

**FEDERAL ELECTION COMMISSION**

**FISCAL YEAR 2018**

**CONGRESSIONAL BUDGET JUSTIFICATION**



**May 23, 2017**

Concurrently submitted to Congress and the Office of Management and Budget

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## SUMMARY OF FY 2018 BUDGET JUSTIFICATION

The Federal Election Commission (FEC) is an independent regulatory agency responsible for administering, enforcing, defending and interpreting the *Federal Election Campaign Act of 1971* (“FECA” or “Act”), as amended.<sup>1</sup> As the foundation of Federal campaign finance regulation, FECA reflects Congress’s efforts to prevent corruption through two principal means. First, it ensures that voters have access to information about the sources of financial support for Federal candidates, political party committees and other political committees. Second, the FECA imposes amount limitations and source prohibitions on contributions received by certain types of political committees. The Commission’s responsibilities also include overseeing the Federal public funding programs for Presidential campaigns.<sup>2</sup>

For the fiscal year (FY) 2018 Budget Submission, the FEC’s total requested funding level is \$71.25 million, which is an increase of only \$131,000 over the FEC’s FY 2017 budget. Over the recent past, the FEC has increasingly focused on the Agency’s efficiency, effectiveness and accountability. For example, the FEC has made a number of investments in various IT systems that have started to result in savings, and the agency anticipates future savings from previous investments as well as new investments that will result in further savings in the future. As a result of these efforts, and in order to limit this funding request to \$71.25 million, this funding request represents a decrease from the projected 365 FTE funding requested for FY 2017 to funds for 345 FTE in this request. Additionally, the requested amount for IT Contracts in this request is nearly nine percent less than the amount requested for the previous year, a reduction of more than \$650,000. These savings in IT Contracts are the result of Agency staff’s efforts and commitment to reducing operational and maintenance expenses related to eliminating a legacy system and infrastructure. In total, the FEC’s funding request for FY 2018 is only a slight increase over its FY 2017 budget; in fact, the requested increase is less than the amount needed to fund the mandatory 1.9% salary increases for the 2018 calendar year.

Looking forward, the FEC has begun to consider its response to the President’s Executive Order entitled Comprehensive Plan for Reorganizing the Executive Branch,<sup>3</sup> seeking to build on these improvements in efficiency, effectiveness and accountability. The Agency anticipates developing a plan that can achieve further savings.

### FEC Budget Request

The FEC protects the integrity of the Federal campaign finance process by providing the public with accurate and accessible information about how candidates raise and spend funds to support their campaigns. In an average fiscal year, the FEC receives campaign finance reports, statements and other disclosure documents from more than 10,000 political committees and other filers. During FY 2016, these filers reported more than 83.4 million financial transactions, which were

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<sup>1</sup> Public Law 92-225, 86 Stat. 3 (1972) (*codified at* 52 U.S.C. §§ 30101-30145).

<sup>2</sup> The Commission’s responsibilities for the Federal public funding programs are contained in the *Presidential Election Campaign Fund Act*, Public Law 92-178, 85 Stat. 562 (1971) (*codified at* 26 U.S.C. §§ 9001-13) and the *Presidential Primary Matching Payment Account Act*, Public Law 93-443, 88 Stat. 1297 (1974) (*codified at* 26 U.S.C. §§ 9031-42).

<sup>3</sup> Exec. Order No. 13,781, 82 Fed. Reg. 13,959 (Mar.16, 2017).

reviewed by FEC staff and disclosed to the public on the FEC's website. The volume of financial transactions disclosed during FY 2016 represented a 200 percent increase over the number reported during the prior fiscal year, representing an escalation in the long-term trend toward an increasing volume of reported campaign finance data to be received, processed and disclosed by the Agency.

By providing the public with transparency regarding campaign financing and ensuring that campaign finance law is fairly and effectively enforced and administered, the Commission provides the public with crucial information. To support this mission, the FEC provides the public with campaign finance information and gives timely advice and support so that candidates, committees and the public can fully understand and comply with the requirements of campaign finance law. The Commission is committed to providing excellent service to the American people by offering timely and comprehensive access to reported campaign finance data and ensuring that information and data are provided in an intuitive and easy-to-use manner. In order to make certain that campaign finance disclosure data are quickly available and easily accessible to the public, and that the Commission provides legal and compliance information that is easy for a broad audience to search, understand and use, the Commission is undertaking multiyear efforts to modernize and redesign the Agency's eFiling system and website, as well as the infrastructure that supports the FEC's IT systems. The FEC's FY 2018 request includes funds to continue these projects to increase the efficiency and effectiveness of the Agency's service delivery to the public. These efforts will not only provide better and more accessible information to the public, but will also aid in the Agency's FY 2018 priority to improve its cyber security posture.

An appropriation for the FEC budgeted at \$71.25 million for FY 2018 would permit the Agency to carry out its mission and accomplish the priorities described herein during FY 2018.

### **FEC Lease Expiration Expenses**

On September 30, 2017, the FEC's current lease for its office space at 999 E Street, NW, Washington, D.C., will expire. The FEC has worked diligently with the General Services Administration (GSA) to plan for the Agency's office space needs beyond the current lease and move to its new location at 1050 First Street, NE, Washington, D.C. Based on GSA and OMB guidance, the FEC requested appropriations of two year funds in FYs 2016 and 2017 to cover costs related to its lease expiration.

## MISSION STATEMENT

**To protect the integrity of the Federal campaign finance process by providing transparency and fairly enforcing and administering Federal campaign finance laws**

Congress created the FEC to administer, enforce and formulate policy with respect to the *FECA*. The *Act* reflects Congress's efforts to ensure that voters are fully informed of the sources of financial support for Federal candidates, political committees and others and to prevent corruption. Public confidence in the political process depends not only on laws and regulations to ensure transparency, but also on the knowledge that those who disregard the campaign finance laws will face consequences.

The primary objectives of the FEC are: (1) to engage and inform the public about campaign finance data; (2) to promote compliance with the *FECA* and related statutes; (3) to interpret the *FECA* and related statutes; and (4) to foster a culture of high performance.

Voluntary compliance with the requirements of *FECA* is a particular focus of the Commission's efforts, and its educational outreach and enforcement programs are both designed to ensure compliance with the *Act's* limits, prohibitions and disclosure provisions. Because of the large and rising number of political committees and the ever-growing number of financial disclosure reports filed with the FEC, voluntary compliance is essential to enforcing the requirements of the *Act*. Accordingly, the Commission devotes considerable resources to encouraging voluntary compliance through widespread dissemination of educational materials related to Federal campaign finance laws to the public, the press, political committees and State election officials.

This Budget Justification is organized in three sections. Section 1 addresses the Agency's purpose and priorities in FY 2018. Section 2 provides an overview of the Agency's request. Section 3 provides an overview of the Agency's four strategic objectives and describes the Agency's performance goals, indicators and targets to ensure continued progress toward meeting these objectives during FY 2018.

## Section 1: Purpose and Priorities in FY 2018

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### 1A: Commission Overview and Future Outlook

The FEC is an independent regulatory agency responsible for administering, enforcing, defending and interpreting the *FECA*. The Commission is also responsible for administering the Federal public funding programs for Presidential campaigns.

The FEC is directed by six Commissioners, who are appointed by the President with the advice and consent of the Senate. By law, no more than three Commissioners can be members of the same political party. Each member serves a six-year statutory term, and two seats are subject to appointment every two years. Commissioners may continue to serve beyond their six-year terms until new Commissioners are confirmed. The Commission's Chairmanship rotates for one-year terms among the members, with no member serving as Chairman more than once during a six-year term. The Commissioners meet regularly to formulate policy and to vote on significant legal and administrative matters. The *Act* requires the affirmative vote of four members of the Commission to approve official actions, thus requiring bipartisan decision making.

As part of its responsibilities, the FEC makes available on its website the campaign finance disclosure reports all Federal candidates and Federal political committees must file, as required by the *Act*. These disclosure reports and the data contained in them are made available to the public through the Commission's Internet-based public disclosure system on the Agency's website at [www.fec.gov](http://www.fec.gov). The FEC also has exclusive responsibility for civil enforcement of the *Act*, including the handling of civil litigation arising from any legal actions brought by or against the Commission. Additionally, the Commission promulgates regulations implementing the *Act*. The Commission also has a statutory responsibility to issue advisory opinions responding to inquiries regarding interpretation and application of the *Act* and the Commission's regulations to specific factual situations.

The FEC's Strategic Plan for FY 2014 through FY 2019, developed pursuant to the *Government Performance and Results Act of 1993 (GPR)*<sup>4</sup> and the *GPR Modernization Act of 2010*,<sup>5</sup> provides the Agency's strategic management framework. This framework is designed to ensure that every employee works in support of the FEC's strategic goal and objectives and that the effectiveness of these efforts can be regularly and meaningfully measured.

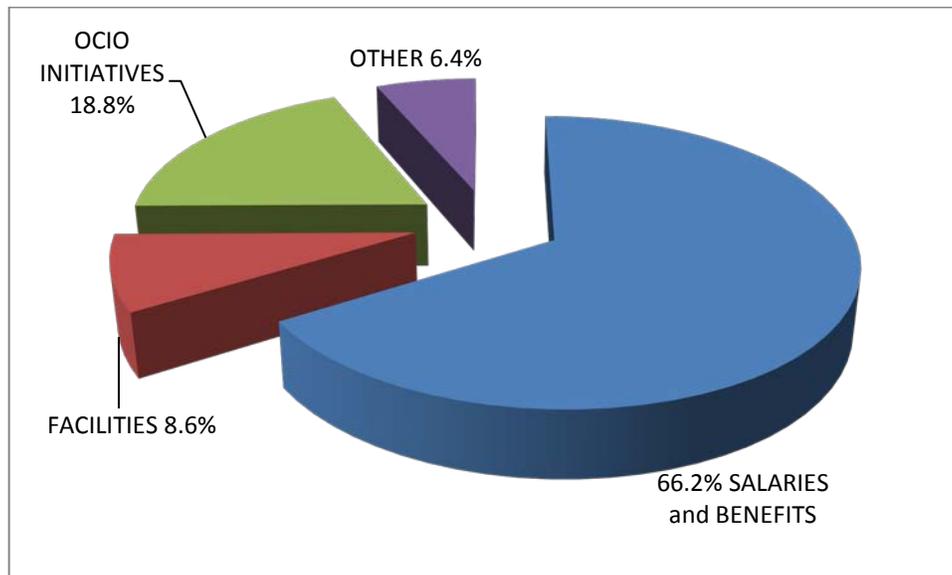
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<sup>4</sup> Public Law 103-62, 107 Stat. 285 (1993) (*codified at 31 U.S.C. § 1115 et seq.*).

<sup>5</sup> Public Law 111-352, 124 Stat. 3866 (2011) (*codified at 31 U.S.C. §§ 1115-1124*).

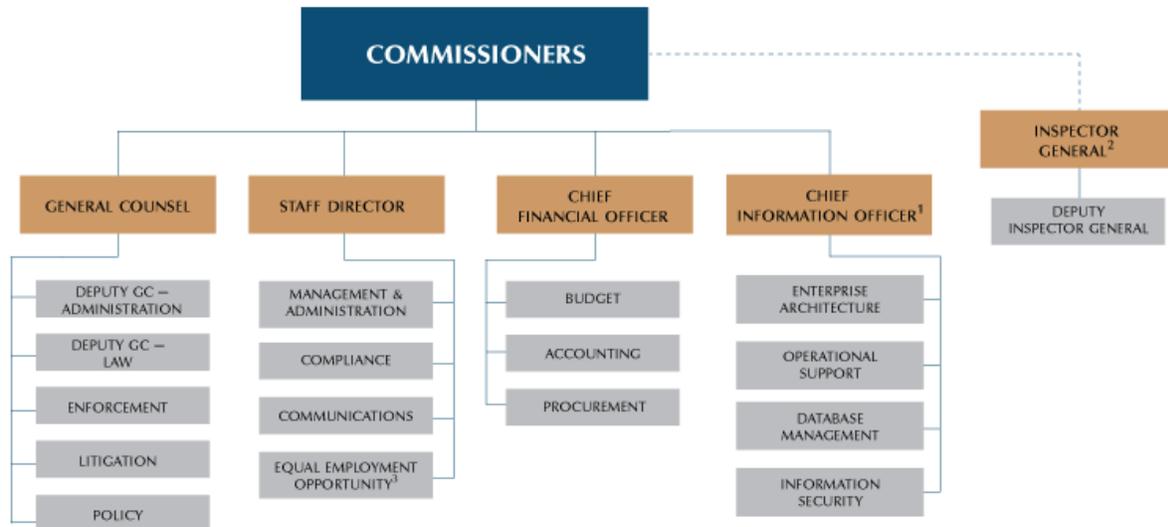
The FEC is funded by a single annual appropriation for salaries and expenses and is authorized to collect fees only to offset the costs of the Agency’s educational conferences. The Agency received two-year funds in FY 2016 and FY 2017 to cover expenses related to the expiration of the FEC’s office space lease. More than two-thirds of the Agency’s operational expenses are composed of personnel salary and benefits. Of the Agency’s remaining operational expenses, the largest categories are IT initiatives, including IT security initiatives, and facilities. These three requirements constitute over 90 percent of the Agency’s budget. Actual spending for FY 2016, which is shown in Figure 1 below, reflects the historical trend. The FEC expects the percentages in each category for its FY 2018 operational budget will be comparable to FY 2016.

**Figure 1 – FY 2016 Operational Obligations by Major Category as of September 30, 2016**



## FEC Organizational Chart

The Offices of the Staff Director, General Counsel, Chief Information Officer and Chief Financial Officer support the Agency in accomplishing its mission. The Office of the Inspector General, established within the FEC in 1989 under the *Inspector General Act Amendments of 1988*,<sup>6</sup> is independent and reports both to the Commissioners and to Congress. The specific roles and responsibilities of each office are described in greater detail at <http://www.fec.gov/about.shtml>.



<sup>1</sup> The position of Chief Information Officer normally reports directly to the Staff Director who, in turn, reports to the Commission itself. At present, however, the same individual is serving in both the position of the Staff Director and the position of the Chief Information Officer, pursuant to an authorization by the Commission and based, in part, on an advance decision from the Comptroller General. Accordingly, the organizational chart reflects both positions – the Staff Director and the Chief Information Officer – as reporting directly to the Commission.

<sup>2</sup> The Office of the Inspector General (OIG) independently conducts audits, evaluations, and investigations. OIG keeps the Commission and Congress informed regarding major developments associated with their work.

<sup>3</sup> The Director for Equal Employment Opportunity reports to the Staff Director on administrative issues but has direct reporting authority to the Commission on all EEO matters. See 29 CFR 1614.102(b)(4).

<sup>6</sup> Public Law 100-504, 102 Stat. 2515 (1988).

## **1B: FY 2018 Priorities**

The FEC priorities for FY 2018 are limited to those needs that will allow the Agency to fulfill its mission as required by law. Funding at the full amount of this request for operational expenses, \$71.25 million, would permit the FEC to take measures to enhance the delivery of campaign finance data and legal resources. Full funding would also improve the Agency's systems and processes, allowing the Commission to reduce dependency on costly legacy systems and improve the efficiency of the Agency's IT infrastructure, including migration to cloud-hosted data and services, improvements to the eFiling platform and continued enhancements to cyber security and tools. These priorities will ensure that the Agency can make the best use of limited staff resources and continue to meet increasing public demand for its services. Continued usage of the additional \$13 million two-year lease expiration funds, composed of \$5 million in two-year funds received in FY 2016 and \$8 million in two-year funds received in FY 2017, will pay for costs associated with the September 2017 expiration of the FEC's lease. These are the FEC's priorities for FY 2018, and they are discussed in more detail below.

### **Meeting the Public's Information Needs while Improving Efficiency and IT Security**

The FEC protects the integrity of the Federal campaign finance process by providing transparency and fairly enforcing and administering Federal campaign finance laws. Fair enforcement and full disclosure of the sources and amounts of campaign funds allow the public to make informed decisions in the political process. Transparency requires that information is not only kept by the FEC but also that it is provided to the public in a way that is intuitive to users and provides the necessary context for understanding how Federal elections are funded. The FEC must make election-related reports and information accessible to the public in a timely, reliable and useful fashion. The Commission is therefore committed to providing the public with robust access to campaign finance data, compliance information and legal resources. Funding at the full amount of this request, \$71.25 million, would permit the FEC to improve the quality of services delivered to the public.

The FEC provides free electronic filing software, FECFile, to support political committees in reporting their campaign finance activity to the FEC. During FY 2017 the FEC completed and published a study to determine ways to modernize the Agency's eFiling system, platform and software to receive better quality data, be more responsive to user needs and handle the increasing volume of data reported.<sup>7</sup> The FEC seeks funds for FY 2018 to begin implementing improvements to its eFiling platform consistent with the study findings. Planned improvements to the eFiling platform will improve ease of filing for users by allowing greater operating system flexibility when generating filings for submission to the Commission. The FEC's new eFiling platform will also improve the process for validating filings prior to acceptance and generate modern file outputs that will provide for more flexibility in accessing data. In addition, the modernization efforts will provide for seamless integration with the data portion of the website and, therefore, more efficient use of the Agency's resources. The FEC's recent study showed that 59 percent of electronic filers

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<sup>7</sup> Available at <https://fec.gov/about/reports-about-fec/agency-operations/e-filing-study-2016/>.

use the Agency's software. Improvements to modernize this tool is an important priority for the Commission.

Funding at the full request level will also allow the FEC to continue work on a multi-year effort to redesign its website. In partnership with 18F, an organization within the General Services Administration (GSA), the FEC is developing an agile, navigable, user-based online platform to deliver campaign finance information to its diverse base of users. The FEC provides the public with a wealth of complex information, including current and historical campaign finance data, detailed information regarding the requirements of the campaign finance law and legal resources such as advisory opinions issued by the Commission and information on closed enforcement matters. The redesigned website provides open, intuitive ways for the public to access and utilize information such as campaign finance data, compliance tools and legal resources.

In conjunction with the redesign of the Agency's website, the FEC has begun the process of migrating appropriate data and systems, such as the campaign finance database, to a cloud environment. Cloud hosting offers a number of benefits for the FEC in particular. The Agency's Internet traffic is variable, with many more visitors accessing the website during election years and near reporting deadlines. In addition to website visitors, filers need to access the electronic filing system and Commission staff need to access applications, including the website and databases, to perform their work-day duties. With a cloud-hosted application and database infrastructure, the FEC will only need to pay for the actual usage, rather than constantly maintaining the capacity to support peak usage, even during periods of reduced usage. Website downtime will be minimized and server maintenance will be managed by the cloud computing provider.

In addition, the move to a cloud-hosted model provides the Commission with opportunities to retire a number of costly legacy systems and reduce the Agency's data center footprint.<sup>8</sup> The FEC anticipates that completing the migration of its campaign finance database and website will allow for the retirement of one physical datacenter. Planned improvements to the eFiling system, which was designed in the mid-1990s, will provide an opportunity to migrate the eFiling data center to a cloud environment as well, reducing our costs for the support and maintenance of the legacy eFiling physical data center. Thus, in addition to improving service delivery to the public, migrating to a cloud environment will allow the Agency to reduce the long-term costs of maintaining IT legacy systems. Funding at the level requested for FY 2018 will permit the Commission to continue the migration to cloud hosting with the goal of reducing costs associated with the Agency's data center footprint and providing more responsive customer service.

The FEC is also committed to ensuring the security of its information, from protecting the integrity and accessibility of the database of campaign finance information made available to the public on the FEC website to protecting the Agency's internal networks and data. In partnership with the Department Homeland Security (DHS), the FEC is currently undertaking a security architecture gap analysis (cyber.gov initiative) to determine vital steps to further strengthen its security perimeter. Funding requested for FY 2018 will allow the FEC to respond appropriately to the

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<sup>8</sup> The FEC's efforts to reduce spending on operation and maintenance costs is consistent with the Government Accountability Office's May 2016 report, *Federal Agencies Need to Address Aging Legacy Systems*.

results of this gap analysis and enable the Commission to improve the capabilities for detecting, protecting against and responding to attacks on FEC networks.

### **Expenses Related to September 2017 Lease Expiration**

The FEC currently maintains its headquarters in the heart of Washington, D.C. In FY 2018, the FEC is slated to move to 1050 First Street, NE, Washington, D.C. The Agency's new lease is for 15 years with a start date of October 1, 2017. As of May 2017, the Agency anticipates moving in the first calendar quarter of 2018.

## Section 2: Budget Overview

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### 2A: OMB Budget Guidance Level

In this section, pursuant to the Office of Management and Budget (OMB) guidance, budget increases and decreases are identified, and the FY 2018 budget request is compared to the FY 2017 appropriation. For FY 2018, the proposed operating budget is \$131,000 more than the FY 2017 operating budget. The increases and decreases shown below, which shift funding from Non-Personnel to Personnel, result from a hiring lag experienced by the Agency during FY 2017. The funding changes also reflect the 1.9% salary increase projected for 2018. The FEC continues to take steps to ensure the FEC staff is appropriately sized, as discussed below.

**Table 1**  
**Changes from FY 2017 Appropriation to FY 2018 Agency Request**

Category	Amount
<b>FY 2017 President's Budget (Excludes Lease Expiration Expenses)</b>	<b>\$71,119,000</b>
<b>Personnel Changes</b>	
Personnel Compensation and Benefits	2,081,104
<b>Personnel Changes Subtotal:</b>	<b>\$2,081,104</b>

<b>Non-Personnel Changes</b>	
Non Capitalized and Capitalized Equipment	-713,111
GSA Rent	-582,459
IT Contracts	-654,534
<b>Non-Personnel Changes Subtotal:</b>	<b>(\$1,950,104)</b>
<b>Total Change:</b>	<b>\$131,000</b>
<b>FY 2018 Budget Request</b>	<b>71,250,000.00</b>

## 2A.1: Description of Budget Increases

**Program Increases and Decreases (excludes lease expiration expenses).....\$/+10 FTE**

**Personnel Increases .....\$2,081,104/+10 FTE**

The funding would cover higher salary and retirement benefits. The FY 2018 Funding request takes into account full year funding for up to 345 FTE for FY 2018. While this level is an increase of 10 over the projected FTE for FY 2017, it also represents a decrease of 20 from the requested 365 FTE for FY 2017. Total Funding at \$71.250 million would allow the FEC to maintain the quality of services it delivers to the public and pursue the identified priorities in section 1. The FEC has long focused on ensuring that the Agency’s workforce is appropriately sized. The Agency lagged in filling approved vacancies in key positions in FY 2017. The Agency is projected to fill several priority positions for the full 2018 fiscal year in order to bring staffing to a level necessary to meet its mission. These positions have been identified as priority needs to meet the Agency’s mission requirements efficiently and effectively. The funding increase would also assist the FEC with recruiting and maintaining a mission driven, high-performing staff.

**Non-Personnel Decreases (excludes lease expiration expenses) ..... (\$1,950,104)**

*GSA Rent..... (\$582,459)*

The \$582,459 decrease in GSA rent is due to the Agency moving into new leased space. In FY 2018, the FEC will begin a new office lease that represents a reduction in the total amount of space occupied by the agency. This budget decrease also reflects one-time savings from favorable rent credits.

*IT Contracts ..... (\$654,534)*

This decrease is due to the Agency realizing cost savings in its IT program resulting from efficiencies in servers and a reduction in the Agency’s overall data center footprint as the Agency migrates systems to a cloud-hosted environment.

*Non Capitalized and Capitalized Equipment ..... (\$713,111)*

This decrease is related to the Agency realizing the efficiencies of the expenses associated with the website redesign. In partnership with GSA the FEC has developed an agile, navigable, user-centered online platform to deliver campaign finance information to its diverse base of users.

### Status of Two-Year Funds

The Agency requested and was granted two-year funding for Lease Expiration expenses: \$5 million in FY 2016 and \$8 million in FY 2017. Of the FY 2016 funds, \$3.15 million is obligated with GSA in a Reimbursable Work Authorization and \$1.43 million is obligated with a contractor to assist with project management and move coordination. As of May 15, 2017, none of the two year FY 17 funds were obligated.

Table 2 highlights the FY 2018 OMB Budget Request as compared to the FY 2017 Appropriation and the FY 2016 actual obligations. The FEC's FY 2018 Budget Request represents a \$131,000 increase, or less than 1 percent, over the amount the FEC received in the FY 2017 Appropriation. The \$131,000 funding increase will assist with maintaining adequate staffing levels in order to accomplish our mission, The Agency is projected to fill several priority positions for the full 2018 fiscal year. These positions have been identified as priority needs to meet the Agency's mission requirements efficiently and effectively.

**Table 2**  
**FY 2018 Budget Request**  
**Object Class Data**

Federal Election Commission	*FY 2016 Actual	**FY 2017 Budget	FY 2018 Budget Request	change from FY 2017 to FY 2018	% change from FY 2017 to FY 2018
11 Personnel Compensation	35,070,250	35,494,695	37,104,545	1,609,850	4.54%
11.52 Cash Awards	410,574	-	-		
12.1 Personnel benefits	10,790,096	11,030,596	11,466,105	435,509	3.95%
12.18 Transit Subsidy	394,818	380,000	415,745	35,745	9.41%
<b>Subtotal, Personnel</b>	<b>\$ 46,665,738</b>	<b>\$ 46,905,291</b>	<b>\$ 48,986,395</b>	<b>\$ 2,081,104</b>	<b>4.44%</b>
21 Travel & transportation of persons	310,515	374,765	374,765	0	0.00%
23.1 GSA Rent	6,058,864	5,923,879	5,341,420	-582,459	-9.83%
23.3 Communications, Utilities & Postage	486,891	469,259	469,259	0	0.00%
24 Printing & Reproduction	89,299	106,804	106,804	0	0.00%
25.11 Training, Commercial Fed. & Tuition	377,181	481,051	481,051	0	0.00%
25.14 IT Contracts	8,621,428	7,579,327	6,924,793	-654,534	-8.64%
25.2 Contracts & Other Services	983,553	1,239,570	1,239,570	0	0.00%
25.3 Federal Goods & Services	1,223,368	1,381,565	1,381,565	0	0.00%
26 Supplies and Materials	1,004,839	1,589,106	1,589,106	0	0.00%
31 Non-Capitalized and Capitalized Equipment	4,628,131	5,068,383	4,355,272	-713,111	-14.07%
<b>Subtotal, Non-Personnel</b>	<b>\$ 23,784,068</b>	<b>\$ 24,213,709</b>	<b>\$ 22,263,605</b>	<b>(\$ 1,950,104)</b>	<b>-8.05%</b>
<b>TOTAL</b>	<b>\$ 70,449,806</b>	<b>\$ 71,119,000</b>	<b>\$ 71,250,000</b>	<b>\$ 131,000</b>	<b>0.18%</b>
Two-year Lease Expiration Funds	\$ 5,000,000	\$ 8,000,000	\$ -		

\*FY 2016 Actual does not include \$5.0 million lease expiration expenses.

\*\*FY 2017 Budget does not include \$8.0 million lease expiration expenses.

## **2B: Appropriations Language**

The FEC is including the following Appropriations Language.

FEDERAL ELECTION COMMISSION  
Federal Funds  
Salaries and Expenses

*For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$71,250,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.*

## **Section 3: FY 2018 Annual Performance Plan and FY 2016 Annual Performance Report**

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### **3A: Introduction**

This Annual Performance Plan and Report (APP/APR) is considered the companion to the Federal Election Commission's Strategic Plan for Fiscal Years (FY) 2014-2019, and designed to provide a solid framework for performance planning and reporting in accordance with the requirements of the *GPRA Modernization Act of 2010*. The FY 2018 Annual Performance Plan and FY 2016 Annual Performance Report are combined in this document to present accomplishments through FY 2016 and performance targets associated with FYs 2016, 2017 and 2018.

This plan positions the Agency to promote compliance and to engage and inform the public about campaign finance data and rules. In order to meet these challenges, the FEC must maintain a workforce that is highly qualified to achieve the Agency's mission effectively and efficiently. Therefore, this plan also addresses activities that include recruiting and retaining a diverse and high-performing workforce, updating Agency-wide policies and procedures, and updating the records management program.

#### **3A:1 Mission Statement**

To protect the integrity of the Federal campaign finance process by providing transparency and fairly enforcing and administering Federal campaign finance laws.

### 3B: Organizational Structure

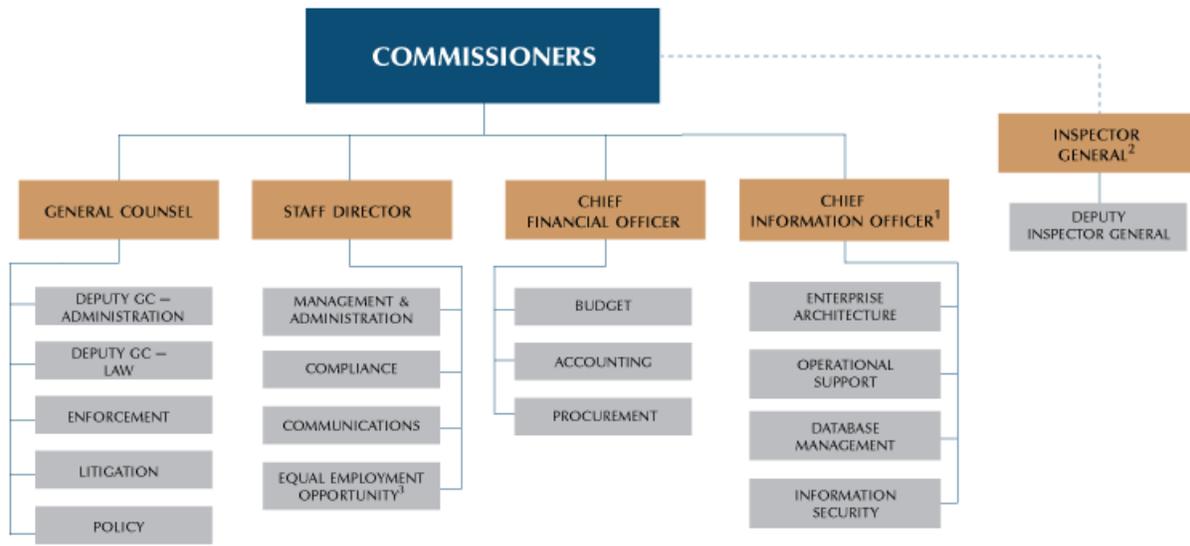
The FEC is an independent regulatory Agency responsible for administering, enforcing, defending and interpreting the *Federal Election Campaign Act (the Act)*.<sup>9</sup> The Commission is also responsible for administering the Federal public funding programs for Presidential campaigns. This responsibility includes certifying and auditing all participating candidates and committees and enforcing the public funding laws.

Under the *Act*, all Federal political committees, including the committees of Presidential, Senate and House candidates, must file reports of receipts and disbursements. The FEC makes disclosure reports available to the public through the Commission's Internet-based public disclosure system at [www.fec.gov](http://www.fec.gov) as well as through a public records office at the Commission's Washington, D.C. headquarters. The FEC also has exclusive responsibility for civil enforcement of the *Act*, and has litigating authority independent of the Department of Justice in U.S. district court and the courts of appeals. Additionally, the Commission promulgates regulations implementing the *Act* and issues advisory opinions responding to inquiries.

To accomplish its legislative mandate, the FEC is directed by six Commissioners, who are appointed by the President with the advice and consent of the Senate. By law, no more than three Commissioners may be members of the same political party. Each member serves a six-year term, and two seats are subject to appointment every two years. The Chairmanship of the Commission rotates among the members, with no member serving as Chair more than once during his or her term. The Commissioners are responsible for administering and enforcing the *Act* and regulations and meet regularly to formulate policy and to vote on significant legal and administrative matters. The *Act* requires at least four votes for the Commission to approve official actions, thus requiring bipartisan decision-making. The FEC has its headquarters in Washington, D.C. and does not have any regional offices.

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<sup>9</sup> The Commission's primary responsibilities pertain to the *Federal Election Campaign Act of 1971*, Public Law 92-225, 86 Stat. 3 (1972) as amended (*codified at* 52 U.S.C. §§ 30101-30145) (formerly at 2 U.S.C. §§ 431-55) (the *Act* or the *FECA*). The Commission's responsibilities for the Federal public funding programs are contained in the *Presidential Election Campaign Fund Act*, Public Law 92-178, 85 Stat. 562 (1971) (*codified at* 26 U.S.C. §§ 9001-13) and the *Presidential Primary Matching Payment Account Act*, Public Law 93-443, 88 Stat. 1297 (1974) (*codified at* 26 U.S.C. §§ 9031-42).



- 1 The position of Chief Information Officer normally reports directly to the Staff Director who, in turn, reports to the Commission itself. At present, however, the same individual is serving in both the position of the Staff Director and the position of the Chief Information Officer, pursuant to an authorization by the Commission and based, in part, on an advance decision from the Comptroller General. Accordingly, the organizational chart reflects both positions – the Staff Director and the Chief Information Officer – as reporting directly to the Commission.
- 2 The Office of the Inspector General (OIG) independently conducts audits, evaluations, and investigations. OIG keeps the Commission and Congress informed regarding major developments associated with their work.
- 3 The Director for Equal Employment Opportunity reports to the Staff Director on administrative issues but has direct reporting authority to the Commission on all EEO matters. See 29 CFR 1614.102(b)(4).

Figure 1: FEC Organizational Chart

As noted in Figure 1 above, the offices of the Staff Director, General Counsel, Chief Information Officer and Chief Financial Officer support the Agency in accomplishing its mission. The Office of the Inspector General, established within the FEC in 1989 under the 1988 amendments to the *Inspector General Act*, is independent and reports both to the Commissioners and to Congress. The specific roles and responsibilities of each office are described in greater detail immediately below.

#### □ Office of the Staff Director (OSD)

The Office of the Staff Director consists of four offices: 1) Management and Administration; 2) Compliance; 3) Communications; and 4) Equal Employment Opportunity. The Office of Management and Administration is responsible for the FEC’s strategic planning and performance and works with the Commission to ensure the Agency’s mission is met efficiently. In addition, this office houses the Commission Secretary, the Office of Human Resources (OHR) and the Administrative Services Division (ASD). The primary responsibilities of the Office of Compliance are making campaign finance reports and data available to the public, review of campaign finance reports, assistance with compliance, audits, administrative fines and alternative dispute resolution. The Office of Communications includes divisions charged with making enforcement, policy and

other Commission documents, as well as Presidential candidates' personal financial disclosure reports, available to the public, encouraging voluntary compliance with the *Act* through educational outreach and training, and ensuring effective communication with Congress, executive branch agencies, the media and researchers, and the general public. The Equal Employment Opportunity Office administers and ensures compliance with applicable laws, regulations, policies and guidance that prohibit discrimination in the Federal workplace based on race, color, national origin, religion, age, disability, sex, pregnancy, genetic information or retaliation. The EEO Officer reports to the Staff Director on administrative issues, but has direct reporting authority on all EEO matters. See 29 CFR 1614.102(b)(4).

**Office of General Counsel (OGC)**

The Office of General Counsel consists of five organizational units: (1) the Deputy General Counsel—Administration; (2) the Deputy General Counsel—Law Division; (3) the Policy Division; (4) the Enforcement Division; and (5) the Litigation Division. The Deputy General Counsel—Administration directly supervises the Administrative Law Team, the Law Library and all OGC administrative functions. The Deputy General Counsel—Law has the primary responsibility for assisting the General Counsel in all of the substantive aspects of the General Counsel's duties and shares in the management of all phases of OGC programs, as well as directly supervises the Agency's ethics program. The Policy Division drafts for Commission consideration advisory opinions and regulations interpreting the Federal campaign finance law and provides legal advice to the FEC's compliance programs. The Enforcement Division recommends to the Commission appropriate action to take with respect to administrative complaints and apparent violations of the *Act*. Where authorized, the Enforcement Division investigates alleged violations and negotiates conciliation agreements, which may include civil penalties and other remedies. If an enforcement matter is not resolved during the administrative process, the Commission may authorize suit in district court, at which point the matter is transferred to the Litigation Division. The Litigation Division represents the Commission before the Federal district and appellate courts in all civil litigation involving campaign finance statutes. This Division assists the Department of Justice's Office of the Solicitor General when the Commission's *FECA* cases are before the Supreme Court.

**Office of the Chief Information Officer (OCIO)**

The Office of the Chief Information Officer (OCIO) consists of four units: (1) Enterprise Architecture; (2) Operational Support; (3) Data Administration; and (4) IT Security. The OCIO provides secure, stable and robust technology solutions for Commission staff and the public. OCIO both develops and maintains the systems that serve as the public's primary source of information about campaign finance data and law and ensures Agency employees have a technology infrastructure that allows them to perform their day-to-day responsibilities administering and enforcing campaign finance law. OCIO also develops and supports analytic reporting tools that help staff perform their disclosure and compliance duties.

**Office of the Chief Financial Officer (OCFO)**

The Office of the Chief Financial Officer is responsible for complying with all financial management laws and standards, and all aspects of budget formulation, budget execution and procurement.

## **3C: Performance Framework**

### **3C:1 Strategic Goal**

The strategic goal of the Federal Election Commission is to fairly, efficiently and effectively administer and enforce the *Federal Election Campaign Act*, promote compliance and engage and inform the public about campaign finance data and rules, while maintaining a workforce that delivers results.

### **3C:2 Plans and Progress by Strategic Objective**

The *Act* reflects a belief that democracy works best when voters can make informed decisions in the political process—decisions based in part on knowing the sources of financial support for Federal candidates, political party committees and other political committees. As a result, the FEC’s first strategic objective is to inform the public about how Federal campaigns and committees are financed. Public confidence in the political process also depends on the knowledge that participants in Federal elections follow clear and well-defined rules and face consequences for non-compliance. Thus, the FEC’s second strategic objective focuses on the Commission’s efforts to promote voluntary compliance through educational outreach and to enforce campaign finance laws effectively and fairly. The third strategic objective is to interpret the *FECA* and related statutes, providing timely guidance to the public regarding the requirements of the law. The Commission also understands that organizational performance is driven by employee performance and that the Agency cannot successfully achieve its mission without a high-performing workforce that understands expectations and delivers results. Consequently, the FEC’s fourth strategic objective is to foster a culture of high performance in order to ensure that the Agency accomplishes its mission efficiently and effectively. The FEC’s strategies for reaching these objectives are outlined below.

#### **3C:2.1 Strategic Objective 1: Engage and Inform the Public about Campaign Finance Data**

*Leader: Assistant Staff Director for Reports Analysis Division*

The FEC protects the integrity of Federal campaigns by providing transparency and fairly enforcing and administering Federal campaign finance laws. Full disclosure of the sources and amounts of campaign funds and fair enforcement of Federal campaign finance laws allow the public to make informed decisions in the political process. Transparency requires that information is not only kept by the FEC, but also provided to the public in an easily accessible way. In order to make certain that campaign finance disclosure information is quickly available and easily accessible to the public, the Agency has made a number of improvements to modernize its campaign finance disclosure database and public interface. Specifically, the FEC has developed application programming interfaces (APIs) and other tools to improve access to campaign finance data. The Agency is also committed to ensuring that FEC staff has the tools and knowledge to help the public find and understand campaign finance information relevant. The FEC gauges its effectiveness through a series of indicators designed to measure performance in areas that promote confidence in the campaign finance process, as detailed in the charts below.

## Strategies and Next Steps

The FEC's e-filing system acts as the point of entry for submission of electronically filed campaign finance reports, providing faster access to reports and streamlining operations. This system provides for public disclosure of electronically filed reports, via the FEC website, within minutes of being filed. During FY 2017, the Commission published a study of its current eFiling platform, including a survey of the existing functionality of the FEC's free filing software and an in-depth investigation of needs expressed by filers.<sup>10</sup> Based on the recommendations revealed through this study, the FEC plans to improve its eFiling platform to allow greater operating system flexibility for users when generating filings for submission to the Commission and increase the consistency and accuracy of reporting. The FEC's new eFiling platform is also expected to improve the process for validating filings prior to acceptance and generate modern file outputs that will provide for more flexibility in accessing data.

When a committee files a financial disclosure report on paper, the Commission ensures that a copy is available for public inspection within 48 hours of receipt, both electronically on the website and at the FEC's offices in Washington, D.C.<sup>11</sup> The FEC is committed to providing timely and transparent campaign finance disclosure to the public and delivering data in accessible and easy-to-use formats. The FEC has implemented an automated data capture process to convert paper-filed reports into structured, machine-readable data. Automating the data capture process decreases data processing time and increases the timeliness in making data available to the public. In addition, the Agency is undertaking a long-term project to convert all remaining microfilm reels of financial reports to images, making this historical campaign finance data easily accessible to the public.

The Commission is also completing the redesign of its website. In partnership with 18F, a data services delivery team within the General Services Administration (GSA), the FEC is developing a user-centered online platform to deliver campaign finance information to its diverse base of users. This effort will ensure that the FEC provides full and meaningful campaign finance data and information in a manner that meets the public's increasing expectations for data customization and ease of use.

The level of availability and accessibility of campaign finance data serves as a measurement of success in improving the public's access to information about how campaign funds are raised and spent. Additional performance measures for assessing progress on this Strategic Objective include measures to ensure that data from campaign finance reports are quickly made available to the public on the FEC website and that staff has the tools and knowledge to provide excellent service to the public.

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<sup>10</sup> Available at <https://fec.gov/about/reports-about-fec/agency-operations/e-filing-study-2016/>.

<sup>11</sup> The Commission's mandatory electronic filing ("e-filing") rules require any committee that receives contributions or makes expenditures in excess of \$50,000 in a calendar year, or that has reason to expect to do so, to submit its reports electronically. Under the Act, these mandatory e-filing provisions apply to any political committee or other person required to file reports, statements or designations with the FEC, except for Senate candidate committees (and certain other persons who support Senate candidates only).

## Progress Update for FY 2016

The FEC's first publicly available offering as a result of its website redesign project was a campaign finance application programming interface (API) that provides disclosure data in a structured, machine readable format. The API allows for new features and visualizations to be quickly developed based on existing data, either by the FEC or any outside group. The FEC released its campaign finance API to the public on July 8, 2015. The campaign finance API received 12.6 million hits during FY2016.

Creation of the campaign finance API and infrastructure improvements to the FEC's systems have allowed for the development of a new campaign finance search system on the newly redesigned FEC website. The Campaign finance data section, available at [www.fec.gov](http://www.fec.gov), offers a suite of new features, including:

- interactive data visualizations that offer "election-at-a-glance" information;
- highest total fundraising and spending charts;
- features that allow users to toggle between raw and processed data;
- individual maps that show the sources of contributions by state for each committee;
- ability to sort contributions by size, committee, employer and occupation;
- capacity to sort and filter by purpose of disbursement and recipient (including by vendor);
- election pages that allow users to compare candidates within a single race according to the size of their contributions and the states from which those contributions were raised; and
- a zip code search function that will allow users to easily find their Congressional district and identify all candidates in a particular race.

The new website additionally provides improved navigation, plain language compliance information and integrated search systems for legal resources, all in a mobile friendly format.

The FEC also continued its work to receive and make public campaign finance disclosure information. The FEC received 76,525 campaign finance disclosure documents filed during FY 2016 disclosing more than 83.4 million transactions. Reports filed electronically are made available on the FEC website, and may be downloaded by the public within minutes of submission. Reports filed on paper are scanned and made available on the FEC website within 48 hours of receipt. During FY 2016, the FEC ensured that 99 percent of paper filed reports were made available to the public within two business days, just shy of its goal of 100 percent, but met its goal of ensuring that 100 percent of independent expenditure filings were made available to the public within one business day.

After reports are imaged for disclosure purposes, the information is coded and entered into the FEC's database for review to assess accuracy and ensure complete disclosure of campaign finance information. The Agency's goal is to code and enter 95 percent of the reports within 30 days of receipt and while the FEC has been challenged to meet this goal in recent years, in FY 2016 the Agency exceeded its goal processing 100 percent of reports within 30 days of receipt.

One significant factor contributing to the Agency's workload in processing and coding reports is the increasing volume of transactions reported in Senate campaign finance disclosure reports. While most filing entities submit their reports electronically, the *FECA* still requires Senate campaign finance disclosure reports to be filed with the Secretary of the Senate, which only

accepts paper filed reports. A Senate campaign filing often consists of thousands of pages, and data from these filings consume a disproportionate amount of time to be integrated into the Commission's searchable databases. After these reports are received by the Secretary of the Senate, that office must scan the reports and then deliver them electronically to the FEC. Once the FEC receives a paper report from the Secretary of the Senate, an additional 48 hours can be required to place the report on the Commission's website, and additional time is required to enter the transaction-level data into the database for public consumption. The increasing volume of these reports can delay scanning and delivery to the FEC, and ultimately integration into the FEC's searchable online database.

House candidates have been subject to mandatory electronic filing regulations since 2000, ensuring that these candidates' reports are integrated into the database within a few days of filing. If Senate reports were electronically filed, disclosure will be similarly improved. In addition, the Commission estimates that mandatory electronic filing for Senate reports will yield savings of at least \$876,000 per year in costs directly attributable to the current paper filing system at the FEC, with additional savings at the Secretary of the Senate. Since 2000, the Commission has unanimously recommended to Congress a legislative change to apply mandatory electronic filing rules to Senate reports.

In order to address the difficulty in coding and entering transaction-level data from paper-filed reports and to make the data available to the public sooner, the FEC implemented an automated data capture process to convert paper-filed reports into structured, machine-readable data during FY 2016.

**Performance Goal 1-1: Improve the public’s access to information about how campaign funds are raised and spent.**

Key Indicator: Enhanced availability of campaign finance data as measured by increased capabilities to retrieve and analyze data.								
FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
N/A	N/A	N/A	75%	86%	75%	81%	75%	75%

### Supporting Indicators 1-1:

Measure Name	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
Percent of reports and statements filed on paper with the FEC made available on the FEC website within two business days of receipt	100%	100%	100%	100%	91% <sup>12</sup>	100%	99%	100%	100%
Percent of 24- and 48-hour reports on independent expenditure spending filed on paper made available on the FEC website within one business day of receipt	N/A	N/A	N/A	100%	100%	100%	100%	100%	100%
Percent of reports processed within 30 days of receipt	71%	94%	88%	79%	92%	95%	100%	95%	95%
Script staff responses to common disclosure inquiries for staff reference	N/A	N/A	N/A	N/A	N/A	Complete by FY 2016	100%	N/A	N/A

### 3C:2.2 Strategic Objective 2: Promote Compliance with the FECA and Related Statutes

*Leaders: Deputy Staff Director/Chief Compliance Officer; Deputy General Counsel—Administration; Deputy General Counsel—Law*

Helping the public understand its obligations under the *Act* is an essential component of voluntary compliance. The FEC places a significant emphasis on encouraging compliance. The FEC measures its progress in meeting this Objective through two performance measures, discussed separately below. The first measures the Agency’s efforts to encourage voluntary compliance through educational outreach and information and the second measures the FEC’s efforts to seek adherence to *FECA* requirements through fair, effective and timely enforcement and compliance programs. Progress

<sup>12</sup> During FY 2015, the Commission developed an automated process to measure this metric in order to provide a more accurate assessment.

against these measures and supporting indicators is detailed in the charts below.

## **Strategies and Next Steps**

*Encourage voluntary compliance with FECA requirements through educational outreach and information.*

The FEC's education and outreach programs provide information necessary for compliance with campaign finance law and give the public the context necessary to interpret the campaign finance data filers disclose. The FEC maintains a toll-free line and public email accounts to respond to inquiries regarding campaign finance data disclosed to the public and questions about how to comply with campaign finance law and its reporting requirements. The FEC also operates Press and Congressional Affairs offices.

One way the Commission encourages voluntary compliance is by hosting conferences across the country, where Commissioners and staff explain how the *Act* applies to candidates, parties and political action committees. These conferences address recent changes in the law and focus on fundraising, methods of candidate support and reporting regulations.

The FEC also devotes considerable resources to ensuring that staff can provide distance learning opportunities to the general public. The Commission's website is one of the most important sources of instantly accessible information about the *Act*, Commission regulations, and Commission proceedings. In addition to viewing campaign finance data, anyone with Internet access can use the website to track Commission rulemakings, search advisory opinions, audits and closed enforcement matters, view campaign finance data, and find reporting dates. The Commission places a high emphasis on providing educational materials about campaign finance law and its requirements. Toward this end, the FEC has moved its focus away from the printing and manual distribution of its educational materials and instead looked for ways to leverage available technologies to create and disseminate dynamic and up-to-date educational materials through the website. While the Commission continues to make available printed copies of its educational brochures and publications, transitioning to primarily web-based media has allowed the Agency to reduce significantly its printing and mailing costs and use of resources while at the same time encouraging new and expanded ways of communicating with the public via the website.

As part of this broad effort to improve its Internet communications and better serve the educational needs of the public, the Commission maintains an E-Learning section on its Educational Outreach web page and its own YouTube channel, which can be found at <http://www.youtube.com/FECTube>. The E-Learning page offers instructional videos and tutorials, as well as interactive presentations that enable users to obtain guidance tailored to their specific activities. The curriculum currently includes a variety of presentations about the Commission and campaign finance law.

The Agency's educational outreach program has been significantly enhanced with the addition of an online training service that enables political committees and other groups to schedule live, interactive online training sessions with FEC staff. This on-demand service allows the FEC to provide tailored, distance learning presentations and training to the public in a manner that will significantly increase the availability of FEC staff to serve the public. The service also offers an efficient and effective way for alternative dispute resolution and other enforcement respondents to satisfy the terms of their agreements with the Agency.

*Seek adherence to FECA requirements through fair, effective and timely enforcement and compliance programs.*

The FEC has formed strategies for ensuring that its enforcement and compliance programs are fair, effective and timely. The Commission's statutory obligation is to administer, interpret and enforce the *Federal Election Campaign Act*, which serves the compelling governmental interest in deterring corruption and the appearance of corruption in financing elections. In doing so, the Commission remains mindful of the First Amendment's guarantees of freedom of speech and association, and the practical implication of its actions on the political process.

The FEC has exclusive jurisdiction over civil enforcement of Federal campaign finance laws. It consults with the U.S. Department of Justice, as appropriate, on matters involving both civil and criminal enforcement of the *Act*. Commission enforcement actions, which are handled primarily by the Office of General Counsel (OGC), originate from a number of sources, including external complaints, referrals from other government agencies and matters generated by information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. Enforcement matters are handled by OGC pursuant to the requirements of the *FECA*. If the Commission cannot settle or conciliate a matter involving an alleged violation of the *Act*, the Commission may initiate civil litigation by filing and prosecuting a civil action in Federal district court to address the alleged violation. Closed enforcement matters are available via the FEC website.

To augment OGC's traditional enforcement role, the Office of Compliance manages several programs that seek to remedy alleged violations of the *Act* and encourage voluntary compliance. These programs include: 1) the Alternative Dispute Resolution Program, 2) the Administrative Fine Program and 3) the Audit Program. The Commission's Alternative Dispute Resolution Program is designed to resolve matters more swiftly by encouraging the settlement of less-complex enforcement matters with a streamlined process that focuses on remedial measures for candidates and political committees, such as training, internal audits and hiring compliance staff. Violations involving the late submission of, or failure to file, disclosure reports are subject to the Administrative Fine Program. This Program is administered by RAD and the Office of Administrative Review (OAR), which assess monetary penalties and handle challenges to the penalty assessments. The Audit Program conducts "for cause" audits under the *FECA* in those cases where political committees have failed to meet the threshold requirements for demonstrating substantial compliance with the *Act*, and conducts mandatory audits under the public funding statutes. Subject to limited redactions, threshold requirements approved by the Commission and used by RAD and the Audit Division are public.

The Office of Compliance's Reports Analysis Division (RAD) reviews an ever-increasing volume of reports to track compliance with the law and to ensure that the public record provides a full and accurate representation of reported campaign finance activity. If the FEC's review identifies an apparent violation or raises questions about the information disclosed on a report, RAD sends a request for additional information (RFAI letter) to the filer, affording an opportunity to take remedial action or correct the public record, if necessary. If the filer is able to resolve the FEC's concerns, it may avoid an enforcement action. If not, the Commission has several tools available to it, such as the Administrative Fine Program, audits, the Alternative Dispute Resolution Program and the traditional enforcement program.

The Alternative Dispute Resolution (ADR) Program was implemented in FY 2001 with the primary objective to enhance the Agency's overall effectiveness through more expeditious resolution of enforcement matters with fewer resources required to process complaints and internal referrals. A case is closed when the Commission votes on the recommendation made by the ADR Office as to what final action should be taken.

In response to a legislative mandate, an Administrative Fine (AF) Program was implemented in July 2000 to address late and non-filing of disclosure reports in a more efficient and effective manner. The AF Program is administered by RAD and Office of Administrative Review (OAR), which are within the Office of Compliance.

The Commission generally conducts audits when a committee appears not to have met the threshold requirements for substantial compliance. The audit determines whether the committee complied with the limitations, prohibitions and disclosure requirements of the Federal Election Campaign Act. In addition, the Commission is required by law to audit Presidential campaigns and that accept public funds.

## **Progress Update for FY 2016**

*Encourage voluntary compliance with FECA requirements through educational outreach and information.*

During FY 2016, the Commission continued to meet its mandate to assist the public by providing access to campaign finance information. The Commission is deeply committed to providing candidates, committees and the public timely advice and support so they can fully understand and comply with the *Act*. The Commission also continues to strive to better understand and meet the needs of the public and other stakeholders.

In keeping with the Agency's commitment to providing excellent service to the public, the Commission met a significant performance milestone during FY 2016: the completion of an internal tool to help improve the service provided by staff members who give daily guidance to the public and the press. In order to better guide the public through the FEC's vast quantity of campaign finance information and promote voluntary compliance with the campaign finance law, the Commission has created a web-based knowledge management tool for internal staff use. Like many Federal agencies, the FEC faces challenges in preserving staff knowledge lost through turnover and attrition, as well as finding meaningful ways to share this information with staff to achieve the Agency's mission efficiently and effectively. This knowledge management tool captures and organizes staff knowledge in a way that is accessible and useful and will enable FEC staff to provide the public with quick, comprehensive and consistent responses.

In addition, during FY 2016 the Agency launched an initiative to create an internal correspondence tracking system to help ensure FEC staff provide timely and consistent answers to inquiries from the public and to streamline the response process. This system, which will first be implemented to provide filers with the ability to identify and contact their Campaign Finance Analyst electronically through a web portal on the Agency's website, will be expanded throughout FY 2017 to provide correspondence tracking for other divisions.

During FY 2016 the FEC's Information Division conducted a public survey of the Agency's outreach

efforts, which revealed overall satisfaction with the Agency's outreach efforts. More than 90 percent of callers to the toll-free line found staff responses helpful, and more than 65 percent rated them very helpful. Similarly, nearly 85 percent of survey respondents felt that information in the FEC's Record newsletter and Campaign Guides was clear.

Not surprisingly, the survey results showed that customers prefer to access materials online. For example, more than 95 percent of survey respondents said they read FEC Campaign Guides online (on a computer, smart phone or tablet), while just 36 percent reported using a printed copy. The preference for webinars over in-person training workshops was also significant, but somewhat less pronounced. For instance, 45 percent of respondents said they would likely sign up for a 90-minute FEC webinar, while 22 percent would likely attend a 90-minute workshop at the Agency's headquarters.

Based in part on the information gained from this survey, the Agency has begun work to make its online materials more accessible to the public. The FEC's redesigned, mobile friendly web interface will provide quick, intuitive access to educational and compliance information from any device. The first offerings of this new interface will become available on the FEC's website in May 2017.

Additionally, consistent with the survey findings, the Commission now offers primarily web-based educational workshops, including an annual series of day-long webinars for each type of committee. Those seeking in-person training may attend two-day regional conferences that offer an opportunity to interact directly with Commissioners and Agency staff. In FY 2016, the FEC hosted regional conferences in San Diego, California, and Orlando, Florida.

*Seek adherence to FECA requirements through fair, effective and timely enforcement and compliance programs.*

### ***Reports Analysis Division***

During FY 2016, RAD continued to ensure that campaigns and political committees file timely and accurate disclosure reports that fully disclose their financial activities. During the fiscal year, RAD reviewed 72,087 documents totaling 21.4 million pages. RAD continued to demonstrate its commitment to assisting filers with compliance, handling 12,362 phone calls and meetings, developing YouTube reporting tutorials and participating in several FEC conferences, seminars and webinars during FY 2016. In addition, the Reports Processing Branch demonstrated its commitment to providing the public with timely data, coding 19.3 million transactions during FY 2016.

### ***Office of General Counsel***

OGC continues to meet its obligations to the Commission and the public to handle its caseload efficiently and effectively despite staffing challenges. In FY 2016, the Commission closed 148 enforcement cases in an average of 22.2 months, which included \$595,425 in negotiated civil penalties. The Commission closed 56 cases (38 percent) within 15 months.

### ***Alternative Dispute Resolution***

The ADR program continued to promote compliance with Federal campaign finance law and Commission regulations and to reduce the cost of processing complaints. During FY 2016, the

Commission completed 38 ADR cases, which included \$58,800 in negotiated civil penalties. The Commission's performance measure for ADR is to circulate 75 percent of cases to the Commission within 140 days of a case being referred. Ninety-seven percent of cases met the 140-day benchmark.

### ***Administrative Fine Program***

The Administrative Fine Program continues to successfully reduce the number of late and non-filed reports and encourage campaign finance transparency through the timely filing of campaign finance reports. During FY 2016, RAD processed 83 reason-to-believe recommendations for Commission consideration. RAD processed 100 percent of these recommendations within 60 days of the original due date of the untimely or not filed report. OAR reviewed 11 challenges submitted by committees in response to a reason-to-believe finding and/or civil money penalty. OAR reviewed 82 percent of these challenges within 60 days of receipt. The average completion time for challenges was 58 days. Overall, OAR has reviewed 715 challenges submitted from the Program's inception through FY 2016.

### ***Audit Division***

The Audit Division continues to enforce the *FECA* through an audit process approved by the Commissioners each cycle. During FY 2016, the Audit Division publicly released nine Audit Reports of which five, or 56 percent, were completed within the two-year performance goal period. During FY 2016 there were no challenges to preliminary audit findings under the Request for Legal Consideration by the Commission program established in 2011, nor were there any Audit Hearings requested.

**Performance Goal 2-1: Encourage voluntary compliance with FECA requirements through educational outreach and information.**

Key Indicator: Percent of educational outreach programs (webinars, seminars, publications and E-Learning presentations) and events that achieve targeted satisfaction rating on user surveys.								
FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
N/A	N/A	N/A	Develop methods for surveying user satisfaction with webinars, publications and E-Learning presentations.	4.34	4.0 or higher on a 5.0 scale	4.53	4.0 or higher on a 5.0 scale	4.0 or higher on a 5.0 scale

**Supporting Indicators 2-1:**

Measure Name	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
Increase in the number of E-Learning presentations and webinars available on the FEC website	N/A	N/A	N/A	13 new trainings	1 new trainings	4 new trainings	11 new trainings	4 new trainings	4 new trainings
Script staff responses to common questions for staff reference	N/A	N/A	N/A	N/A	N/A	Complete by FY 2016	100%	N/A	N/A

**Performance Goal 2-2: Seek adherence to FECA requirements through fair, effective and timely enforcement and compliance programs.**

Key Indicator: Of the enforcement matters resolved during the fiscal year, the percentage that was resolved within 15 months of the date of receipt.								
FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
89%	70%	72%	28%	49%	75%	38%	75%	75%

## Supporting Indicators 2-2:

Measure Name	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
Percent of enforcement matters resolved through conciliation <sup>13</sup>	N/A	N/A	N/A	12%	16%	N/A	19%	N/A	N/A
Percent of notifications provided within five days of complaints filed with the FEC	100%	100%	100%	100%	100%	100%	100%	100%	100%
Percent of enforcement matters presented to the Commission for initial review within one year of the date of receipt	N/A	N/A	N/A	73%	93%	80%	86%	80%	80%
Percent of RFAs sent within 40 days of report review	76%	63%	72%	84%	92%	75%	92%	75%	75%
Percent of reports reviewed by RAD within 90 days of receipt	76%	87%	73%	85%	79%	75%	93%	75%	75%
Percent of <i>Proposed Final Audit Reports (PFAR)</i> approved by the Commission within two years from the start of fieldwork	64%	68%	38%	93%	43%	60%	56%	60%	60%
Percent of <i>Reviewing Officer Recommendations</i> circulated within 60 days	77%	90%	93%	100%	97%	75%	82%	75%	75%
Percent of <i>ADRO Recommendations</i> circulated within 140 days of referral	N/A	N/A	91%	72%	90%	75%	97%	75%	75%

<sup>13</sup> This measure is intended to provide context for the Commission's activities in resolving enforcement matters during the year, and the Commission does not intend to set a target for the number of enforcement matters resolved through conciliation.

Create an interdisciplinary quality control board	N/A	N/A	N/A	100%	N/A	N/A	N/A	N/A	N/A
Summarize common violations and make this information available to the public	N/A	N/A	N/A	N/A	N/A	Complete by FY 2016	100%	N/A	N/A

**3C:2.3 Strategic Objective 3:** Interpret the FECA and Related Statutes

*Leader: Deputy General Counsel—Administration; Deputy General Counsel—Law*

Commission initiatives, Congressional action, judicial decisions, petitions for rulemaking or other changes in campaign finance law may necessitate that the Commission update or adopt new regulations. Consequently, the FEC undertakes rulemakings either to write new Commission regulations or revise existing regulations. The Commission also provides guidance on how the *Act* applies to specific situations through the advisory opinion process and represents itself in most litigation before the Federal district courts and the courts of appeals. The Commission’s three primary means for providing interpretive guidance for the *Act* and related statutes are discussed below.

***Regulations***

The Policy Division of OGC drafts various rulemaking documents, including Notices of Proposed Rulemaking (NPRMs), for Commission consideration. NPRMs provide an opportunity for the public to review proposed regulations, submit written comments to the Commission and, when appropriate, testify at public hearings at the FEC. The Commission considers the comments and testimony and deliberates publicly regarding the adoption of the final regulations and the corresponding Explanations and Justifications, which provide the rationale and basis for the new or revised regulations.

***Advisory Opinions***

Advisory opinions (AO) are official Commission responses to questions regarding the application of Federal campaign finance law to specific factual situations. The *Act* requires the Commission to respond to AO requests within 60 days. For AO requests from candidates in the two months leading up to an election, the *Act* requires the Commission to respond within 20 days. On its own initiative, the Commission also makes available an expedited process for handling certain time-sensitive requests that are not otherwise entitled to expedited processing under the *Act*. The Commission strives to issue these advisory opinions in 30 days.

***Defending Challenges to the Act***

The Commission represents itself in most litigation before the Federal district courts and courts of appeals and before the Supreme Court with respect to cases involving publicly financed Presidential candidates. It also has primary responsibility for defending the *Act* and Commission regulations against court challenges. In addition, the *Act* authorizes the Commission to institute civil actions to enforce the *Act*.

## **Strategies and Next Steps**

The Office of General Counsel continues to focus on its processes to ensure that staff provides timely and well-written advice to the Commission so that it can meet its obligations to administer and enforce campaign finance law. The Commission considers it a high priority to ensure that guidance is provided through the advisory opinion process within the timeframes established by the *Act*. OGC continues to ensure that court filings meet all deadlines and rules imposed by the courts and has set as a performance target meeting 100 percent of these deadlines and rules.

The Commission also continues to ensure that reporting forms are timely revised, when necessary, to facilitate the public's compliance with regulations. The Commission must accurately and clearly explain what is required to be reported under the law, thus allowing filers to completely and correctly report their activity.

## **Progress Update for FY 2016**

During FY 2016, the Commission met its goal to provide 100 percent of legal guidance within statutory and court-ordered deadlines. The Commission also met a separate goal to issue 100 percent of advisory opinions within the applicable 60- or 20-day statutory deadlines. During FY 2016, the Commission completed work on 18 AO requests and issued 15 opinions in response to those requests. Of the 18 AO requests that the Commission completed in FY 2016, 17 were 60-day AOs (six of which received extended deadlines) and one was a 20-day AO. These AOs addressed issues such as contribution limits for rescheduled elections; state party committee status; and affiliation of separate segregated funds. The average number of days from receipt of a complete AO request to Commission action on it was 48 days for 60-day requests that did not have extended deadlines, and 55 days for all requests.

The Commission's litigation docket at the close of FY 2017 included multiple cases challenging the Commission's handling of enforcement matters in which entities were not found to be required to register and report as political committees, a challenge related to the Commission's regulation for financing of election debates, a constitutional challenge to the Commission's regulation implementing *FECA*'s requirements regarding the use of candidate names in the names of political committees, two constitutional challenges to limits on contributions to political party committees, several other constitutional challenges, and several cases enforcing *FECA* prohibitions.

**Performance Goal 3-1: Provide timely legal guidance to the public.**

Key Indicator: Percent of legal guidance provided within statutory and court-ordered deadlines.								
FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
N/A	N/A	N/A	100% <sup>14</sup>	100% <sup>15</sup>	100%	100% <sup>16</sup>	100%	100%

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<sup>14</sup> The Commission obtained extensions to consider ten advisory opinion requests in FY 2014; four of those extensions were attributable to the Federal government shutdown during October 2013. The Commission did not have any rulemakings during FY 2014 with statutory or court-ordered deadlines.

<sup>15</sup> The Commission obtained extensions to consider two advisory opinion requests in FY 2015. The Commission did not have any rulemakings during FY 2015 with statutory or court-ordered deadlines.

<sup>16</sup> The Commission obtained extensions to consider six advisory opinion requests in FY 2016.

### Supporting Indicators 3-1:

Measure Name	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
Percent of reporting forms revised within 90 days of approval of regulations that require conforming changes to forms	N/A	N/A	N/A <sup>17</sup>	N/A <sup>18</sup>	N/A <sup>19</sup>	100%	N/A <sup>20</sup>	100%	100%
Percent of advisory opinions issued within 60-day and 20-day statutory deadlines	100% <sup>21</sup>	100% <sup>22</sup>	100% <sup>23</sup>	100% <sup>24</sup>	100% <sup>25</sup>	100%	100% <sup>26</sup>	100%	100%
Percent of court filings that meet all deadlines and rules imposed by the courts	98%	97%	100%	100%	100%	100%	100%	100%	100%

<sup>17</sup> There were no regulations approved by the Commission in FY 2012 or FY 2013 that required conforming changes to forms.

<sup>18</sup> The Commission did not complete any rulemakings during FY 2014 that required conforming changes to forms.

<sup>19</sup> The Commission did not complete any rulemakings during FY 2015 that required conforming changes to forms.

<sup>20</sup> The Commission did not complete any rulemakings during FY 2016 that required conforming changes to forms.

<sup>21</sup> Four 60-day advisory opinions and one 20-day advisory opinion had extended deadlines.

<sup>22</sup> Three 60-day advisory opinions and two 20-day advisory opinions had extended deadlines.

<sup>23</sup> Four 60-day advisory opinions had extended deadlines.

<sup>24</sup> The Commission obtained extensions to consider ten advisory opinions during FY 2014; four of those extensions were attributable to the Federal government shutdown during October 2013.

<sup>25</sup> The Commission obtained extensions to consider two advisory opinion requests in FY 2015.

<sup>26</sup> The Commission obtained extensions to consider six advisory opinion requests in FY 2016.

### **3C:2.4 Strategic Objective 4:** Foster a Culture of High Performance

*Leaders: Deputy Staff Director for Management and Administration/Chief Human Capital Officer and Deputy Chief Information Officer, Enterprise Architecture*

One of the objectives from the FEC's Strategic Plan, FY 2014-2019, Foster a Culture of High Performance, cuts across the organization and reflects the Agency's strategic priorities for improving the efficiency and effectiveness of its workforce and management processes. The FEC's primary measure of success in developing and maintaining a result-driven workforce is at the program level: a workforce that delivers results will meet the internal performance targets set by the Commission. Supporting targets and results are detailed in the charts below.

### **Strategies and Next Steps**

The Commission understands that the success of its programs depends upon the skills and commitment of its staff. The Commission is focused on ensuring that staff training needs are assessed and met at every level of the Agency and that Agency leaders receive training necessary to help manage and maintain a fully engaged and productive workforce. The FEC's Office of Human Resources (OHR) is also focused on expanding recruiting efforts to attract the best talent, and decreasing the time to hire. As discussed in section 3:D:1, below, the FEC also took steps during FYs 2016 and 2017 to improve employee morale.

The FEC is participating in and contributing to the government-wide Records Management initiative. In compliance with the *Federal Records Act*, the FEC is updating its records management program. The updated program will increase efficiency and improve performance by eliminating paper and using electronic recordkeeping to the fullest extent possible. During FYs 2017 and 2018, the FEC will continue its efforts to preserve and disclose Agency activities and decisions by modernizing the Commission's records management policies and procedures and implementing a training process regarding those modernized policies and procedures.

### **Progress Update for FY 2016**

In addition to assessing the Agency's progress in fostering a workforce that delivers results by ensuring that internal performance targets are met, the Commission tracks the Agency's efforts to reduce staff turnover among high-performing employees and to ensure that staff members receive regular performance evaluations and feedback.

The Commission continues to make progress updating its records management program in compliance with the *Federal Records Act*. Specifically, during calendar year 2016, each of the Agency's records liaisons received required training, facilitated by the U.S. National Archives and Records Administration (NARA), to receive his or her Certificate of Federal Records Management Training. In addition, the Agency Records Officer and the core records management team met with each program office throughout the Agency to begin the concerted effort to update the Agency's file plans and records schedules. These meetings aided in identifying unscheduled paper and other non-electronic records. Notably, in November 2016, the Senior Agency Official and Agency Records Officer also submitted the Agency's Email Management Policy to the Commission, in accordance with the Managing Government Records

Presidential Directive. This policy remains before the Commission for approval and implementation.

During FYs 2017 and 2018, the FEC will continue revising its records management policies, practices and schedules to develop a 21<sup>st</sup> century framework for the management of government records by implementing an email retention policy, training Agency staff on the Commission’s modernized records management policies and procedures, and working toward the December 2019 Presidential Directive deadline of managing all permanent electronic records in an electronic format.

**Performance Goal 4-1: Foster a workforce that delivers results.**

Key Indicator: Commission-required quarterly updates meet targeted performance goals.								
FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
N/A	N/A	N/A	73%	80%	65%	76%	65%	65%

**Supporting Indicators 4-1:**

Measure Name	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Target	FY 2016 Actual	FY 2017 Target	FY 2018 Target
Reduced turnover of high-performing employees	N/A	N/A	N/A	3%	1%	3%	8%	3%	3%
Percent of eligible employees who receive an annual performance evaluation each performance period	N/A	N/A	N/A	100%	61%	99%	82%	99%	99%
Percent of agency IT initiatives within 15% variance of approved budgets	N/A	N/A	N/A	100%	100%	100%	100%	100%	100%

Meet Records Management Presidential Directive milestones	N/A	N/A	100%	50%	N/A <sup>27</sup>	As specified in Presidential Directive	60%	As specified in Presidential Directive	As specified in Presidential Directive
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### 3D: Implementation Factors

#### 3D:1 Major Management Priorities, Challenges and Risks

The FEC identified in the Agency’s FY 2014-2019 Strategic Plan a management objective, Foster a Culture of High Performance, that sets out strategies and measures designed to help the Agency deliver greater impact through innovation, increase effectiveness and efficiency, and improve service. Detailed information about this Strategic Objective is available in section 3C:2.4, above. In addition, the Commission has identified management initiatives as strategic activities in the strategic plan to support its mission objectives where those activities are deemed crucial to the success of the objective.

During FY 2016, the FEC worked in collaboration with the 18F team from GSA to redesign the FEC website to ensure that the FEC provides campaign finance disclosure information in a manner that is most beneficial to the public. 18F relies on an agile development model, where new products are quickly developed in their simplest forms and put before users immediately in order to test the developers’ assumptions. This evidence-based development model allows user experience and feedback to drive the development process and ensures that the FEC can provide improved services to the public as they become available over time, rather than having to wait until the entire project is completed. The website redesign project is further detailed in section 3C:2.1.

Each year the FEC’s Inspector General (IG) is required to provide a summary and assessment of the most serious management and performance challenges facing the FEC. In a memorandum dated October 19, 2016, the IG identified three challenges facing management: Low Employee Morale, Governance Framework, and Information Technology Project Planning and Management. The IG’s assessment and the FEC’s response are included in the FEC’s FY 2016 Agency Financial Report, available on the FEC website at [https://fec.gov/resources/about-fec/reports/budget/fy2016/FY2016\\_AFR.pdf](https://fec.gov/resources/about-fec/reports/budget/fy2016/FY2016_AFR.pdf).

Federal Employee Viewpoint Surveys show an employee morale issue at the Commission. Because the Commission believes that improved employee morale is important, the Agency has begun to seek collaborative solutions to address morale at the FEC and to identify concrete steps the Agency can take to improve the work environment.

<sup>27</sup> There were no Records Management Presidential Directive milestones for calendar year 2015.

### **3D:2 Data Validation and Verification**

OMB Circular A-136, as revised, and the *GPRAMA Modernization Act of 2010 (GPRAMA)* require each Agency to describe the accuracy and reliability of the data used to measure progress toward its performance goals, including an identification of the means used to verify and validate the measured values and the source for the data. Agencies are encouraged to determine the appropriate frequency of data validation and verification (V&V) needed for the intended use and should allocate appropriate resources to carry out validation and verification on an appropriately periodic basis.

Many of the FEC's performance measures set goals for the timely completion of tasks that are either internally generated or triggered through reports or complaints filed with the Commission. As a result, the universe of data the FEC must collect and verify to support its performance information is generally small, centrally located and easily verified. The FEC tracks data to support its performance measures through its internal databases and with spreadsheets maintained by program managers. In cases where performance is measured based on the timeframe for completing a decision, matter or inquiry, the universe of data to be measured and the dates on which performance milestones are reached are tracked electronically. Data provided by the Agency's litigation, policy, enforcement and compliance offices are reported at least quarterly to the Commission, which provides regular opportunities for the accuracy of the data to be verified.

The FEC also tracks its performance in making campaign finance information available to the public. Reports filed with the FEC represent the largest universe of data the Agency must consider in determining its performance. Campaign finance reports and statements filed electronically are made available on the FEC website nearly instantaneously, and reports and statements filed on paper with the FEC are placed on the FEC website within 48-hours of receipt. In addition, FEC staff process the data contained in campaign finance reports so that the information can be accurately organized, categorized and searched in the Agency's databases. The FEC sets as a performance goal processing 95 percent of reports through its data and coding system within 30 days. The entry and completion dates for each report are retrievable through the FEC's electronic systems.

The FEC has completed a broad review of its methods for verifying and validating performance as part of its overall assessment of its strategic and performance plans. The FEC has identified senior-level staff and key managers to serve as goal leaders for each area of the strategic and performance plans. In addition, each strategic activity in the Strategic Plan has been assigned one or more program managers, who are responsible for the delivery and performance reporting of that activity. These managers will be serving as measure managers and data quality leads to ensure the completeness, consistency and accuracy of the reported data of their respective strategic activity.

### **3E: Conclusion**

As described in this section, the FEC's plans and strategies for FYs 2017 and 2018 are designed to ensure that the Agency is well-prepared to provide full campaign finance transparency to the public despite the expected increase in campaign finance activity.

## Office of Inspector General's Fiscal Year 2018 Budget Request

The Inspector General Reform Act (Pub. L. 110-409) was signed by the President on October 14, 2008. Section 6(f)(1) of the Inspector General Act of 1978, 5 U.S.C. § app. 3, was amended to require certain specifications concerning Office of Inspector General (OIG) budget submissions each fiscal year.

Each Inspector General (IG) is required to transmit a budget request to the head of the establishment or designated Federal entity to which the IG reports specifying:

- the aggregate amount of funds requested for the operations of the OIG;
- the portion of this amount requested for OIG training, including a certification from the IG that the amount requested satisfies all OIG training requirements for that fiscal year; and
- the portion of this amount necessary to support the Council of the Inspectors General on Integrity and Efficiency (CIGIE).

The head of each establishment or designated Federal entity, in transmitting a proposed budget to the President for approval, shall include:

- an aggregate request for the OIG;
- the portion of this aggregate request for OIG training;
- the portion of this aggregate request for support of the CIGIE; and
- any comments of the affected IG with respect to the proposal.

The President shall include in each budget of the U.S. Government submitted to Congress:

- a separate statement of the budget estimate submitted by each IG;
- the amount requested by the President for each OIG;
- the amount requested by the President for training of OIGs;
- the amount requested by the President for support of the CIGIE; and
- any comments of the affected IG with respect to the proposal if the IG concludes that the budget submitted by the President would substantially inhibit the IG from performing the duties of the OIG.

Following the requirements as specified above, the OIG of the Federal Election Commission submits the following information relating to the OIG's requested budget for fiscal year 2018:

- the aggregate budget request for the operations of the OIG is \$1,442,001;
- the portion of this amount needed for OIG training is \$28,000; and
- the portion of this amount needed to support the CIGIE is an estimated \$3,893.

I, J. Cameron Thurber, certify as the Deputy IG of the Federal Election Commission that the amount I have requested for training satisfies all OIG training needs for fiscal year 2018.