Testimony of

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Hearing on

"S. 223, Electronic Filing of Senate Campaign Finance Reports"
Committee on Rules and Administration
United States Senate
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*The views expressed in this testimony are solely my own and should not be ascribed to the trustees, officers, or other staff members of The Brookings Institution. A brief resume is attached.

Madam Chairman and other members of the Committee, thank you for inviting me to share my views on S. 223, a bill to require the electronic filing of Senate campaign finance reports. I am delighted that you have decided to consider this bill early in the 110th Congress. It enjoys broad bipartisan support on the Committee and in the full Senate. The Federal Election Commission (FEC) has on numerous occasions recommended that the Senate adopt such a requirement. Scholars and advocacy organizations of all ideological stripes support it. To the best of my knowledge, not a single senator has made a serious public argument in opposition to the proposal. Unlike many issues that come before your Committee, especially in the campaign finance arena, this is a consensual matter that is not subject to divisions based on party, ideology, region, or incumbency status. Moreover, the current law that exempts the Senate from electronic filing requirements imposed on the House, non-Senate political party committees, political action committees (PACs), 527 organizations, and lobbyists is a source of great embarrassment to the institution. The Senate exemption is indefensible. It hampers the ability of the public to get timely access to Senate campaign finance information. It is woefully inefficient, adding substantial unnecessary costs. I urge you to move this bill rapidly through your Committee and to the Senate floor, and then to the House for its approval, so that electronic filing is in place for Senate candidates during the 2007-2008 election cycle.

Electronic filing of campaign finance dates back to 1995, when provisions of PL 104-79 provided for the optional electronic filing of campaign finance

reports and required that House candidate reports be filed directly with the FEC, rather than with the Clerk of the House. It did not include a similar change for the Senate, so its candidates continued to file their reports with the Secretary of the Senate. In 2001, when the FEC made its electronic filing program mandatory, senators remained exempt because they were not filing their reports directly with the FEC.

Whatever the rationale for the Senate exemption (institutional pride?), it has produced a set of ridiculous practices that serve no legitimate public or private interest. While virtually all Senate candidates (incumbents and challengers) use computer software packages to produce their reports, they then print out hard copies and mail them to the Secretary of the Senate. The reports need not arrive there by the published deadline; they only have to be postmarked by that date. Once the Secretary's office receives the documents, they are scanned into digital images – a process that can take up to two days – and sent to the FEC by e-mail. The FEC first posts these non-searchable report images on its web site and then prints out another hard copy of the reports (roughly 10,000 pages for each filing deadline), which is collated, boxed, and driven to a government contractor in Fredericksburg, VA. There, employees type the information back into a computer so that useful (searchable) data can be posted online. All told, the process costs about $250,000 a year.

The Campaign Finance Institute (CFI) has issued a series of reports demonstrating how these truly bizarre procedures have cost the public timely access to Senate campaign finance data. In 2004 only about fifteen percent of

the individual contributions to Senate candidates made during the 3rd Quarter (July, August and September) could be searched online by October 30. Similarly, a week before the 2006 elections voters in six of the ten most competitive Senate races were unable to search the web for 3rd Quarter contributions to candidates; voters in all ten competitive races could not search for October 1-18 donors. All of this information could be accessed for House races, PACs, and 527s.

In sum, the costs of the Senate exemption from electronic filing requirements (in dollars and timely access) are high. There are no credible arguments for maintaining the present system and no publicly-identified opponents in the Senate, policy community, or public. The Senate exemption from electronic filing, appropriately a source of public ridicule, diminishes the reputation of the world's "greatest deliberative body." The time is overdue for enacting S. 223 into law.

THOMAS E. MANN

Thomas E. Mann is the W. Averell Harriman Chair and Senior Fellow in Governance Studies at The Brookings Institution. Between 1987 and 1999, he was Director of Governmental Studies at Brookings. Before that, Mann was executive director of the American Political Science Association.

Born on September 10, 1944, in Milwaukee, he earned his B.A. in political science at the University of Florida and his M.A. and Ph.D. at the University of Michigan. He first came to Washington in 1969 as a Congressional Fellow in the offices of Senator Philip A. Hart and Representative James G. O'Hara.

Mann has taught at Princeton University, Johns Hopkins University, Georgetown University, the University of Virginia and American University; conducted polls for congressional candidates; worked as a consultant to IBM and the Public Broadcasting Service; chaired the Board of Overseers of the National Election Studies; and served as an expert witness in the constitutional defense of the McCain-Feingold campaign finance law. He lectures frequently in the United States and abroad on American politics and public policy and is also a regular contributor to newspaper stories and television and radio programs on politics and governance.

Mann is a fellow of the American Academy of Arts and Sciences and a member of the Council on Foreign Relations. He is a recipient of the American Political Science Association's Frank J. Goodnow and Charles E. Merriam Awards.

Mann's published works include *Unsafe at Any Margin: Interpreting Congressional Elections*; *Vital Statistics on Congress*; *The New Congress*; *A Question of Balance: The President, the Congress and Foreign Policy*; *Media Polls in American Politics*; *Renewing Congress*; *Congress, the Press, and the Public*; *Intensive Care: How Congress Shapes Health Policy*; *Campaign Finance Reform: A Sourcebook*; *The Permanent Campaign and Its Future; Inside the Campaign Finance Battle: Court Testimony on the New Reforms*; *The New Campaign Finance Sourcebook*; and *Party Lines: Competition, Partisanship and Congressional Redistricting*. He has also written numerous scholarly articles and opinion pieces on various aspects of American politics, including elections, political parties, Congress, the presidency and public policymaking.

He is currently working on projects dealing with redistricting, election reform, and party polarization. He and Norman Ornstein have just published *The Broken Branch: How Congress is Failing America and How to Get It Back on Track* (Oxford University Press, 2006).

Mann resides in Bethesda, Maryland with his wife Sheilah, who is also a political

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