



"Suellen R. Galbraith" <sgalbraith@ancor.org> on 04/09/2004 05:34:42 PM

To: politicalcommitteestatus@fec.gov
cc:

Subject: Comments on Notice of Proposed Rulemaking on Political Committee Status

April 9, 2004

Via Electronic Mail

Federal Election Commission

999 E Street, NW

Washington, DC 20463

Re: Comments on Notice of Proposed Rulemaking on Political Committee Status

To Whom It May Concern:

The American Network of Community Options and Resources (ANCOR) is a national, nonpartisan association representing 800 private providers of supports and services to more than 380,000 people with mental retardation and other disabilities and 34 state affiliates. On behalf of its membership, ANCOR submits the following comments in response to the Notice of Proposed Rulemaking on Political Committee Status issued by the Commission on March 11th in the *Federal Register*.

1. Respectfully, ANCOR believes that the Commission has exceeded its authority in

proposing these regulations. The proposed exceed the scope of authority established under the Federal Election Campaign Act. ANCOR believes that the Commission's interpretation of its authority to prescribe rules under FECA in that instance usurp the proper role of Congress. If Congress intended FECA to address the issues in this proposed rule, it would have included changes to the political committee status in that legislation or, if Congress believed that legislation was necessary to address the issues put forth in the Commission's proposed rule, Congress would enact such legislation.

1. **The NPRM provides insufficient time for public comment.** The NPRM was published on March 11, 2004 with public comments due April 9th. A proposed rule of this gravity requires a minimum 90-day comment period with hearings throughout the nation.
1. **An NPRM of this nature should not be proposed in the middle of an election year.**
1. **The proposed rules would have a chilling affect on the legitimate role of nonprofit organizations to provide issue advocacy services within the scope of the organization's mission to its membership.** Alerts and issue advocacy to members that encourage contacting their Congressional members, writing letters to editors, joining with other organizations in print or broadcast ads that might include the name of Congressional sponsors of legislation that goes to the heart and mission of the organization, its members and their constituents undermine the legitimate interests of the organization.
1. **The proposed rule is vague, leads to more confusion, and could intimidate lawful exercise of free speech.** The proposed rule is written as a series of quesitons and not set forward as a proposed plan. For example, it is not completely clear whether the FEC is proposing restrictions on 501(c)(3) entities. It is unclear when a person is considered a "candidate." Is a President in his/her third and fourth year considered a candidate? What is included in the expanded definition of expenditures? Is staff time involved in preparation of materials, research, etc., considered an expenditure?

1. ANCOR does not believe that the rules meet the Regulatory Flexibility Act analysis. In fact, ANCOR believes that the impact of the proposed rules on small entities is not known at all.

Recommendation: ANCOR recommends that the Commission withdraw the proposed rules.

Sincerely,

Suellen R. Galbraith

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*****Providers offering supports to people with disabilities.



- FECcomments.apr.9.04.doc



Providers offering supports to people with disabilities

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5. The proposed rule is vague, leads to more confusion, and could intimidate lawful exercise of free speech. For example, when is a person a "candidate." Is a President in his/her third and fourth year considered a candidate? What is included in the expanded

definition of expenditures? Is staff time involved in preparation of materials, research, etc., considered an expenditure?

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