

Access Delayed Is Access Denied: Electronic Reporting of Campaign Finance Activity

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“The old paper system made it difficult to track the flow of campaign cash . . . The candidates often did their best to keep the public in the dark. Former Governor Mario Cuomo’s reports regularly included handwritten entries, some illegible. [Governor George] Pataki filed printed reports, but used extremely small print and alphabetized his list of contributors for a time by first name.’

“That all changed in 1997 [with electronic reporting].”

--Marc Humbert (1999)

The experiences of New York in 1997 reflected a fast-paced trend spreading throughout the nation. New York joined dozens of other states in a movement that began to take shape only a few years earlier, but which has since embraced most governmental jurisdictions across North America: electronic filing and disclosure of campaign finance reports. The communications revolution ushered in by computer technology and the Internet has had a dramatic impact on the political landscape, and the communications revolution continues to transform the nature of politics and campaigns by providing voters with a degree of election information never before available. Key among this new body of readily available election information is tracking the trail of campaign contributions and expenditures. In more and more jurisdictions, computer technology and the Internet have been providing elections officials and, more importantly, the public with an almost instantaneous means to monitor the flow of money in politics.

The term “electronic reporting” of campaign finance data refers to a two-part process in which campaign finance reports are *filed* with elections officials and *disclosed* to the public through electronic means. Electronic filing and disclosure of campaign finance reports may be done through a variety of different electronic technologies, each with their own advantages and disadvantages. Campaign finance reports may be filed electronically with elections officials via diskette, direct-dial modem, public computer terminal or scanned into an election agency’s computer database. The information may be disclosed to the public through any one or a combination of these electronic mediums. Though originally viewed with some naivete and some suspicion even today, one electronic medium nevertheless has emerged as the dominate method of both filing and disclosure of campaign finance reports: the Internet.

This research charts the rapid development of electronic reporting of campaign finance data among the states and federal government and offers the different experiences among these jurisdictions as lessons for others who choose to digitize campaign reporting. The problems encountered with traditional paper filings are examined and the benefits of electronic reporting are discussed. The evolution of various technologies for electronic filing and disclosure are also documented, providing an assessment of the “best” technologies for the task.

In approaching this study, the authors have conducted an annual survey of elections officials in local, state and federal governments as well as the provinces of Canada, the only jurisdictions in the globe at this point that are implementing electronic reporting systems. The survey has been administered each year since 1996, and thus

provides an interesting picture of the dynamics of change in the field. Survey questions typically have asked which methods of electronic filing and disclosure are being employed or contemplated for each jurisdiction, problems and successes encountered and the costs associated with the program. The results of the survey are included as Appendix A.

The Rush Into the Digital Era

Under traditional paper filings, the process of reporting campaign finance activity is slow, cumbersome and inefficient. Candidates, political committees and lobbyists will usually submit reams of paper campaign finance statements to the Secretary of State's offices which, in turn, must categorize and file these documents. After a month or two of sorting these documents, the campaign finance statements may finally become available to the public. Frequently, the most important filings of campaign financial activity in the final stretch of the campaign will not be made public until after the election. Special interest money has flowed freely, political committees have secured their objectives, and the voters will not know who received these contributions until after they have cast their ballots. Access delayed is access denied.

Electronic reporting of campaign finance statements provide four distinct advantages:

- For campaign treasurers, recordkeeping is simplified and mistakes are easily avoided;
- For campaign managers, computerized financial records can be analyzed for strategic campaign advantage;

- For state elections agencies, sorting and auditing campaign finance statements is made dramatically easier and faster; and
- For the public, campaign finance information is readily available—before the election.

The movement toward electronic reporting of campaign finance data began slowly in 1993, when New York City became the first jurisdiction to implement a voluntary electronic reporting program for candidates and committees. New Mexico and Texas followed suit in 1994. New Mexico was the first state to allow filing via modem, but few candidates and committees opted to file electronically. In New Mexico, only 12 candidates filed electronically in 1994, and in Texas, just 20 candidates filed electronically. Seattle's electronic reporting program the following year was equally under-utilized, with only three candidates participating in the program (see *Public Integrity*, Vol. 2, No. 4).

Despite the slow start, the concept of filing, storing, and disclosing campaign finance data through electronic means caught on in popularity among many state elections officials in 1996, and has since rapidly spread to every state in the nation and many local jurisdictions and Canadian provinces.

In 1996, for example, eight states and three cities implemented some form of electronic filing program, and 12 other states were in the process of creating an electronic filing program.¹ Even a greater number of states provided some form of electronic disclosure of campaign finance reports, usually through public access to computerized databases via in-house terminals or computer diskettes.² However, the number of jurisdictions with a full electronic reporting program, including some form of both

electronic filing and electronic disclosure of campaign finance data, was relatively few. Only five states and three cities in 1996 had operational electronic reporting systems: Florida, Kentucky, New Mexico, Ohio, Texas, New York City, San Francisco, and Seattle. With the exception of the municipal programs, which had more manageable databases, these operational systems were under-utilized due to few participants and a general lack of development and familiarity with computer software and hardware.

By the year 2000, however, the American and Canadian federal governments, 32 states, three cities, and one Canadian province have started to implement electronic filing programs.³ An additional seven states, one city, and two Canadian provinces have electronic filing programs pending for future election cycles. Both the American and Canadian federal governments, 43 states, three cities, and one Canadian province also provide some electronic disclosure of campaign financial activity, with many other jurisdictions planning on implementing an electronic disclosure system.⁴ Currently, all states have shown an interest in developing a system of electronic reporting.⁵

Unlike 1996, many jurisdictions in the year 2000 have fully operational electronic reporting systems, combining both electronic filing and electronic disclosure of campaign financial activity. The American and Canadian federal governments, 29 states, three cities, and one Canadian province currently employ some type of electronic systems for *both* filing and disclosure of campaign finance reports.⁶ Of course, for reasons discussed below, the quality of these fully operational systems varies dramatically from jurisdiction to jurisdiction, depending on whether participation in the program is mandatory or voluntary, the methods of electronic filing and disclosure utilized, and the number of elective offices to which the program applies.

Clearly, in a matter of just a few years, electronic reporting among the states is becoming the standard means for candidates and committees to file campaign finance reports and for the public to access these records. It is eminently reasonable to expect all states to adopt electronic reporting systems and end paper filings in the very near future for statewide and legislative candidates, and to expect such systems to continue spreading in use among local jurisdictions and Canadian provinces with significant campaign financial activity.

The Filing Side of Electronic Reporting

Not only has the use and popularity of electronic reporting spiraled upward in the last few years, but also the nature of electronic reporting systems has fundamentally changed over time as well. Some of the early methods of electronic reporting, such as direct dial modem, have fallen by the wayside, while new methods of electronic filing and disclosure, such as the Internet, have emerged from obscurity to prominence. It is telling that in 1996, the first year the authors conducted a survey on electronic reporting, the survey neglected even to include the Internet as one of the methods of electronic filing available to candidates and committees (Holman, Jystad and Stern, 1996). At the time, the Internet was considered too undeveloped and unsafe to require anyone to file their financial activity reports through such a method. Presently, filing through the Internet is the second favorite method of electronic filing and, if trends continue, will likely become the favored method.

Voluntary Versus Mandatory Electronic Filing

In 1996, nearly all electronic filing programs were voluntary systems rather than mandatory—that is, candidates and committees were free to choose whether to file

electronically or through traditional paper means. Many candidates and committees were not very familiar with computer technology; numerous campaigns could not afford, let alone know how to use, computers; election agencies also suffered from a high degree of computer illiteracy; and the technology, software and operations of electronic filing were brand new and untested. A voluntary system of electronic filing provided all parties involved with a pilot program to work out the kinks in the system.

The early experience in San Francisco highlights some of the problems that can be encountered when a jurisdiction jumped into a mandatory filing system too quickly. The Board of Supervisors approved an ordinance in 1993 requiring that all campaigns with \$5,000 or more of annual activity file their reports via diskette in addition to submitting paper reports. However, the city was not prepared to computerize its database and thus declined to enforce the ordinance for more than three years. When it finally developed a campaign finance disclosure Web site in 1997, it still lacked the means to upload the data in a timely fashion. In fact, the program was a disaster. Each campaign used its own software program for their filings, many of which were incompatible with the software used in the city's database and Web site. City staff had to keypunch most of the data from the paper reports into the Web site database, causing the online disclosure database to be incomplete and even slower than visiting the San Francisco Ethics Commission offices and flipping through the paper reports by hand.

The city Ethics Commission soon recouped, however, and with the assistance of a private vendor, standardized the filing software format. Candidates and committees could still use their own diskette filing software, but it had to be approved as compatible with the city's software. Candidates and committees could also choose to file via e-mail

through the Internet. Since then, the San Francisco mandatory filing program has worked well and is systematically enforced today. San Francisco has even become the first jurisdiction anywhere to require political consultants (and lobbyists) to file their financial activity electronically as well (Vida, 1999).⁷

Mandatory Filing Is the Objective

Voluntary filing programs are attractive to many jurisdictions that are not adequately computerized or that might otherwise shy away from electronic reporting. Voluntary programs provide a cautious and constructive way to begin electronic reporting and at the same time pose no undue burdens on campaigns.

However, the rapid advance of electronic filing systems throughout the United States and Canada have rendered many of the arguments for a voluntary system moot. Computer technology is now employed by nearly all major candidates and committees and election agencies. Campaign treasurers routinely keep computerized records of financial activity, and election agencies now have a great deal of experience and know-how when it comes to computerizing databases and electronic filing of reports. Most jurisdictions that implemented some form of voluntary electronic reporting system in 1996 indicated that mandatory filing is the eventual objective in the near future. Voluntarism in electronic filing is largely viewed as a transitional stage as election officials experiment with the management and costs of the new technology. But the transitional stage is now coming to an end in many jurisdictions.

As shown in Figure 1, mandatory systems of electronic filing are gaining ground on voluntary systems. In 1996, voluntary systems had been the preferred approach to electronic filing among most jurisdictions. But, in the 2000, jurisdictions are increasingly

turning toward requiring candidates and committees to file electronically. Voluntary systems outnumber mandatory systems by a factor of 5-to-1 in 1996, but only by a factor of less than 2-to-1 by 2000. Although voluntary systems remain the most prominent approach today, jurisdictions adopting mandatory requirements for electronic filing have increased fivefold over the last four years. Clearly, the trend is in favor of mandatory systems of electronic filing over voluntary systems.

Most systems of mandatory electronic filing apply the requirement only to certain offices or on candidates and committees reaching a certain financial threshold, or both. As a result, it is more accurate to refer to systems as “primarily voluntary” or “primarily mandatory,” or even mixed systems.⁸ Following an initial brief period of allowing campaigns to file voluntarily through electronic means, giving time for an election agency to work out the bugs in its reporting system, jurisdictions will frequently ease into a mandatory system by *requiring* some candidates, such as statewide candidates, to file electronically and *allowing* all other candidates the option to file electronically.

Transitional Pains to Mandatory Systems

New York City employs a “primarily mandatory” filing program (Hedlund and Rosenberg, 1996, p. 28). Its city ordinance requires all candidates and committees that use computers to generate their disclosure reports to also file electronically. The New York City Campaign Finance Board has ventured into the field of electronic reporting well ahead of nearly all other state and local jurisdictions, expending considerable resources in computerizing the office and developing its own filing and disclosure software, known as C-SMART (“Candidate Software for Managing and Reporting Transactions”). The candidate software, distributed to all candidates and committees free

of charge, enables campaigns to submit all required disclosure schedules on diskette in fixed-length ASCII file format. Campaigns may use other filing software, but it must be compatible with the C-SMART file format. Transactions submitted on paper are keypunched into the city's database. Electronic filing allows for faster monitoring and disbursement of public funds to participating candidates. It comes as no surprise, then, that the city's electronic filing program enjoys an unusually high participation rate among candidates and committees, with 75% or more of all filers submitting diskette filings.

Iowa, another pioneer in the field, has been beset by numerous problems. Its officials have attempted to encourage candidates and committees to participate in its filing program by developing software with an assortment of useful campaign accounting and strategizing tools, such as combining direct mail solicitation software with the campaign filing software. Using a "bells and whistles" approach, the intent was to encourage voluntary participation in the program by providing candidates and committees with software that provide a variety of useful campaign management services. While such complex software has been successful in New York City, where officials developed their own software program, it has been a failure in Iowa. Contracting with a university professor to develop filing software with bells and whistles in the mid-1990s, Iowa had been poised to become one of the first states to offer electronic filing. But problems working with the professor and the complexity of the software bogged down Iowa's program until January, 1998, when the first few filings were received by diskette. A few candidates even filing by direct-dial modem, the only other filing option permitted in Iowa (although a tornado shut down the state's modem portal by mid-day on the filing deadline).

Perhaps the single greatest conclusion derived by the Iowa Ethics and Campaign Disclosure Board from this experience was to simplify the filing software and strip it of the added features. Although supplemental campaign features added to a filing software program can make it more attractive to candidates and committees, the additional features require considerable extra expense and computer expertise. Iowa ended up spending well over \$300,000 over a period of several years to develop its software package. It has finally created a workable software filing program, but only after streamlining the software and jettisoning non-essential features.

Although some other jurisdictions agree with Iowa's election officials to keep the filing software simple, Wisconsin election officials disagree. Aware of the problems faced by Iowa, but also aware of the successes achieved in New York City, Wisconsin has decided to develop a filing software program more ambitious than offered in most states. The state Elections Board wants a program that will enable campaigns to maintain all of their own records on the filing software, not just the filing reports. The Board does not want to make campaigns convert their own data into the state's software program when reports are due. More importantly, the Board foresees a legislative mandate in the near future to require candidates and committees to file and disclose campaign reports within 24 hours. It would not be practical to require 24-hour reporting unless the software program made it possible for campaign treasurers to maintain all of their own records on the filing software program developed by the Board. The objective in Wisconsin is to design filing software along the lines of a personal finance program.

Interestingly, a survey conducted by the Federal Election Commission (FEC) of candidates and committees with filing obligations asked respondents which types of

additional features would be most important to them in a filing software program. The most popular added feature among all respondents is to have instant notification from the FEC that the reports have been properly filed and received (71%). The next three desired extra features are reduced data-entry errors and easy amendments (51% each) and automatic calculations (50%). None of the candidates or committees polled indicated any desire to have political campaign strategy features added to a filing software program (FEC, 1999).

The ambitious goals of creating high quality filing software with additional features in Wisconsin have caused some delays in developing the software program. Wisconsin is still testing and refining its software, which the Board has decided is not yet ready to support an electronic filing system. It is unknown when Wisconsin will finish developing its filing software program, but the Board hopes to have a fully operational system sometime by the 2002 election cycle. Meanwhile, public demand for an electronic filing and disclosure system is mounting. In the 1998 election cycle, for instance, Wisconsin Governor Tommy Thompson filed a 1,843-page paper campaign report with state election officials, a report that costs roughly \$100 to get a copy, leading to a public outcry that Wisconsin's "tradition of open government" was being violated (Pommer, 1998, p. A2).

High Participation Rates in Mandatory Systems

Mandatory systems of electronic filing, of course, have a much higher rate of participation by filers than voluntary systems—as long as the thresholds for required electronic filing are not so high as to exclude many candidates and committees. As shown in Figure 2, the participation rate by filers is very high for mandatory systems and

discouragingly low for voluntary systems. With the noteworthy exception of New York City, even bells and whistles in an electronic filing program fail to induce most candidates and committees to file electronically if they are not required to do so. One quarter of all jurisdictions with primarily voluntary filing systems have 1% or fewer candidates and committees filing electronically; all voluntary systems have fewer than a third of all candidates and committees filing electronically.

A low participation rate in voluntary systems renders the campaign finance database woefully inadequate. Unless all the remaining candidates and committees are keypunched into the database, the public and press will not get an accurate picture of where political money is coming from and where it is going. In a voluntary system, filers who do not want to disclose their contributors and how much they received will file through the traditional paper trail, preventing timely public disclosure.

California experienced several problems with its first mandatory filing deadline in 2000. Widely considered the “Cadillac program” of electronic filing and disclosure, only candidates and committees raising or spending \$100,000 or more were required to file electronically in the first election of operation. The threshold is lowered to \$50,000 for the November 2000 general election. Furthermore, the enacting legislation neglected to establish any penalties for failure to file electronically, even when required to do so. Consequently, about 65% of required committees filed electronically in January 2000—still considerably higher than voluntary systems but disappointingly low for a mandatory system.

Given the dramatic difference in participation rates between voluntary and mandatory systems, it is easy to understand why developing a mandatory electronic filing

program is the ultimate objective of election agencies—and why the mandatory systems have gained popularity and use. When most or nearly all candidates and committees file their reports through electronic means, the public and press will have rapid access to a full and reasonably accurate picture of the flow of money into politics.

Methods of Electronic Filing

“Electronic filing” is the electronic transmission of campaign finance data from the filer to the election agency’s computerized database. It does not include the manual transmission of information into the database through keypunching, but it does include any other method of converting data into an electronic format suitable for a computerized database through rapid electronic means. Methods include the transmission of data from computer to computer through a diskette or CD ROM, direct-dial modem or the Internet, as well scanning paper reports into the agency’s computerized database. Each method has distinct advantages and disadvantages, although filing via diskette or the Internet appear to offer the most benefits overall.

Jurisdictions choose a particular method of electronic filing or combination of methods according to their own needs and resources. Factors in choosing a method include convenience, computer literacy, cost, security, and speed of transmission. The single most important objective—the very reason why electronic filing is so superior to paper filing—is the speed of transmitting campaign finance reports directly from a campaign committee into a publicly-accessible computerized database.

Keypunching paper filings into an electronic database for all candidates and committees involved in a single election will usually take several months, even for local election agencies, depending on the volume of reports. Scanning is considerably faster

than keypunching, but the lag time between filing and disclosure on a central computerized database still will take one to several weeks. Both of these methods are also riddled with irony. As former Connecticut Secretary of State Miles Rapoport once complained: “[t]he irony is that all the campaigns use computers, and then they translate their campaign reports to hard copy and then they give it to us [to convert back into a computerized format]” (Hedlund and Rosenberg, 1996, p. 27).

From Scanning to the Internet

Besides the lag time between filing and disclosure offered by the scanning method, most but not all scanning technology also suffers from other serious shortcomings. First, scanning technology can be overly sensitive to the layout of the paper reports. If the data is not typed or printed very legibly and in a precise location on the report, the data may not be properly scanned. Errors and incomplete data entry are common, although newer scanning technologies have increased the accuracy rate of data transmission up into the 90% accuracy range or more. Second, most scanning technologies have not yet developed a capacity to enter data into a database that is readily searchable and sortable. Most scanned data is much like a photograph of campaign finance reports, which precludes downloading the database into a statistical program (such as Excel), capable of cross-tabulations, breakdowns, or other forms of useful statistical analysis.

Diskettes (or CD-ROMs) offer a much faster method of filing. Mailing a diskette to the election agency through one-day delivery service cuts the time lag between filing and disclosure to about 24-48 hours. Diskettes may also be personally delivered to the election agency the same day or plugged into a public computer terminal (public kiosk)

and uploaded into the database. Once an agency receives the diskette, it takes just a matter of minutes or hours to upload the files into the database, assuming compatibility with the agency's software.

In addition to speed of transmission, an election agency must also consider the convenience, cost, and security of alternative electronic filing systems. Diskettes immediately became the most favored method of electronic filing in 1996, and still remain the most common method among federal, state, and local jurisdictions. The reasons behind the popularity of diskettes are quite apparent. Diskettes are a rapid means of transmitting reports; diskettes are inexpensive; and, perhaps most important of all, candidates, committees, and election officials alike are very familiar with how to use computer diskettes.

As shown in Figure 3, the Internet as a method of electronic filing is closing the gap with diskettes and will soon overtake them in popularity.⁹ While none of the jurisdictions with active or pending electronic filing systems allowed candidates to file through the Internet in 1996, 31 jurisdictions today have active or pending Internet filing programs and 38 jurisdictions have active or pending diskette filing programs. Between 1998 and 2000, the use of Internet filing programs increased 41% while the popularity of diskette filing increased only 11%.

Electronic filing via direct-dial modem, scanning, and public computer kiosks began among the least popular methods in 1996 and are steadily losing ground. Direct-dial modem, for example, is widely considered old-fashioned when it comes to telecommunications technology. Although it used to be a secure, direct, and rapid method of filing, direct-dial modems are difficult for most campaign committees to handle. Major

strides in the security systems and ease of using the Internet have made direct-dial modems as antiquated as the Ford Edsel.

The Disclosure Side of Electronic Reporting

Campaign finance reports that are transmitted electronically to an election agency (or keypunched) are then stored in the agency's computerized database for monitoring, auditing and, most important of all, public disclosure. "Electronic disclosure" is the process in which the election agency provides the public and press access to the campaign finance database through one or more electronic means of transmitting data. The standard methods of electronic disclosure of campaign reports include most of the standard means of electronic filing: in-house terminal, diskette or CD-ROM, computerized public kiosk, direct-dial modem, and the Internet.

Trends in Methods of Electronic Disclosure

When the first few election agencies began to computerize their databases, public access through electronic means—if permitted at all—was usually through an in-house terminal hardwired directly to the agency's central computer. Even as late as 1997, the in-house terminal remained the safest and most popular method of electronic disclosure of campaign finance data. Throughout these early years, diskettes as a method of disclosure continued to hold a narrow second lead against in-house terminals.

As shown in Figure 4, suddenly in 1998, Internet Web site disclosure tied in-house terminals in popularity as the favored means of electronic disclosure. Web site disclosure jumped in active or planned use among another 10 jurisdictions in the following year, clearly securing first place in terms of popularity for disclosing campaign

finance data to the public. According to our survey, nearly all jurisdictions expressed interest eventually in disclosing campaign finance data over the Internet, generally defined as Web sites. Even such holdouts as the Iowa Ethics and Campaign Disclosure Board—which in previous years had indicated opposition to Internet disclosure—today concedes it is “studying the placement of summary data on the Internet.”

Most jurisdictions actually offer the public a choice among methods of electronic disclosure. It is common for any election agency which offers public access to its computerized records through the Internet also to provide access through an in-house terminal and/or a diskette. Two methods of electronic disclosure are swiftly falling by the wayside as outmoded: computerized public kiosks and direct-dial modems. In fact, with the explosive growth of Internet disclosure, the very concept of “public kiosks” has lost substantive meaning. The kiosk idea was to have a direct computer terminal line from a public area, such as a library, to the election agency’s computerized database. Today, libraries and other public places frequently provide computerized access, but it is through personal computers connected to the Internet.

While access through the Internet and an in-house terminal is almost always free of charge since it does not create a cost for the agency, diskette disclosure sometimes comes at a nominal price. New York City and Iowa, for example, charge the public for the cost of the diskette; Tennessee charges \$1 for public access to its campaign finance records because of a state law that requires the election agency to notify candidates of the names and addresses of anyone who looks at their campaign records. In any case, electronic disclosure costs less than photocopying paper reports.

Although most jurisdictions allow public access to their computerized database through more than one means of electronic disclosure, the sheer advantages of Internet disclosure over all other means suggests that Web sites could one day become the exclusive method of public access. Already Georgia, Hawaii, Nevada, New Hampshire, Elections Canada, and the Canadian Province of Ontario provide access to the public only through the Internet.

Searchable and Sortable Databases

Not all electronic disclosure databases are the same. They range in quality from the “academic’s nirvana” (providing a fully searchable, sortable and downloadable database) to the “user’s nightmare” (providing a fixed database subject only to viewing) to non-existent. Regardless of which method of electronic disclosure is employed, the best electronic disclosure systems contain several features of their database in common.

The common features that determine the quality of a disclosure database include:

- Is the database readily available to the public and in a timely fashion?
- Is the data searchable and, if so, searchable by which criteria?
- Is the data sortable and, if so, sortable by which criteria?
- Does the database include all or nearly all filers?
- Is the database downloadable from the agency’s computer?
- Can the database be downloaded into a statistical software package, such as Excel, Panorama or SPSS?

A computerized database that is non-searchable and non-sortable is almost identical to a paper database, with few of the advantages of computerization. The only real advantage is the ease of access. It is no longer necessary to travel hundreds of miles to an election agency to look at paper documents stored in filing cabinets. A non-searchable and non-sortable database usually comes from scanning paper documents into the database, resulting in photographic pictures of the paper reports. The data can be viewed in the same fashion as paper reports, flipping through each page electronically in search of the information which is desired. The researcher will have to take careful notes to add up multiple contributions made by a single source, or to compile by hand summaries and analyses of a candidate's or committee's financial activity. In other words, the analysis of a non-searchable, non-sortable database is much like the analysis of a mountain of paper reports—slow, mathematically consuming, and tending toward inaccuracies.

A searchable, sortable computerized database allows the public to access, for example, all contributions made by the National Rifle Association to state legislative candidates, and to total those contributions. A researcher could select a single candidate and sort contributions by amount, contributor, or zip code. A good computer database will allow the public to ask for the disclosure of all contributions in excess of \$500 given to Democratic senate candidates from out-of-state. It will allow a researcher to search for contributions from specific committees given to a selected gubernatorial candidate by date. And for the benefit of election agencies, a good computer database can be very useful in monitoring campaign contributions and expenditures for compliance with election laws. It is also critical that a database include the reports of all or nearly all major

filers. Otherwise, it will be incomplete and could well be misleading. It is these types of searches and sorts of campaign finance data that are most useful to the public, election officials, and press when they are available at the click of a computer mouse.

Political scientists and other academics, as well as civic groups, journalists, and other interested persons, most appreciate a database that can be downloaded onto a university computer or home computer and transferred into a statistical-package software program. In more complex statistical programs, a campaign finance database can be closely scrutinized for current and historical trends, correlations, and cross-tabulations. The data can be recoded by the researcher so that, for instance, all committees and individuals associated with the tobacco industry can be identified, the campaign money flowing from the tobacco industry tracked, and the cumulative amounts of tobacco money tallied for recipient candidates. This model is the type of database for which all election agencies should strive.

The “Best” Disclosure Systems

Campaign databases can be electronically disclosed through any of the standard methods described above without tainting the data’s integrity. However, the Internet provides two additional advantages over other methods of electronic disclosure: it is easily accessible from any home computer, and the data may be instantly organized and downloaded. The “best” campaign finance disclosure system, then, involves compiling a complete, searchable, sortable, and downloadable database that is easily accessible to the public, preferably through a Web site on the Internet.

Examples of jurisdictions that have closely met these criteria include the states of Florida, Hawaii, Illinois, Michigan, New Jersey, Elections Canada, the province of

Ontario, and the cities of New York, San Francisco, and Seattle. Other jurisdictions may also arguably rate among the best disclosure systems, but the examples cited above clearly stand as leaders in the amount, quality, and accessibility of information provided to the public.

Although New Jersey, for example, does not require candidates or committees to file electronically, the New Jersey Election Law Enforcement Commission (ELEC) employs a two-prong approach to making campaign finance reports available to the public through its Web site. As soon as paper reports are received by the Commission, the reports are scanned into its Web site, offering the public quick access to view the reports. These scanned reports are not in a searchable format. However, ELEC then keypunches the same data into its database, which usually takes less than two weeks to input. This database *is* in a searchable and sortable format and may be downloaded into an Excel worksheet for further statistical analysis. Furthermore, this database includes the campaign reports for all candidates and political committees—local, county and state candidates and committees. Working with an initial \$1.5 million budget, ELEC not only established such a database of current financial activity, the agency also inputted campaign reports for the last 15 years, making historical analyses possible (DePa, 1999).

In addition, ELEC's Web site offers one other important feature that many other disclosure systems have thus far overlooked—a summary description of financial activity. Providing summary data in a disclosure system is an extremely useful function to introduce the public and press to a jurisdiction's campaign finance activity. Many of the more sophisticated disclosure systems require a user to identify a specific candidate or committee, and then those specific reports are accessed. However, many users may not

know the name of a particular candidate or committee. More importantly, many users want to access the database for a quick picture of how much money is flowing into the gubernatorial campaign coffers or how much money is being spent statewide in the current election cycle. It is a very simple addition to the database to provide summary statistics, perhaps even supplemented with easy-to-read charts and graphs.

The electronic disclosure system in Michigan approaches the category of an “academic’s nirvana.” Not only is the database easily accessible through the state’s Web site, but its Web server empowers researchers with many of the cross-tabulation tools otherwise only available in statistical software packages. Researchers can search the site for campaign contributions to a particular candidate or to all candidates. The amount of money contributed to any particular level of political office may be searched or accumulated for all offices. Contributions and expenditures may be sorted by candidate, committee, office, or even political party. Data can be selected by dollar amount or range of amounts, or contributions and expenditures selected by date or range of dates. Data may be selected by contribution source or expenditure code. Contributions and expenditures for get-out-the-vote activities is available online. If this is not enough, the database may be downloaded into other statistical programs as well.

Electronic Reporting: A Complete Filing and Disclosure System

Electronic reporting is a comprehensive system that combines electronic filing of campaign data into an agency’s database and electronic disclosure of this database to the public and press. Experience among the jurisdictions exploring electronic reporting shows that the ideal system should contain:

- Mandatory electronic filing of most candidates and committees, tempered with a low threshold of financial activity (such as \$25,000 per election) for mandatory filing or some other hard-to-obtain exemption for computer illiteracy;
- Agency keypunching or scanning into digital format the remaining reports filed via paper in order to provide a complete database;
- Electronic filing through the Internet, preferably direct filing via an agency Web site;
- A computerized database that is searchable, sortable, and downloadable;
- Auditing capability;
- Public access to the database via a Web site on the Internet.

Other features could be added that would even further enhance the quality of public disclosure. One such feature, which is rapidly growing in popularity among many jurisdictions, is to include lobbyists' financial activity reports in the program of mandatory filing and disclosure. The majority of jurisdictions with electronic disclosure of campaign activity will include at least a list of registered lobbyists and their employers in the database. Several jurisdictions have recently adopted legislation to encompass lobbyists in their electronic reporting programs.¹⁰

Multi-purpose electronic filing software, designed to provide campaign treasurers with a one-stop campaign accounting and filing software, would help make it easier for jurisdictions to impose a 24-hour reporting obligation by campaigns, especially within the last few weeks of an election. Bells and whistles in a filing software that would identify reporting errors and potential violations of campaign laws and notify campaign treasurers

that filed reports have been received would facilitate the filing process for candidates and committees.

Finally, Web sites can be designed in an attractive and easy-to-use manner to assist the public in “surfing” through the database. Databases should include summary statistics as well as itemized data. And some Web sites can be intimidating, especially if they require users to download special viewing programs before the data can be accessed. Great attention should be given to designing user-friendly Web sites.

One private organization, the California Voter Foundation (in consultation with the Center for Governmental Studies, Center for Responsive Politics, National Institute of Money in Politics, Center for Public Integrity, and Investigative Reporters’ Finance Information Center) took all of these factors into consideration and rated each state’s electronic reporting system. In terms of overall electronic filing and electronic disclosure software and technology, the Foundation concluded that California, Hawaii, Illinois, Louisiana, Michigan, New York, and Virginia operated the best systems in the beginning of the year 2000 (PR Newswire, 1999).¹¹

Obstacles to Implementation of Electronic Reporting Systems

Although many election agencies may not need statutory approval to develop and implement an electronic reporting system, most agencies are reluctant to move ahead without the consent of legislators and an additional budgetary allocation.¹² Some jurisdictions have encountered legislative resistance to implementation of electronic reporting of campaign finance data. Considerable legislative resistance had been evident in such states as California, Ohio, and Texas, and remains evident in several other states.

But the legislative disputes in California, Ohio, and Texas could not hold off electronic reporting programs. In fact, the legislatures of each of these states have since adopted full-scale mandatory electronic reporting programs. The power of public pressure for open government, and the logic of rapid and cost-efficient disclosure systems, carry far greater weight than legislative recalcitrance. Legislative resistance to electronic reporting in California turned into a partisan squabble, with legislators voting down multiple electronic reporting proposals along party lines, each fearing the other party would reap a public relations coup if the opposing party's bill were approved. Legislators in Ohio simply questioned the technology to death, until it was amply proven by other states that the technology exists and works. And the Texas Legislature, awash in campaign cash, resisted an electronic reporting program on the alleged grounds that opponents would use the donor lists against them in campaigns and that under-funded campaigns could not afford the program. When it became clear that public opinion leaned heavily in favor of electronic disclosure and that a threshold for exemption rendered the "poor candidate" argument irrelevant, Texas also had been forced to drop its resistance (Ratcliff, 1998, p. 1).

Every state and many local jurisdictions and Canadian provinces are at least studying the issue and planning on moving ahead with electronic reporting. Electronic reporting is a concept that has a life of its own. Legislative resistance today tends to be limited to the cost to taxpayers of developing a full-scale system.

Cost of Electronic Reporting

It is not altogether uncommon for a legislative body to approve legislation calling for development and implementation of electronic reporting, but then neglect to fund the

program. San Francisco struggled for a year against Mayor Willie Brown's resistance to allocate sufficient funds to finance the city's mandatory electronic reporting program. The State of Washington also ran into a similar problem. With passage of an initiative in 1992 calling for establishment of a system of electronic filing and disclosure, the Washington Public Disclosure Commission has not been able to fulfill this goal adequately because the legislature has refused to provide sufficient funding for the project (Cameron, 1999, p. B10).

Other election agencies have encountered similar under-funding problems and turned, instead, to financing electronic reporting from internal agency budgets. Arkansas, Florida, New Hampshire, and New Mexico have financed their projects from within the agency. Florida has supplemented its budget with the use of prison labor for data processing. Most jurisdictions, however, plan on special allocations for development of an electronic system.

The cost of establishing a system of electronic reporting is becoming easier to pinpoint. A few years ago when much of the technology and software had been in experimental stages, costs fluctuated from jurisdiction to jurisdiction. Estimates of financing projects in 1996 had ranged from a low of \$10,000 for software development in Arizona and Montana to \$550,000 for total estimated setup costs in California.

Several years of experience show that actual costs will vary depending on the existing computer infrastructure and the ambitiousness of the reporting program. Some programs, such as Iowa's, have cost as little as \$50,000 to get started (after the earlier \$300,000 cost for an unsuccessful program). In contrast, California spent \$1.1 million for a complete remake of the state's computer system affecting all government services as

well as introduction of a new electronic reporting system. Maintenance costs per year thereafter for most jurisdictions tend to average about 20% of the initial startup cost.

According to our survey, the median startup cost for a primarily voluntary electronic filing and disclosure system has run about \$287,000. Mixed systems of voluntary filing for some offices and mandatory filing for other offices has been comparable to voluntary systems. The median startup cost for a primarily mandatory system runs somewhat higher at \$400,000. These costs include software development and purchasing and upgrading computer hardware and technology.

A primarily mandatory system of electronic reporting, which is superior in terms of the size and accuracy of the database, generally costs about 28% more than a primarily voluntary system. But given that mandatory electronic filing is the final objective of any campaign finance reporting system, the somewhat higher cost appears to be worth the initial investment, rather than investing several hundred thousand dollars into a voluntary system and making additional investments thereafter to upgrade to a mandatory system.

While the initial investment for a comprehensive system of electronic reporting is substantial, it can be expected to pay for itself in subsequent years. Costs associated with manual data entry and maintenance and storage of paper records will be significantly reduced by an automated system. Monitoring and auditing campaign activity will become more efficient and less expensive. Staff time handling disclosure requests, which are substantial in a paper filing system, will become minimal in an electronic system. And an upgraded computer system may improve cost savings in other fields of governmental activity as well. Yearly maintenance costs of an electronic reporting system is likely to be well below the costs of operating a paper filing system—all the while vastly enhancing

the performance of an election agency's principle mandate: to disclose campaign financial activity to the public within a timely fashion.

Conclusion: Electronic Reporting Is Becoming Established Practice

Not too many years ago, the authors had to defend the concept of electronic reporting of campaign finance against the myth that “there is not much out there.” It had been a common misperception that electronic reporting was something for the future, that election agencies were not yet prepared to venture into this new realm. Indeed, most jurisdictions in 1996 were not yet prepared to implement electronic reporting, but a few jurisdictions had already made substantial strides—and many mistakes.

Within a short period of years, almost every state in the nation and several American localities and Canadian jurisdictions have plunged into the waters. Election officials everywhere became more knowledgeable and, in turn, committed to achieving electronic filing and disclosure of campaign reports. The benefits offered by electronic reporting for implementation of campaign finance and ethics laws have become increasingly evident. Candidates, committees and lobbyists benefit from a more convenient means of filing; governmental agencies benefit from less cumbersome and less expensive development and storage of databases; enforcement agencies benefit from more accurate monitoring of compliance; and voters benefit from timely access to important election information.

Election officials have worked in tandem at conferences, over the phone and through Internet communications in assisting others in developing electronic filing and

disclosure systems. Mistakes have been made, but most of the time great successes have been achieved. Full scale voluntary and mandatory electronic reporting systems are now in practice throughout the United States and Canada. The 2000 election cycle has been a watershed period.

Instead of debunking the notion that “there is not much out there,” today it can safely be said that “we are getting there.” With electronic reporting, timely disclosure of money in politics will become a reality as all interested citizens gain access to the mountains of campaign finance information that has been practically inaccessible in the past.

Endnotes

¹ Jurisdictions that implemented some form of either a voluntary or mandatory electronic filing program in 1996 include: Colorado, Florida, Kentucky, Michigan, New Mexico, Ohio, Texas, and Washington along with the cities of New York, San Francisco, and Seattle.

² Jurisdictions that allowed public access to computerized campaign finance databases in 1996 included: Alabama, Alaska, Arizona, Colorado, Florida, Hawaii, Idaho, Indiana, Kansas, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New Mexico, Ohio, South Carolina, Texas, Washington, Wisconsin, New York City, San Francisco, and Seattle.

³ Jurisdictions with active electronic filing programs in the year 2000 include: the Federal Election Commission (federal), Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Virginia, Washington, West Virginia, New York City, San Francisco, Seattle, Elections Canada (federal), and the province of Ontario.

⁴ Jurisdictions with active electronic disclosure programs in the year 2000 include: the Federal Election Commission (federal), Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, New York City, San Francisco, Seattle, Elections Canada (federal), and the Canadian province of Ontario.

⁵ Such enthusiasm for developing and implementing a system of electronic reporting is not as widespread in Canada as it is in the United States. Elections officials in most of Canada's provinces have indicated that either campaign financial activity is too minimal or computer technology is too expensive to make electronic reporting practical.

⁶ Jurisdictions in the year 200 with fully operational electronic reporting systems include: the Federal Election Commission (federal), Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Washington, New York City, San Francisco, Seattle, Elections Canada (federal), and the Canadian province of Ontario.

⁷ Campaign consultants in San Francisco vigorously opposed the ballot measure to require consultants to file regular financial activity reports with the city for public disclosure, a measure sponsored by Supervisor Tom Ammiano. Consultants called the measure a political stunt and redundant because the financial payments to consultants would already have to be reported in candidate statements. But Ammiano defended the measure as making it easier for the public to spot instances of influence peddling, in which paid consultants also worked as lobbyists representing clients before the city officials they helped elect. (Finnie, 1998, p. A1).

⁸ Jurisdictions with “mixed” electronic filing systems—in which many candidates must file electronically but many more candidates have the option to file electronically—include: Connecticut, Florida, Hawaii, Louisiana, Missouri, North Carolina, Texas, Virginia, and Washington.

⁹ Internet filing can be done through several different formats. One format, employed by such jurisdictions as the City of Seattle, is to e-mail the campaign finance reports to the election agency. A second format, which is likely to become the dominant format, is to allow candidates to log on directly to the election agency’s Web site and transmit the data through Web communications.

¹⁰ Jurisdictions which allow or require lobbyists to file electronically include: California, Connecticut, Hawaii, Illinois, Louisiana, Maine, Missouri, Oklahoma and Pennsylvania. Indiana, New York and Utah scan lobbyists reports into their databases.

It should be noted that California’s transition to include lobbyists reports in the mandatory electronic filing program has begun with extraordinary caution, probably due to an oversight in drafting the bill. The original version of the bill applied the same triggering threshold for mandatory filing for

candidates to lobbyists—in other words, \$100,000 of financial activity in the first election cycle and \$50,000 in financial activity in subsequent election cycles. Objections by the authors resulted in lowering the lobbyist financial threshold to \$5,000 for subsequent election cycles, but the redraft of the bill neglected to lower the \$100,000 threshold for the 2000 election cycle.

¹¹ The California Voter Foundation’s “Digital Sunlight Awards” ranking the quality of state electronic reporting systems, including explanations for each grade assessed, can be found on the Internet at: digitalsunlight.org/awards/

¹² A few election agencies have created electronic reporting systems without statutory approval and without additional budgetary allocations to pay for the program. In Kentucky, for example, the Registry of Election Finance realized that an electronic reporting program would help the election agency administer its duties more efficiently and save the agency money. The Registry thus went ahead to develop an experimental program in 1995 without statutory authorization. It is still operating today.