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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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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