



November 13, 2023

Federal Election Commission
1050 First Street, NE
Washington, DC 20463
publiccomment2023-14@fec.gov

Notice 2023-14: Request for Public Comment on Improvements To Report Filing Processes and Website Usability

These comments are submitted on behalf of our law firm, Elias Law Group, which provides legal services to registered federal political committees as well as other entities engaged in electoral activity. In drafting our comments, we spoke to numerous stakeholders who regularly interact with the Federal Election Commission’s (the “FEC’s” or the “Commission’s”) website, including through research or filing reports. We thank the FEC for its desire to improve its filing processes and website functionality and appreciate the opportunity to share our concerns and recommendations.

A. Report Filing Process

The Commission first requests public comments on any issues or concerns with the report filing process, as well as any potential solutions. There are several ways for the FEC to improve the report filing process. Compliance firms that work with our clients had several pieces of feedback to improve the process:

- Filing Software:
 - FECFile should be updated as soon as possible to run as a web-based application to increase functionality. Currently, committees often need to contract with a third-party vendor to help file their reports, which can be a costly expense for small-dollar campaigns and committees.
 - Any updated filing system should prioritize improving uploading times, as larger reports can take over 30 minutes to upload at a given time.
 - FECFile should allow copy-pasting of FEC-committee passwords instead of hard typing passwords. Many people use password applications so they can generate more secure passwords. Those passwords often contain numerous numbers, letters, and symbols. It would save the filing community time if FECFile allowed

filers to copy and paste passwords rather than hard typing them since they are often complicated passwords stored in their password application.

- Contacting the Commission. There is not an efficient way to communicate with Commission personnel in writing with respect to filing issues, especially electronic filing issues. A chat feature or specific email address that is responsive to time-sensitive technical filing questions would help filers when they experience problems.
- Forms 1 and 2. The Commission should improve the ability to save drafts of Forms 1 and 2 when using the online webform. In practice, these forms need to be completed in one attempt or else the data is lost (saved data does not restore correctly). This creates an undue burden on compliance firms that draft the forms for their committee clients and then seek final approval to file. Additionally, there is also a more technical problem with certain default answers, such as a hybrid committee being automatically tagged as a joint fundraising representative.
- Amending Reports and Forms for Long-Established Committees. Committee filers would benefit if the FEC assigned a file number to historical forms and reports filed on paper so that they can be properly cross referenced when a filer needs to amend one of those historical documents. For instance, assigning a file number to a committee's Form 1 would prevent filers from having to create a new form each time an amendment is needed.
- Character Limits. Several reporting fields are character limited which prevents committees from including necessary information. For example, the character limits for committee names, Form 99, memo entries, expenditure purpose descriptions, employer and occupation information and the interest rate field on Schedules C and C-1 (interest rates are often floating rates with terms that require some description) should all be expanded.
- Schedule C-1. It would be helpful for committees to have an electronic option for uploading Schedule C-1 for the the signature requirements, as well as for copies of loan and line of credit agreements.
- Form 99:
 - Filers would benefit if they could include attachments when filing Form 99s.
 - Additionally, filers often try to copy and paste text from other documents and doing so causes error symbols. Eliminating those errors would help with filing clean documents.

- Request for Additional Information (RFAI). Where applicable, committees would benefit from receiving data associated with an RFAI through Excel in addition to a PDF to help with review and sorting of data.

B. Public-Facing Website

The Commission also seeks public comment on how to improve its website, including the organization, substance, and ease of use of the information on the website. Please find the relevant comments below:

- Browsing and Downloading Report Data:
 - On the website, memo entries should be more clearly tied to their corresponding entry. For example, ActBlue and WinRed conduit contributions are not clearly associated with a contribution, which leads to public confusion and the double counting of contributions.
 - RFAIs and their corresponding Form 99 responses should be located in the same place so the public can easily and quickly track a committee's response to an RFAI.
 - For research purposes, it would be helpful to be able to download certain schedules of a report into PDF or CVS format, and also to have the option to choose which columns of CSV data to download. A downloaded document can sometimes be too large to efficiently navigate.
 - The Commission should make the website easier to filter for Schedule H and Schedule F aggregated activity. Currently, Schedule H and F activity are not listed as a type of searchable disbursement type.
 - For committee financial summary pages, the only time range option is the cycle period. It would be helpful to be able to custom select date ranges and receive the financial summary for that selected period of time.
 - When searching individual contributions,¹ it would be helpful for the “results per page” to default to a greater number of contributors (perhaps 100) and have a 500 or 1,000 contributor display per page option. Additionally, unchecking the “2023-2024” default cycle tab should automatically remove the default receipt date range tag, which encompasses the same time period.

¹ https://www.fec.gov/data/receipts/individual-contributions/?two_year_transaction_period=2024&min_date=01%2F01%2F2023&max_date=12%2F31%2F2024.

- Audits/MURs/Advisory Opinions:
 - Boolean key word search functionality should be incorporated into each of these database systems.²
 - The ability to Boolean search by statutory and regulatory citation would be helpful for all three types of FEC documents, especially if citation searches included references to prior versions of the statute and regulations that were later transferred to the searched section of the statute or code.
 - Each Advisory Opinion (“AO”) page has a section for earlier AOs cited in the opinion and later AOs that cite the opinion. It would be helpful to have a similar function for MURs and audits that also include references to the other two types of FEC documents (i.e., an AO page will hyperlink to MURs that it cites and MURs that cite the opinion).
- MURs:
 - The MUR case summaries are difficult to comprehend. It would be helpful to have a descriptive summary of the issues and outcome instead of a copy of the vote certification.
 - There should be more advanced filters for searching MURs (i.e., type of document and MUR outcome).
- Electronic Version of Commission Regulations:³
 - The hyperlinked regulations referenced in a regulation should link to the FEC’s regulation page rather than a pdf of the relevant subchapter.⁴
 - The FEC’s regulation page should be updated in a more timely manner. For example, 11 CFR 100.26 on the webpage does not incorporate the changes made to that regulation effective March 1, 2023.⁵

² Currently, the only search function for audits is a drop-down list of “Finding and Issue Categories.”
<https://www.fec.gov/legal-resources/enforcement/audit-reports/>.

³ <https://www.fec.gov/regulations/>.

⁴ For example, clicking the hyperlinked 11 CFR 100.52(d) on this page: <https://www.fec.gov/regulations/109-21/2023-annual-109#109-21-a-3> will link to this page: <https://www.govinfo.gov/content/pkg/CFR-2023-title11-vol1/pdf/CFR-2023-title11-vol1-part100.pdf>.

⁵ <https://www.fec.gov/regulations/100-26/2023-annual-100#100-26>.

November 13, 2023
Page 5

Please let us know if you have any questions regarding the above comments. We can be reached at rjacobs@elias.law and zmorrison@elias.law.

Best,

A handwritten signature in blue ink, appearing to be 'RJ' with a flourish extending to the right.

Rachel L. Jacobs
Zachary P. Morrison
Elias Law Group LLP
Washington, D.C.