



"todd e. eggert" <teggert@rcil.org> on 04/09/2004 04:15:25 PM

Please respond to "todd e. eggert" <teggert@rcil.org>

To: politicalcommitteestatus@fec.gov

cc:

Subject: comments on NPRM

Attached are comments from the Regional Center for Independent Living (RCIL) in Rochester, NY regarding the Notice of Proposed Rule Making dated March 4, 2004 regarding the status of not-for-profit organizations ability to address systems advocacy issues in the national political arena.

Todd E. Eggert, Executive Director, RCIL



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Advocacy and Independent Living Services for Individuals with ALL Disabilities
1641 East Avenue • Rochester, NY 14610
585/442-6470 (V/TTY) • fax 585/271-8558 • web www.rcil.org

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

April 8, 2004

Dear Ms. Dinh:

Thank you for the opportunity to provide input on the FEC's proposed rule change.

The Regional Center for Independent Living (RCIL) is a membership organization that serves persons with disabilities in five counties in Western New York State. RCIL's mission is to advance the independent living philosophy and to advocate for the human rights of, and services for, people with disabilities to further their full integration and participation in society.

RCIL writes in opposition to these changes because they represent regulatory overreach interfering with non-partisan advocacy and voter registration efforts, and because they would have a chilling effect upon the legitimate expression of perspectives of Americans with disabilities. We are greatly apprehensive that, if implemented, these proposals would drastically stifle the free speech of all non-profits and inhibit our ability to represent our membership and engage in the vibrant open public discourse that is the hallmark of a free society.

While RCIL is generally concerned that these proposed rules are inconsistent with the First Amendment freedoms of speech and expression, RCIL particularly objects to several specific provisions that impact our activities and those of our members and colleagues in the disability rights community:

Expansive Definition of Political Committee: Under these regulations, many non-profit groups would be transformed into federally regulated political committees.

Prohibitions on Advocacy Communications: The FEC proposes to define a federally regulated expenditure as any communications that "promote, support, attack or oppose" a federal candidate and/or the policy positions of a federal candidate. We respectfully reject this proposal as fundamentally contrary to the First Amendment and unduly restrictive of advocacy activities by non-partisan non-profit organizations that are indispensable to advancement of the civil rights of persons with disabilities. Since the mainstream media provides little to no coverage of most disability related issues, it is absolutely essential for advocacy organizations to share with their members the latest developments, both positive and negative, with regard to public policy impacting the rights and well-being of people with disabilities.

Restrictions on Voter Participation Activities: The political influence of people with disabilities remains disproportionately low. RCIL is working to change this through support of non-partisan disability voter registration and Get Out the Vote drives, as well as through advocacy involving federal legislation.

People with disabilities make up 20 percent of society, but only vote with a 35-45 percent turnout



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rate and are not taken nearly as seriously as many other constituencies. People with disabilities are among the poorest, most unemployed and most vulnerable to state and federal budget cuts.

RCIL strongly objects to the NPRM's proposal to prohibit groups from using any information "concerning likely party or candidate preference" to determine who it will encourage to register to vote, since it may be inappropriately interpreted to bar non-profit groups from targeting voter participation activities on the disability rights community.

Even if the Commission were to strike the definition of nonpartisan voter registration and get-out-the-vote from the definition of "prohibited expenditures," the NPRM's expansive definition of "political committee" would make it practically impossible for non-profits to engage in the most nonpartisan of voter participation activities.

Look Back Rule: We also emphatically object to the FEC's "look back" proposal, which we believe runs counter to the spirit, if not the letter, of the Constitution's treatment of "ex post facto" legislation.

People with disabilities depend upon advocacy at the federal level. To impose such onerous burdens and, accordingly, threaten to strangle organizations through excessive regulation and burdensome micro-management is unreasonable, unfair and frankly unbecoming of a regulatory agency under a democratic system of government.

Sincerely,
Todd E. Eggert
Executive Director
Regional Center for Independent Living
1641 East Avenue
Rochester, New York 14610
e-mail: teggert@rcil.org