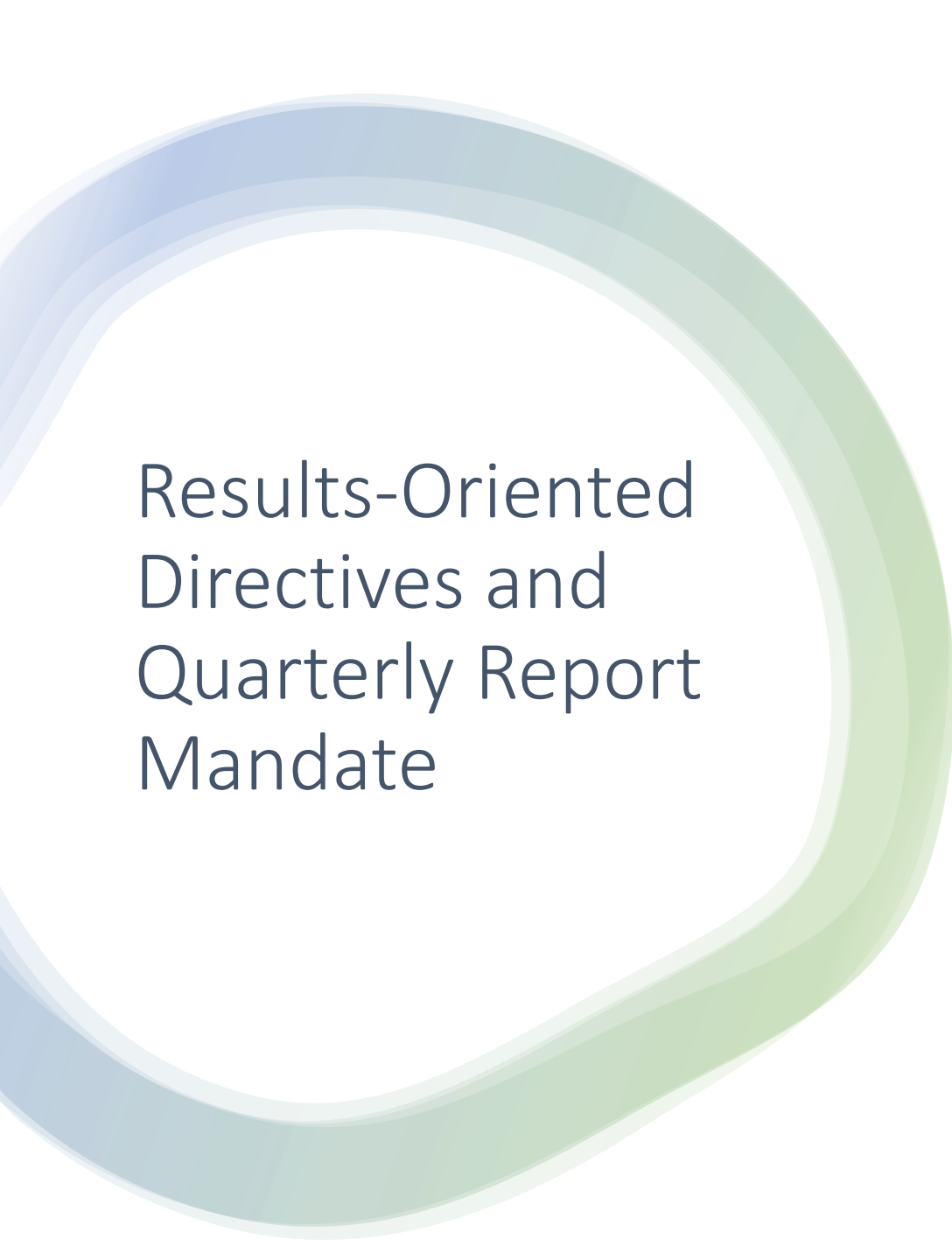


Policy Directives Progress Report

January 18, 2024

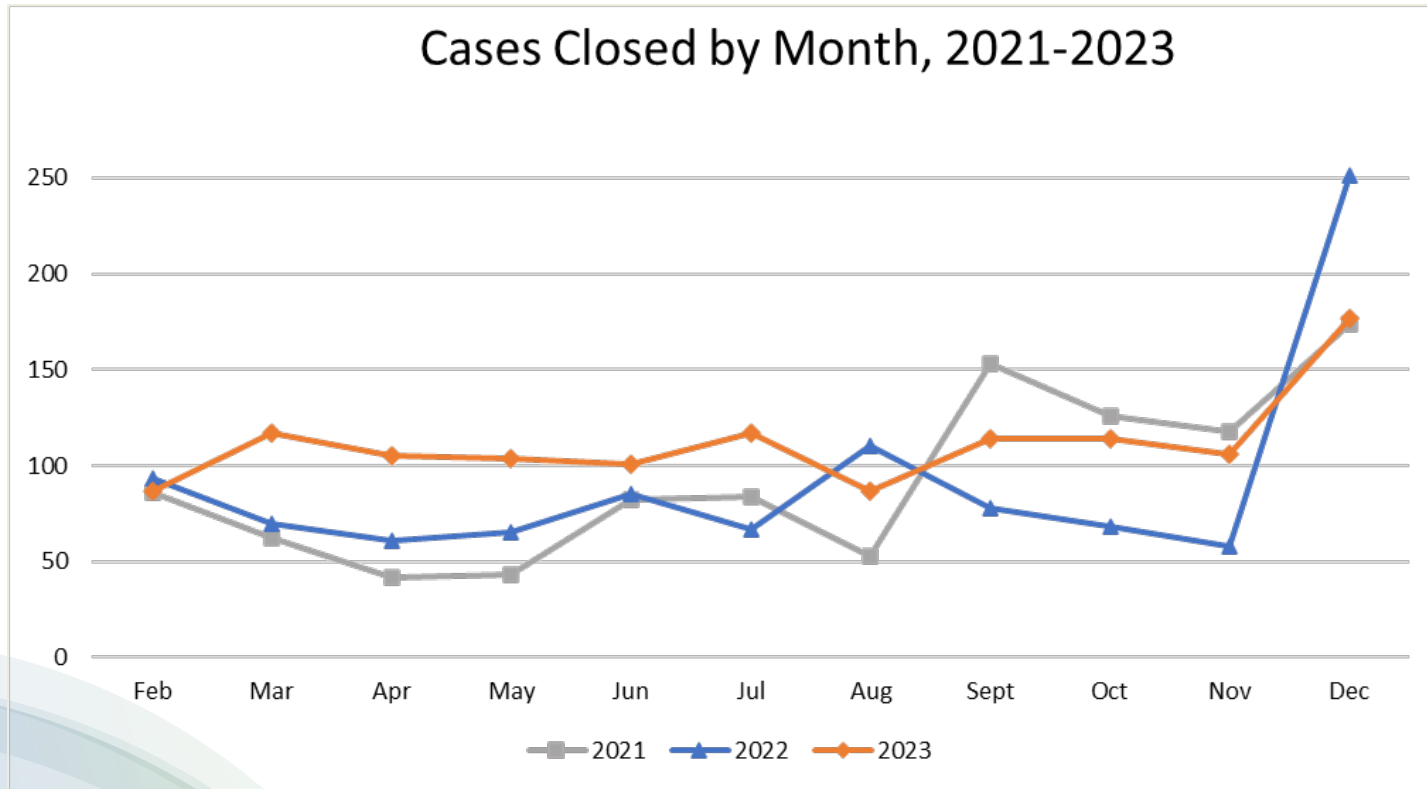
James M. Lindsay, Chief of Enforcement



Results-Oriented Directives and Quarterly Report Mandate

- Commission has issued three result-oriented directives to Enforcement Chief
 - Take all appropriate actions within Chief discretion to reduce by 75% the number of open cases existing prior to 1/1/23 as quickly as possible and no later than 12/31/24 (Sec I.A.)
 - Identify and implement such policies and procedures as are necessary to ensure that, for the foreseeable future, the annual number of carryover cases does not exceed 625 (Sec I. B.)
 - Establish and maintain a system for the efficient allocation and completion of Enforcement Division workload consistent with policy to resolve cases within two years (Sec II. B.)
- Enforcement Chief to provide quarterly reports to Commission on achieving goals stated in Section I (Sec I. C.)

Case Closures Comparison Data

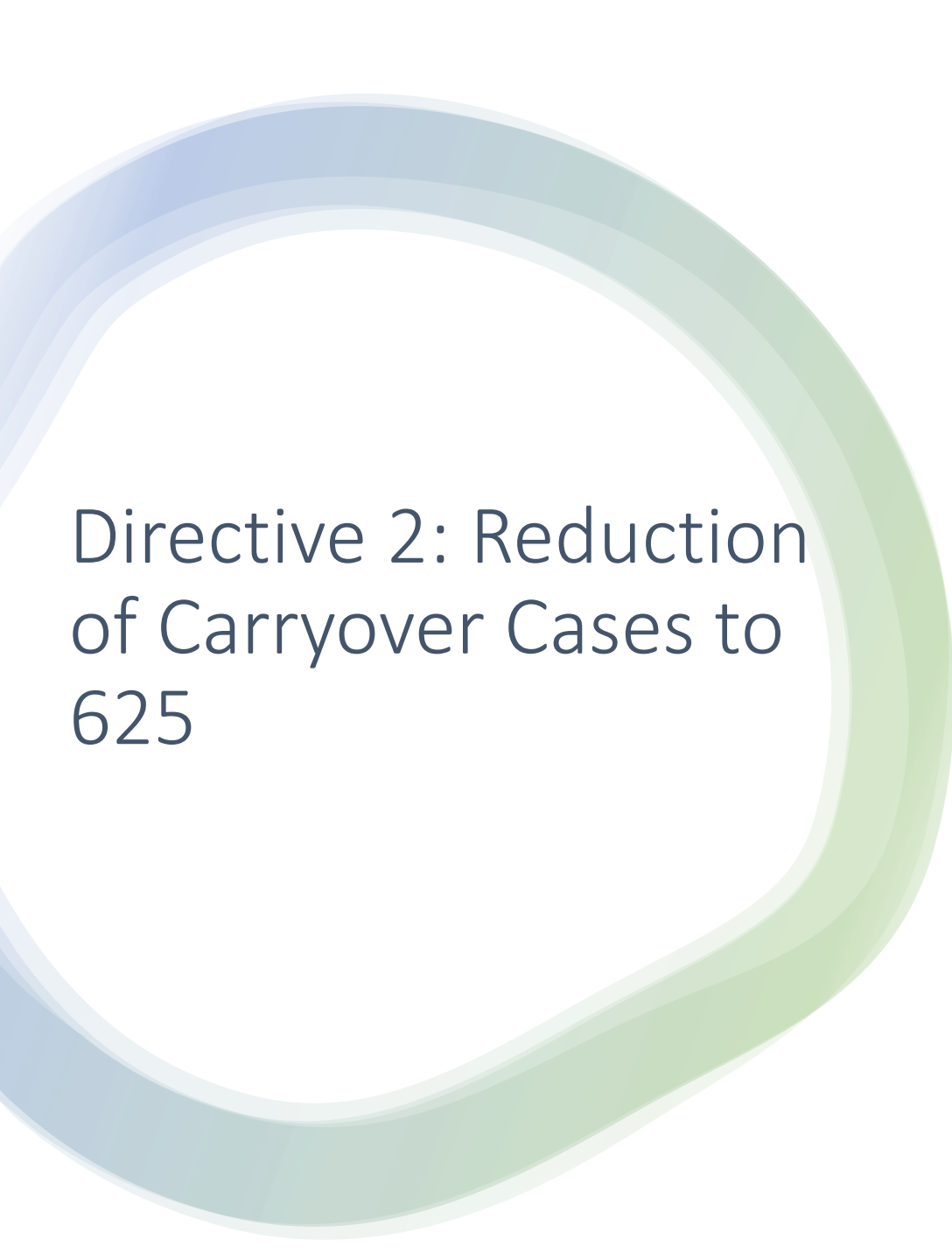


- Case Closure Data Graph
Comparing case closures over similar period from 2021-2023
 - 2023: 1,229 Closures
 - 2022: 1,006 Closures
 - 2021: 1,023 Closures
- Substantially higher number of closures in 2023 overall
- More consistent level of monthly closures in 2023
- Data shows consistency of focus on case closure since effective date of the Policy Directives

Directive 1: 75% Reduction of Pre-2023 Cases

- Baseline: 1,415 cases on December 31, 2022
- Today: 629 Pre-2023 Cases
- Closed in 2023: 786 Pre-2023 cases for 56% reduction
 - Focus on 2016-2019 cases where roughly 80% reduction achieved
- Closures needed to achieve 75% reduction: 275
- Well over pace, and Enforcement is confident the directive will be achieved by December 31, 2024

Year	# of Cases as of January 1, 2023	# of Cases as of December 31, 2023	Difference in Caseload for 2016-2022 Cases
2016	3	0	-3
2017	5	1	-4
2018	89	21	-68
2019	195	39	-156
2020	301	153	-148
2021	382	167	-215
2022	440	248	-192
Total			-786



Directive 2: Reduction of Carryover Cases to 625

- Baseline: 1,415 carryover cases on December 31, 2022
- December 31, 2023: 953 cases – Reduction of 462 open cases
 - 1,000 case goal stated in September achieved
 - Roughly 60% of directive achieved in 2023
 - Lowest carryover total since the end of 2016
 - Continued focus on resolution of older matters and those involving inadvertent and minor violations
- The road to 625
 - Short-term goal: 800 carryover cases at beginning of 90-day General Election cycle
 - Long-term goal: achieved by end of 2025
 - Impediments to long-term goal are election year and likely greater incremental difficulty in resolving currently unresolved cases

Directive 3: 2-Year Case Lifecycle

- Although a result-oriented directive, this directive is contained within Section II of the Policy Directives regarding internal policies and procedures and separate biannual reporting to the Commission
- Initial biannual report today
 - Data insufficient to significantly assess progress currently because the directives are still less than one year old but important data points include:
 - ❖ Roughly 66% of cases opened in 2023 were resolved within 2023 (more than 10% higher than in previous recent years)
 - ❖ Although complaints were higher than the most recent non-election year and referrals continued to rise, the number of opened cases were reduced due to increase Intake capacity
 - ❖ As the Policy Directives acknowledge, it is not possible to resolve every case within two years of receipt, but the trend is that a very high percentage of 2023 cases will be resolved by December 31, 2024
 - Continued success on case reduction directives will naturally support the two-year lifecycle going forward

Directive 3 – Data Comparison

Year	Complaints Received	Referrals Received	Cases Opened	Cases Closed	Cases Referred to other Agencies
2020	1,390	1,518	1,155	1,526	0
2021	606	1,751	1,185	1,058	10
2022	1,379	1,724	990	1,075	2
2023	653	1,971	831	1,295	0

- Increase in complaints during election years, 2020 and 2022
 - Expect to see the same pattern in 2024
- Increase in referrals each year
 - Outreach efforts
 - Efforts to educate public and filing officers

Intake Unit Restructuring, Expansion and Performance

- Restructure of Intake in February to include attorneys for more complex complaint analyses
- Addition of SSA positions to more timely and efficiently handle the increased filing officer referrals
- Focus on policies and procedures to efficiently and effectively process complaints, reduce open cases and put those cases in position to be quickly picked up by investigations and prosecutions staff
 - Adherence to Regulation 18360
 - Reduction of NMT letters except when needed for complex internal review or requests from respondents to respond to information requests
- Restructuring and Expansion of Intake has led to a reduction of cases and quicker resolution of cases

Investigations and Prosecutions

- Focus for both units has been on reduction of existing caseloads that has been highly successful
- Investigations policy and procedure
 - Increased multi-level team case review
 - Identification of cases where investigation has not revealed violation of the Act
 - Commencement of investigations, where appropriate, in instances where there has been limited or no attorney involvement
- Prosecutions policy and procedure
 - Increased multi-level team case review
 - Prioritized review of investigation materials
 - Identification and review of cases that appear ready for closure
 - Streamline considerations

- Continued focus on resolving or moving older cases forward
- Continued efficiency in complaint and referral handling
- Increased public utilization of AdWATCH portal
- Proactive preelection outreach program
- Additional personnel soon joining Enforcement or to be hired includes PRC, Chief Aide, attorney, investigator and AGPA



Looking Forward