



August 21, 2009

Via Email: improvecfecinternet@fec.gov

Mr. Robert Hickey
Staff Director
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Mr. Hickey:

Thank you for the opportunity to submit the attached comments on the FEC's Website and Internet Communications Improvement Initiative. I respectfully request the opportunity to testify at the hearing scheduled for August 25, 2009.

Should you have any questions or need further information, please contact me at 202-354-0104 or skrumholz@crp.org.

Sincerely,

Sheila Krumholz
Executive Director
Center for Responsive Politics

Comments of the Center for Responsive Politics Regarding the Federal Election Commission's Web Site and Internet Communications Improvement Initiative

The Center for Responsive Politics (CRP) commends the Federal Election Commission's commitment to improving its Web site and for seeking input from the public. We have long been impressed by the dedication of the FEC's staff to its mission and to the integrity of the campaign finance data itself. We are pleased to have the opportunity to offer our support as the FEC investigates how to improve the public display and dissemination of the data upon which our own work depends.

In 1990, CRP published our first "OpenSecrets: The Encyclopedia of Congressional Money in Politics." It weighed 8 pounds and cost about \$150—not very user friendly. So when we first launched our Web site, CRP.org (now OpenSecrets.org), in 1996, we were thrilled to find "the perfect medium" for our research, allowing us to publish a number of additional useful resources. These included Profiles of all PACs, classified by industry, and much more expansive profiles of campaign contributions for every member of Congress—aggregated by total receipts and spending, totals by industry, by top donor organization, top sources of cash by geographic location, etc.

Since then we have added a number of other important features to our site—Race profiles for analysis of every candidate's money; Party Profiles; Industry Profiles detailing total contributions to federal candidates and parties for every sector and industry; Lobbying Profiles totaling expenditures by federally registered lobbyists; Personal Financial Disclosure data for all lawmakers and key government officials, etc. In going from "books to bytes" we were able to more directly meet our mission: To make information about money in politics more transparent; and to disseminate this information—for free—so that citizens could hold their government accountable and so that voters could make informed decisions at the ballot box. Prior to launching our site, CRP mostly catered to reporters, especially those covering politics and mostly inside the Beltway, believing this was the most efficient form of outreach for a small organization like ours. Launching our site allowed us to begin reaching out to the public directly and on a broad scale.

In 2007, CRP began a fundamental—and labor-intensive—redesign of our site and created our first custom APIs. Our new site, showcasing more intuitive navigation and a smart new look, debuted in May of 2008. Shortly after that, CRP launched our first public APIs and widgets. Finally, with support of the Sunlight Foundation, CRP entered a new and exciting phase of development with our OpenData Initiative in April of this year. With this undertaking, we are providing free, non-commercial use of all of the value-added, transaction-level detail upon which our entire site is built. Beyond that we are gradually adding easy-access downloads of smaller data sets throughout our site—while still maintaining and updating all money-in-politics data and adding new features on an ongoing basis.

With regard to these comments, our focus is mostly on the aggregation and analysis of data from the FEC. Because we no longer monitor FEC enforcement activities as closely

as we have in the past, we will limit our comments to the organization and presentation of data, rather than also weighing in on the important enforcement information also presented on the FEC's site.

Additionally, the Commission has received a lot of excellent suggestions about how to make the FEC Web site more user friendly. We concur with many of those comments, particularly those about the "organization of the FEC's Web site" submitted by the Sunlight Foundation. We feel strongly that the FEC does have a very important role to play as the definitive source for citizens to find information about campaign contributions and expenditures in a "retail" format. However, we also agree with Sunlight's emphasis on making sure that, first and foremost, the structure and accuracy of the base data (the "wholesale" function) provided by the FEC is reliable. It is concern about this last element that we wish to focus on in our comments.

On a fairly regular basis, CRP finds errors in the FEC data. The presence of errors is not at all surprising, given that there are thousands of filers with varying levels of sophistication submitting millions of records (cumulatively) each cycle. Most of these are errors made by the filers. Some appear to be FEC errors. While the FEC clearly has very good auditing and coding procedures, more eyes on the data provides the ability to identify more errors. And CRP is happy to help in this way as, no doubt, are other organizations. It benefits the FEC data processing operation, it benefits the public because it cleans up the public record and it benefits the filers when the FEC informs them of deficiencies in the data through Requests For Additional Information.

It bears mentioning that, over many years, our researchers and IT staff have frequently requested assistance regarding such issues from the FEC—usually from staff in the Data Systems division, but also in the Press Office and in Public Records—and they have consistently been courteous, helpful and generous with their time. When we notify the FEC of errors and they are able to make the correction without contacting the filer, this is usually done in a timely manner.

However, FEC staffers are not always able to help us with our data quandaries. Apparently, some problems are simply too difficult to fix within the current reporting framework. For example, sometimes the filer appears to have interpreted the field to mean something completely different, and that the reporting rules require the FEC to, nonetheless, accept the report. Such varied interpretations of data that would otherwise appear to be describing the same thing make comparative analyses dangerous, if not impossible. This raises serious concerns about the accuracy of the base data and any derivative representations of it.

The following are a few examples of problems that can cause major disruptions in our ability to process and use FEC data in an efficient and timely manner:

Amendments: FEC rules allow the filers to submit amended reports in different ways. This means that the FEC (and, therefore, CRP) cannot always identify an original record and the one meant to replace it. So duplicates, and even triplicates, are introduced into the

record. This is a significant problem, one that has been ongoing for years and represents thousands upon thousands of apparent or likely duplicative records in multiple cycles. And this is at least one of the reasons why, in many cases, the sum of all individual contributions for a candidate is much higher than the total contributions reported by that candidate.

“Mr and Mrs” Contributions: Reports often include contributions referencing multiple people in the same record, e.g., “Mr and Mrs Smith.” Such contributions pose problems, particularly when the information is later amended to split these two contributions apart, as this scenario also can often result in duplicate contributions.

Reattribution/Redesignation Problems: Records that are later amended to indicate reattributions or redesignations sometimes require special programming to deal with varied reporting standards among filers. Reporting of these are notably inconsistent between filers.

Unitemized vs Itemized Contributions: It is impossible to calculate the contributions received from small donors consistently. First, the Senate data is not filed electronically and the FEC has not yet published totals for itemized/unitemized individual contributions (line 11a). Further, when we take the sum of all large, itemized contributions (> \$200) and subtract that from the total for all individual contributions reported by a committee (WebL/WebAll), we sometimes get a result that is negative or so low as to be a likely error. Finally, if we add all of the "unitemized total" lines from a full cycle for a candidate we get a number that includes the first \$200 given by at least some people who eventually gave more.

In such cases, there is apparently nothing that FEC staff can do to prevent (and sometimes even to correct) the problems because the FEC does not prohibit filers from interpreting the forms in different ways. This has long been a source of frustration for us, because even if we are virtually certain that we see an error, we want to show what the public record is alongside our value-added data so that people can “trace it back to the root.” We want to use what has been submitted to the public record and what is displayed on the FEC site, not our best guess of the filer’s intent. Ultimately it’s the public record—and anyone who relies on it—that suffers. We believe this is likely a consequence of insufficient guidance about, and enforcement of, acceptable data standards.

Furthermore, we know that if we changed our data while the FEC did not, we would then need to maintain a record of every such change and continually update these changes after we download each new FEC data file that replaces the old data. We also surmise that if this is a problem for CRP, it is a problem for many others as well.

The quality of the original or “raw” data that we gather from the FEC is critical. Each field should have one precise definition yielding one unique piece of information, and the rules must be clear and precise about what to report and how. We have had trouble with data because the reporting rules allow filers to report the same kind of data in different

ways, creating anomalies in the FEC data that seem like they should have been resolved before being submitted to the FEC in the first place. The data that the FEC receives is already complicated to begin with, creating further complications for aggregation and interpretation. However, this appears to be compounded because the FEC accommodates the many committees' differing perceived needs in terms of filing.

We can appreciate that the FEC may receive a lot of indications from filers that their data operations are not sophisticated enough to incorporate changes to the rules. However, the vast majority of filers are using purchased software provided by vendors and those vendors have the capacity to adapt relatively easily. Others are filers that are putting reports together on their own, without the assistance of a commercial vendor, and will be aided by significant advance notice of the changes. They would also benefit from additional assistance from FEC staff for the specific purpose of explaining the new rules and reformatting their reports in order to comply with those rules. Such discrepancies in the data should not be tolerated and will continue to cause major problems down the road for both the FEC and for CRP, but most importantly for the public at large, because citizens should be confident that their government is providing reliable access to accurate data that can be consistently interpreted.

In sum, this is complicated data, the reporting rules are complex and varied and, therefore, reporting patterns are inconsistent –and that creates problems for people trying to interpret the data and use it properly. CRP agrees with the others who, through comments and testimony, have urged the FEC to address the issues with data consistency and accuracy first. We, too, believe that these problems are paramount and that, by fixing these first, the secondary process of providing improved, online “retail services” will be made much simpler. We do feel that the FEC has an obligation to provide both “wholesale” and “retail” services, but that the first priority should be to focus on establishing consistent and clear requirements for filing data. We feel confident that all else will flow more easily following that all-important first step.

We recognize that this is no simple task, and may be much more difficult than any other task associated with this initiative. That said, we also believe that it is essential—and a long time coming. The sooner the FEC embarks upon this work, the less painful it will ultimately be for all involved – internally at the FEC, and externally among the many filers, vendors, “consumers” such as CRP and the public at large.

In regard to “language issues,” which have been raised in previous comments: CRP heartily supports making the FEC site more user friendly, including changes to put terminology “into English,” so to speak. Here again, we at CRP recognize the challenge this presents. Just as with money and speech, there seems to be a healthy tension between meeting the needs of filers (and their legal counsel), and simultaneously meeting the needs of the public to understand these things in more basic, laypersons' terms. On our site we often use more basic descriptions in page titles and chart headers but, because that is so inadequate to the needs of advanced users, we sometimes feel that we have no choice but to resort to voluminous footnotes, sidebars and links to methodology in order to fully explain what we're presenting. (This doesn't always make for pleasing design,

but we feel it's important. Perhaps the FEC will find better solutions. Certainly, having first identified more user-friendly terminology as a goal is key.)

Here again, we agree with comments provided by others, including Professor David Magleby and his team that, ideally, where technical or legal language must be used for a complete and precise understanding of key terms, the FEC should use it—but it should consider adding a more streamlined version of the information as well. And wherever simpler terms could be used *in place of* technical jargon without jeopardizing the necessary understanding of the information, those more basic terms should be used instead.

ABOUT THE CENTER FOR RESPONSIVE POLITICS

The Center for Responsive Politics is the nation's premier research group tracking money in federal politics and its effect on elections and public policy. For more than 25 years the nonpartisan, nonprofit Center has aimed to create a more educated voter, an involved citizenry and a more responsive government. CRP's award-winning website, OpenSecrets.org, is the most comprehensive resource for campaign contributions, lobbying data and analysis available anywhere. For other organizations and news media, CRP's exclusive data powers their online features tracking money in politics. CRP relies on support from a combination of foundation grants and individual contributions. The Center accepts no contributions from businesses, labor unions or trade associations.