



November 13, 2023

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Federal Election Commission  
1050 First St. NE  
Washington, DC 20463

**RE: Notice 2023-14 (Request for Public Comment on Improvements to Report Filing Processes and Website Usability)**

Dear Ms. Stevenson,

Campaign Legal Center (“CLC”) respectfully submits these suggestions in response to Notice 2023-14, the Federal Election Commission’s (“FEC” or “Commission”) request for public comment on improvements to report filing processes and website usability.

**Improvements to Report Filing Processes**

*(1) Summarize changes made in amendments to disclosure reports.*

At present, when accessing an amended disclosure report on the FEC website, it is not possible to determine what information in the report has been amended without manually comparing the amended report to a prior version of the report (either the original report or a previous amended report). This can make it extremely challenging for the public to determine what information in an amended report is new, what information has been removed, and what information has been altered—particularly when a report has been amended multiple times and/or is quite lengthy, which is common.<sup>1</sup>

Recommendation: We recommend that the FEC make available on its website a summary of changes to an amended report that shows what has been changed from previous versions of the report.

*(2) Itemize earmarks by contributor and note conduit committees separately to allow simple totaling.*

Under the current system, it is difficult for committees to consistently report, and for members of the public to review, earmarked contributions. When an earmarked contribution occurs:

- The conduit committee reports receiving an earmarked contribution on Schedule A and the committee designated to receive the contribution (the

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<sup>1</sup> See, e.g., Devolder-Santos for Congress, Comm. Filings 2021–22, FEC.GOV, <https://www.fec.gov/data/committee/C00721365/?cycle=2022&tab=filings> (last visited Nov. 13, 2023) (showing multiple amendments for nearly all regularly scheduled reports). See also DNC Servs. Corp. / Democratic Nat’l Comm., Comm. Filings, 2021–22, FEC.GOV, <https://www.fec.gov/data/committee/C00010603/?tab=filings> (last visited Nov. 13, 2023) (showing amended reports nearly 30,000 pages long).

“destination committee”) in the memo field. However, there is no field for reporting the destination committee’s FEC ID.<sup>2</sup>

- The conduit committee reports transmitting the contribution to the destination committee on Schedule B, where the memo field contains the name of the original contributor.<sup>3</sup>
- The destination committee reports a receipt from the original contributor on Schedule A, and a separate “memo item” receipt noting the conduit committee that transmitted the earmark.<sup>4</sup>

The current system has substantial drawbacks for both filers and the public:

- Due to the proliferation of earmarked contributions from major conduit committees like ActBlue and WinRed, which process millions of such transactions, it has become virtually impossible to reliably and accurately total receipts for committees that receive a large number of earmarked contributions without individually reviewing each of these transactions, which can be difficult and is often impractical.
  - In theory, the “is\_individual” data parameter (“From unique individuals only” on the website) is designed to prevent “double-counting” of earmarked transactions, but in practice it is inconsistently applied and unreliable.
- Under this complicated system, some earmarked contributions, even those above the itemization threshold, can be difficult to find or seem to simply disappear in the publicly available data.
  - For instance, a destination committee will sometimes report a receipt from the original contributor but fail to note the role of the conduit committee at all.<sup>5</sup>

Recommendation: We recommend that the Commission make it simpler to report earmarked contributions in a consistent and accurate way – ideally by developing a separate schedule designed specifically for earmarked contributions.

*(3) Create a separate field for reporting use of hybrid PAC non-contribution accounts.*

Hybrid PACs maintain two bank accounts: a “noncontribution” account that can accept unlimited contributions, including money from corporations, for the exclusive purpose of financing independent expenditures; and a distinct account to make contributions to federal candidates, which is subject to statutory contribution limitations and source prohibitions.<sup>6</sup>

Currently, hybrid committees generally opt to distinguish contributions to and expenditures from these segregated bank accounts in the “memo” field of disclosure

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<sup>2</sup> See, e.g., House Freedom Fund, Amended 2022 May Monthly Report at 102 (July 26, 2022), <https://docquery.fec.gov/pdf/059/202207269525053059/202207269525053059.pdf#navpanes=0> (showing a contribution of \$5,800 from Mrs. Elaine Beck with the memo entry “NOTE:EM/MILLER/TRANS44685” listed on Schedule A).

<sup>3</sup> See House Freedom Fund, 2022 June Monthly Report at 894 (June 20, 2022) (showing the \$5,800 contribution from Mrs. Elaine Beck described in note 2 listed as a disbursement to Mary Miller for Congress on Schedule B).

<sup>4</sup> See Mary Miller for Congress, 12-Day Pre-Primary Report at 17 (Aug. 23, 2022), <https://docquery.fec.gov/cgi-bin/fecimg/?202208239528161429> (showing the earmarked contribution discussed in notes 2 and 3 reported on the recipient committee’s Schedule A).

<sup>5</sup> See, e.g., Susan B Anthony List Inc. Candidate Fund, Amended 2020 12-Day Pre-General Election Report at 342 (Mar. 24, 2021), <https://docquery.fec.gov/cgi-bin/fecimg/?202103249442258729> (reporting a disbursement from Susan B Anthony List Inc. Candidate Fund to Messner for Senate with the memo note “Earmarked from Richard & Nancy Alvord Transmitted by Contributors Original Check”); Messner for Senate, 2020 30-Day Post-General Election Report at 10, 19 (Dec. 3, 2020), <https://docquery.fec.gov/pdf/101/202012039339778101/202012039339778101.pdf> (reporting contributions directly from Richard and Nancy Alvord, but without noting the involvement of the conduit committee.)

<sup>6</sup> Registering as a Hybrid PAC, FEC.GOV, <https://www.fec.gov/help-candidates-and-committees/filing-pac-reports/registering-hybrid-pac/> (last visited Nov. 13, 2023).

reports.<sup>7</sup> This can be confusing and otherwise difficult to track because these memo fields are not searchable and do not enable easy aggregating of the money raised or spent by the two distinct accounts. This current approach appears to result, at least in part, from a lack of a clear and consistent requirement or standard from the Commission indicating how hybrid PACs should report these transactions. As a result, without conducting a line-by-line review of the transactions in a hybrid PAC's disclosure report, it is extremely difficult to determine which of the hybrid PAC's accounts is receiving a contribution or making an expenditure.

Recommendation: We recommend that the Commission create a separate, indexed, and searchable field in the Schedule A and Schedule B sections of hybrid PACs' disclosure reports where they can specifically disclose which type of account is receiving or spending the money itemized in each transaction. This would make it easier for the public to track and aggregate the money raised by and spent from each of these segregated accounts.

*(4) Add memo field to database search filters.*

Committees use the memo field on reports for a wide variety of reasons, including (as discussed above) to disclose itemized contributions made through conduit committees and to indicate which one of their accounts is receiving or spending money. Committees also use the memo field to note the attribution of a contribution disclosed in another itemized entry.<sup>8</sup> As such, the memo field contains vital information, yet at present, there is no mechanism for the public to search this data through the FEC website. To ascertain the information contained in the memo field requires a page-by-page, line-by-line review of the committee's disclosure reports.

Recommendation: We recommend adding a memo field search filter to the Schedule A and B database interfaces, which would allow members of the public to better review and search these disclosures.

*(5) Add checkbox to specify if a receipt is an in-kind contribution.*

Currently, committees specify if a receipt is an in-kind contribution in the memo field of Schedule A, and also report the transaction as a Schedule B disbursement – since under FEC regulations, an in-kind contribution is reported as both a contribution to, and a disbursement of equal value by, the recipient committee.<sup>9</sup>

This reporting system for in-kind contributions is burdensome for committees and makes it more difficult for members of the public to accurately review in-kind receipts and overall disbursements, since, for example, the spelling and format of “in-kind” (“in kind”, “inkind”, etc) may vary, and there is no way to search by memo field on Schedule A in the FEC.gov receipts interface.

Recommendation: We recommend either adding a checkbox to Schedule A that can be used to indicate that the receipt is an in-kind contribution, or a new, separate schedule to be used solely for reporting the receipt of in-kind contributions.

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<sup>7</sup> See, e.g., SFA Fund, Inc, 2023 Mid-Year Report at 85 (July 31, 2023), <https://docquery.fec.gov/pdf/981/202307319584256981/202307319584256981.pdf> (showing \$1,070,000 in contributions to the committee's non-contribution account, as noted in the memo field of the receipts); AB PAC, 2023 Oct. Monthly Report at 85–86 (Oct. 20, 2023), <https://docquery.fec.gov/pdf/661/202310209598805661/202310209598805661.pdf> (showing expenditures for salary payments made from the non-contribution account, as noted in the memo field).

<sup>8</sup> See, e.g., SOS America PAC, 2023 Mid-Year Report at 20, 25 (Jul. 31, 2023), <https://docquery.fec.gov/pdf/638/202307319584587638/202307319584587638.pdf> (showing a partnership attribution of a LLC contribution).

<sup>9</sup> See 11 C.F.R. § 104.13(a); e.g., FF PAC, 2023 Mid-Year Report at 6, 7 (Jul. 31, 2023), <https://docquery.fec.gov/pdf/411/202307319588929411/202307319588929411.pdf> (showing a transaction of \$55,798.33 for “Non-Contribution Account In-Kind: Staff Time and Overhead” from Future Forward USA Action, reported on both Schedule A and Schedule B).

## Improvements to Website Usability

### *(1) Make clearer descriptions for Commission actions in closed Matters Under Review (MURs).*

The disposition summary provided with each closed MUR on the enforcement section of the FEC website should be a useful place for the public to learn the procedural history of a closed matter. Unfortunately, these summaries are technical, dense, and often convoluted, particularly for matters with long procedural histories and multiple Commission votes.<sup>10</sup>

Recommendation: The Commission already provides a “plain language” summary and disposition of a closed MUR in its Weekly Digest for the week when a MUR is released to the public. We recommend providing a similar summary of the allegations, procedural history, and disposition at the top of the enforcement page for each closed MUR.

### *(2) Improve system for downloading of bulk data and “delta” files.*

Although the Commission currently provides bulk data download files, these are fragmented across data types, election years, and update schedules. And while the Commission also provides downloadable exports of the entire dataset for each Schedule of disclosure reports, as well as a set of weekly “delta” files accounting for changes in each dataset, the “buckets” in which these files reside are not listed on the FEC’s website and are only available on request.

Recommendation: We recommend creating an interface for downloading customizable bulk data files and delta files from the Commission, which would make it easier for researchers to use and analyze large quantities of the campaign finance data that the Commission collects and must make available to the public. In addition, doing so would allow researchers to access the same data on their own machines, reducing how often researchers need to run intensive queries through the FEC’s website and potentially alleviating strain on the Commission’s servers. The Department of the Treasury’s USASpending.gov website, which offers these facilities, may be a useful model for implementation.<sup>11</sup>

### *(3) Create an interface for reviewing lobbyist bundled contributions.*

The Commission does not currently provide a means for members of the public to easily review or search reportable bundled contributions forwarded by, or credited to, lobbyists and/or lobbyist PACs. There is a downloadable spreadsheet that summarizes this reporting, but it merely provides a total sum for a particular report; it does not feature itemized reportable contributions nor the names of the lobbyists/registrants in question, even though this information is reported to the Commission by committees on Form 3L.

Recommendation: We recommend that the Commission provide a more straightforward way to make this information accessible, ideally through a searchable interface for bundled contributions that features itemized contributions and the names of the lobbyists or lobbyist PACs in question.

### *(4) Create an interface for searching Schedule 5-A.*

Non-committee groups, individuals, corporations, and labor organizations reporting independent expenditures must file a Schedule 5-A if they received contributions over \$200 made for the purpose of furthering those expenditures.

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<sup>10</sup> See, e.g., MUR #7310 (Mark Takai for Congress), Summary, FEC.GOV, <https://www.fec.gov/data/legal/matter-under-review/7310/> (last visited Nov. 13, 2023); MUR #7284 (AB PAC F/K/A American Bridge 21st Century), Summary, FEC.GOV, <https://www.fec.gov/data/legal/matter-under-review/7284/> (last visited Nov. 13, 2023).

<sup>11</sup> Custom Award Data, USASpending.gov, [https://www.usaspending.gov/download\\_center/custom\\_award\\_data](https://www.usaspending.gov/download_center/custom_award_data) (last visited Nov. 13, 2023).

There is currently no means for the public to search these filings. This schedule is missing from both FEC.gov’s searchable interface and from the bulk downloadable data. The public has a right to view and make use of this data, even if—as we suspect—there is little data being reported in this category at present.

Recommendation: We recommend that the Commission create a searchable interface for Schedule 5-A data.

*(5) Improve and increase filter options for searching independent expenditures (IEs).*

The searchable independent expenditure interface is a vital tool for the public to determine who is spending money to influence elections. Unfortunately, the currently available search filters are limited. For example, the interface does not allow the public to search by vendor details like state, city, or zip code, or to simultaneously search for all IEs in support of Candidate X *and* in opposition to Candidate Y. Given that a group backing a particular candidate will commonly make IEs both in support of that candidate and in opposition to their electoral opponents, the search interface would be enhanced if the public could conduct a combined search for all relevant transactions in any given race.

Recommendation: We recommend that the Commission add new filters for the independent expenditure searchable database, including additional vendor details (such as state, city, or zip code) and transaction description would allow members of the public to better navigate data on spending to influence elections. We further recommend that the FEC update the IE interface to allow members of the public to use contrasting search functions at the same time.

*(6) Show all former committee names and committee types on committee summary page.*

Committees sometimes change their names in ways that can be difficult to track over the course of multiple election cycles.<sup>12</sup> Even a well-known and established committee can be difficult to find on the FEC’s website if it changes its name. For instance, if a super PAC named “Librarians for a Better Educated Future” changes its name to “LBEF PAC,” someone searching the FEC website for information about the committee using its original name would, under the current system, be stymied in their efforts—despite knowing that such a committee exists and that its information should be available.

Recommendation: We recommend that the Commission maintain a record of all former committee names and that those names be published on the “About this Committee” summary page for every committee. We further recommend that the FEC ensure that the search filter for “committee name” will query both current and former committee names.

*(7) Add search function for historical treasurers.*

The committee database interface currently allows users to search for a committee’s current or most recent treasurer. However, if a committee changes its treasurer, there is presently no way for users to obtain information about the committee’s former treasurer, which is problematic when someone wants to know what committees are currently represented by, or have previously been represented by, a particular treasurer. For example, a candidate deciding whether to hire someone as their campaign treasurer should be able to search the FEC website and quickly find out if the individual they are considering hiring had previously served as the

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<sup>12</sup> See, e.g., Gentiva Health Servs. Inc. PAC (GENTIVAPAC), Statement of Org. at 2 (Oct. 13, 2004), <https://docquery.fec.gov/pdf/445/24038543445/24038543445.pdf>; KAH Hospice Company, Inc. PAC, Amend. Statement of Org. at 1 (Aug. 10, 2022), <https://docquery.fec.gov/pdf/487/202208109525239487/202208109525239487.pdf>; KAH Hospice Company, Inc. (dba Gentiva) PAC, Amended Statement of Org. at 1 (Aug. 14, 2023), <https://docquery.fec.gov/pdf/442/202308149596552442/202308149596552442.pdf> (showing multiple committee name changes over the course of multiple election cycles).

treasurer for a committee that had received numerous RFAI letters for poor recordkeeping and compliance during that individual's tenure as treasurer.

Recommendation: We recommend adding a search function for previous treasurers of committees.

*(8) Allow general searches across multiple election cycles.*

Searching across more than one election cycle on FEC.gov currently requires filtering by recipient name or ID, source details, or image number in order to obtain results. For instance, a search for all receipts from joint fundraising committees across just the most recent two election cycles returns an error.<sup>13</sup> This indicates the need for a more robust search function that can handle searches across multiple election cycles without narrowing the parameters with filters. Researchers and the public should be able to rapidly ascertain, *e.g.*, how much money all super PACs spent on election influence, how much all the presidential candidates raised, etc. over multiple election cycles. A more powerful search tool will provide members of the public using FEC.gov with a means to review data such as this without having to use workarounds or bulk downloads.

Recommendation: We recommend that the Commission update the FEC.gov database interfaces to allow for searching across multiple election cycles.

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We thank you for the opportunity to provide these suggestions to improve the FEC filing processes and website usability. Please do not hesitate to contact us with questions or for further information.

Respectfully submitted,

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/s/

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<sup>13</sup> Search results for receipts to joint fundraising committees, 2021–2024, FEC.GOV, [https://www.fec.gov/data/receipts/?data\\_type=processed&min\\_date=01%2F01%2F2021&max\\_date=12%2F31%2F2024&recipient\\_committee\\_designation=J](https://www.fec.gov/data/receipts/?data_type=processed&min_date=01%2F01%2F2021&max_date=12%2F31%2F2024&recipient_committee_designation=J) (last visited Nov. 13, 2023).