



Joette L Steger <jlsteger@juno.com> on 04/07/2004 09:12:22 PM

To: politicalcommitteestatus@fec.gov
cc:

Subject: Notice of Proposed Rulemaking on Political Committee Status, 69 Fed. Reg. 11736

please find attached comments on the proposed rulemaking cited above.



- letter FEC proposed rules.doc

AventWest Community Development Corp.
P.O. Box 33253
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April 5, 2004

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

via electronic mail: politicalcommitteestatus@fec.gov

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

Dear Ms. Dinh:

AventWest Community Development Corporation urges the Federal Election Commission (Commission) to delay the implementation of the proposed rulemaking on political committee status so that it can be further studied and to ensure that any rule that is implemented is not made retroactive. This letter outlines the reasons for our recommendations.

AventWest Community Development Corporation (AWCDC) is a group of caring and concerned individuals, religious organizations, educational institutions, social services providers, businesses, and other community agencies. Our goal is to improve the lives of our neighbors living, working, worshipping, and recreating in our community by addressing economic, health, educational, safety, and community spirit issues. We consider ourselves to be a local grassroots organization. Although we currently are not involved in advocacy, we anticipate that as we grow, the need to engage in advocacy for our clients and our ability to effectively advocate for them will increase. The new rules that the Commission is considering may prevent nonprofit organizations such as ours from fulfilling an important role in advocating for people who may not otherwise be heard or considered.

The democratic process depends not only on citizens voting, but also on people and nonprofit organizations being actively engaged in and informed about the issues of the day, including pending legislation and acts by public officials. The charitable sector has a long and distinguished history of promoting citizen engagement. The Constitution protects such advocacy from being burdened by laws and regulations unless a compelling state interest justifies it. At a time in our history with the lowest level of voter participation, we should avoid new government rules that would discourage citizens and nonprofit organizations from participating in the democratic process. Since the impact of this rule on nonprofit organizations is not clear, the commission should take time before implementing the rule to ensure that the rule is clear and

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that the impacts of the rule on nonprofit organizations and the people they serve is fully understood.

The Commission needs to clearly define what it means by “expenditures” and what speech and activities meet the requirement of “promotes, supports, attacks, or opposes” a candidate for federal office. The scope of activities that may meet this vague test is very broad. The commission must distinguish between speech that “promotes, supports, attacks, or opposes” a policy position of an elected official acting in her official capacity and speech that praises or criticizes a candidate for public office, even if already an elected official.

Also, it is inappropriate for the Commission to change the rules in the middle of an election cycle. Simple fairness dictates that no new rules or changes in the definition of basic terms such as “political committee,” “expenditure,” and “contribution” should be applied in the midst of election season, nor applied retroactively.

An organization cannot and should not be held to standards before they are presented and adopted. Nonprofits and the public need clarity and reasonable notice on all rules. The Commission recognized this when it urged the District Court to grant a stay in *McConnell v. Federal Election Commission* while the case was on appeal to the Supreme Court in order to avoid creating confusion during an election cycle.

Again, we urge the Commission to delay the implementation of the proposed rulemaking on political committee status so that it can be further studied and to ensure that any rule that is implemented is not made retroactive. .

Sincerely,

Joette Steger
President

cc: North Carolina’s representatives in the U.S. Senate and the U.S. House of Representatives