



Neil Grice <ngrice@waltonoptions.org> on 04/06/2004 01:39:46 PM

To: politicalcommitteestatus@fec.gov
cc:

Subject: Notice of Proposed Rule Making on Political Committee Status

Please find attached a letter concerning rulemaking.

Thank You

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April 6, 2004

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

Comments Re: Notice of Proposed Rulemaking on Political Committee Status

Dear Ms. Dinh:

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

Walton Options for Independent Living (WOIL) is a private, non-profit, non-residential center for Independent Living. We are a member of The National Council on Independent Living (NCIL). Our core values include: Persons with disabilities have a right to control and direct their own lives by making cultural and lifestyle choices among options that minimize reliance on others in decision making and in performance of every day activities. Our mission at WOIL is empowering persons of all ages with all types of disabilities to reach their highest level of independence, including community involvement and employment.

WOIL 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 discussions that is the hallmark of a free society.

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

Empowering persons of all ages with all types of disabilities to reach their highest Level of independence, including community inclusion and employment.

- **Expansive Definition of Political Committee:** Under these regulations, many non-profit groups would be transformed into federally regulated political committees.
- **Prohibition 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 the 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 regards 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. WOIL, NCIL, other centers for Independent Living and other organizations advocating for the rights of people with disabilities are 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 2% of society, but only vote with a 35%-45% turnout 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.

WOIL 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 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 non-partisan of voter participation activities.

- **Look Back Rule:** We also emphatically object to the FEC’S “lookback” Proposal, which we believe runs counter to the spirit, if not the letter, of the Constitution’s bar on “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

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regulation and burdensome micromanagement is unreasonable, unfair and frankly unbecoming of a regulatory agency under a democratic system of government.

Sincerely,

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