



This document is from the Federal Election Commission FY 2003 Budget Request concurrently submitted to both OMB and Congress on November 6, 2001. To see the other budget documents go to the FEC Budget page at <http://www.fec.gov/pages/budget/budget.html>.

**APPENDIX C:  
FEDERAL ELECTION COMMISSION  
FY 2003 PERFORMANCE PLAN  
PURSUANT TO GPRA AND OMB A-11**

**November 6, 2001**

**Submitted to Congress/OMB**

# **FY 2003 PERFORMANCE PLAN FEDERAL ELECTION COMMISSION PERFORMANCE MEASURES, GOALS AND TARGETS**

## **PERFORMANCE MEASURES AND GOALS**

The Federal Election Commission (FEC) Strategic Plan identifies performance goals by election cycle or other multi-year periods. The FY 2003 Performance Plan relates these objectives, goals, and targets to FY 2003. The FY 2003 budget request presents resource levels required to achieve the FEC goals and objectives.

The FEC Strategic Plan notes the difficulty in developing measures of performance for the FEC mission. It is difficult to define and measure public faith in the political and campaign finance systems and the effect of the FEC on the public's confidence in the political process. The FEC, however, has developed a set of performance indicators to measure success in achieving improved public confidence in the political process.

If we are successful in meeting our performance targets for timely review and processing of reports, if we meet our targets for resolving enforcement actions in a timely manner, and if we are successful in informing and educating the public about campaign finance, we believe this will help ensure the desired outcomes: public confidence in the FEC to fairly and effectively apply campaign finance rules and to promote disclosure, thereby enabling the electorate to make informed choices in the electoral process. We seek to promote voluntary compliance with the FECA.

## **PERFORMANCE LEVELS AND FUNDING/FTE**

The FEC has requested a FY 2003 budget of 368 FTE and \$49,465,000. The request represents a continuation of funding from FY 2002, expected to be enacted at \$43,689,000 and 362 FTE, as adjusted to cover inflation, federal COLAs, and the cost of implementing our Information Technology (IT) Strategic Plan. The staffing level accommodates the administrative fine program that was implemented in July 2000 and is expected to be extended in the FY 2002 appropriation language. Also accommodated is the Alternative Dispute Resolution (ADR) program that began in FY 2001. This provides for a continuing resources (Current Services) level of \$45,640,000 for 362 FTE in FY 2003.

In addition to the Current Services level, the FEC has requested additional funding for three initiatives initially requested in FY 2002 but not funded: upgrade of the staffing levels for the Report Analysis Division (RAD) to implement an automated review process made possible by the electronic filing requirement; a data mining project to review patterns in disclosure data that may extend to more than one filer; and implementation of a Human Resources/MIS/FTE system in the client/server environment.

Finally, the FEC has requested funds for the Office of Election Administration (OEA) to assist state and local elections administrators: 6 FTE and \$3.175 million in FY 2003 to provide for election reform initiatives in elections administration initially requested for funding in our FY 2001 supplemental request and for FY 2002. These initiatives would complete and enhance the revised Voting Systems Standards (VSS)—technical standards for voting machinery. The request would also assist in the development of management and operational guidelines for voting systems, as part of a comprehensive program to upgrade the administration of federal elections by the 2004 presidential election.

Therefore, the FEC calculated a “Current Resources Performance” (Current Services) level of \$45.640 million and 362 FTE based on the FY 2002 appropriation, as adjusted. The programmatic increases requested for FY 2003 at our full request level of \$49.465 million for 368 FTE constitute the “Commission Request Performance” level.

Any funding level below the Current Services level, such as the OMB request for the FEC for FY 2003 at \$42 million, reflects a “Minimal Performance” level for FY 2003. This level of FEC resources will not support an alternative dispute resolution program (ADR); implement a PricewaterhouseCoopers (PwC) recommendation for a stand-alone Title 2 audit program; support a congressionally mandated administrative fine program; or expand the revision and improvement of the Voting Systems Standards (VSS.) The OMB level of resources would not support the aforementioned programs and would require a combination of reductions in other Commission core programs and staff. A further five percent reduction of the OMB level in accordance with the September 10, 2001 OMB Guidance would result in even more degradation in FEC core activities—it would result in significant staff reductions that would jeopardize the Commission’s ability to meet its basic mission responsibilities or achieve its basic objectives.

In FY 2003, the Commission decided **not** to request a final increment for disclosure and compliance programs: the “Full Performance Request” as submitted in FY 1998 and FY 1999 to properly process the expected future enforcement workload, plus complete on-going work on the 1996 election cycle major cases. The FY 2003 Request does not include a Full Performance level.

This submission indicates what the different performance level budgets will "buy" in terms of outcomes, as measured in workloads, service levels, and timeliness goals. The ability of the FEC to successfully implement the Federal Election Campaign Act of 1971, as amended, (FECA) and meet our mission responsibilities flows from the levels of service we are capable of providing.

The results or predicted outcomes for each of the major FEC programs are presented below. The desired outcomes for each program are presented at: the Minimal Performance Level (the OMB proposed level of funding) that results in staff levels of 352 FTE or less; the Current Resources Performance Level at 362 FTE; and the FEC Request Performance Level (368 FTE), for those programs that have performance indicated at higher than the Current Services Performance level. Only the incremental changes in performance or timeliness are included in the Current Request Performance Level and the FEC Request Performance Level.

Under the guidance available at the time of submission of the FY 2003 Budget Request, the FEC has estimated that the additional costs stemming from the Administration’s “Freedom to Manage” initiatives would require an adjustment of \$1,631,000. This adjustment is necessary to cover the full costs of retirement for CSRS employees, increasing agency payments from 8.51% of pay to 17.2% of pay (\$582,000), and to cover the future health insurance costs of federal retirees in the FEHB program (\$1,049,000 per OMB/OPM guidance.) These adjustments would be made to the full FEC request of \$49,465,000 and 368 FTE for FY 2003.

## **FY 2003 PERFORMANCE PLAN**

### **Program I: Disclosure**

#### **Objective: Promote Disclosure and Provide Information**

The desired outcome is that the public can make informed choices in the electoral process from full disclosure of the sources of candidates' funding for campaigns.

#### Minimal Performance Level (OMB level of 352 FTE or less)

- Meet 48 hour deadline for making reports available for public review of 90% of reports filed at FEC: process (scan, film, file, code and enter summary data) an estimated 75,000 reports and statements in FY 2003 (Public Disclosure/Data Systems)
- Code and enter itemized data from disclosure reports filed, 95% complete within 60 days from the date the reports are received at the FEC (estimated 50,000 reports and 1,200,000 transactions in FY 2003); reduce backlog of unprocessed 2002 cycle reports to less than 3,000 (and all unprocessed reports to less than 5,000) by the end of FY 2003 (Data Systems)
- Respond to 75% of requests for assistance from committees in filing reports within 72 hours; 12,000 estimated in FY 2003 (Reports Analysis)
- Review 50% of all quarterly reports filed within 90 days of receipt at Commission, complete 100% review of all reports filed, estimated 45,000 in FY 2003; reduce backlog of unreviewed 2004 cycle reports to less than 20,000, and less than 21,000 for all reports from all cycles by the end of FY 2003 (Reports Analysis)
- Review 100% of all statements received, estimated 13,000 in FY 2003 (Reports Analysis)
- Prepare RFAI's for 100% of all committees' reports reviewed which require them, 50% within 90 days of receipt at Commission, estimated 11,500 in FY 2003 (Reports Analysis)
- Respond to 75% of all requests for documents and data within 72 hours in Public Records, estimated at 25,000 in FY 2003; provide 31,000 printouts to requesters of indices (Public Disclosure)
- Respond to 75% of all press inquiries within 72 hours, and comply with statutory deadlines for 90% of all FOIA requests received; estimated 12,500 and 50 in FY 2003 (Press Office)
- Respond to 75% of requests for general information on FEC and FECA within 72 hours, 14 days for written requests, estimated at 45,000 calls and requests in FY 2003 (Information)
- Respond to 75% of requests for copies of forms, the FECA and Regulations, and Commission brochures and guidelines within 72 hours, estimated at 15,000 calls and requests in FY 2003 (Information)
- Notify all filers of upcoming reporting periods, and provide copies of forms as a pre-reporting notice; publish monthly *FEC Record* (Information)

- Publish statutorily required *Annual Report* and publish the following:
  - FEC Disclosure Forms
  - FECA (the Act)
  - FEC Regulations and updates, 11 CFR
- Enable Commission to meet statutory deadlines for issuance or conclude action on Advisory Opinions for 75% of all 60 and 20 day deadlines, estimated 30 in FY 2003, and meet 45-60 day target for AO reconsiderations, 15 days for deficient request notices (OGC)
- Maintain targets for completion of all rule-making petitions filed pursuant to 11 CFR Part 200, complete revisions to sections of Regulations in FY 2003 (OGC)
- Respond to all requests for legal assistance from FOIA Officer, and for all FOIA appeals, 75% within statutory deadlines, estimated 50 requests in FY 2003 (OGC)

#### Current Resources Performance Level (362 FTE)

- Same as Minimal Performance Level, except for following improvements:
  - Meet 48 hour deadline for making reports available for public review of 99% of reports filed at FEC: process (scan, film, file, code and enter summary data) an estimated 75,000 reports and statements in FY 2003 (Public Disclosure/Data Systems)
  - Code and enter itemized data from disclosure reports filed, 95% complete within 45 days from the date the reports are received at the FEC (estimated 50,000 reports and 1,200,000 transactions in FY 2003); reduce backlog of unprocessed 2002 cycle reports to less than 1,000 (and all unprocessed reports to less than 3,000) by the end of FY 2003 (Data Systems)
  - Respond to 100% of requests for assistance from committees in filing reports within 72 hours; 12,000 estimated in FY 2003 (Reports Analysis)
  - Review 60% of all quarterly reports filed within 90 days of receipt at Commission (75% within 120 days), complete 100% review of all reports filed, estimated 45,000 in FY 2003; reduce backlog of unreviewed 2004 cycle reports to less than 15,000, and less than 16,000 for all reports from all cycles by the end of FY 2003 (Reports Analysis)
  - Prepare RFAI's for 100% of all committees' reports reviewed which require them, 60% within 90 days of receipt at Commission, estimated 11,500 in FY 2003 (Reports Analysis)
  - Respond to 100% of all requests for documents and data within 72 hours in Public Records, estimated at 25,000 in FY 2003; provide 31,000 printouts to requesters of indices (Public Disclosure)
  - Respond to 100% of all press inquiries within 72 hours, and comply with statutory deadlines for 95% of all FOIA requests received; estimated 12,500 and 50 in FY 2003 (Press Office)
  - Respond to 100% of requests for general information on FEC and FECA within 72 hours, 14 days for written requests, estimated at 45,000 calls and requests in FY 2003 (Information)

-- Respond to 100% of requests for copies of forms, the FECA and Regulations, and Commission brochures and guidelines within 72 hours, estimated at 15,000 calls and requests in FY 2003 (Information)

-- Notify all filers of upcoming reporting periods, and provide copies of forms as a pre-reporting notice; publish monthly *FEC Record* (Information)

-- Publish statutorily required Annual Report and publish the following:

- FEC Disclosure Forms
- FECA (the Act)
- FEC Regulations and updates, 11 CFR
- Campaign Guides
- Brochures on Election Processes
- Videos on Campaign Finance (Information)

-- Enable Commission to meet statutory deadlines for issuance or conclude action on Advisory Opinions (AO) for 95% of all 60 and 20 day deadlines, estimated 30 in FY 2002, and meet 45-60 day target for AO reconsiderations, 15 days for deficient request notices (OGC)

-- Respond to all requests for legal assistance from FOIA Officer, and for all FOIA appeals, 95% within statutory deadlines, estimated 50 requests in FY 2003 (OGC)

#### FEC Request Performance Level (368 FTE)

-- Same as Current Resources Performance Level

#### FEC Full Performance Level **Not Requested**

### **Program II: Compliance**

#### **Objective: Obtain Compliance and Enforcement**

The desired outcomes are the perception by the regulated community that disclosure reports must be accurately and timely filed and the impartial and timely enforcement of the FECA.

#### Minimal Performance Level (OMB level of 352 FTE or less)

-- Refer a total of 60 committees for potential 438(b) audits from the 2002 election cycle in FY 2003-2004, 35 in FY 2003 and the last 25 referrals in FY 2004 (RAD)

-- Refer a total of 25 committees for potential enforcement actions in FY 2003; complete all enforcement referrals within the second FY of the election cycle (all of 2002 cycle by close of FY 2003) (RAD)

-- Publish committees that fail to file reports (RAD)

-- Complete a reduced number of 438(b) audits; initiate an estimated 25 total audits for the 2002 cycle; initiate all authorized committee audits within six months of the election (Audit)

-- Maintain a system to identify and assign the more significant enforcement cases, more rapidly dispose of less significant cases, and manage limited staff resources: the Enforcement Priority System or EPS (OGC)

-- Performance targets under the EPS include (all estimates assume that significant, major cases from the 1998 and 2000 cycles remain open and active during the 2002 cycle):

Process and close 225 cases in FY 2003, 40% with substantive Commission action (This represents cases in which the Commission has reached a substantive finding on the merits of the matter, other than dismissal, including findings of no RTB)

Assuming a monthly average total caseload of 275 to 290 cases during FY 2003, maintain a monthly average ratio of 40% active to 60% inactive cases (OGC)

-- Permits OGC to continue to effectively process in timely manner 4-5 major cases from pre-2002 election cycles

-- Complete review of 438(b) audit reports within 6-8 weeks on average; complete routine matters in two weeks; perform an estimated 10-15 audit reviews in FY 2003 (OGC)

-- Respond to RAD requests for review of debt settlement plans and administrative terminations within 10 days, complete review of complex debt settlement plans within 60 days; estimated 25 debt settlements and 500 administrative terminations in FY 2003 (OGC)

-- File all litigation pleadings in district court for offensive litigation within 90 days of Commission determination to file suit, and meet all other time limits for briefs and other pleadings imposed by the rule or order of the courts; estimated 10-15 defensive suits initiated in FY 2003 (OGC)

-- Make at least one attempt to initiate settlement prior to commencement of suit for each case early enough to permit consideration by Commission of any settlement proposal prior to target date of initiation of suit; initiate 9 to 10 offensive litigation suits in FY 2003

-- Ensure that all pleadings and briefs represent the Commission's positions persuasively, by reporting on status of each active litigation case once a month, and by maintaining a system to obtain satisfaction of all judgments imposing civil penalties (OGC)

#### Current Resources Performance Level (362 FTE)

-- Same as Minimal Performance Level, except for following improvements:

-- Increase number of Title 2 audits to 40 to 45 audits per election cycle: 20-25 authorized committee audits and 20-25 unauthorized committee audits (Audit)

-- Conduct business process review of RAD procedures and organization by 2004 cycle, not started until FY 2003 at this level (RAD)

-- Refer a total of 60 committees for potential 438(b) audits from the 2002 election cycle in FY 2003-2004, 55 in FY 2003 and the last 5 referrals in FY 2004 (RAD)



- Refer a total of 30 committees for potential enforcement actions in FY 2003; complete all enforcement referrals within the second FY of the election cycle (all of 2002 cycle by close of FY 2003) (RAD)
- Permits operation of the administrative fine program to process late and non-filer cases, freeing enforcement staff in OGC to work on more complex, substantive cases for potential enforcement action (RAD and OAR)
- Permits operation of alternative dispute resolution (ADR) process to handle administrative complaints and Title 2 audit referrals in a less resource-intensive process than the traditional enforcement process (ADR)
- Improves case activation ratios to 50%, and the active to inactive ratio for pending caseload to 50% (OGC)
- Complete 20-25 audit reviews in FY 2003 (OGC)
- Initiate 12-15 offensive litigation suits in FY 2003 (OGC)

FEC Request Performance Level (368 FTE)

- Same as Current Resources Performance Level, except for following improvements:
- Complete a business process review of RAD procedures and organization, started in FY 2002; productivity and workload impacts not expected until 2004 cycle (RAD)
- \$200,000 to upgrade RAD staff levels to improve automated review process (RAD)
- Enhance automated review and develop data mining capabilities; see IT projects below (RAD and Data)

FEC Full Performance Level **Not Requested**

**Program III: Public Financing**  
**Objective: Administer Public Financing**

The desired outcomes of the public funding program are to process timely and accurately requests for federal funds to qualified presidential candidates and to ensure impartial and timely enforcement of the FECA.

Minimal Performance Level (OMB level of 352 FTE or less)

- The 4 temporary FTE in Audit in presidential election cycles will allow timely processing of matching fund requests for each election from January of prior year to December of election year; five temporary employees facilitate ability for monthly processing. (This is similar to temporary assistance utilized in prior election cycles. Assistance of auditors on loan from GAO was terminated in the 1996 cycle. Not necessary until FY 2003.) (Audit)
- Within goal of completing all Title 26 audits within two years of the general election, complete 2000 cycle audits of 10 primary candidates, five convention committees (two per major party), and three general election audits by December 2002 (Audit)

- Produce report to Congress on the 2000 matching fund process within 2-1/2 years of 2000 general election (Audit)
- Complete legal reviews of all 2000 presidential audits within two years of 2000 election (December 2002) (OGC)
- Complete all repayment matters for 2000 cycle committees receiving public funds within three years of general election (by December 2003) (OGC)
- Complete audit legal review comments within 8 weeks of completion of preliminary Title 26 audits for 2000 cycle (OGC)
- Report on enforcement matters arising out of Title 26 audits and presidential campaigns to Commission every 3-6 months, depending upon complexity of cases; complete routine legal matters within one week; complete all investigations of 2000 presidential matters within four year presidential election cycle (by December 2004) (OGC)

Current Resources Performance Level (362 FTE)

- Same as Minimal Performance Level

FEC Request Performance Level (368 FTE)

- Same as Minimal Performance Level

FEC Full Performance Level **Not requested**

**Program IV: Office of Election Administration**

**Objective: Administer Office of Election Administration**

The desired outcomes are that the state and local election officials charged with administering federal elections are able to hold fair, efficient elections with public confidence in the integrity of the results and that election administrators comply with the Voting Accessibility and NVRA statutes. The FEC is required by the NVRA to report to Congress on the impact of the law after each election.

The Office of Election Administration currently is the only federal office directly assisting and supporting state and local election officials through the development of the updated technical Voting Systems Standards (VSS) and ongoing outreach efforts. The ability, or inability, to properly administer elections and tally elections results can affect the outcome of assuring public faith in the electoral process.

Minimal Performance Level (OMB level of 352 FTE or less)

- Assist elections officials and improve the administration of federal elections by conducting minimal research (\$100,000) into election administration issues, and respond to 100% of an estimated 10,500 requests for information within one week of receipt; research projects, include updated, enhanced VSS
- Further assist in improving the conduct of federal elections by complying with all statutory responsibilities and deadlines with regard to the Voting Accessibility (“Motor Voter”) and National Voter Registration Acts (NVRA)

### Current Resources Performance Level (362 FTE)

- Same as Minimal Performance Level, except for the following improvements:
- Enhance the conduct of federal elections by funding research at the \$300,000 level in FY 2003 (comparable to FY 2000 and FY 2001) to further improve the VSS and to initiate work on operational and management guidelines; major initiative not possible unless the requested funding is received at the FEC request level
- Conduct national conference introducing the completed VSS technical standards to the election administration community in FY 2002, with follow-up educational outreach in FY 2003

### FEC Request Performance Level (368 FTE)

- Same as Current Performance Level, except for the following improvements:
- Make a substantial and far-reaching, comprehensive effort to improve the conduct of federal elections with an increase in funding of the OEA of \$3.175 million and 6 FTE to: further enhance updated VSS; develop operational guidelines for elections; update and expand prior OEA studies on ballot access, ballot design, recounts, contested and challenged elections; complete detailed survey of elections administration equipment and resources; and design criteria for grant program to assist state and local elections officials improve the management and conduct of federal elections. Projects include:
  - \$1,100,000 for enhanced technical VSS and elections management including operational guidelines research (improve management of elections in all aspects—technical, machines/systems, personnel, training, administration of elections and voter education)
  - \$450,000 to conduct an assessment of existing election administration resources and hold informational meetings with state and local officials on requirements for operational and management guidelines for elections (comprehensive assessment of best practices, election administration resources, and the needs of election officials)
  - \$300,000 to update OEA research on election administration issues (build upon existing and past OEA research efforts in election administration issues such as election planning, adjusting precincts for reapportionment, ballot access, absentee voting, etc. to complement work on management standards)
  - \$500,000 to conduct a comprehensive census of national election systems and design criteria for a grant program to assist Congress in determining whether to enact a grant program for assistance to state and local elections offices to improve election administration in federal elections (development of accurate and up to date description of existing elections systems and an accurate estimate of the cost to improve systems)
  - \$825,000 to administer expanded OEA program—6 FTE
- Hold follow-up workshops on updated OEA research efforts for state and local elections officials subsequent to the National Conference of Election Administration Officials to introduce enhanced, updated VSS, and to discuss operational guidelines

(engage in broad based education and training to get new guidelines out to the elections officials)

### FEC Full Performance Level **Not requested**

#### **Information Technology (IT) Projects**

IT development and enhancements assist all Divisions and Offices in meeting their objectives and goals as defined above. The two major on-going initiatives are the IT Enhancements and the Electronic Filing projects. (See FEC IT Strategic Plan for FY 2001-2007.) Requested projects conform to Administration goals of using IT technology to improve productivity, improve access to information, improve public service, strengthen HR management, and accomplish these objectives without increases in staff resources (FTE.)

### Minimal Performance Level (OMB level of 352 FTE or less)

- Continue to provide point of entry for filing House disclosure documents at the FEC; scan all documents and transmit images to House Office in usable format for that office; eliminate duplicate processing at FEC and House office
- Continuation of multiyear enhancement and upgrade of IT systems for all Commission Offices and Divisions; continue migration to client/server environment; continue implementation of document management system; maintain new accounting system
- Operation of electronic filing system for disclosure reports required to be filed under the FECA; interim system initiated on January 1, 1997; implemented a full electronic filing system on a test basis for 1998 election cycle, completed testing and total system implementation for voluntary electronic filing in 2000 election cycle; implemented mandatory, with thresholds, electronic filing for 2002 cycle in FY 2001
- Assumes \$4.161 million for the computerization initiatives in FY 2003, as provided in the FEC FY 2001-2007 IT Strategic and Performance Plans

### Current Resources Performance Level (362 FTE)

- Same as Minimal Performance Level, except for the following improvements:
- Initiate Portals Development Project (PDP), a web-based method for external and internal FEC users to access FEC documents, data and the disclosure databases, as well as other internal FEC systems
- Assumes \$5.086 million and 13.5 FTE for the computerization initiatives in FY 2003, according to the revised FEC FY 2001-2007 IT Strategic and Performance Plans

### FEC Request Performance Level (368 FTE)

- Same as Current Resources Performance Level, except for the following improvements:
- \$200,000 to install IT Human Resources/MIS/FTE system to supplement the new accounting system installed in FY 2001; full implementation of HR package delayed until FY 2003 at the appropriated level of FY 2002 funding

-- \$250,000 for analysis, design, and implementation of a Data Mining program to review patterns in disclosure data that may extend to more than one filer

-- Assumes \$5.536 million and 13.5 FTE for IT projects in FY 2003

**FEC Full Performance Level Not requested**

**Commission Management and Administration**

Represents the Commissioners, their immediate staff, and the staff management of the agency, including the Staff Director and General Counsel, the Staff Director's Office, the Commission Secretary, and the offices of Planning and Management, Personnel, and EEO. While operationally under either the Staff Director or the Deputy Staff Director, the Alternative Dispute Resolution (ADR) office, the Office of Administrative Review, and the Press Office are included in the Disclosure or Compliance Objectives discussion above. Includes the General Counsel's immediate staff.

**Minimal Performance Level (OMB level of 352 FTE or less)**

-- Existing Commission and Staff Management staffs necessary to comply with government-wide laws and regulations for budget, planning, personnel (HR), EEO, and other issues affecting federal agencies; provide guidance and support to the staff in meeting the FEC mission and achieving agency objectives and goals

**Current Resources Performance Level (362 FTE)**

-- Same as Minimal Performance Level

**FEC Request Performance Level (368 FTE)**

-- Same as Current Resources Performance Level, except for the following improvements:

-- Implement automated HR/MIS/FTE package to supplement automated finance system installed in FY 2001; to better serve the HR needs of the FEC (cost included in IT programs above)

**FEC Full Performance Level Not requested**