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March 12, 1992

N. Bradley Litchfield
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Comments on AOR 1992-11

COMMENTS Re:
AOR 1992-11

Dear Mr. ^{Brad}Litchfield:

Perkins Cole submits these comments pursuant to 11 C.F.R. § 112.3(a) in support of the position taken by Mr. Thomas C. Nice in Advisory Opinion Request 1992-11.

I have attached a letter which we submitted to the Commission's Reports Analysis Division in response to a request for additional information which sets out our views on the use of computer generated summary pages for the reports filed under the federal campaign laws.

If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Very truly yours,


Judith L. Corley

mailed
12-18-91

FILE COPY

EFFECTIVE GOVERNMENT COMMITTEE

**80 F Street, N.W., 8th Floor
Washington, DC 20001**

December 17, 1991

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FEDERAL ELECTION COMMISSION

**Kelly A. Huff
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463**

**Re: Effective Government Committee
FEC I.D. No. C00190876
30-Day Post-Special Report**

Dear Ms. Huff:

This is in response to your letter dated December 6, 1991, in which you state that "only schedules of receipts and disbursements may be computerized" and ask that the Committee's Summary and Detailed Summary Pages be amended to include the Federal Election Commission's forms for these pages.

You cite 11 C.F.R. § 104.2(d) as authority for the prohibition on submitting computerized Summary and Detailed Summary Pages for Form 3X. This section, however, contains no such prohibition. It is, rather, a permissive section, stating that a committee "may use" computerized schedules of receipts and disbursements if it chooses, and if it meets certain requirements (prior approval of the Commission, reduction to size of FEC forms).

The regulations do not contain any requirement that a committee submit its reports only on forms furnished by the FEC. Section 104.2(c) of the regulations specifically provides that "a committee may reproduce FEC forms for its own use provided they are not reduced in size." The section does not specify any particular method by which this reproduction must be made.

It would seem clear that these two regulatory provisions are designed to make the filing requirements for a committee

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easier, not harder. The Commission is willing to accommodate a wide variety of computerized schedules, with minimal restrictions, because committees have a wide variety of computer programs with which to work. Since the ultimate purpose of the reporting requirements of the statute is the disclosure to the public of certain campaign finance information, the Commission has traditionally taken a flexible view towards the means of that disclosure, as long as the information is complete and is presented to the public in a legible, understandable format. Of course, the format must also meet certain administrative criteria for processing by the FEC (e.g., microfilming).

At the same time, the Commission has not allowed a wide variety of formats for the Summary and Detailed Summary Pages. With the large quantity of information presented on these two pages and the mathematical functions necessary for meaningful summaries, such variety would make the Commission's disclosure responsibilities extremely difficult.

The Committee fully acknowledges the need for a standard format for the Summary and Detailed Summary Pages. For this reason, the computerized versions submitted by the Committee were faithful reproductions of the format provided by the Commission on its Form 3X. Nonetheless, if the Commission has identified some aspect of the reproductions that do not conform to the Commission's needs in administering the public disclosure requirements, the Committee is willing to modify its reproductions to bring them into compliance.

The Commission should also consider the benefits of having computerized facsimiles of the summary pages submitted. Because the forms are printed fresh each time the report is produced, the quality of the print is outstanding, as compared with forms photocopied many times. Further, because the information on the summary pages is taken from the data base underlying the computerized schedules, there is no chance of a typographical error, as there is when the information is transferred from the schedules by hand.

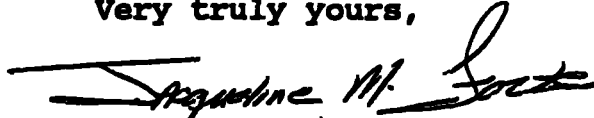
The Committee has fully complied with the Commission's regulations by submitting reproduced forms under 11 C.F.R. § 104.2(c). The Commission must permit the submission of these forms (allowing for any administrative changes the Commission may require). Any other result is the bureaucratic

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triumph of form over substance (literally as well as figuratively).

If you have any questions, please contact the Committee's counsel, Judith L. Corley, at 202/434-1622.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jacqueline M. Forte". The signature is written in a cursive style with a large, looping initial "J".

Jacqueline M. Forte
Treasurer