

APPENDIX C
FEDERAL ELECTION COMMISSION
FY 2004 PERFORMANCE PLAN
PURSUANT TO GPRA AND OMB A-11

March 2003

Submitted to Congress/OMB

FY 2004 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 2004 Performance Plan relates these objectives, goals, and targets to FY 2004. The FY 2004 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, for resolving enforcement actions in a timely manner, and for informing and educating the public about campaign finance, the FEC can achieved the desired outcomes: public confidence in the FEC to fairly and effectively apply campaign finance rules and to promote disclosure and enabling the electorate to make informed election choices. We seek to promote voluntary compliance with the FECA.

PERFORMANCE LEVELS AND FUNDING/FTE

The FEC has requested a continuing resources (Current Services) FY 2004 budget of 391 FTE and \$50,440,000. The request represents a continuation of funding from FY 2003, enacted at \$49,541,871 and 389 FTE, as adjusted to cover inflation, federal COLAs, the Information Technology (IT) Strategic Plan, and two FTE of temporaries for the presidential primary matching funds certification program. This request reflects the FY 2003 amended FEC budget request that justified additional staff required to implement the BCRA amendments in FY 2003 and 2004. The first election cycle under the BCRA amendments will be the 2004 cycle. OMB and the FEC are in agreement with this request for FY 2004 and it is contained in the President's FY 2004 budget submitted to Congress.

We have also requested funds to provide space to house the additional staff to be hired in FY 2003 and 2004. This space is being acquired through a forced move initiated in FY 2002.

Any funding level below the Current Services level will not provide the necessary resources to implement the BCRA amendments to the FECA, to continue the alternative dispute resolution program (ADR), to continue the stand-alone Title 2 audit program, or to continue the

congressionally mandated administrative fine program. The OMB level of resources would support these programs and would enable the Commission to meet its mission responsibilities and achieve its objectives by supporting core programs.

This submission indicates what the requested budget will achieve, 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 Current Resources Performance Level at 391 FTE.

FY 2004 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 because of full disclosure of the sources of candidate campaign funding.

Current Resources Performance Level (OMB level of 391 FTE)

- 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 65,000 reports and statements in FY 2004 (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 45,000 reports and 1,500,000 transactions in FY 2004); reduce backlog of unprocessed 2004 cycle reports to less than 2,000 (and all unprocessed reports to less than 3,000) by the end of FY 2004 (Data Systems)
- Respond to 75% of requests for assistance from committees in filing reports within 72 hours; 11,000 estimated in FY 2004 (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 2004; 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 2004 (Reports Analysis)
- Review 100% of all statements received, estimated 20,000 in FY 2004 (Reports Analysis)

- Prepare RFAs for 100% of all committees' reports reviewed which require them, 60% within 90 days of receipt at Commission, estimated 10,000 in FY 2004 (Reports Analysis)
- Respond to 100% of all requests for documents and data within 72 hours in Public Records estimated at 25,000 in FY 2002; provide 30,000 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 14,000 and 50 in FY 2004 (Press Office)
- Respond to 100% of requests for general information on FEC and FECA within 72 hours, 14 days for written requests, estimated at 55,000 calls and requests in FY 2004 (Information)
- Respond to 100% of requests for copies of forms, the FECA and Regulations, and Commission brochures and guidelines within 72 hours, estimated at 24,000 calls and requests in FY 2004 (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 for 95% of all 60 and 20 day deadlines, estimated 40 in FY 2002, 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 2004 (OGC)
- Respond to all requests for legal assistance from FOIA Officer, and for all FOIA appeals, 95% within statutory deadlines, estimated 100 requests in FY 2004 (OGC)

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.

Current Resources Performance Level (OMB level of 391 FTE)

- Refer a total of 75 committees for potential 438(b) audits from the 2002 election cycle in FY 2003-2004, 50 in FY 2003 and the last 25 referrals in FY 2004 (RAD)
- Refer a total of 35 committees for potential enforcement actions in FY 2004; complete all enforcement referrals within the second FY of the election cycle (all of 2004 cycle by close of FY 2005) (RAD)
- Publish committees that fail to file reports (RAD)
- Complete the expanded number of 438(b) audits: 20-25 authorized committee audits and 20-25 unauthorized committee audits; initiate an estimated 45-50 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 2000 and 2002 cycles remain open and active during the 2004 cycle):
 - Process and close 200 cases in FY 2004, 50% 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 175 to 200 cases during FY 2004, maintain a monthly average ratio of 50% active to 50% inactive cases (OGC)
- Permits OGC to continue to effectively process in timely manner 4-5 major cases from pre-2004 election cycles
- Complete review of 438(b) audit reports within 6-8 weeks on average; complete routine matters in two weeks; perform an estimated 20-25 audit reviews in FY 2004 (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 2004 (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 2004 (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 5 to 10 offensive litigation suits in FY 2004

-- 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)

-- Permits operation of the administrative fine program with 3 FTE to process non-and/or late-filer cases; frees 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 with 3 FTE to handle administrative complaints and Title 2 audit referrals in a more timely, less resource-intensive process than the traditional enforcement process; frees enforcement staff in OGC to work on more complex, substantive cases for potential enforcement action (ADR)

-- Based on business process review of RAD procedures and organization, started in FY 2002, enhance automated review and data mining capabilities; full productivity and workload impacts not expected until 2006 cycle (RAD and Data)

-- Utilize additional staff in RAD and OGC acquired due to BCRA impacts to ensure that new provisions of the FECA amended by BCRA are complied with, properly reported, and enforced (RAD and OGC)

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.

Current Resources Performance Level (OMB level of 391 FTE)

- The 2 temporary FTE in Audit for the 2004 presidential election cycle will allow timely processing of matching fund requests from January of prior year to December of election year; the temporary employees facilitate ability for monthly processing. (This is similar to temporary assistance used in prior election cycles.) (Audit)
- With goal of completing all Title 26 audits within two years of the general election, complete 2004 cycle audits of primary candidates, convention committees (two per major party), and general election audits by December of 2006 (Audit)
- Produce report to Congress on the 2004 matching fund process within 2-1/2 years of 2004 general election (Audit)
- Complete legal reviews of all 2004 presidential audits within two years of 2004 election (December 2006) (OGC)
- Complete all repayment matters for 2004 cycle committees receiving public funds within three years of general election (by December 2007, by December 2003 for 2000 cycle committees) (OGC)
- Complete audit legal review comments within 8 weeks of completion of preliminary Title 26 audits for 2004 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)

Program IV: Office of Election Administration

Objective: Administer Office of Election Administration

The FEC Office of Election Administration (OEA) is to be transferred to the new Election Assistance Commission (EAC) in FY 2003; the EAC is included in the President's FY 2004 Budget and is funded for FY 2003 and 2004. Therefore, the FEC does not include any funding or FTE in its FY 2004 Request for the OEA.

Information Technology (IT) Projects

IT development and enhancements assist the FEC in meeting its objectives and goals. The two major on-going initiatives are the IT Enhancements and the Electronic Filing projects. (See FEC IT Strategic Plan for FY 2003-2008.)

Current Resources Performance Level (OMB level of 391 FTE)

- 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; work with Senate Office in making Senate documents available for disclosure; continue to enhance and upgrade FEC imaging system and all web based disclosure applications
- 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 finance and accounting system
- Operation of mandatory electronic filing system for 2002 and 2004 cycle disclosure reports required to be filed under the FECA;
- Assumes \$6.390 million and 13.5 FTE for the computerization initiatives in FY 2004, as provided in the FEC FY 2003-2008 IT Strategic and Performance Plans
- Development of a Data Mining program to take advantage of the enhanced disclosure system and to enhance the automated review process in RAD
- Develop web-based access to the FEC disclosure and internal IT systems for use by both external and internal FEC users to access data and information (Portals Project)

Commission Management and Administration

Represents the Commissioners, their immediate staff, and the staff management of the agency, including the Staff Director's Office, the Commission Secretary, and the offices of Planning and Management, Personnel, and EEO.

Current Resources Performance Level (OMB level of 391 FTE)

- Existing Commissioner and Management staff 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