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**Executive Summary of Testimony of Paul S. Ryan  
Before the Senate Committee on Rules and Administration  
Re: The Senate Campaign Disclosure Parity Act (S.219)  
April 25, 2012**

Distinguished committee members, thank you for this opportunity to provide my views on S. 219, the *Senate Campaign Disclosure Parity Act*. The improvement in Senate-related campaign finance disclosure that would result from passage of S. 219 is long overdue. The CLC strongly supports the *Senate Campaign Disclosure Parity Act*.

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).

In *Citizens United v. FEC*, 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). Though modern technology and the Internet undoubtedly make “rapid” 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 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. 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.

S. 219 presents a simple, tax-dollar-saving fix to the Senate’s broken disclosure system and 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.” We call on the Senate to schedule an up-or-down vote on S. 219 immediately and pass this overdue legislation. Thank you for the opportunity to testify before you today.



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# **Testimony of Paul S. Ryan**

**Senior Counsel, Campaign Legal Center**

**Before the Senate Committee on Rules and Administration**

**Re: The Senate Campaign Disclosure Parity Act (S.219)**

**April 25, 2012**

Distinguished committee members, thank you for this opportunity to provide my views on S. 219, the *Senate Campaign Disclosure Parity Act*.

The Campaign Legal Center (CLC) is a nonpartisan, nonprofit organization founded in 2002 that works in the areas of campaign finance, elections and government ethics. The CLC offers nonpartisan analyses of issues and represents the public interest in administrative, legislative and legal proceedings. The CLC also participates in generating and shaping our nation's policy debate about money in politics, disclosure, political advertising, and enforcement issues before the Congress, the Federal Election Commission (FEC), the Federal Communications Commission (FCC) and the Internal Revenue Service (IRS). The CLC's President is Trevor Potter, former Chair of the FEC, and our Executive Director is Gerry Hebert, former acting head of the Voting Section of the Civil Rights Division at the Department of Justice. I serve as Senior Counsel at the Campaign Legal Center and have more than a decade of experience practicing election law.

The improvement in Senate-related campaign finance disclosure that would result from passage of S. 219 is long overdue. The CLC strongly supports the *Senate Campaign Disclosure Parity Act*.

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 continued:

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.

*Id.* (internal citations omitted).

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 millions of 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.

S. 219 presents a simple, tax-dollar-saving fix to the Senate’s broken disclosure system. S. 219 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.<sup>1</sup>

Enactment of S. 219 would save candidates and committees the printing costs of the present paper-based system and would save tax payers the needless expense of turning those paper reports back into digital, searchable data.

More importantly, enactment of S. 219 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

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<sup>1</sup> FEC rules provide that any committee required to file reports with the Commission (*i.e.*, committees other than Senate candidate committees and the Republican and Democratic Senatorial Campaign Committees, which file reports with the Secretary of the Senate) must file reports in an electronic format if the committee receives or spends, or has reason to expect to receive or spend, in excess of \$50,000 in a calendar year. *See* 11 C.F.R. § 104.18(a). This \$50,000 threshold would likewise apply to committees brought into the mandatory electronic filing system by S. 219.

complaints against Senators. What on earth is the Senate waiting for? We call on the Senate to schedule an up-or-down vote on S. 219 immediately and pass this overdue legislation.

Thank you for the opportunity to testify before you today.



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**Paul S. Ryan, Senior Counsel, Campaign Legal Center  
April 2012**

Paul S. Ryan joined the Campaign Legal Center in October 2004. He has specialized in campaign finance, ethics, and election law for more than a decade and is former Political Reform Project Director at the Center for Governmental Studies (1999-2004) in Los Angeles. Mr. Ryan litigates campaign finance issues before federal and state courts throughout the United States and has published extensively on the subject of election law in journals including the *Stanford Law and Policy Review* and the *Harvard Journal on Legislation*.

Mr. Ryan has testified as an expert on election law before Congress, regularly represents the Campaign Legal Center before the Federal Election Commission and has testified before state and municipal legislative bodies and ethics agencies around the nation. He has appeared as a campaign finance law expert on news programs of CNN, NBC, C-SPAN, NPR and other media outlets, and is quoted regularly by *The New York Times*, *Los Angeles Times*, *The Washington Post*, *Roll Call* and other news publications.

Mr. Ryan is a graduate of the University of California, Los Angeles School of Law's Program in Public Interest Law and Policy (2001) and the University of Montana (1998), and is admitted to practice law in the District of Columbia, the State of California, the Supreme Court of the United States, the U.S. Fourth Circuit Court of Appeals and the U.S. Ninth Circuit Court of Appeals.