



Angela Glover Blackwell <ablackwell@policylink.org> on 04/09/2004 02:01:03 PM

To: politicalcommitteestatus@fec.gov
cc:

Subject: FEC Political Committee Rule Change Comment

Attached please find a comment letter for Ms. Mai T. Dinh.

Angela Glover Blackwell

President

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PolicyLink

Lifting Up What Works

Angela Glover Blackwell
President

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

via electronic mail: politicalcommitteestatus@fec.gov

April 8, 2004

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

Dear Ms. Dinh,

PolicyLink¹ urges the Federal Election Commission (FEC) to not adopt its proposed rulemaking in redefining a “political committee.” The proposed rule will have far-reaching negative consequences including severely hampering organizations’ abilities to fulfill their missions and having a chilling effect on free speech. Moreover, the proposed rule puts the FEC in the position of regulating organizations whose activities are currently regulated by the Internal Revenue Service (IRS) under laws and regulations that have developed over several decades.

The proposed rules would severely impact 501(c)(3) charitable organizations. It would severely restrict their ability to exercise their rights to free speech and their rights to comment on public policy and to engage in a limited amount of direct and grassroots lobbying activities. Existing federal law already prohibits 501(c)(3) organizations from engaging in partisan political activities. Electioneering is expressly prohibited under existing federal IRS regulation. Although 501(c)(3) organizations cannot support or oppose a candidate, these restrictions do not apply to praising or criticizing elected officials in their capacity as elected officials. The Commission’s proposed action would make it illegal for nonprofits to praise or criticize elected officials who happen to be in the election cycle as a candidate. The FEC has no legitimate interest in attempting to regulate genuine issue advocacy, which addresses issues and public officials in their role as policymakers, not as candidates for federal office.

¹ PolicyLink is a national nonprofit research, communications, capacity building, and advocacy organization, dedicated to advancing policies to achieve economic and social equity.

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Tax-exempt law has been developed over decades and is followed by literally thousands of organizations across the country. Activities, governance and funding are all inextricably tied to these rules. In an extremely short period, the FEC would eliminate these rules, having dramatic effects on the roles and work of many nonprofits. The 4-year potential "look back" provision is particularly problematic since it would inflict new rules, with severe and potentially debilitating ramifications, under activities that were undertaken legally, at the time.

PolicyLink urges you to consider these points when deciding on the proposed rule change and to not adopt it as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela', with a long, sweeping flourish extending to the right.

Angela Glover Blackwell
President