



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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MEMORANDUM

TO: The Commission

FROM: Steven T. Walther *StW*
Chairman

DATE: June 19, 2009

RE: Federal Register Notice – Website and Internet Communications
Improvement Initiative

AGENDA ITEM
For Meeting of: 06-25-09

The attached Notice of Public Hearing and Request for Public Comments on a “Website and Internet Communication Improvement Initiative” is submitted for your approval on a 48-hour tally vote basis.

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FEDERAL ELECTION COMMISSION
[Notice 2009-XX]

Website and Internet Communications Improvement Initiative

AGENCY: Federal Election Commission

ACTION: Notice of public hearing and request for public comments.

SUMMARY: The Federal Election Commission (the “FEC” or “Commission”) has adopted an initiative to seek public comment on how to improve all aspects of how the Commission discloses information to the public on its website and through the use of Internet communications. While the FEC, which was first constituted in 1975, continually engages in ongoing efforts to improve all aspects of how the Commission discloses information through the Internet, with a primary focus on its website, the FEC has never before sought formal public comment on the means by which the Commission discloses information to the public.¹ As part of these efforts, the Commission is seeking written comments and will conduct a public hearing on ways the Commission can improve how it communicates to the public using the Internet and, specifically, how it can improve its website to ensure that the FEC website is a state-of-the-art resource for disclosure of information to the public including (1) disclosure of campaign finance data, (2) information about Federal campaign finance laws, and (3) the actions of the Commission.

¹ In 2003, the FEC began a website redevelopment project that resulted in a redesign of both the appearance of the site as well as the production process. The revised website went live in 2004 and the FEC continually seeks and receives input on how to improve the website. This initiative will provide the first forum for formal public comments to the Commission.

1 The Commission seeks comment from all segments of the public, including
2 representatives of political committees, Federal candidates and officeholders, members of
3 the media, authors, students of all ages, members of the academic community, and
4 advocacy groups.

5 In addition to comments from the public, the Commission specifically seeks
6 comment from those with relevant technical expertise, including technical advisors,
7 consultants, researchers, other governmental and non-governmental agencies, non-profit
8 entities and commercial vendors to assist with the Commission's efforts to improve the
9 how it uses the Internet to disclose information to the public and particularly efforts to
10 improve the FEC website. Such advice and information may include recommendations
11 to the Commission for (1) expanding the website's disclosure features, (2) improving the
12 information available on the website and ways in which that information is organized,
13 and (3) maximizing the benefit of current and anticipated technology related to website
14 services.

15 The Commission's policy regarding which documents are placed on the public
16 record from closed enforcement, administrative fines and alternative dispute resolution
17 cases is outside the scope of this initiative, and the Commission is specifically not
18 seeking comments with respect to this issue. See Statement of Policy Regarding
19 Disclosure of Closed Enforcement and Related Files, 68 FR 70426 (Dec. 18, 2003). The
20 Commission plans to conduct a separate hearing with full opportunity for public
21 comment on the issue later in the year.

22 **DATES:** Comments must be received on or before July 21, 2009. A public hearing will
23 be held on Wednesday and Thursday, July 29-30, 2009, from 10 a.m. to 5 p.m. at the

1 Federal Election Commission, 999 E Street, NW., 9th floor Hearing Room, Washington,
2 DC 20463. Anyone seeking to testify at the hearing must file written comments by the
3 due date and must include in the written comments a request to testify.

4 **FORMAT FOR COMMENTS AND ADDRESSES:** All comments must be in writing,
5 must be addressed to Mr. Robert Hickey, Staff Director, and must be submitted in either
6 e-mail, facsimile, or paper copy form. Commenters are strongly encouraged to submit
7 comments by e-mail to ensure timely receipt and consideration. E-mail comments must
8 be sent to improvefecinternet@fec.gov. If e-mail comments include an attachment, the
9 attachment must be in the Adobe Acrobat (.pdf) or Microsoft Word (.doc) format. Faxed
10 comments must be sent to (202) 208-3333. Paper comments must be sent to Mr. Robert
11 Hickey, Staff Director, Federal Election Commission, 999 E Street, NW., Washington,
12 DC 20463. All comments must include the full name and postal service address of the
13 commenter or they will not be considered. The Commission will post all comments on
14 its website at www.fec.gov/pages/hearings/internethearing.shtml shortly after they are
15 received.

16 **FOR FURTHER INFORMATION CONTACT:** Robert Biersack, Special Assistant to
17 the Staff Director for Data Integration, 999 E Street, NW., Washington, D.C. 20463,
18 (202) 694-1658 or (800) 424-9530. The Commission's website can be accessed at
19 www.fec.gov. Technical information related to the FEC's website, including hardware,
20 software, capacity and functionalities can be found at
21 www.fec.gov/pages/hearings/webhearing.shtml.

22

1 **SUPPLEMENTARY INFORMATION:**

2 **I. Background and Hearing Goals**

3 The FEC is an independent regulatory agency with responsibility for
4 administering, enforcing, defending and interpreting the Federal Election Campaign Act
5 of 1971, as amended (2 U.S.C. 431 et seq., available at www.fec.gov/law/feca/feca.pdf)
6 (FECA). The Commission is also responsible for administering the Federal public
7 funding programs for Presidential campaigns and party conventions. This responsibility
8 includes certifying and auditing all participating candidates and committees, and
9 enforcement of the public funding laws. The Commission strives to discharge its
10 statutory mandate by (1) facilitating public disclosure of campaign finance activity, (2)
11 providing information and policy guidance to the public, media, political committees,
12 Federal candidates and officeholders, and election officials on the FECA and
13 Commission regulations, (3) encouraging voluntary compliance with all of the FECA's
14 requirements, and (4) investigating alleged violations of those requirements and seeking
15 civil penalties and other remedies when necessary to enforce the law.

16 The FEC's website is increasingly the Commission's primary vehicle for sharing
17 with the public campaign finance disclosure data, educational materials related to Federal
18 campaign finance laws, the development and implementation of new rules and
19 regulations, Advisory Opinions, and closed enforcement actions. Accordingly, the FEC's
20 website and how the Commission uses the Internet to disclose information to the public is
21 critical to the Commission's mission.

22 In 2008, the Commission received over 5.2 million visits to its website, or
23 approximately 14,200 per day, an increase of over 50% from the year before. During the

1 24-month 2008 election cycle, the Commission received, and disclosed on its website,
2 approximately 140,000 financial disclosure reports from nearly 8,000 political
3 committees. These reports contained the equivalent of 11.7 million pages of financial
4 data, disclosing approximately \$8.3 billion in political contributions and spending related
5 to Federal elections.

6 The Commission anticipates that the trend of increased traffic coming to the
7 Commission's website will continue as more users seek access to information about the
8 Federal campaign finance laws and about how Federal campaigns are financed. To
9 improve the website's usefulness to the public, the Commission is seeking, through this
10 proceeding, ways to provide the public with more timely information, as well as ways to
11 make its website more user-friendly, more educational, more analytical, more accessible,
12 and more interesting.

13 Among the topics on which the Commission requests comment are those
14 discussed below. The list is not exhaustive, and the Commission welcomes input on
15 ways in which the Commission can make improvements to the means by which the
16 Commission discloses information to the public through the Internet, and in particular on
17 the Commission's website.

18 However, as indicated above, the Commission's policy regarding which
19 documents are placed on the public record from closed enforcement, administrative fines
20 and alternative dispute resolution cases is outside the scope of this initiative but will be
21 the subject of a separate hearing with full opportunity for public comment later in the
22 year.

23

1 **II. Introduction**

2 The Commission recognizes that having an abundance of information available on
3 its website is of little use if the information is not organized in a way that makes it easily
4 accessible and understandable. Accordingly, it is vital to the public interest that the
5 Commission’s website be written and organized from the point of view of a potential user
6 who seeks information from an agency. Although the agency’s website must be citizen-
7 focused, with a general public audience in mind, it must, at the same time, provide
8 information to specialized audiences about specific areas of interest. In each case,
9 whether a visitor to the Commission’s website seeks general information or very specific
10 data, the website should be organized in a visitor-friendly, intuitive fashion. Information
11 should be easy to extract and it should be presented in a clear, logical and appealing
12 manner that is easy to read and understand whether displayed on the screen, or when
13 printed in hardcopy format.

14 **III. The Primary Users of the Commission’s Website**

15 In order to ensure that the Commission’s website adequately serves those who
16 seek information from the Commission, the Commission must properly identify who its
17 primary users or viewers are, including potential users who access campaign finance
18 information from other sources either by choice or because they do not know about the
19 Commission’s website. These users may include members of the general public,
20 prospective voters, prospective Federal candidates and officeholders, representatives of
21 registered political committees such as committee treasurers, members of the media,
22 including bloggers and the more specialized trade media, and members of the academic
23 community, including policy institutes and advocacy groups. Users also include State

1 and local election officials and officeholders, members of the legal profession, teachers
2 and students, as well as other academics and librarians. The Commission seeks comment
3 from each of these diverse audiences on whether the Commission's website is presently
4 meeting their specific needs and about ways in which the Commission uses the Internet to
5 disclose information to the public and the Commission's website can be improved to
6 better serve these needs. Additionally, the Commission seeks comment on whether there
7 may be other audiences in addition to those listed above that may seek information from
8 the Commission's website. If so, how well does the current website serve those
9 audiences, and what improvements can be made to serve them better?

10 **IV. What Tasks Do the Commission's Primary Customers Perform Most**
11 **Often on the Website?**
12

13 Different audiences seeking information from the Commission's website search
14 for distinct categories of information and perform diverse tasks when accessing the
15 website. For instance, members of the general public might be seeking a range of
16 information that could span from accessing contribution and expenditure data related to a
17 recent or upcoming election to seeking information about the \$3 IRS income tax form
18 check-off that provides funding for the Presidential Election Campaign Fund. A political
19 committee might seek more specialized information such as guidance regarding the
20 Commission's software package that committees use to electronically file their campaign
21 finance disclosure reports or seek information about the laws that are applicable to the
22 committee's activities. A political committee also might seek information about the
23 requirements or procedures for filing an advisory opinion request with the Commission
24 and guidance about whether a question they have is appropriate for an advisory opinion
25 request. Similarly, a political committee or a member of the public might seek

1 information about the requirements or procedures for filing a complaint alleging a
2 violation of the campaign finance laws or regulations. Members of the media may be
3 interested in an entirely different set of information, such as background on the FECA or
4 perhaps news about the Commission's most recent actions.

5 The Commission seeks public comment on what tasks or operations are
6 conducted by visitors to the Commission's website and specifically about how different
7 audiences may seek to perform these functions differently.

8 **V. How Can the Commission Improve the Way Its Website is Organized?**

9 The Commission has endeavored to design and organize the information on its
10 website in a cogent, rational, and intuitive way. The Commission seeks comment from
11 users of the Commission's website about the visitor experience. Is navigation of the
12 Commission's website intuitive? If not, in what specific ways can it be more intuitive?
13 Are the ways that users navigate each page on the FEC's website adequately consistent
14 across the website? If not, where do these inconsistencies exist? For example, do similar
15 items on different pages appear in the same location and have the same appearance and
16 wording? Do navigation items of the same type appear the same way and perform the
17 same functions across the website?

18 Do users consider the Commission's current homepage to be sufficiently useful?
19 If not, in what ways could it become more useful? Are visitors easily able to find what
20 they are seeking? The Commission's current homepage is relatively static with almost no
21 content on the homepage changing from day-to-day. The only dynamic content on the
22 homepage is a crawl across the bottom of the page, which is changed, on average, every
23 other week to announce the latest important news from the Commission. In addition, the

1 homepage includes interactive maps to provide users with immediate access to disclosure
2 data. Are these disclosure maps appropriately located on the homepage? Is the homepage
3 too static? Should the homepage list “headlines,” “hot topics,” or “most requested
4 information” that could be updated daily or weekly? Or is it best to leave the homepage
5 uncluttered, serving as a top-level directory that allows viewers to access information
6 through available links?

7 The Commission’s website is currently organized by the type of information that
8 is available, such as “Campaign Finance Reports and Data” or “Law and Regulations.” Is
9 the information available on the Commission’s website organized in a logical sequence?
10 If not, how can it be better organized? Are visitors easily able to ascertain what to do
11 next in their task?

12 a. Portals

13 In contrast to the manner in which the Commission’s website is currently
14 organized, should the Commission’s homepage serve as a “start task” page, asking
15 visitors what task they seek to perform, which would then take visitors to a task-based
16 portal specifically tailored to the user’s specific task? If so, what should be the topics of
17 these “start task” pages? Alternatively, should the Commission’s website be organized
18 by categories of frequent users and have separate portal pages for different audiences
19 based on those visitors’ needs? Or should the website first ask the user what category of
20 user he or she falls under (e.g., member of the general public, political committee
21 representative, Federal officeholder) and then offer the user a focused portal based on the
22 types of tasks most frequently performed by users in that category? Is there sufficiently
23 different content to justify dividing the website into isolated user-portals? What is the

1 likelihood that organizing the website in this way could lead to confusion among new or
2 infrequent visitors? What other costs might such a reorganization entail?

3 1. The General Public

4 Should there be a portal page for members of the general public? If so, what
5 information or utilities should be available on such a page? What links to other
6 information would be most helpful for members of the general public or others seeking
7 general campaign finance information?

8 2. Political Committee Representatives

9 Should there be a portal page designed specifically for those seeking information
10 on behalf of a registered political committee, such as committee treasurers, that would
11 offer direct access to the resources that are most useful for committee treasurers and other
12 committee representatives? If so, what resources should be included on such a page?
13 Should a portal page for political committee representatives include a link to a focused
14 set of frequently asked questions (FAQs)? Should there be separate portal pages for
15 different types of political committees such as party committees, corporate or labor
16 organization connected committees (which are often referred to as Separate Segregated
17 Funds or Political Action Committees), or nonconnected committees?

18 3. Federal Officeholders and Prospective Candidates

19 Should there be a portal page designed specifically for Federal officeholders and
20 prospective Federal candidates? If so, what resources should be included on such a page?
21 Should there be a separate portal page for candidates, different from one for current
22 officeholders? Should there be different portal pages for House, Senate and Presidential
23 candidates and officeholders? If so, what different content should be on each of these

1 pages? Should a portal page for Federal officeholders and prospective Federal candidates
2 include a link to a focused set of frequently asked questions (FAQs)? Should such a
3 portal page provide procedural guidance for persons, committees or other entities who are
4 subject to FEC proceedings such as audits and enforcement actions?

5 4. Media

6 Should there be a portal page designed specifically for members of the media? If
7 so, what resources should be included on a media portal page? Should there be a separate
8 portal page for the general media, different from one for the trade media? Should there
9 be a separate portal page for members of the foreign media? If so, what different content
10 should be on each of these pages? Should a portal page for members of the media
11 include a link to a focused set of frequently asked questions (FAQs)?

12 5. Academic Community

13 Should there be a portal page designed specifically for members of the academic
14 community? If so, what resources should be included on an academic community portal
15 page? Should there be a separate portal page for students, different from one for
16 professors? Should there be a separate portal page for policy institutes? If so, what
17 different content should be on each of these pages? Should a portal page for members of
18 the academic community include a link to a focused set of frequently asked questions
19 (FAQs)?

20 Are there audiences other than those outlined above for whom the Commission
21 should consider designing a separate portal? If so, for which audiences should the
22 Commission design such portals? Alternatively, should the information be organized in
23 some other way?

1 **VI. User-Experience/User-Friendliness**

2 a. Plain Language

3 Best practices for government websites mandate that a typical user of the
4 Commission’s website should be able to understand the website content after only one
5 reading – the content should be in plain language. See www.plainlanguage.gov. Ideally,
6 users should not need to spend time “translating” difficult, wordy text. Plain-language
7 writing saves users time and reduces the burden placed on the public. The Commission
8 has worked to meet these goals and seeks comment on whether the language used on the
9 Commission’s website is accessible and easy to read. Can first-time or novice users
10 understand information on the website easily? If not, please provide specific examples
11 from the Commission’s website of language that is not easily understood.

12 b. Accessibility to Users with Special Needs

13 Should content on the Commission’s website be revised in order to make the
14 content more accessible to users with special needs, such as persons with disabilities? Is
15 information on the Commission’s website easily accessible through browse aloud text
16 readers for visually impaired users? Should the website have alternative pages for users
17 with low literacy or for foreign-language speakers?

18 c. Help Functions

19 Another important aspect of whether a website is sufficiently user-friendly is the
20 directions provided to users when they cannot find the information they are looking for.
21 The Commission’s website currently has pages providing a list of Frequently Asked
22 Questions (FAQ) and “Quick Answers,” to help users find the information they are
23 seeking. Are these sections of the website useful? Should the website have a special

1 help section that would guide users to the information they are seeking? Would a “first-
2 time user guide” be helpful? What information might a first time user guide include that
3 would make it different from the FAQ?

4 Should the website have a “contact us” section that would allow users to either
5 send an e-mail to Commission staff or provide a staff telephone directory for users who
6 are still not able to access the information they seek? Website users can also send
7 questions and feedback about the website through e-mail communications to
8 “Webmanager@fec.gov.” Is this service sufficiently responsive and informative?
9 Should questions and feedback be made public?

10 Is the Commission sufficiently receptive to suggestions made through e-mails and
11 phone calls? Have those who have made comments or suggestions received responses
12 from the Commission? Have the responses been satisfactory? If not, why not?

13 Should the Commission develop a blog to facilitate a conversation about the
14 substance and techniques used by staff to disclose campaign finance data? Should the
15 website host other blogs or user groups? If so, what topics should they cover? Should the
16 website host user groups where users can interactively discuss substantive areas of
17 campaign finance law and Commission procedures?

18 **VII. Search Engines**

19 a. General Search Engine

20 The Commission maintains various search engines on its website. The general
21 search engine (“General Search Engine”) is located on the Commission’s homepage and
22 returns pages and documents from all portions of the Commission’s website other than
23 the contents of three self-contained databases (i.e., the disclosure database, the Advisory

1 Opinion database, and the enforcement database), which can be accessed through the
2 specialized search engines that are discussed below. In addition to a basic search
3 function which allows users to conduct a simple word search, the General Search Engine
4 also has an “advanced search” function that allows users to enter search terms or phrases
5 and find results with (1) all of the words, (2) the exact phrase, (3) any of the words, as
6 well as results without a specific search term or phrase.

7 b. Specialized Search Engines

8 In addition to the General Search Engine, the Commission’s website contains
9 three specialized search engines that allow users to search only within a specific portion
10 of the Commission’s website.

11 1. Disclosure Database Search Engine

12 The disclosure database search engine (“Disclosure Database Search Engine”)
13 allows a user to search only within the contribution and expenditure data filed by
14 registered political committees. The Disclosure Database Search Engine includes a
15 search for summary data for candidates and Political Action Committees/Party
16 Committees, as well as searches for detailed data for individual contributors, political
17 committees, and candidates.

18 2. Advisory Opinion Search Engine

19 Another specialized search engine allows users to limit their search to information
20 about Commission Advisory Opinions. Specifically, the Advisory Opinion Search
21 Engine (“AO Search Engine”) allows users to search by (1) search terms, including
22 words and phrases, (2) advisory opinion number, (3) requestor name and (4) year.

1 Additionally, the advanced search function of the AO Search Engine allows users to
2 search using more specific criteria.

3 3. Enforcement Query System

4 Finally, the Commission’s website contains a third specialized search engine,
5 known as the Commission’s Enforcement Query System (“EQS”). This system allows a
6 user to search for information about completed Commission enforcement cases.

7 Specifically, EQS allows users to search within a database containing documents related
8 to completed Commission enforcement cases (including complaints, responses,
9 conciliation agreements and Commissioner statements of reasons) by key words or by
10 information about the cases (e.g., case number, name of respondent, name of
11 complainant, statute or regulation alleged to have been violated).

12 c. Search Engine Improvements

13 The Commission seeks comment on whether the Commission’s search engines
14 are sufficiently intuitive and responsive. If not, in what ways can the Commission’s
15 search engines be modified to make them more useful? Are the features of the
16 Commission’s search engines sufficiently sophisticated, robust and flexible to offer
17 suggested choices to a user of words, spellings and phrases based on a user’s query? Are
18 the “advanced search” functions useful to viewers who wish to conduct more refined,
19 focused searches to achieve more relevant results? Are search results displayed in an
20 easy-to-read format both when displayed on the screen and when printed in hardcopy
21 format? If not, in what ways can the visual and printed presentation of the materials be
22 made more useful and appear more professional? Are search results relevant and
23 comprehensive? Are the most relevant results listed first? Is there adequate help

1 available on the website to assist visitors who are unfamiliar with or unskilled at using
2 search technology? Do the search engines produce swift results? The Commission also
3 seeks comment on whether the Commission’s search engines should produce a link for
4 the output of each search that users could then include in e-mails and on their own
5 websites that would allow others to instantly access the results of a search.

6 Should a user be able to make a single query that would simultaneously search
7 through the entire website, including the specialized databases? Should a user be able to
8 selectively choose which databases are accessed through a given query? For instance,
9 should a user be able to simultaneously query information only from the Advisory
10 Opinion database and the Enforcement database with a single search? What search
11 functions would be most useful to users?

12 The Commission also seeks comment on whether the Commission’s website
13 should have other specialized search engines in addition to the Disclosure Database
14 Search Engine, the AO Search Engine and EQS. If so, what information should be
15 accessible through such specialized search engines? For example, should the website
16 have a specialized search engine devoted to Commission regulations and rulemaking
17 documents such as Notices of Proposed Rulemakings and Explanations and
18 Justifications? Should there be a specialized search engine devoted to information and
19 documents related solely to the Commission’s litigation matters?

20 **VIII. Commission Function and Organization**

21 The Commission’s website has an “About the FEC” section that includes
22 information about the FECA, the Commission’s mission and history, and an
23 organizational chart including a description of each of the offices and divisions within the

1 Commission. The Commission seeks comment on whether its website provides adequate
2 information about the Commission's jurisdiction, mission, and internal structure. If not,
3 what additional information should be included? The Commission also seeks comment
4 on whether the website provides adequate information about how the Commission is
5 organized (i.e., the responsibilities of each Office and Division within the Commission).
6 What information do other Federal agencies provide on their websites about jurisdiction,
7 mission and organization? Is this information useful? If yes, how so? Are there other
8 Federal or non-Federal government agencies, or other non-governmental entities that
9 maintain websites that could serve as a model for the FEC? If so, which agencies and
10 what aspects of their websites? Finally, the Commission seeks comment on whether the
11 website should contain a staff phone and e-mail directory to make it easier for the public
12 to contact Commission staff directly.

13 **IX. Data Accessibility**

14 a. Current Interactive Maps

15 The FECA requires accurate and comprehensive public disclosure by Federal
16 candidates and political committees of all contributions and expenditures. Information
17 about these contributions and expenditures is included in the Commission's disclosure
18 database along with millions of other itemized disbursements, receipts and other
19 payments.

20 Since 2007, the Commission homepage at www.fec.gov has included interactive
21 maps, which provide users with immediate access to contribution and expenditure
22 information for Presidential, Senate and House candidates. Through these maps, users
23 can access the amount of funds raised by State, cash-on-hand, and the distribution of

1 contributions by amount. Furthermore, users can access lists of contributors by name,
2 city, and amounts of contributions within the first three digits of any zip code. Users can
3 also obtain a detailed list of information about how candidates spend their money,
4 including the payee name, purpose, date and amount of each campaign expenditure.
5 Although the website allows users to sort the detailed list of expenditures by each
6 category listed above, the website does not currently provide separate aggregated
7 amounts for each category. For instance, a user cannot access an aggregated number for
8 the amount a candidate has spent on political advertisements. Would the addition of this
9 feature be useful?

10 The House and Senate map allows the user to select candidates for comparison
11 using bar charts to display such financial categories as contribution and disbursement
12 totals, debts and cash on hand. It also presents itemized contributions and disbursements
13 by category and includes links to images of reports filed by the candidate and the
14 candidate's committees.

15 The Commission seeks comment on whether these interactive maps are useful.
16 How can they be improved? Are there other types of interactive maps or charts that users
17 would find interesting or educational? In what other ways can campaign finance data be
18 made available in a more user-friendly and interactive way?

19 b. Sorting of Data

20 The Commission seeks comment on ways in which the website should allow users
21 to sort the campaign finance data. For example, should the website allow users to sort the
22 data (1) by date or a range of dates, (2) by types of committees (e.g., candidate
23 committees, party committees and corporate and labor organization connected

1 committees), (3) by candidate, (4) by contributor (e.g., name, address, zip code and
2 employer), or (5) alphabetically? What other ways should the website allow users to
3 search for or sort the data?

4 The Commission is aware that other websites also provide access to the FEC's
5 campaign finance data. For example, some of these websites permit users to sort
6 contribution data into how much has been raised by a candidate or political committee
7 over time, such as on a quarterly, monthly, weekly or daily basis. For expenditures, some
8 of these websites allow users to sort campaign spending into categories, such as
9 administrative costs, campaign expenses, fundraising costs and media costs. One website
10 allows users to sort contributor information in a number of ways, including by name,
11 address, zip code, employer and contribution amount (e.g., \$200 or less). Additionally,
12 this website allows a user to sort contributor information into top donors, top soft money
13 donors, and top Political Action Committee (PAC) categories. This same website allows
14 users to sort data into other categories, such as candidate-to-candidate giving, quality of
15 disclosure and source of funds (e.g., individual contributions, PAC contributions and
16 candidate self-financing). Other websites identify top contributors, top recipients, top
17 contributing states and top bundlers.

18 Should the FEC's website allow users to sort campaign finance data in ways
19 similar to these other websites? If yes, which sorting options would be useful and why?
20 Do these other websites allow users to sort the data in any other useful ways? If so, in
21 what ways and should the Commission's website also provide these functions?

22 Should the Commission's website allow users to access election-related
23 information other than campaign finance data, such as the number of votes a candidate

1 received in a prior election? After each Federal election the Commission has historically
2 compiled and published election results in a document entitled Federal Elections, which
3 is made available on the website. See www.fec.gov/pubrec/electionresults.shtml. Is it
4 appropriate for the Commission's website to provide access to election-related data that
5 are outside the Commission's direct jurisdiction (e.g., studies and government reports
6 other than campaign finance data)? If not, why not?

7 c. Compilation, Presentation and Analysis of Data

8 The Commission also seeks comment on ways in which the Commission should
9 facilitate compilation, presentation and analysis of the campaign finance data. What types
10 of additional analysis of the data would be useful? Should the Commission provide tools
11 for users to be able to generate their own graphs, charts and maps based on the data they
12 have accessed?

13 Should the Commission permit the storage and presentation of search or sort
14 results? Additionally, should the results from the most popular queries be presented on
15 the website for others to view? If yes, should these queries be posted anonymously or
16 should the user be asked for permission before his or her query is posted? If the
17 Commission's website allows users to access election-related information that is outside
18 the Commission's direct jurisdiction, such as the number of votes a candidate received in
19 a prior election, should the Commission allow users to sort these data interactively and
20 facilitate compilation, presentation and analysis of these data in relation to campaign
21 finance data? For instance, should the Commission's website allow users to calculate the
22 amount spent by a candidate on a campaign relative to the number of votes that candidate
23 received in the election?

1 d. Availability of Raw Data

2 The FEC currently provides the ability to download in bulk form, on a daily basis,
3 campaign finance data from all electronic filings received earlier that day. Is this process
4 useful? Are there changes or enhancements to this process that would be useful? For
5 example, should the Commission provide “real-time” access to the bulk data as soon as it
6 is filed throughout the day? Also, should the Commission allow users to download only
7 a designated portion of the data?

8 The Commission also currently makes selected raw data available for download
9 via File Transfer Protocol (FTP). These files reflect both “as amended” snapshots of
10 itemized individual contributions to committees and receipts and disbursements where
11 both parties to the transaction are registered with the FEC. Is this general approach
12 valuable? If not, what other alternatives are available? Does the benefit that comes from
13 reducing duplication and other complexities inherent in the raw data the Commission
14 receives justify the time delays required for the FEC to do this work? Are there other
15 categories of financial activity that should be included in this system – e.g., details of
16 spending, debts, etc.? Should specific types of activity (like independent expenditures or
17 electioneering communications) be available as separate files rather than as part of a
18 larger set?

19 The Commission seeks comment on what improvements can be made to the
20 methods that the Commission uses in making raw campaign finance data available
21 through its website. For example, are the data currently available in an adequate format
22 that permits users to aggregate, segregate, or otherwise manipulate and analyze the data?
23 Should the Commission develop a different format for the data that is more consistent

1 with current data dissemination practices such as XML (Extensible Markup Language) or
2 JSON (JavaScript Object Notation)? Also, should the Commission provide open-source
3 public Application Programming Interfaces (APIs) so that other websites can download
4 the data more easily? In what other ways can the Commission facilitate the syndication
5 by other websites of data yielded from a search?

6 The Commission also seeks comment on what improvements can be made to the
7 way the Commission makes data related to amendments to committee reports available to
8 the public. Are those who access campaign finance reports able to easily separate data in
9 reports that have been amended by a reporting committee from the data contained in the
10 report that was originally filed? If not, what would be a better and more understandable
11 way to present that information?

12 e. Data Storage

13 Does the Commission need to restructure the way that campaign finance data are
14 stored? For example, although a complete set of bulk raw data is available for download,
15 the Commission's official COBOL-based database is currently published in a fixed width
16 format that only allows for up to 35 characters in the column containing data about each
17 contributor's occupation and employer. In other words, a user searching campaign
18 finance data on the Commission's website will only see the first 35 characters of
19 information (which includes letter, numbers, symbols, as well as spaces between words)
20 about a contributor's occupation and employer and, as a result, this information is often
21 truncated, thereby providing incomplete information to the public. One observer
22 estimates that this limitation causes a loss of over 20% of the occupation and employer
23 information that should be otherwise accessible through the Commission's disclosure

1 database. See Federal Election Commission, Hearing on Agency Practices and
2 Procedures (Jan. 15, 2009) (statement of Clay Johnson, Sunlight Foundation), available at
3 www.fec.gov/law/policy/enforcement/2009/01141509hearingtranscript.pdf.

4 Although the Commission anticipates releasing a software update shortly that
5 will resolve the truncation issue described above, are there other examples of information
6 that is missing or incomplete in the Commission's disclosure database? The Commission
7 invites comment on ways the Commission could provide the public with access to fully
8 complete disclosure data.

9 f. Timeliness of Data Availability

10 Finally, the Commission seeks comment on whether the Commission's data are
11 made available in a timely manner. Although electronically filed disclosure reports are
12 available to the public immediately after they are filed, currently the data contained in
13 those reports are reviewed by Commission staff before they are made available through
14 queries and data files on the Commission's website. This staff review, which
15 standardizes the data through such steps as (1) assigning transaction codes, (2) splitting
16 joint contributions reported from married couples, and (3) adding missing committee
17 identification numbers, can take anywhere from a few days to a few weeks to complete.
18 Should the data be made available to the public even before the Commission staff has had
19 time to conduct its review? What risks exist in releasing potentially inaccurate or
20 incomplete data? What are the implications of releasing unreviewed data followed by a
21 second release of the same data in a modified format? Are there risks of confusion with
22 such an approach? If so, what measures could be implemented to avoid such confusion?
23

1 **X. Educational Materials**

2 The FEC publishes various types of educational materials, all of which can be
3 accessed on the Commission’s website. These materials include (1) brochures (brief
4 summaries of particular provisions of the law or descriptions of the Commission’s
5 programs and procedures), (2) Campaign Guides (compliance manuals for committees
6 registered with the Commission), and (3) The Record (the Commission’s monthly
7 newsletter). The Commission also maintains a “Tips for Treasurers” page on its website
8 with timely tips and reminders to help political committee treasurers meet their
9 obligations under the law. The Commission also offers an electronic subscription
10 service, FECMail ([available at www.fec.gov/info/fecmaill.shtml](http://www.fec.gov/info/fecmaill.shtml)), which provides
11 subscribers with personalized e-mail updates on the latest Commission news and
12 information.

13 a. Brochures

14 The Commission publishes several educational brochures all of which are made
15 available to the public free of charge. Electronic versions of these brochures are also
16 available on the Commission’s website. These brochures offer brief summaries of
17 particular provisions of the law or describe FEC programs and procedures. These
18 brochures are available in both HTML and PDF formats at
19 www.fec.gov/pages/brochures/brochures.shtml and examples of covered topics include
20 (1) Advisory Opinions, (2) Coordinated Communications and Independent Expenditures,
21 and (3) Public Funding of Presidential Elections. The HTML versions of the brochures
22 include interactive links for cited statutes, regulations and Advisory Opinions.

1 The Commission seeks comments on whether both the printed versions and the
2 electronic versions of the brochures are user-friendly and ways in which they can be
3 improved. Should the Commission continue to publish both printed and electronic
4 versions of the brochures? The Commission also seeks comment on whether the
5 Commission should develop brochures on additional topics and, if so, which topics
6 should be covered.

7 b. Campaign Guides

8 The Commission publishes campaign guides, which serve as compliance manuals
9 for Federal political committees. Electronic versions of these guides are available at
10 www.fec.gov/info/publications.shtml#guides. Separate guides are available for (1)
11 Congressional Candidates and Committees, (2) Political Party Committees, (3)
12 Nonconnected Committees and (4) Corporations and Labor Organizations. The
13 electronic versions of these guides include all supplements to date, summarizing relevant
14 post-publication rules and opinions. The Commission seeks comment on whether the
15 printed versions and electronic versions of these guides are sufficiently educational,
16 understandable, and presented in a user-friendly manner and, if not, how they can be
17 improved. For example, should important terms be linked by hypertext to other sources
18 available on the website, such as links to the text of a cited rule, an Advisory Opinion or
19 court decision? In what other ways can these guides be improved? Should the
20 Commission continue to publish both printed and electronic versions of the guides?
21 More generally, does the website contain sufficient guidance about complying with the
22 Commission's reporting requirements? Does the website contain sufficient information

1 about complying with contribution limits and other provisions of the FECA? In not, what
2 additional information would be useful?

3 c. The Record Newsletter

4 The FEC publishes a monthly newsletter, The Record, which is automatically sent
5 electronically to all political committees and is also available through the website. The
6 Record is designed to be a useful resource for anyone interested in the most recent
7 developments in Federal campaign finance law and at the Commission. Each month, The
8 Record contains the latest information on reporting deadlines, regulations, advisory
9 opinions, court decisions and other FEC actions. Can The Record be improved and, if so,
10 how? Is The Record a useful resource for all of the audiences that access the
11 Commission's website? Should the Commission produce a different version of The
12 Record for different audiences? For instance should there be an edition of The Record
13 specifically targeted to representatives of political committees and a different edition
14 targeted and members of the general public?

15 d. Commission Calendar

16 The Commission's homepage currently provides a link to a Commission calendar
17 that includes information about Commission public meeting dates, Commission hearing
18 dates, significant filing deadlines and educational programs, as well as other information.
19 Should the Commission include other categories of information? If so, what information
20 should be included? For example, should the calendar include significant dates related to
21 pending litigation including a schedule of oral arguments?

22

1 e. Materials for the Media

2 Currently, the media section of the FEC’s website is designed as a tool to help
3 members of the media find information quickly and easily. This section contains the
4 Commission’s latest press releases and campaign finance information, as well as
5 background information and reference materials. This section also contains a link to a
6 “Weekly Digest” that includes items such as (1) public actions taken by the Commission
7 for the previous week, (2) interesting events occurring at the Commission regardless of
8 formal actions being taken, (3) important items of litigation, and (4) a schedule for the
9 upcoming weeks. Users may also subscribe to the FECMail service to receive alerts
10 through e-mail when new press releases are posted. The Commission seeks comment on
11 ways in which the media page of its website and the press release subscriber service can
12 be improved.

13 The Commission seeks comment on all of these educational materials. Are these
14 materials useful and, specifically, are they useful for members of the general public? If
15 not, how can the Commission make the materials more useful? Are these materials
16 updated in a timely manner? Should these materials cover additional topics that would
17 help the general public better understand the campaign finance laws and the role of the
18 Commission?

19 Should the Commission create educational materials unique to its website? For
20 instance, the Commission is developing e-learning content for its website, including
21 instructional videos and interactive presentations intended to supplement the FEC’s
22 existing educational materials. By offering this content on the Commission’s website and
23 via YouTube, the Commission hopes to expand access to its educational materials and

1 thereby increase compliance with Federal campaign finance laws. The Commission
2 seeks comment on what topics would be most useful for its e-learning materials and what
3 is the best way to make these materials available to the public.

4 Additionally, the Commission seeks comment on whether the Commission should
5 create other interactive materials that would permit the public to submit questions
6 through its website, for example, using live chat. Should the website host a chat room for
7 viewers to engage each other on issues related to the FEC and campaign finance? The
8 Commission also seeks comment on whether it should provide other types of educational
9 materials. For example, the Commission currently sends a weekly “Tip for Treasurers”
10 to subscribers through an RSS (Really Simple Syndication) feed. Should the Commission
11 make available additional RSS feeds? Should the Commission post answers to questions
12 submitted by the public through its website?

13 Additionally, the Commission seeks comment on whether it should proactively
14 use social media in order to reach new audiences and engage the public? For example,
15 should the Commission use Facebook, Wikipedia, Twitter or Second Life? Would the
16 use of such social media assist the Commission in its educational outreach? If yes, how
17 should the Commission use these social media?

18 **XI. Educational Programs**

19 The Commission sponsors a number of conferences each year, both in the
20 Washington, DC area and around the country, where Commissioners and FEC staff
21 conduct a variety of instructional workshops on campaign finance law. Each conference
22 has programs that are tailored to a specific audience (e.g., House and Senate campaigns
23 or corporations and their PACs). Typically, the Commission sponsors five of these

1 conferences each year and the conferences often sell out well in advance. Should the
2 Commission hold more conferences each year? Should the conferences be held in
3 additional locations around the country? If so, where?

4 Should the Commission make audio or video recordings of these conferences
5 available through its website? Would participation by conference attendees be affected by
6 recording conferences? If the Commission records conferences, what technology should
7 the Commission use? Should the Commission make available live streaming of the
8 conferences? Should users be able to download the recordings from the website? Should
9 users be able to order audio tapes, CD and DVD recordings? Should the Commission
10 seek to provide Continuing Legal Education (CLE) credit for attorneys who attend these
11 courses and for users who access the audio or video recordings of the programs? Should
12 the Commission seek to provide Continuing Professional Education (CPE) credit for
13 Certified Public Accountants (CPAs) who attend these courses or who access the audio or
14 video recordings?

15 In addition to the conferences, should the Commission offer other tele-
16 conferences, PowerPoint presentations or online courses or discussion forums? If so,
17 what topics should be covered? How frequently should live programs be offered? After
18 the live programs are over, should the Commission continue to make the materials from
19 these programs available? If so, for what period of time should they remain available?

20 **XII. Legal Research**

21 a. Enforcement Query System

22 Materials related to closed enforcement cases including Matters Under Review
23 (MURs), which is the formal name for a matter under Commission investigation, and

1 closed Alternative Dispute Resolution (ADR) cases are available on the FEC's website at
2 the tab entitled Enforcement Query System (EQS). See
3 <http://eqs.nictusa.com/eqs/searcheqs>. Through EQS, website visitors may access the
4 Commission's enforcement documents, including complaints, responses, conciliation
5 agreements and Commissioner statements of reasons, using key words or phrases or by
6 basic information about these cases (e.g., by name of complainant or respondent, or by
7 case number). Users can also search cases by the type of violation alleged to have
8 occurred. The Commission seeks comment on whether the query choices are sufficiently
9 robust. Do users find it easy to search closed enforcement cases by the type of violation
10 alleged to have occurred? If not, in what ways can EQS be improved to facilitate these
11 types of searches? Is it easy to search by both the type of violation alleged to have
12 occurred and the legal citation? Are the search results accurate? If not, what are the
13 inaccuracies?

14 Once a user has located a specific MUR or ADR case through a query of EQS, the
15 system currently does not allow the user to then share direct access to all the documents
16 associated with that particular MUR or ADR case with another user through a specified
17 Uniform Resource Locator (URL) or hyperlink. Rather, users must be instructed to go to
18 the EQS query page where the user would then run a new query using the MUR or ADR
19 case number in order to access the relevant documents. Should EQS provide a function
20 that would allow users to link directly to a specific MUR and ADR case? If so, what
21 would be the best way for EQS to provide such a function?

22 The Commission was constituted in 1975 and closed its first MUR in January
23 1976. At the present time, MURs that closed after January 1, 1999 are available on EQS.

1 MURs from 1976 to 1998 are presently available only on microfilm at the Commission's
2 Public Disclosure Room in Washington, D.C. However, the Commission is in the
3 process of digitizing the microfilm in order to make documents from all closed MURs
4 available online. Are there any particular ways the Commission can make online access
5 to these newly added MURs more user-friendly? For instance, the Commission intends to
6 use optical character recognition to ensure these documents are text searchable. Are there
7 other ways EQS can be improved?

8 The EQS system does not currently contain any information regarding the
9 Commission's Administrative Fines program. The Administrative Fines program covers
10 violations of the FECA section 434(a), 2 U.S.C. 434(a), by committees that file their
11 disclosure forms late, or do not file at all. See 11 CFR Part 111, Subpart B. Should the
12 Commission include on the EQS system documents related to the Administrative Fines
13 program? Would including Administrative Fines documents in EQS assist political
14 committees in fulfilling their reporting responsibilities under the Act?

15 b. Advisory Opinion Search Engine

16 The Commission's website currently allows searches of advisory opinions (AOs)
17 from 1975 to the present, including searches of certain documents associated with all
18 AOs issued by the Commission since 1999, such as requests, public comments, and
19 concurring and dissenting opinions. Links to all of these related documents are available
20 for AOs issued since 1999. Would it be helpful if the Commission were to include
21 documents related to AOs issued prior to 1999? The Commission has recently completed
22 an upgrade of the AO search system, resulting in enhanced search functionalities and
23 flexibility in displaying and sorting search results, as well as improved navigability, and

1 new features, such as the ability to display all search hits in results and an option to
2 display PDF documents full-screen.

3 The Commission seeks comment on the recently upgraded AO Search Engine and
4 whether the expanded AO query choices are sufficiently robust. Are results accurate?
5 Do they clearly and accurately reflect when an AO has been superseded by a change in
6 the law or by a subsequent AO? In what ways can the website's AO search capabilities
7 be improved? Should the documents in the AO search database include annotations?

8 c. Litigation Documents

9 The Commission brings enforcement suits in U.S. District Courts when matters
10 are not satisfactorily resolved through the administrative enforcement process and sues to
11 enforce administrative subpoenas. The FEC is also involved in defending lawsuits,
12 which generally fall into the following three categories: (1) lawsuits contesting the
13 Commission's dismissals of administrative complaints under 2 U.S.C. 437g(a)(8); (2)
14 petitions seeking review of Commission decisions regarding the Presidential public
15 funding program; and (3) civil suits challenging the constitutionality of provisions of the
16 FECA and the validity of the Commission's regulations. Materials related to litigation
17 are currently available on the Commission's website and are divided into four sections.
18 The section entitled "Selected Recent and Ongoing Litigation" provides links to materials
19 related to recent litigation involving the FEC. "Major Campaign Finance Court
20 Decisions" identifies key court decisions relating to the campaign finance law and
21 provides links to materials related to those decisions. There is also an "Alphabetical
22 Index of FEC Court Cases" that lists pending and past FEC cases alphabetically with
23 links to summaries and, for some cases, to court opinions and other documents, such as

1 the filed briefs. Finally, the website includes a “Subject Index for FEC Court Cases” that
2 lists pending and past FEC cases by subject matter with links to summaries and, for some
3 cases, to court opinions and other documents.

4 The Commission seeks comment on whether the information is sufficiently
5 complete and user-friendly. Are there pleadings, orders and court opinions that impact
6 the Commission, the FECA, and the public, that are not found on the website? For
7 example, the website currently contains only pleading that were filed by the FEC or by
8 parties aligned with the FEC. Should the website also provide access to pleading filed by
9 opposing parties? Are the documents timely posted and adequately indexed? Are the
10 documents easy to locate and search? Should the website contain summaries of cases and
11 opinions? Should the website contain links to the court opinions for every pending and
12 past case?

13 d. Rules, Statutes and Policy Statements

14 The FEC promulgates rules (also known as regulations) that implement the FECA
15 and other statutes. The Commission’s website currently provides access to the
16 Commission’s regulations, as well as a variety of legal resources, including the text of the
17 FECA and other relevant statutes. See www.fec.gov/law/cfr/cfr.shtml;
18 www.fec.gov/law/feca/feca.shtml.

19 Currently, a compilation of all the Commission’s rules is available in a single
20 PDF file on the website at www.fec.gov/law/cfr/cfr_2009.pdf. The website also provides
21 a link to the Government Printing Office’s (GPO) website where a user can access each
22 rule individually, both in PDF and text formats. See
23 www.access.gpo.gov/nara/cfr/waisidx_09/11cfrv1_09.html. Are the Commission’s

1 rules easy to find? Can the Commission's rules be printed easily? What improvements
2 can the Commission make in making its regulations available and accessible to the
3 public?

4 Whenever the Commission promulgates a new regulation it also adopts an
5 Explanation and Justification (E&J) providing detailed information about the new rule.
6 All of the Commission's E&Js are available on the website at
7 www.fec.gov/law/cfr/cfr.shtml and are organized both by citation (by Part, rule number,
8 and title) and chronologically (by date of adoption). Are the E&Js organized in a useful
9 way? If not, how should they be organized? Should they be organized by related subject
10 matter? Are the E&Js easy to locate? Once located, are they easily searched?

11 Similarly, is the text of the FECA and other relevant statutes easy to find on, and
12 print from, the Commission's website? The FECA is often amended through the passage
13 of other statutes such as, most recently, the Honest Leadership and Open Government
14 Act of 2007 (HLOGA), Pub. L. 110-81, 121 Stat. 735 (2007). Are these statutory
15 amendments to the FECA easy to find? If not, how can the Commission make them
16 more accessible? Should the Commission provide annotated versions of its rules and of
17 the FECA that discuss court interpretation or promulgation history, or cross-reference
18 Advisory Opinions, enforcement matters and litigation?

19 The Commission also makes its policy statements available on the website at
20 www.fec.gov/law/policy.shtml. The policy statements address such issues as (1) Best
21 Efforts to Collect Contributor Information, (2) Self Reporting of Campaign Finance
22 Violations (Sua Sponte Submissions), and (3) Safe Harbor for Misreporting Due to

1 Embezzlement. Are the policy statements organized in a useful way? If not, in what
2 other way should they be organized?

3 e. Rulemakings

4 Documents relating to recent (starting from 2007) and ongoing FEC rulemakings
5 are listed by topic in reverse chronological order on the Commission's website, with new
6 rulemakings added to the top of the list. See www.fec.gov/law/law_rulemakings.shtml.

7 Documents related to older rulemakings (1999-2006) are also available on a Rulemakings
8 Archive page at www.fec.gov/law/RulemakingArchive.shtml. Are the Commission's
9 rulemakings easy to find? Is the information related to each rulemaking organized in a
10 useful way? If not, how should they be organized? Should the Rulemakings Archive
11 page include proceedings from prior to 1999? Is there additional information related to
12 Commission rulemakings that would be useful to include on the website?

13 **XIII. Electronic Filing of Disclosure Reports**

14 Since 2001, almost all political committees have been required to file reports and
15 statements electronically with the Commission (the requirement to file electronically does
16 not currently apply to Senate candidate committees). Political committees generally must
17 file all reports and statements electronically if their total contributions or total
18 expenditures exceed, or are expected to exceed, \$50,000 in a calendar year. See 11 CFR
19 104.18. The Commission seeks comment on whether the Commission's electronic filing
20 system is easy to use, particularly for first-time users. The Commission seeks comment
21 on ways in which the Commission's electronic filing system can be improved, such as
22 whether the Commission's electronic filing software, FECFile (available at
23 www.fec.gov/electfil/FECFileIntroPage.shtml), is sufficiently user-friendly and whether

1 the Commission has provided sufficiently clear instructions to help filers use the
2 software.

3 FECFile is the Commission's electronic report filing software application
4 designed to run on Windows platforms that enables filers to record and track information
5 required for reporting to the Commission and to securely submit these data to the
6 Commission electronically. Have filers been able to use the FECFile software on
7 computers with the latest Windows operating systems such as 64-bit Vista? Should
8 FECFile be modified to also operate on a MAC platform? The Commission is aware that
9 several commercial vendors also offer other software packages that political committees
10 can use to record and track financial information that can then be reported to the
11 Commission. See www.fec.gov/electfil/software.shtml. The Commission seeks comment
12 on ways in which FECFile can be improved. What functions are not available through
13 the use of FECFile that are available through commercial software packages (e.g., drop-
14 down windows that would offer a choice of acceptable descriptions of purpose for
15 particular reported disbursements)? Should FECFile be modified to include those
16 functions? Is FECFile as flexible, intuitive and helpful as commercially available
17 software packages? If not, in what ways is it less flexible, intuitive or helpful?

18 In order to file electronic disclosure reports using FECFile, a user must obtain a
19 password (whether for the first time or as a replacement of an old password) by faxing or
20 mailing a request letter to the Commission. If the request letter is sent on behalf of a
21 political committee, the letter must be signed by the committee's treasurer. A member of
22 the Commission staff then calls the requester and provides a password over the phone.
23 Should the Commission allow users to request a first-time password electronically

1 through the website? Should users also be able to electronically change their passwords,
2 or create new ones when an old password is forgotten? If yes, what security measures
3 should the Commission put in place to ensure that passwords are only provided to
4 authorized persons?

5 The Commission has not made public the source code for the FECFile software
6 package. If the Commission made the source code for FECFile public, this would allow
7 others to develop modifications to the software on their own. Would this be useful? If
8 so, how?

9 Generally, the Commission seeks comment on whether providing FECFile
10 software to filers is the best approach to facilitate the electronic filing process. Are there
11 alternative approaches that would better serve this function, such as using instead a web-
12 based report filing system that would not require reporting committees to use separate
13 specialized software?

14 With respect to the existing FECFile software package, can novice users easily
15 input the required information? If not, what types of common problems do users
16 encounter? User manuals, Frequently Asked Questions (FAQs), and other documents to
17 assist FECFile users are available on the Commission's website at
18 www.fec.gov/support/index.shtml. Are these materials sufficiently helpful to FECFile
19 users? In what ways can the materials be improved? Should focused guidance be
20 available for each data entry space and should the guidance be accessible by clicking in
21 or near that data entry space? If there are problems that FECFile users are unable to
22 resolve, does the Commission provide adequate technical support? If not, what are the
23 current deficiencies and how can these be addressed?

1 Additionally, because it is common for electronically filed disclosure reports to
2 contain missing, incomplete or even inconsistent data, the Commission’s staff is often
3 required to reconcile the data before it can be useful to the public. The Commission
4 invites suggestions on ways in which the Commission might be able to mitigate the work
5 currently required by Commission staff to reconcile the data. For example, should the
6 Commission’s electronic filing system automatically prevent filers from submitting
7 reports with missing, incomplete or inconsistent data and at the same time inform the filer
8 of the deficiency and suggest ways in which the report can be corrected thereby allowing
9 the filer to know in advance that there is a problem and provide information about
10 possible solutions?

11 The Commission currently makes available a set of programming tools, including
12 electronic filing specifications requirements and validation software, for vendors to use in
13 developing their own commercial software packages. Are these tools useful? How can
14 they be improved? Should the Commission employ a more rigorous certification
15 standard for commercial software? Are new or more rigorous software standards for
16 commercial software packages advisable to prevent filing of reports with missing,
17 incomplete or inconsistent data, or do current standards need to be better enforced? How
18 can the Commission ensure that changes do not unfairly burden candidates, especially
19 less well-funded challengers?

20 **XIV. Electronic Filing of Other Documents**

21 The Commission interacts with the public, the media, political committees, and
22 other entities through a variety of means. The above-described electronic filing system,
23 which resulted in improvements to the Commission’s filing procedures, is one such

1 means. The Commission seeks comments on whether the use of electronic “portals” for
2 filing purposes could improve the Commission’s procedures in other areas.

3 For instance, in rulemaking proceedings, although the Commission currently
4 allows comments on proposed rules to be submitted by e-mail, should the Commission
5 allow electronic filing of petitions for rulemaking and for comments in rulemaking
6 proceedings through its website? If so, should the Commission move to an entirely
7 online system for filing of petitions for rulemaking and for comments in rulemaking
8 proceedings, such that paper versions of comments and rulemaking petitions submitted
9 by the public would no longer be accepted?

10 Similarly, should the Commission implement a system for electronic filing of
11 advisory opinion requests? Should the Commission also implement a web-based
12 electronic filing system for commenting on advisory opinion requests and draft advisory
13 opinions, whereby comments could be filed directly through the Commission’s website
14 either by entering text on the website or by uploading a file? If so, should the
15 Commission mandate the electronic submission of all documents submitted by members
16 of the public in connection with advisory opinions, such as advisory opinion requests,
17 comments on advisory opinion requests, and comments on draft advisory opinions?

18 The Commission’s website currently provides information to the public regarding
19 the procedures for filing a complaint with the Commission. At the present time,
20 however, all complaints must be submitted on paper by mail or in person. Respondents
21 are provided with notices of complaints pursuant to the provisions of the Act, but
22 currently all responses also are submitted by hard copy. The Commission seeks
23 comments on whether it should accommodate electronic filing of complaints and

1 responses. Should the Commission allow electronic filing of complaints and responses to
2 substitute for paper copies? Rather than allowing for permissive electronic filing, should
3 the Commission mandate electronic filing for complaints and responses? Given that
4 FECA requires that all complaints be signed and sworn by the person filing the
5 complaint, would an electronic signature, or even the use of a user account and password,
6 satisfy this statutory requirement? When the Commission communicates with
7 respondents, such as sending notifications of reason-to-believe or subpoenas for
8 documents, should the respondent be encouraged to submit answers and documents by e-
9 mail or, alternatively, through a web-based submission form? Also, should the
10 Commission accept conciliation agreements that contain an electronic signature by
11 electronic means?

12 **XV. Commission Meetings**

13 Audio recordings of public Commission meetings are generally available on the
14 Commission's website within 48 hours after a meeting. See
15 www.fec.gov/audio/audio.shtml. The Commission currently does not create video
16 recordings of its public meetings. The audio recordings are available in an MP3 file
17 format, which can be played through a user's preferred software such as Windows Media
18 Player, Real Player, or QuickTime. The Commission also makes these audio recordings
19 available as podcasts, which are automatically sent to a user once a user signs up for the
20 podcasts on the Commission's website. The URL for the Commission's podcasts is
21 www.fec.gov/audio/fec_audio.xml.

1 The Commission seeks comment on whether these audio recordings are useful.
2 Should they be made available in different formats? If so, which formats? Should the
3 Commission make live audio streaming of its meetings available as well?

4 Should the Commission make available video recordings of its meetings? If so,
5 should a live stream of the video be made available or is a recording sufficient? What
6 technology should the Commission use to provide access to video streaming of its
7 meetings?

8 In addition to audio and video recordings, should the Commission make available
9 written transcripts of its open meetings? If yes, would it be appropriate for the
10 Commission to charge for access to such transcripts?

11 **XVI. Technical Issues**

12 a. Software and Operating Systems

13 The Commission seeks comment on a number of technical issues relating to its
14 website, including URL naming conventions, the use of metadata, website accessibility,
15 formatting, and hardware.

16 The Commission uses a number of URL naming conventions in designating
17 names for the pages on its website. For example, the Commission uses lower case letters
18 and has set a number of directories related to major categories of information available on
19 the website. The Commission seeks comment on whether it is using appropriate URL
20 naming conventions for the pages on its website.

21 The Commission also seeks comment on other aspects of data receipt and
22 presentation. For example, what metadata standards should the FEC use and why? The
23 Commission also seeks comment on how easily its website can be accessed by the public.

1 Is the Commission’s website accessible using different web browsers, such as Internet
2 Explorer, Mozilla Firefox, Safari or Google Chrome? Also, is the Commission’s website
3 accessible using different operating systems and at different connection speeds? Is the
4 Commission’s website accessible using recently released versions of operating systems
5 such as 64-bit Vista? What can the Commission do to ensure that its website remains
6 accessible as new technology becomes available?

7 b. Hardware

8 The Commission also seeks comment on the type of computer hardware the
9 Commission uses to support its website. The Commission currently uses load-balanced
10 Sun Fire servers running Solaris 10 with Webserver Apache. Are these servers the best
11 hardware for a website such as the FEC’s? If not, why not and what kind would serve the
12 public better? What innovations or advancements are anticipated in the near future? In
13 what ways can the FEC plan for such advancements?

14 c. File Formatting

15 The Commission also seeks comment on its website formatting and printability.
16 The Commission currently uses Adobe Dreamweaver for website development. Is
17 Dreamweaver the best software available for development of a website such as the
18 FEC’s? If not, why not and what software would serve the public better now and in the
19 future?

20 Are the Commission’s website pages formatted properly to allow for easy
21 printing? Should the Commission employ a “printer friendly” function on its website? If
22 so, on which pages?

1 The Commission also seeks comment on whether documents are made available
2 in formats that are easy to access, such as HTML (Hyper Text Markup Language), XML
3 (Extensible Markup Language), Microsoft Word or PDF. For example, are there
4 adequate links to the downloadable free PDF viewer provided? Is page download time
5 for PDF documents quick enough, especially for scanned documents? Finally, should
6 large documents be made available for viewing and printing by smaller sections or
7 chapters?

8 **XVII. Maintenance of Content**

9 The Commission updates its website on a daily basis by adding new information,
10 updating old information and removing obsolete information. Examples of these changes
11 include guidance about new statutes and regulations. The Commission seeks comment
12 about whether information is added, updated and deleted in a timely manner. If not, what
13 would be a reasonable time period within which information should be added, updated or
14 deleted? Is the information on the FEC's website current? Are users easily able to see
15 whether a page is current? For example, should each page on the Commission's website
16 provide information about the "date posted" or "last reviewed" to allow viewers to assess
17 whether the information is current? Should the Commission maintain archived versions
18 of the website so that users can access information that was available in the past? If so,
19 how should the Commission make archived versions of the website accessible?

20 When new information is added to a website it is important to ensure that the new
21 information is not duplicative, or worse yet, contradictory to information that is already
22 available. Additionally, it is vital that links are updated to ensure that viewers can access
23 the information they seek. The Commission seeks comment on whether its website

1 contains contradictory or erroneous content. Are links on the Commission's website
2 maintained properly?

3 The Commission also seeks comment on whether, and if so, how often, it should
4 conduct a content review of the entire website to ensure that online content is accurate,
5 relevant, mission-related and written in plain language.

6 **XVIII. Privacy Policy**

7 Federal agencies are under an obligation to protect the privacy of the American
8 people when they interact with their government. Accordingly, agencies are required to
9 have clear privacy policies and to post those policies on their websites. The FEC's
10 privacy policy is available at www.fec.gov/privacy.shtml. The Commission seeks
11 comment on whether its privacy policy is appropriate and adequate.

12 **XIX. Implementation of Changes**

13 After the Commission reviews the written comments filed in response to this
14 notice, as well as the testimony from witnesses at the hearing, the Commission will
15 consider implementing improvements to the ways in which the Commission uses the
16 Internet to disclose information to the public, including changes to the Commission's
17 website. Once the Commission implements such changes, what is the most effective way
18 for the Commission to inform the public about those changes? For example, should the
19 Commission provide a link on the homepage to a guide regarding changes? Should the
20 Commission issue a press release? Are there other ways the Commission should inform
21 the public once the website is updated?

22

1 **XX. Customer Satisfaction & Future Improvements**

2 The Commission currently receives comments and suggestions regarding its
3 website through e-mails sent to the Commission's Web Manager
4 (Webmanager@fec.gov). Currently, the Commission has no other method of measuring
5 the usability of its website or customer satisfaction. Thus, the Commission seeks
6 suggestions on ways in which the Commission could measure usability and customer
7 satisfaction. For example, should the Commission conduct focus groups? Should the
8 Commission conduct online surveys? Should the website host blogs in which users could
9 provide feedback? Should these blogs be made available to the public? Are there any
10 privacy concerns that the Commission should be aware of that are associated with
11 conducting online surveys?

12 Going forward, the Commission seeks comment on how it may most effectively
13 review and make further website improvements. Also, the Commission seeks comment
14 on the most effective way to solicit and receive further feedback and suggestions. Is the
15 Commission's use of the Webmaster e-mail address sufficient? Should the Commission
16 proactively solicit additional feedback from the public? Finally, the Commission seeks
17 comment on whether it should post user comments and suggestions on the Commission's
18 website. If so, should the Commission also post actions taken by the Commission in
19 response to such comments and suggestions?

20 **XXI. Recommended Resources**

21 Are there private resources such as research centers, academic institutions, or
22 technical experts and consultants, available that the Commission might not be aware of
23 that could assist the Commission in implementing improvements to the ways in which the

1 Commission discloses information to the public and improvements to its website in the
2 most expeditious and efficient manner possible? If so, what are those resources and how
3 can the Commission access them? Are those resources available from commercial
4 entities or non-profit organizations? Are there other government agencies that maintain
5 websites that the Commission should try to emulate? If so, which agencies and why?

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Steven T. Walther
Chairman
Federal Election Commission

12 DATED _____
13 BILLING CODE: 6715-01-P