Commission.

Sincerely,

**WOMBLE CARLYLE SANDRIDGE & RICE**  
*A Professional Limited Liability Company*



Lawrence H. Norton



James A. Kahl

**Lisa Rosenberg**  
<lrosenberg@sunlightfoundation.com>  
07/21/2009 04:08 PM

To: improvefecinternet@fec.gov  
cc  
Subject: Sunlight Foundation Comments

Mr. Hickey,  
Attached please find the comments of the Sunlight Foundation.

Please don't hesitate to contact me with any questions or concerns.

Thank you.  
Lisa Rosenberg  
Government Affairs Consultant  
The Sunlight Foundation  
202-360-7895

Ellen S. Miller  
Co-Founder and Executive Director  
The Sunlight Foundation  
1818 N Street, NW  
Suite 410  
Washington, DC 20036

July 21, 2009

Mr. Robert Hickey  
Staff Director  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Via Email: [improvefecinternet@fec.gov](mailto:improvefecinternet@fec.gov)

Dear Mr. Hickey:

Attached please find the comments of the Sunlight Foundation, pursuant to the Federal Election Commission's Notice of Public Hearing and Request for Public Comment, posted in the Federal Register, Vol. 74, No. 125 on July 1, 2009.

We respectfully request that Clay Johnson, the director of the Sunlight Labs, be given an opportunity to testify at the hearing on this issue on July 29-30, 2009.

If you have any questions or need any additional information, please contact Lisa Rosenberg at 202-360-7894 or via email at [rosenberg@sunlightfoundation.com](mailto:rosenberg@sunlightfoundation.com).

Sincerely,  
Ellen S. Miller  
Executive Director  
The Sunlight Foundation

Comments of the Sunlight Foundation Pursuant to the Federal Election Commission's  
Notice of Web Site and Internet Communications Improvement Initiative

The Sunlight Foundation applauds the Federal Election Commission's efforts to improve access to campaign finance information through its Web site. Earlier this year, the Sunlight Foundation provided comments to the FEC on making improvements to its Web site. We respect and appreciate how seriously the Commission has taken this effort in the intervening months.

Today, we offer two new critical recommendations: First, the FEC must hire a Director of New Media to run its Web site. Second, the FEC must provide opportunities for the public to provide input and engage in a dialogue on and about the FEC's site. We also provide recommendations on the Organization of the Agency's Web Site, Data Accessibility and Electronic Filing Procedures.

**Hire a Director of New Media**

Overarching all of Sunlight's other proposals is our strong recommendation that the FEC should create a position for a Director of New Media. As the FEC attempts to make the information on its Web site more accessible and available to the public, it must follow the lead of most federal agencies and hire a dedicated senior staff member to be in charge of the effort. The Director of New Media should be an expert in online communication *and* technology. Because communicating with the public by way of its Web site is integral to the FEC's mission, the site should be run by a communications expert rather than by the technology team. Likewise, because the ways of communicating online differ from traditional media, responsibility for the site should not fall within the scope of the FEC's traditional communications team. The New Media Director should be a senior staff position, reporting directly to the Deputy Staff Director for Management, not to the Director of IT, the CIO or CTO. Having a specialist in new media responsible for the Web site will not only help the FEC improve its online communications immediately, it will help the FEC ensure that the agency's forward progress on Internet communication continues well into the future.

**Provide Opportunities for Public Outreach**

*FEC Brainstorm*

The Sunlight Foundation believes in reaching outside of traditional sources for innovative ideas on using the Internet. Likewise, the FEC could learn from the comments and suggestions of individuals who use the FEC's site. The FEC should consider adopting on its own site a feature like Sunlight's [FEC Brainstorm](#). Sunlight created FEC Brainstorm to solicit ideas from members of the public on ways to improve the FEC's Web site. Hundreds of users participated in the process, which provided individuals with an opportunity to submit ideas and vote for their favorites. The complete results can be viewed [here](http://feedback.sunlightfoundation.com/fec/) (<http://feedback.sunlightfoundation.com/fec/>), but to demonstrate the depth and knowledge of the public's understanding of the issues facing the FEC, we have summarized a number of the most promising suggestions below:

- Create Web services to replace FECFile by developing Web services to which third party vendors and committees would certify and post filings. This was the top recommendation by participants in FEC Brainstorm.
- Hire a new media director in a senior staff position. This recommendation was the second most popular of FEC Brainstorm participants.
- Make RSS feeds available for new content, including new committees, new candidates and new campaign finance filings.
- Make the disclosure search engine more forgiving by, for example, ensuring that a link to all contributions by a particular individual include variants of the individual's name and address.
- Provide a REST API to the candidate/committee summary information to facilitate the creation of mashups and widgets.
- Allow committees to opt-in to real-time disclosure and report their campaign contributions via Web service in real time rather than quarterly.
- Improve detection of duplicate information by creating a method whereby information does not get filed twice, or if it does, it does not get loaded twice.
- Ensure that total contribution amounts on the summary pages equal the total individual contributions.

Many of the suggestions echo the recommendations of Sunlight and no doubt many other “traditional” participants in the FEC’s notice and hearing process. By instituting its own Brainstorm-like feature, the FEC could foster an ongoing stream of fresh ideas from the users of its site.

### *FEC Blog*

We endorse the idea that the Commission develop a blog to facilitate a conversation about the substance and techniques used by staff to disclose campaign finance data. The FEC’s site could and should be a dynamic place where various user groups can come to interactively discuss campaign finance law. Again, we note that a Director of New Media would be able to make recommendations on what types of user groups and online conversations might be best suited to the agency.

### **Organization of the FEC’s Web Site**

When Sunlight began to examine the FEC’s Web site, we asked our Senior Designer Ali Felski to experiment with her own redesign of the site. Her suggestions center on making the site more user-friendly and ensuring the site focuses on the FEC’s disclosure mission. Her designs can be viewed here: [Home Page](#), [Campaign Reports and Data 1](#), [Campaign Reports and Data 2](#).

### *The Home Page*

The FEC’s Web site is the most important tool the agency has to fulfill its mandate to publicly disclose campaign finance information. Unfortunately, the headline on the home page, “*Administering and Enforcing Federal Campaign Finance Laws*” (emphasis added), foreshadows the primary shortcoming with the site, which is that it fails to embrace the agency’s *disclosure* mission. The average user wants to candidate profiles and

information about who is making campaign contributions to which candidates. The FEC's Web site should make clear that such information is available.

Sunlight recommends that the home page prominently feature buttons that enable users to quickly access key information about candidates. Users would also benefit from replacing the difficult to read scrolling text on the home page with a "What's New" section to highlight current or new information without distracting from the other content on the page.

The maps on the home page embrace the creative and interesting ways the Internet can be used to inform the public. We hope the FEC is able to maintain that feature because it is dynamic and user-friendly. But, Sunlight cautions that creating visualizations should come second to the FEC's primary mission of making as much basic data available to the public in a timely manner. Organizations such as the Huffington Post, The New York Times and OpenSecrets make visualizations of this data available. Ensuring that data is timely and accurate will lead to these organizations publishing more useful visualizations.

#### *Navigation*

The navigation on the FEC's site is cumbersome, confusing and should be restructured to be more intuitive to casual users. Currently, there are menus on three sides of the site and drop-down menus appear when a user rolls over the buttons on two of the sides. In addition, when a user resizes the browser window, the search box disappears behind the menu leaving users searching for a primary navigation tool.

As we noted in our January comments, a prime example of the confusing and outmoded way the FEC site functions can be found in the section that shows the latest electronic filings from candidates. After selecting the candidate name, the user sees a long list of filing reports. Selecting a report at random — for example, the latest monthly filing of contributions — a user must choose "Schedule A filings (Itemized Receipts)" to find the contributions. At that point, he or she must select from the following choices:

- For all Line Numbers
- For Line Number: 17A
- For Line Number: 17C
- For Line Number: 20A
- For Line Number: 21

Virtually no one other than a trained campaign worker would know that line number 17A is the one that holds the information they want.

The site's navigation features must be streamlined by, for example, replacing searches for each individual database with a single search that can be easily narrowed by the user at the outset.

#### *The Language*

The FEC could further improve its Web site by undertaking a review of the language on the site and defining, revising or rewriting it in a manner a lay-user can understand.

Legally accurate terms such as “24 hour notice of disbursements/obligations for electioneering communications” or “24 hour notice of independent expenditures or coordinated expenditures” are meaningless to most casual users. Links to plain language definitions should be provided to make the site more accessible to casual users.

### *Contact the FEC*

Even after the FEC undertakes a revamping of the site, certain users will be unable to access the information they are seeking. Because providing campaign finance information to the public is a core mission of the agency, there should be a way for users of the site to contact the agency directly with specific questions.

### **Data Accessibility**

The data the FEC collects and makes available on its Web site lends itself to analysis and interpretation by others. The Commission should, therefore, make it possible and easy for outside organizations to add value to the data available on the FEC’s site and make it available on other sites. In particular, the FEC should provide Web services that allow data from an official FEC search to be syndicated on other Web sites or used programmatically by other software. All search queries should provide a permanent RSS feed that can be used to syndicate the results to other clients. End users must have the ability to link to search results in emails and other Web sites. The FEC should develop an API (Application Program Interface) that will allow programmers to interact with FEC data. End-users of outside Web sites should be free to use the FEC’s APIs to obtain, display and reuse FEC data in their own applications. The technologies adopted should not be proprietary, nor should they be likely to become quickly outdated.

We are pleased the Commission is planning to release software that will address the problem of truncated information that Sunlight raised in our previous testimony. The Commission could further improve access to its raw data by replacing formats currently used with formats such as JSON, XML or SQL as well as a REST-based API for search queries. These technologies, along with open standards, are likely to result in Web services are easy to consume and that will not be quickly outdated.

The Commission specifically requests comment on whether it is appropriate for the FEC to provide access to election related data that are outside the scope of the Commission’s direct jurisdiction. Sunlight believes that “public means online,”<sup>1</sup> therefore, any report prepared by the Commission that is supposed to be available to the public must be available online. Because the FEC’s Web site is a natural destination for individuals who are interested in all aspects of elections, not just campaign finance data, we believe it is also appropriate to provide studies and other government reports or analyses related to elections on the FEC’s site.

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<sup>1</sup> Whatever information the government has or commits to making public, the standard for “public” should include “freely accessible online.” Information cannot be considered public if it is available only inside a government building, during limited hours, or for a fee. In the 21<sup>st</sup> Century, information is properly described as “public” only if it is available online, 24/7, for free, in some kind of reasonably parse-able format.

### **Electronic Filing Procedures**

The FEC has implemented rules to facilitate electronic filing of campaign reports, including data formats for information such as donor name and occupation/employer. Unfortunately, it is extremely common for report data to be missing, incomplete or jumbled. Data that is filed in non-standardized formats is difficult to manage, may not be accurate and must be cleaned up to make it useful to the public.

The FEC could mitigate much of the work currently required to clean up data by enforcing software standards more strictly and refusing to certify campaign packages that do not comply with such standards. In specifying filing information as well as structuring its own data, the FEC should look for opportunities for interoperability with other government data sets, such as the data found on FedSpending.gov and the Securities and Exchange Commission's interactive data filing requirements.<sup>2</sup> In pursuing interoperability, the FEC reduces the financial burden on filers and consumers of supporting multiple, non-standard data formats.

In addition to enforcing current electronic filing standards more stringently, the Commission should consider expanding the number and types of documents that are required to be filed electronically. The agency should require electronic filing of complaints (and related documents) alleging campaign finance irregularities. Electronic filing would facilitate prompt online disclosure and allow the documents to be searchable by text, thus providing the public with a more complete and accurate survey of the campaign finance activities that are monitored and regulated by the Commission.

### **The Sunlight Foundation**

The Sunlight Foundation was founded in 2006 with the non-partisan mission of using the revolutionary power of the Internet to make information about Congress and the federal government more meaningfully accessible to citizens. Through our projects and grant-making, Sunlight serves as a catalyst for greater political transparency and to foster more openness and accountability in government. Sunlight's ultimate goal is to strengthen the relationship between citizens and their elected officials and to foster public trust in the federal government. We are unique in that technology and the power of the Internet are at the core of every one of our efforts.

Our work is committed to helping citizens, bloggers and journalists be their own best government watchdogs, by improving access to existing information and digitizing new information, and by creating new tools and Web sites to enable all of us to collaborate in fostering greater transparency. Since our founding in the spring of 2006, we have assembled and funded an array of Web-based databases and tools including [OpenCongress.org](http://OpenCongress.org), [Congresspedia.org](http://Congresspedia.org), [FedSpending.org](http://FedSpending.org), [OpenSecrets.org](http://OpenSecrets.org), [EarmarkWatch.org](http://EarmarkWatch.org) and [LOUISdb.org](http://LOUISdb.org). These sites make millions of bits of information available online about the members of Congress, their staff, legislation, federal spending and lobbyists.

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<sup>2</sup> These systems rely on the open business reporting XBRL markup tags.

By facilitating the creation of new databases, and the maintenance and expansion of pre-existing ones, along with the application of technologies that free data from its silos, we have liberated gigabytes of important political data from basements, paper, .pdfs and other non-searchable and non-mashable formats. These efforts, combined with our own [distributed investigative research projects](#), community-based engagement with Congress to bridge its [technological gaps](#) and lobbying to demand [changes](#) in how and what Congress makes publicly available online, have created an unprecedented demand for more: more information, more transparency and more easy-to-use tools.

Underlying all of Sunlight's efforts is a fundamental belief that increased transparency will improve the conduct of Congress itself and the public's confidence in government.

**"Svoboda, Brian  
(Perkins Coie)"**  
<BSvoboda@perkinscoie.com>

To <improvecinternet@fec.gov>

cc

07/21/2009 07:26 PM

Subject: Comments

Attached please find comments on the Commission's Web Site and Internet Communications Improvement Initiative.

Very truly yours,

Brian G. Svoboda | Perkins Coie LLP  
>607 Fourteenth Street N.W.  
>Washington, DC 20005-2011  
>PHONE: 202.434.1654  
>FAX: 202.654.9150  
>E-MAIL: BSvoboda@perkinscoie.com

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607 Fourteenth Street N.W.  
Washington, D.C. 20005-2003

PHONE: 202.628.6600

FAX: 202.434.1690

www.perkinscoie.com

Brian G. Svoboda  
PHONE: (202) 434-1654  
FAX: (202) 434-1690  
EMAIL: BSvoboda@perkinscoie.com

July 21 2009

**BY EMAIL**

Mr. Robert Hickey  
Staff Director  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

**Re: Web Site and Internet Communications Improvement Initiative**

Dear Mr. Hickey:

On behalf of the Perkins Coie LLP Political Law Group, I appreciate the opportunity to comment in response to the above-referenced request, and would request the further opportunity to testify at the Commission's hearing. These comments do not necessarily reflect the views of our clients. Rather, they reflect our distinct experience as legal professionals who perform research on behalf of clients, and who must follow closely the conduct of Commission business.

Any discussion of the Commission's web site must begin with an acknowledgment of how the site has changed – for the better – the way in which we do our work. The Commission's online library of **advisory opinions** comes foremost to mind. The ability to search the content of opinions for free was a major help to those who practice before the Commission. So, too, was the posting of related documents for more recent opinions, such as copies of the requests, comments and alternative drafts. These can be important to understanding why the Commission did what it did in a particular instance.

It would be helpful for the Commission to keep adding to this content. For example, it could add hyperlinks to the audio files that present the Commission's discussion of the opinion, which are already accessible in some instances through the "Open Meeting

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Perkins Coie LLP and Affiliates

Mr. Robert Hickey  
July 21 2009  
Page 2

Agendas and Documents page.” This raises a broader issue for the Commission to consider as it changes the web site: it should review the pages carefully, and look for opportunities to provide more intuitive links to files that one might otherwise find only with difficulty. For example, the Commission’s rulemaking pages could provide hyperlinks to the audio of the open meeting discussions, as could the audit report pages, and so on.

The Commission’s **enforcement query system** is not as easily searched as the advisory opinion page is. Even focused searches tend to generate an unwieldy number of MURs. Also, the Commission may want to consider an electronic equivalent of the MUR index available in the Public Records Office, where one can browse MURs by respondent names, statutory and regulatory cites, and such. (A similar, enhanced index system might work well for advisory opinions, where one can browse opinions by an alphabetical list of requestor names, as well as by advisory opinion number.)

Commissioner **Statements of Reasons** should be maintained on a page of its own, and should be searchable like advisory opinions or MURs. In the past, Commissioners have posted their individual statements on their own home pages. But the comprehensiveness of these pages has varied from Commissioner to Commissioner. And when a Commissioner leaves, so, too, does the library of their statements, on which practitioners sometimes come to rely.

The Commission’s **Library** page should be easier to find; one is most likely to stumble upon it by clicking the “Help with Reporting and Compliance” page, then “Publications,” and then scrolling to the bottom of the page. This suggests a broader comment about the site: it can often be difficult to navigate. It relies on multiple layers of tabs, which favors those who know exactly what they are looking for and where to find it, but can be daunting for those new to the site. Even the experienced can search with difficulty for the Commission’s *Financial Control and Compliance Manual* – an essential document for publicly funded presidential campaigns.

The Commission’s recent HTML-formatted compilation of its **Explanations and Justifications** is a welcome and helpful addition. It can be made more effective still by adding a text search capability, and also by providing links to some of the external sources on which committees are expected to rely, such as the White House Press Corps Travel Policies and Procedures which publicly funded presidential campaigns must consult when determining what costs may be billed to the media. *See* 11 C.F.R. § 9034.6(a)(3) (2009). Also, it would be helpful to add a **legislative history** page that

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would allow one to browse and search committee reports and Congressional Record testimony – an online equivalent to the bound volumes that the Commission has published.

The **Litigation** page is most helpful with recent cases. It would benefit from expansion, having older cases represented not simply by the abstracts published in the *FEC Record*, but also with links to opinions, orders and pleadings.

The Commission's **Press Releases** should be searchable and, to the extent practicable, hyperlinked to the referenced documents. For example, when the Commission announces the disposition of a MUR, one clicks on the MUR number, but is taken to the Enforcement Query System, where he or she must then input the MUR number and search the system. The Commission should exercise care in using the home page to publicize current events. For example, it is not evident why some advisory opinion requests merit promotion on the home page, and others do not, except that the Commission has made subjective judgments about their newsworthiness.

The Commission should consider carefully its presentation of **campaign finance data**, considering the myriad uses for these data, and the different opportunities that exist for searching them. In the past, there have been non-government sites that have allowed campaign finance data to be accessed intuitively and flexibly. There is a void to be filled here, and the Commission is well-positioned to do it. It should think creatively about the different ways in which data might be presented and accessed.

Finally, the Commission would benefit from expanded uses of **multimedia**. Posting audio of Commission open meetings was a welcome development. The Commission might also make available streaming video of its conferences, and live streaming audio of its open meetings.

We appreciate the opportunity to comment on these matters.

Very truly yours,

PERKINS COIE LLP



Brian G. Svoboda

**"Trainer, Karen E."**

**<Karen.Trainer@bryan  
ave.com>**

To <improvecfecinternet@fec.gov>

cc

07/21/2009 04:31 PM

Subject Website and Internet Communications Improvement  
Initiative

Attached please find comments regarding the FEC's website and internet communications improvement initiative.

Karen E. Trainer

Senior Reporting Specialist

Bryan Cave LLP

(202) 508-6179

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Michael E. Toner  
 Partner  
 Direct: (202) 508-6175  
 michael.toner@bryancave.com

July 21, 2009

Mr. Robert Hickey  
 Staff Director  
 Federal Election Commission  
 999 E Street, NW  
 Washington, DC 20463

Re: Website and Internet Communications Improvement Initiative

Mr. Hickey:

We appreciate the opportunity to provide comments in response to the Federal Election Commission's recent Notice of Public Hearing and Request for Comments regarding the Commission's website. See 74 Fed. Reg. 31430 (July 1, 2009). We submit these comments in our personal capacities and not on behalf of any clients of the Bryan Cave Election Law and Government Ethics practice group.

In the past several years, the Commission has made many significant and positive improvements to its website. This current initiative is a valuable opportunity for the Commission to build upon the progress that has been made recently and further streamline and enhance the agency's website.

In its request for comments, the Commission asked numerous questions on how its website could be further improved. Our comments will focus on six specific areas in which the Commission could improve its website to allow users to access relevant information in the most efficient and effective way possible.

**I. Availability of Enforcement Case Documents**

The Commission recently announced that it has launched the final phase of a project to make all closed enforcement cases available online. It is crucial that the Commission complete this project as soon as possible. We recommend that the Commission publicly announce a date by which it seeks to complete this important project and provide the public with periodic updates of the progress it is making on the project.

**Bryan Cave LLP**  
 1155 F Street N.W.  
 Washington, D.C. 20004  
 Tel (202) 508-6000  
 Fax (202) 508-6200  
 www.bryancave.com

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Currently, documents related to MURs closed between January 1, 1976 and December 31, 1998 may only be accessed by visiting the Commission in person. However, many political committees are based outside of the Washington, D.C. area and may not be able to visit the Commission in person to obtain these documents. Moreover, many of these committees may not have the resources to retain attorneys or consultants in the Washington area who could assist with identifying documents from past enforcement cases that could be helpful in enforcement cases. This project is an important opportunity for the Commission to level the legal research playing field for all political committees across the country.

## **II. Functionality of MUR Document Database**

In our experience, the MUR document search database can produce search results that are incomplete and/or inaccurate. For example, searching for MUR documents related to 11 C.F.R. § 104.3(d)(4) using different methods of searching appears to produce different results. A search for the “word/phrase” “104.3(d)(4)” yields no results, while a search for an “exact match” of the “word/phrase” “104.3(d)(4)” yields documents from seven closed MURs, some of which do not actually contain the text “104.3(d)(4).” In addition, a search for the “regulatory citation” “104.3(d)(4)” yields documents from only one closed MUR.

It is unclear whether these issues relate to problems with the text search of each document or to problems with the method of searching. The Commission should consider making improvements to the functionality of the MUR database in order to ensure that search results are complete and accurate. If the differences noted above are to be expected based on the search method, the Commission should provide the public with more detailed instructions on each search method, including identifying the best search methods to employ to achieve comprehensive search results.

## **III. Advisory Opinion Documents**

In its request for comments in this proceeding, the Commission notes that additional documents related to Advisory Opinions issued prior to 1999, such as Advisory Opinion requests, public comments, and concurring and dissenting opinions, are not available online. We note that the Commission’s website does include some of these documents. For example, concurring and dissenting opinions related to some Advisory Opinions issued in 1995 and 1996 are listed on the Commission’s website.

We recommend that the Commission make all of the documents relating to Advisory Opinions available online as soon as practicable, particularly concurring and dissenting opinions.

#### **IV. Searchable Database of Audit Reports**

The Commission's website includes PDF files of Title 2 and Title 26 audit reports from the 2000 election cycle forward. The Commission should consider making copies of older audit reports available as well. Additionally, while users can open a specific audit report and search for text, the Commission's website does not allow users to search all available audit reports at the same time. We recommend that the Commission create a searchable database similar to the MUR database that would allow users to search by committee, date, word or phrase in the document, statutory citation, and regulatory citation.

Making additional audit reports available in a searchable format would allow all political committees that are audited by the Commission to have complete information on findings from past audits in responding to potential audit findings. We recommend that the Commission seek to create a complete, searchable database of audit reports by a publicly announced date certain and provide the public with updates on the progress that is being made.

#### **V. Searchable Database of Operating Expenditures**

The Commission's website currently includes a disclosure database which allows website users to search for contributions made to or by political committees. However, the disclosure database does not allow users to search for operating expenditures or other disbursements that are not contributions to federal candidates or political committees.

We recommend that the Commission consider expanding the disclosure database to include a search engine for operating expenditures. The database could allow users to search by vendor, purpose of disbursement, amount, date, or other criteria. Although creating a database that includes operating expenditures made by committees that file reports on paper would be potentially onerous, the Commission could consider creating a partial database which includes expenditures made by electronic filers only.

#### **VI. Conference and Roundtable Materials**

In its notice requesting comments in this proceeding, the Commission asked whether it should make audio or video recordings of Commission conferences and roundtables available on its website. We believe that posting audio or video recordings as well as other conference materials on the Commission's website would be extremely valuable for representatives of those political committees that are not able to attend the conferences.

Mr. Robert Hickey  
July 21, 2009  
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Thank you very much for the opportunity to submit these comments in connection with this important proceeding. We respectfully request that Michael Toner be given an opportunity to testify at the Commission's July 29-30 hearing on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Toner". The signature is fluid and cursive, with the first name "Michael" and last name "Toner" clearly legible.

Michael E. Toner  
Karen E. Trainer