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Via E-mail

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

Re: Web Site and Internet Communications Improvement Initiative

Dear Mr. Hickey:

Thank you for this opportunity to submit comments regarding the Commission's initiative to improve its web site and Internet communications.

There are many areas in which the Commission does an excellent job of public disclosure through conferences and workshops, campaign guides, and other outreach. The Commission's web site, however, is frustratingly difficult to use, even for experienced campaign finance counsel. Additionally, while the e-mail updates from the Commission have been a welcome development, it remains a cumbersome and time-consuming process to access the documents that are the subject of these updates. We offer the following observations and suggestions:

Create a User-friendly and Non-static Homepage

As a general matter, the web site should be organized from the perspective of a member of the public who is not already familiar with the functions and jargon of the Commission. In this regard, the homepage of the Commission's web site could be substantially improved to guide web site visitors to available information.

We suggest that the homepage present some basic options for locating certain categories of records. For instance, it would be helpful if a web site visitor could click on a "Search FEC Records" button and be presented with the option of searching advisory opinions, closed enforcement files, litigation documents, etc. As currently configured, one would already have to know what categories of documents exist and that use of the general search function will not

disclose documents contained in the Advisory Opinion or Enforcement Query System databases. The availability of litigation documents is even more obscured because there is no tab on the homepage for "Litigation" or obvious path to find documents relating to pending and closed litigation. One can find those documents by clicking on "Law and Regulations," a link that one might reasonably assume contains only statutes, regulations, and Commission policy statements.

Similarly, there is a button at the bottom of the main page called, "What's New," which due to its size and color, and its location next to items such as the web site privacy policy, is easily overlooked. This tab deserves a more prominent place on the FEC's web site. The "What's New" button would be even more useful if the homepage were not static and if immediately below the "What's New" button one could see the most recent entries (even in truncated form) before clicking through to particular items. See, for example, www.ftc.gov (headlines) and www.sec.gov (other news).

In this same vein, there are many times we have chanced upon useful information on the FEC web site and then attempted to determine how we would find the information through the site's various pull-down options. For example, our search for information about one organization turned up a chart listing civil penalties paid by respondents in settling enforcement matters. But this document cannot be found through the main "Enforcement Matters" tab. We determined through the document's address that you would have to go to the main "Press Office" tab and then click on a link called "Backgrounders for Reporters," at which point you can find the document.

Some Commission jargon could also be eliminated or at least explained. For instance, if one clicks on Enforcement Matters on the homepage, the second item in the list is "Matters Under Review (MURs)." It is safe to say that only those familiar with internal Commission processes understand that the term "MUR" refers to individual enforcement cases and that the term includes matters that are actually no longer "under review" because they are closed.

Over the longer term, we urge the Commission to move toward a system where one could enter the name of an individual or organization and find a list of closed enforcement matters, advisory opinions, and other links that relate to that person or individual. Even if the current search engines cannot be easily integrated, it should be possible to see at a glance the various matters in which a particular individual or organization has interacted with the Commission – and then click through to each matter of interest.

Overhaul the Enforcement Query System

Put simply, the Enforcement Query System (EQS) does not and has never worked well. Searches commonly turn up numerous matters and countless documents, or else nothing at all. In fact, we have found that we are more likely to learn of the existence of a relevant enforcement matter by conducting a search through the general search engine than by attempting to use the EQS.

If one is fortunate enough to locate a closed file that addresses an issue of interest the documents contained in that file are categorized in a generic manner that adds considerable time and effort to the search. For example, if one is looking through the file of a case in which there were multiple conciliation agreements, there is no way to tell which link in a long list contains the agreement between the Commission and a particular respondent. Likewise, a reference to "General Counsel's Report #3" does not indicate the nature of the recommendation made in that document.

It is welcome news that the Commission will post on its web site the files from closed enforcement matters going back to the opening of the agency. The fact that the information is available on the web site, however, is only meaningful if people can find it.

E-mail Notifications

One of the most positive developments concerning disclosure has been the e-mail system through which the Commission announces new developments or conveys important reminders. Clicking on the links embedded in these e-mails, however, will rarely take you directly to the subject document. In fact, a good deal of additional searching is sometimes required. For instance, when the Commission sends a notice that an audit report has been released, clicking the link will take you to a page where there are literally dozens of audit reports. One can only guess which of these reports was the one recently released. Similarly, e-mail subscribers receive announcements that draft advisory opinions are available, but clicking on the link will not yield a copy of the draft. One must already know how to navigate the advisory webpage (click first on "pending advisory opinion requests" which takes you to a list) to find the draft opinion. The same is true for the e-mail announcement of closed enforcement cases and other matters.

Also, while we welcome e-mails from Commissioners' offices attaching a just-issued Statement of Reasons (SOR), it is difficult to understand why days or weeks transpire before the Commission publicly announces the issuance of the SOR, posts the SOR on its web site, or releases the file. Indeed, we often hear about SORs through the postings of bloggers, who presumably received the SOR the same way we did. We suspect that these long gaps between informal and formal announcements may be partly attributable to the press office's longstanding (and unfortunate) practice of deferring the release of closed files until a number of closed matters have accumulated. Regardless of the reason, however, there should be no major gap between when a blogger is handed a copy of a Statement of Reasons and when the Commission's press office formally releases it.

Finally, it is not easy for web visitors to know that this e-mail service exists. At the moment, the only indication is the word "subscribe" that appears in small print at the bottom of the homepage among a list of other items (Inspector General, Privacy Policy) that are unlikely to be of interest to the average web site visitor.

Searching for Campaign Records

The system for searching campaign records should be addressed. There are at least four different ways to search for information about candidates and candidate committees. For instance, you can go to "Search the Disclosure Database" and click on "Candidate and PAC/Party Summaries," "Candidate," or "Committee." But that will not necessarily retrieve the records for a particular candidate or PAC. An FEC analyst recently advised us that her preferred way of searching for records is through another tab, "View Images of All Finance Reports." The problem here is not that there are multiple ways to find information – in fact, the web site would benefit from more redundancy. Rather, these different paths take you to different information, yet there is nothing about the search options that would suggest this is the case. As a result, persons new to the site might have to explore multiple search options to ensure that they obtain access to all available information.

Avoid Stovepiped Approaches

As a final note, we urge the Commission to take a holistic approach to this initiative. For instance, certain features of the web site function better than others because the development of those features drew on expertise across internal organizational lines.

It is equally important to break down barriers when aggregating information. The outside world sees the Commission as one agency, not a series of divisions with different functions. For instance, the Commission now produces weekly summaries of news, which can be found under the "Press Office" tab. At the same time, monthly news reports, which are contained in a publication called "The Record," are found under the tab, "Help with Reporting and Compliance." Again, from the perspective of web site visitors, news is news. We suggest aggregating this information in one place.

The same approach should be taken in prioritizing information on the web site. To take one illustration, if one clicks the tab for "Enforcement Matters," the search engine for closed enforcement cases appears in a list of options as the fifth choice, below a tab called "Enforcement Profile," which contains charts depicting the historical performance of the Commission's enforcement program, and other tabs containing summaries of the Administrative Fines and ADR programs. The relative importance of information and the ability of the public to find that information quickly should be the prime considerations in prioritizing information on the web site.

We appreciate this opportunity to share our thoughts with the Commission.

Sincerely,

WOMBLE CARLYLE SANDRIDGE & RICE
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