



October 25, 2013

The Honorable Debra Bowen  
California Secretary of State  
Political Reform Division, Room 495  
1500 11th Street, Sacramento, CA 95814

**Re: LWVC Recommendations for Improvements to Cal-Access**

Dear Secretary Bowen:

The League of Women Voters at all levels—national, state, and local—has long been a proponent of increased public disclosure of campaign finance information. Events of the last few years have shown how crucial campaign disclosure is. People can't make informed choices at the ballot box unless they can follow the money and recognize the political forces at work.

We welcome the chance to comment on how a modernized Cal-Access online system can best serve the needs of all Californians.

**Schnur Task Force Recommendations**

The LWVC participated in former Fair Political Practices Commission Chair Dan Schnur's Advisory Task Force on the Political Reform Act. We generally endorse the proposals on Electronic Filing offered to the FPPC by the task force chairs in January 2011 (<http://fppc.ca.gov/agendas/01-11/TaskForceFinalProposals.pdf>). However, looking at the task force recommendations today, we note that they do not go as far as saying all local jurisdictions should have to institute electronic filing. We recommend that the electronic filing system should, at some point in the not too distant future, include all state and local filings.

The task force recommendations are:

1. Electronic Filing:

A. Aim – A single, statewide electronic filing system for state and local candidate and non-candidate committee campaign disclosures that consolidates all state-required campaign data into one searchable database.

B. Phased-In Implementation:

1. FPPC and Secretary of State to establish two working groups – one would be comprised of IT experts to provide further detail regarding the methods, technology requirements, and costs of a consolidated state electronic filing network, and a separate

working group comprised of state and local filing officers would provide insights into operational issues and approached to be considered with implementation of a new system. We recommend that these task forces include members of the public, and encourage both user and general public comments.

2. Require all state committees to file electronically, without regard to the amount of money raised or spent. Require major donors at the state and local level that meet the requisite contribution/expenditure threshold (see 6F below) also to file electronically at the state level. [Note: 6F of the task force recommendations provided that initially, all state committees would file electronically. In addition, local major donors of \$20,000 in a calendar year would be required to file electronically at the state level. The LWVC believes that after a phase-in period, all filing should be done electronically.]

3. Implement a statewide database with expanded filing and public search capabilities. Encourage Secretary of State to set up a much more user friendly system so that public is able to use the database more easily.

4. Create a consolidated statewide network by setting up a process to import state-required committee disclosures from local jurisdictions that have their own e-filing systems into the statewide database.

5. Set up a system for Form 410 Committee Statements of Organization (the basic registration document) to be filed electronically by all filers. (See also recommendation 3.D.) [Note: Recommendation 3D stated, “Require Committee Statements of Organization to be filed electronically.”]

6. The Secretary of State should exercise her delegated authority under Government Code sections 84606 and 84605 (i) and (j) to make electronic filings for state committees the filings of record and the official versions of campaign reports for audit and other legal purposes. Local ethics agencies that operate under charter authority should be able to make such determinations for electronic filings within their jurisdictions. Legislation should be enacted to delegate to the Secretary of State and the FPPC to review and recommend the appropriate approach making electronic filings the filings of record and the official versions of campaign reports for audit and other legal purposes for local jurisdictions that are subject to state general law.

C. The State Legislature should be encouraged to move forward on legislation that would provide adequate appropriations to realize these goals.

### **Other Recommendations on a Replacement for Cal-Access**

In addition to simply making information available, that information should be made available to the public in a user-friendly format.

It currently requires skill and patience to “follow the money” using Cal-Access. As an example of the need to mitigate the difficulty the system presents, we have posted detailed

instructions for voters on our website: <http://cavotes.org/issues/campaign-financing-and-dislosure>.

A few of the things we would recommend for an updated system:

- The public wants to know:
  - o how much money is donated to a specific campaign
  - o how a campaign spends its money
  - o how much money one particular person or group donates to all the various campaigns
  - o whether any campaigns are out of compliance with the law and regulations.
- There should be an ability to search and download all of the data stored in the system.
- Data should be stored as data, and not in the PDF format, in order to make searches and downloads of data easier. Users should be able to cut the data many different ways to answer the questions and make the comparisons they wish to.
- The system should be easy for officials, candidates, campaign committees, and lobbyists to use. All information should be entered by the filers rather than by government employees, thus facilitating cost savings and reducing errors.
- As much as possible, the California reporting requirements should match federal reporting requirements, including matching the format in which data is reported and the schedule for reporting. For those who file both federal and state data, consistency helps insure accuracy and saves time for those doing the reporting.
- The system should provide as much information as possible. The user should not need to know all the nuances of reporting and the reporting requirements in order to find **all** the information about a particular candidate or ballot measure.
- Recognize that whatever requirements are put on reporting now will change over time. The system needs to adapt to changing requirements as well as changing campaign rules.
- Data should be available in a timely manner. Addressing this goal involves looking at the schedule of reporting and considering more transaction-based, rather than form-based, reports.
- We also advocate for mandatory training for campaign treasurers in a variety of forms and formats. Training in the use of Cal-Access will be a time-saver for filers and the officials receiving reports and for the FPPC personnel responsible for answering questions from candidates and committees. By eliminating the inadvertent errors that come from a lack of understanding or knowledge, state and local officials can focus on proactive enforcement of reporting requirements.
- Consider whether the reporting and the interpretation/enforcement aspects of the Political Reform Act should be under the same governmental body.
- Consider whether all reports required by the Political Reform Act should be filed through a single online system, not just the ones currently covered by Cal-Access.

The Cal-Access modernization process can benefit from lessons learned in setting up other systems for online filing and/or public access to large amounts of data, such as the online federal health benefit exchange. It helps to take a step at a time, testing each step before expanding to another. In addition, open-sourcing the project can bring suggestions for improvements and new approaches. To the extent possible, the procurement process should be tailored to allow for that instead of setting up rigid parameters and requirements in advance.

Thank you for this opportunity to provide input. We look forward to further involvement of the public in this important process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer A. Waggoner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Jennifer A. Waggoner, President

cc: Governor Edmund G. Brown, Jr.  
Marybel Batjer, Secretary, Governmental Operations Agency  
Carlos Ramos, Director and CIO, Department of Technology  
Erin Peth, Executive Director, Fair Political Practices Commission