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April 3, 2023

Danya C. Brown  
Assistant Staff Director  
Audit Division  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

Re: Draft Final Audit Report  
CWA COPE PCC

Dear Ms. Brown:

We are writing in response to your March 1 letter and the Draft Final Audit Report of the Audit Division resulting from the audit of Communications Workers of America – COPE Political Contributions Committee (the “Committee”).

As the Draft Final Audit Report notes, the Committee complied with the recommendation conveyed in the Interim Audit Report to address Finding 1 by amending its 2022 June Monthly Report to correct the cash on hand balance and by amending subsequent reports to carry the corrected balance forward. In the time since the Draft Final Audit Report was prepared, the Committee has also undertaken compliance with the Audit Division staff’s recommendation to address Finding 2 by disclosing all of the occupation and name of employer information (“OCC/NOE Information”) it has obtained through “best efforts” on amended 2019-2020 reports. However, due to certain technological limitations of the Commission’s report filing system, these amendments have required considerable effort by Committee personnel.

In the Interim Audit Report, the Audit Division staff recommended that the Committee disclose the additional OCC/NOE Information for 2019-2020 contributions in one of three ways: (1) by filing a Form 99 (Miscellaneous Electronic Submission) containing all of the pertinent information required on Schedule A for each contribution; (2) by filing an amended Schedule A (Itemized Receipts) on its next regularly scheduled disclosure report listing all of the contributions for which it received additional OCC/NOE Information; or (3) by amending all of its 2019-2020 reports. In response to the Interim Audit Report, the Committee informed the Audit Division of its intent to comply with the recommendation by filing one or more Forms 99. This approach initially appeared to be the most straightforward for the Committee because the additional OCC/NOE Information to be disclosed was stored in a spreadsheet that the

Committee could have easily converted to a text file and transmitted to the Commission. However, the Committee discovered that the Commission's filing system limits Forms 99 to only 20,000 characters, which would have resulted in the Committee's needing to file thousands of separate Forms 99 in order to transmit the nearly 80,000 rows of data in the spreadsheet.

When the Committee discovered the near-insurmountable burden of disclosing the OCC/NOE Information using Form 99, the Committee contacted Mr. Carrell with the Audit Division staff and the Committee's assigned Senior Campaign Finance Analyst, Michael Adamsky, to discuss alternatives. Both Mr. Carrell and Mr. Adamsky were generous with their time and attempted to help the Committee resolve how to disclose the OCC/NOE Information as efficiently as possible. The Committee truly appreciates their efforts to provide assistance. However, after conferring with the Committee's filing software provider, it became clear that the Audit Division staff's second recommendation for disclosing the OCC/NOE Information – filing an amended Schedule A on the next regularly scheduled report disclosing the 2019-2020 contributions with the additional information supplied – was not feasible either. We understand that such an option may be available to committees that file using FECfile, but the Committee's software could not accommodate such a filing without custom data management work by its software provider at a considerable cost to CWA.

With the Form 99 and amended Schedule A options effectively unavailable, the Committee has been left with no choice but to amend all of its 2019-2020 reports to disclose the additional OCC/NOE Information – itself a time-consuming effort requiring significant resources of CWA personnel. They have already filed numerous amendments and expect to complete the rest by Wednesday, April 5, 2023.

While the Committee appreciates the need to comply with all of the steps required by 11 C.F.R. § 104.7(b) to demonstrate “best efforts,” the difficulty that the Committee has encountered in attempting to do so is not unique. For this reason, we urge the Commission to consider expanding and modernizing the options available to filers for disclosing additional OCC/NOE Information in compliance with 11 C.F.R. § 104.7(b)(4). When a committee has the required information available in a commonly-used format like a spreadsheet, there should be a simple mechanism by which the committee can file that information with the Commission and update the public record. The Commission need not even amend its regulations to make this change – for example, it could create an option for filing an amended memo Schedule A directly through its website, which a committee could use to submit only the information described in 11 C.F.R. § 104.7(b)(4)(i)(A) at the same time that it files a regularly-scheduled report using the committee's ordinary filing software. Such an option would no doubt improve overall compliance with “best efforts” requirements by making that compliance considerably easier, just as it would have made the Committee's compliance with the Audit Division staff's recommendations much easier as well. We would appreciate your consideration of this suggestion and circulation of it to the appropriate officials at the Commission, and we would be glad to discuss it.

Thank you for your consideration.

Yours truly,



Laurence E. Gold  
Renata E. B. Strause

Counsel to CWA COPE PCC

cc: Sara Steffens, Treasurer