



Diane Aldridge <daldridge@tcfv.org> on 04/09/2004 05:19:26 PM

To: politicalcommitteestatus@fec.gov  
cc: Laura Wolf <lwolf@tcfv.org>

Subject: Letter Re: Notice of Proposed Rulemaking on Political Committee Status, 69 Fed.Reg. 11736 (March 11, 2004)

Letter via electronic mail to:

Ms. Mai T. Dinh

Acting Assistant General Counsel

Federal Election Commission



- letter.pdf

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April 9, 2004

Ms. Mai T. Dinh  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Via electronic mail: [politicalcommitteestatus@fec.gov](mailto:politicalcommitteestatus@fec.gov)

Re: Notice of Proposed Rulemaking on Political Committee Status, 69 Fed.Reg. 11736 (March 11, 2004)

Dear Ms. Dinh:

Thank you for the opportunity to comment on the above-referenced Notice of Proposed Rulemaking. These comments are submitted by the Texas Council on Family Violence for the purpose of recommending that 501(c) organizations be exempt from the definition of "political committee" or, if that is not the end result, urging caution, restraint and narrow drafting in this rulemaking so that issue advocacy such as that engaged in by TCFV is not captured in the regulated activities of "political committees". The FEC should heed the U.S. Supreme Court's warning in *Buckley v. Valeo*, 424 U.S. 1 (1976) that regulation of contributions and expenditures by organizations participating in the federal election process should not reach groups engaged in purely issue discussion.

TCFV is the statewide domestic violence coalition in Texas, and we represent approximately 100 family violence shelters and allied services, as well as hundreds of individual, corporate and other organizational members in Texas. TCFV is over 25 years old, and is one of the oldest and largest domestic violence coalitions in the United States. The National Domestic Violence Hotline is a project of TCFV.

TCFV is a 501(c)(3), not-for-profit, tax-exempt, non-partisan membership organization that works to end domestic violence through public education, partnerships, advocacy and direct services. Our purpose is to offer support, training and technical assistance to organizations that serve battered women and their children, whether they are family violence shelters, law enforcement, health care or judicial system entities, as well as to offer advocacy and technical assistance to and on behalf of individual battered women in Texas.

Over the years, TCFV, together with our member organizations, has been able to ensure that battered women in Texas receive services and responses from "the system" that are ever better and increasingly effective, timely, sensitive and compassionate. Many of the ways that we have accomplished this is through advocacy at the issues and systems level, including lobbying for improved laws and increased funding at the state and federal level.

For example, TCFV's efforts have been important in the passage of laws in Texas mandating enhanced penalties for batterers, increased access to protective orders for victims, and funding to



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ensure that emergency shelters are able to keep their doors open and ensure safety for battered women and their children.

As a 501(c)(3) tax-exempt organization, TCFV is prohibited by Internal Revenue Service regulations from participating in elections by urging people to vote for or against any particular candidate, and as a non-partisan organization, TCFV has no interest in doing so. However, TCFV does have an interest in, and a record of, issue advocacy on behalf of battered women, their children and the organizations serving them. Our concern is that under these proposed rules, the kind of issue advocacy that has been so successful in making policy improvements that benefit battered women would cause us to be classified as a "political committee" subject to requirements and limitations of federal election law.

For example, if TCFV were to advocate with federal elected officials --- and to urge our members to also advocate with these policymakers --- against proposed funding cuts that would potentially reduce services to battered women and therefore reduce their safety, this advocacy could arguably, under the broad language of the proposed rules, be construed as support or criticism of individual elected officials associated with these proposals. If in this election year, TCFV urges its members and allies to advocate in support of the President's requested budget for services under the Victims of Crime Act, for example, is that considered influencing a federal election such that we would be considered a "political committee"? Are the communications used by TCFV to alert its member programs that their shelter funding hinges on issues of federal policy to be considered regulated "expenditures"? In this scenario, is TCFV's "major purpose" to be understood to be influencing a federal election?

Such a result does not seem to be the intention of the statute, nor is it a reasonable result from a policy standpoint. If issue advocacy groups cannot speak on behalf of battered women, homeless families, children with life-threatening diseases, elderly people without health insurance, etc. then those voices will likely not be heard at all, and the policy changes and funding necessary to ensure that they are not permanently left behind in our society will not happen. Furthermore, if entities that are organized for a charitable purpose, which has been deemed worthy of tax-exempt status, are not able to educate communities and policymakers in furtherance of that charitable purpose, then the charitable purpose becomes an empty mission statement.

For these reasons, TCFV has serious concerns about the proposed rules. Because our tax-exempt status is dependent on our not participating in elections at all, we do not feel that the application of these proposed rules to organizations like TCFV is appropriate or even necessary, and we urge the FEC to simply exempt 501(c)s from the definition of "political committee". Failing that, the FEC must clearly promulgate, interpret and administer these rules in such a way as to ensure that issue advocacy organizations like TCFV are not swept into the definition of "political committee" by over-broad language.

Further, if 501(c)s will not be exempted from the definition of "political committee" altogether, then TCFV supports the application of the additional standards proposed by the FEC to 501(c) organizations for determining whether the 501(c)'s purpose is to promote, support, attack or oppose a candidate for federal office. These additional standards would add another layer of protection against inappropriate regulation for groups that do not have as their major purpose the election of a candidate for federal office but whose public communications regarding policy issues might tangentially appear to support or oppose a policymaker running for office.



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In our case, if TCFV cannot talk to its members and supporters about federal policies that affect battered women without triggering regulation by the FEC, then we have been prohibited from carrying out our work for a greater social good and we cannot hope to "end domestic violence through education, partnerships, advocacy and direct services".

Thank you for the opportunity to comment on these proposed rules.

Sincerely,

Sheryl Cates  
Executive Director