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Stephen Gura
Deputy Associate General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Via Email: Agencypro2008@fec.gov

Dear Mr. Gura:

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. 73, No. 236 on December 8, 2008.

We respectfully request that Ellen S. Miller, the Executive Director of the Sunlight Foundation, be given an opportunity to testify at the hearing on this issue on January 14, 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.

Sincerely,
Ellen S. Miller
Executive Director
The Sunlight Foundation

Comments of the Sunlight Foundation Pursuant to the Federal Election Commission's
Notice of Public Hearing and Request for Public Comment

The Federal Election Commission (The FEC or Commission) is charged with the disclosure of campaign finance information, the enforcement of the provisions of the Federal Election Campaign Act, and the oversight of the public funding of Presidential elections. The comments of the Sunlight Foundation address the FEC's mandate to disclose campaign finance information to the public. Outlined below are recommendations to make the FEC Web site user-friendly; provide new Web services; update FEC data architecture; improve electronic filing procedures; and provide online disclosure of significant agency contacts. If adopted, these recommendations will improve the public's knowledge of campaign finance information. Strengthening public access to campaign finance data will increase the scrutiny of campaign finance activities, thereby improving compliance and enforcement of the law.

Make the FEC Web Site User-Friendly

The FEC's Web site is the most important tool the agency has to fulfill its mandate to publicly disclose campaign finance information. Certain aspects of the site, such as the maps on the homepage, embrace the creative and interesting ways the Internet can be used to inform the public. However, much of the Web site uses technical or legal language that is difficult for the average citizen to understand. In other cases, data is provided in cumbersome, outmoded ways that fail to take advantage of the dynamic nature of the Internet.

The FEC should never lose sight that its Web site is supposed to provide a gateway for curious citizens, and is not simply a resource for accountants and lawyers already versed in the finer details of campaign finance law and technical jargon. To improve the accessibility of its Web site, the FEC should undertake a review of the language on the site and define, revise or rewrite 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 and definitions, where provided, are often vague and confusing. Links to plain language definitions should be provided to make the site more accessible to casual users.

Beyond improving the language, the FEC's Web site must be structured to incorporate the ways people have come to expect to use the Internet. 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. In this day and age, that kind of “interface” is not just confusing, but ludicrous. It sends an abrupt message to the casual user that they have entered territory reserved for experts, not lay people.

A Web site designed for use by the public should not require that mysterious references be deciphered or a legal dictionary at the users’ fingertips. Clear definitions, plain language and intuitive use of links and other tools are the hallmarks of a user-friendly site and should be primary considerations as the agency undertakes a redesign of its site.

Provide New Web Services

At its best, the Internet allows users to add value to data available on one site and make it available on other sites. The New York Times and OpenSecrets.org provide users with the ability to use FEC data outside the confines of the particular site from which it was retrieved. But, because the FEC is the primary source for the data, and because it is the FEC’s duty to publicly disclose the data, the FEC should not leave the responsibility of making the data usable to outside companies or not-for-profit organizations.

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. 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 complicated or proprietary, nor should they be likely to become quickly outdated.¹

The FEC should also update the technology it uses for search queries so that end users have the ability to link to search results in emails and other Web sites.² The ability for users to link to search results is so commonplace as to become mundane, yet this standard feature of today’s technology is not available to someone trying to link something so fundamental as a search result on FEC contribution data to an online article.

¹Sunlight recommends XML and JSON as well as a REST-based API for search queries because these technologies, along with open standards, are likely to result in Web services are easy to consume and that will not be quickly outdated.

² The FEC currently uses an HTTP POST request. It should instead use the GET query method for searches, which makes it possible to link to a results page for an individual search.

Improve FEC Data Architecture

Underpinning the agency's ability to make more information public in a timely, user friendly manner is the data architecture employed by the FEC. As the agency looks to provide the most meaningful data to the public, it must restructure the way the data is stored and how it flows outward. Currently, much of the information contained in campaign finance reports is truncated or lost by the time it reaches the public. For example, the COBOL-based official database is published in a fixed width format, allowing for 35 characters in the occupation/employer fields which are collapsed into one column. The result is that occupation/employer information that is reported as "Associate Director of Mid-Atlantic Sales/Wal Mart, Stores Inc." is transformed and reported to the public as "Associate Director of Mid Atlantic." The precise title as well as the entire employer is missing, providing little relevant information in the public database. Over 500,000 of 2,328,000 records, or more than 20 percent, are truncated in this manner.

Similarly, a user trying to download files of individual contributions runs into this caveat:

The amount field is in COBOL format and may contain a special character (see table below) if the amount is negative. To convert these to standard negative integers you will need to replace the right most character with its associated integer and then multiple the number by negative 1. For example, if the amount is 20] replace the] with 0 and to get 200. Then multiple by negative 1. The correct amount is -200.

Even someone well-versed in the intricacies of the FEC's disclosure system will find this explanation daunting. The answer to solving this problem is to abandon the outdated tools the FEC is currently using and to adopt a more modern format.³

The agency should also address the way it stores and manages data relating to enforcement matters, creating a system to describe the type of violation alleged to have occurred. Categorizing enforcement matters by issue such as excessive contributions, contributions from foreign nationals, contributions from a straw party, etc. would provide a structure that could then be used to inform the public as to the type, frequency and severity of various campaign finance violations and facilitate the use of enforcement data in innovative ways that take advantage of Web 2.0 capabilities.

The concerns surrounding the usability of the FEC's Web site and data architecture reflect an overarching concern that the FEC's site is not fully integrated with the mission of the agency. In every agency, but especially those where public disclosure is part of the agency's mission, the Web site should be viewed as more than a place to publish data. It should be recognized as a valuable strategic asset that is instrumental to the agency in

³ Currently available formats that would alleviate the problem of fixed-width formats include JSON, XML or SQL formats. These formats are not likely to be outdated in the near term. Sunlight notes that the FEC must retain the ability to alter its formats as new and better technology becomes available and that any new data format is usable by any campaign as well as by the public who are viewing the data.

fulfilling its mandate. The FEC must ensure that its Web team is recognized as more than providing a support function. Just as attorneys are essential for the FEC's enforcement duties and accountants are critical to the FEC's compliance mandate, the FEC's Web staff is instrumental to the core disclosure mission of the agency and must be provided with the skills and authority to make disclosure on its Web site equal with other core agency functions.

Improve 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 emerging Securities and Exchange Commission's interactive data filing requirements.⁴ 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.

Provide Online Disclosure of Significant Agency Contacts

As part of the FEC's enforcement and compliance duties, senior staff and FEC Commissioners routinely meet with individuals representing candidates, PACs, campaign committees, corporations or other entities that are being investigated or have knowledge of possible alleged campaign finance violations. To address the appearance of undue influence or corruption, the Commission should draft regulations that would require Commissioners and certain senior officials (defined by SES level, policy or decision making authority, etc.) to report, online, within 72 hours, any significant contact relating to a request for FEC action. If the Commission finds that it does not have the ability to draft such regulations, it should design a system of voluntary reporting of significant contacts. In either case, a "significant contact" is an oral, written or electronic communication that is made to senior FEC staff or Commissioners, that seeks to

⁴ These systems rely on the open business reporting XBRL markup tags.

influence any official action, including any advisory, regulatory or enforcement action pending before the Commission.

The reports should contain the name of the FEC official, the name of each private party who had a significant contact with that official, and a summary of the nature of the contact, including the date of the contact, the subject matter of the contact, and if the contact was made on behalf of a client, the name of the client. Information that would be exempt from disclosure under FOIA would not have to be disclosed.

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 Congress. 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 congressional 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](#), [Congresspedia.org](#), [FedSpending.org](#), [OpenSecrets.org](#), [EarmarkWatch.org](#) and [LOUISdb.org](#). These sites make millions of bits of information available online about the members of Congress, their staff, legislation, federal spending and lobbyists.

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.