



Axford2002@aol.com on 04/09/2004 10:03:14 AM

To: politicalcommitteestatus@fec.gov  
cc:

Subject: Comments on proposed FEC rule

To Whom it May Concern:

Please find attached the comments of the Utah Democratic Progressive Caucus (UDPC) re: proposed possible changes to FEC regulations defining and governing political committees. Thank you.

Craig Axford  
Co-Chair, Utah Democratic Progressive Caucus



- April7,2004commentsonproposedrule.doc

April 7, 2004

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

Dear Ms. Dinh:

The Utah Democratic Progressive Caucus (UDPC) appreciates this opportunity to comment on the proposed rule amending political committee status. We look forward to reviewing the Federal Election Commission's (FEC) final decision regarding this important question soon.

First, the UDPC is extremely troubled by the fact this proposed change is being considered in the midst of an election year. The rules governing elections or participation in the electoral process should not be changed mid-stream. We therefore urge the FEC to hold off implementation of any changes to existing regulations until following the November 2004 elections.

Many of the proposed changes articulated within the March 11, 2004 Federal Register notice would be beyond the jurisdiction of the FEC as defined by the Federal Election Campaign Act (FECA) and as amended by the Bi-partisan Campaign Reform Act (BCRA). The FEC is proposing to broadly define a "political committee" to include persons and organizations not affiliated with a political party or candidate unless they effectively avoid taking positions on issues identified with political candidates or parties or avoid electoral activity altogether.

The result of such a change to existing regulations would be a chilling effect on free speech and the exchange of views within the market place of ideas so central to a strong and thriving representative democracy. Non-profit groups, labor unions, churches and other advocacy organizations already subject to some degree of regulation by the IRS would face an entirely new set of complicated and burdensome reporting requirements and regulations should they choose to advocate a position on which a federal candidate or political party has also taken a stand and register voters or engage in other activities which may influence a federal race.

Furthermore, many of the activities discussed within the proposed FEC rule are essential to building participation. Get out the vote (GOTV) work by any organization,

regardless of the political leanings of its membership or the views espoused by it, should be welcomed rather than regulated. This is especially true given decades of declining participation by the public in the electoral process. Instead, the FEC now proposes to effectively discourage GOTV work on the grounds it may be intended to influence federal elections. To regulate organizations engaging in GOTV on the grounds that some of these groups have an agenda is ludicrous in the extreme and flies in the face of the democratic principles we claim to hold dear in our society.

If only “neutral” organizations with no political or social agenda are allowed to do GOTV without falling under the jurisdiction of the FEC, few groups will be able to meet this test and GOTV work outside established political parties will be discouraged. This is not an outcome favorable to anyone concerned with the electoral process regardless of party affiliation or political agenda.

The Federal Register notice asks the question “Is it consistent with Congressional intent for the Commission to categorize voter registration, voter identification, get-out-the-vote and generic campaign activities by a State or local candidate committee as ‘for the purpose of influencing any election to Federal office?’” The UDPC answers with a resounding NO! Furthermore, even had it been Congress’ intent, we believe such regulation would be overly broad and would violate the First Amendment.

As stated above, any GOTV activity, any party activity or other organizing, and any voter educational efforts taking place around an election would inevitably influence the outcome of that election. Even local elections touch on issues and produce candidates whose supporters are likely to lean toward one party or another, thus influencing, however indirectly, campaigns elsewhere on the ballot. However, this influence on the larger electoral process does not mean the FEC has jurisdiction over activities taking place at the state and local level.

As we read these proposed regulations, should an organization not formally affiliated with a political party or campaign take out an ad regarding an issue on which a local/state candidate has taken a position, and that candidate endorses a candidate for federal office, the organization in question could be seen as influencing the outcome of a federal race and thus be subject to FEC regulation. This would be true even though the organization may have absolutely no relationship with the federal candidate at all.

The UDPC believes strongly that any organization, be it conservative or liberal in its leanings, should continue to enjoy the right to organize citizens of all political stripes without further federal regulation. We cannot readily identify any portion of the proposed regulations that would serve to increase the integrity of our electoral process. Indeed, by further chilling political speech through the imposition of additional regulation and reporting requirements, the proposed regulations only further erode our fragile democratic traditions to the benefit of those few with the means to comply with the regulations or find loopholes through them. To the average citizen, increasingly shut out of the process as both a voter and potential candidate, the additional regulatory burdens you are suggesting only further alienate him/her from his/her government.

The UDPC cannot support any of the recommended changes to existing regulation and requests the Commission abandon attempts to expand its jurisdiction beyond what has been clearly and plainly acknowledged within existing law. Any further attempt to regulate electoral activities at the state and local level or among independent organizations not affiliated with a political party runs afoul of the First Amendment and is overly broad.

Thank you again for this opportunity to comment. The UDPC looks forward to reviewing your final decision in the future.

Sincerely,

Craig Axford  
Co-Chairs, Utah Democratic Progressive Caucus

Laura Bonham