



May 9, 2013

The Honorable Jon Tester  
Hart 706 Senate Office Building  
Washington, DC 20510

The Honorable Thad Cochran  
Dirksen 113 Senate Office Building  
Washington, DC 20510

Dear Senators Tester and Cochran:

The improvement in Senate-related campaign finance disclosure that would result from passage of S. 375, the Campaign Disclosure Parity Act, is long overdue. The Campaign Legal Center strongly supports your efforts to ensure expeditious passage of this measure.

All or nearly all federal candidates and political committees **compile** their campaign finance data using computers and sophisticated software—including software provided free of charge by the FEC. Computerization of this data collection process has been the norm for more than a decade. Nearly all candidates for the U.S. House of Representatives and the office of President, and nearly all federal political committees, **also file** their campaign finance disclosure reports electronically with the FEC. This data is then made available to the public via the FEC’s website, typically within 24 hours. *See* 2 U.S.C. § 434(a)(11).

Senate candidates and their committees, however, willfully remain stuck in the Dark Ages—filing their disclosure reports on paper and denying the public timely access to information the Supreme Court has repeatedly recognized as vitally important to effective democracy.

In *Citizens United v. FEC*, for example, eight of the Supreme Court’s nine justices upheld a challenged disclosure law and stressed the importance of timely disclosure, noting that “modern technology makes disclosures rapid and informative.” *Citizens United v. FEC*, 130 S. Ct. 876, 916 (2010). The Court stated:

With the advent of the Internet, prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. . . . The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

Though modern technology and the Internet undoubtedly make “rapid” and “prompt” disclosure possible, the Senate has for more than a decade refused to utilize such technology, exempting itself from mandatory electronic filing requirements applicable since 2001 to candidates for the

offices of the House and President. In doing so, the Senate has kept voters in the dark regarding campaign financing and wasted millions of taxpayer dollars along the way.

Under current law, candidates for the office of Senator, their principal campaign committees, and the Republican and Democratic Senatorial Campaign Committees compile their campaign finance data electronically, but then nonsensically hit “print” and file their disclosure reports with the Secretary of the Senate in paper format. *See* 2 U.S.C. § 432(g). The reports are then delivered to the FEC, which reportedly spends more than \$250,000 per year paying people to retype the data back into a searchable digital format that is eventually uploaded to the FEC’s website and made assessable to the public. This process can take weeks and may deny voters access to important campaign finance data until after Election Day.

What reason can the Senate possibly have for clinging to its archaic paper-based disclosure system? Unless the Senate’s goal is to deny voters important information and waste taxpayer dollars in this time of fiscal crisis, the Campaign Legal Center can fathom no excuse for Senate’s continued refusal to mandate electronic filing of campaign finance disclosure reports.

Your bill, S. 375, presents a simple, tax-dollar-saving fix to the Senate’s broken disclosure system. S. 375 would amend section 432(g) of the Federal Election Campaign Act to repeal the electronic filing exemption for candidates for the office of Senator, their principal campaign committees, and the Republican and Democratic Senatorial Campaign Committees. Under the *Senate Campaign Disclosure Parity Act*, these candidates and committees would file campaign finance disclosure reports electronically with the FEC, by the same rules applicable to other federal candidates and committees.

Enactment of S. 375 would save candidates and committees the printing costs of the present paper-based system and would save taxpayers the needless expense of turning those paper reports back into digital, searchable data.

More importantly, enactment of S. 375 would bring Senate-related campaign finance disclosure in step with the “rapid,” “prompt” and “effective” disclosure promised to voters by the Supreme Court in *Citizens United*—“enabl[ing] the electorate to make informed decisions and give proper weight to different speakers and messages.”

Past efforts to provide for electronic disclosure have been repeatedly derailed in this body by threats to offer poison pill amendments—such as banning outside groups from filing ethics complaints against Senators. The Legal Center appreciates your leadership on this matter and supports your efforts to enact S. 375 quickly.

Sincerely,



J. Gerald Hebert  
Executive Director



Meredith McGehee  
Policy Director