



**FAX COVER SHEET**

**IF THERE ARE ANY PROBLEMS WITH THIS FAX  
PLEASE CALL US AT (201) 996-9100**

2604 APR - 7 12 4:53  
OFFICE OF THE ATTORNEY GENERAL

TO: Ms. Mai T. Dinh AT: 202-219-3923

FROM: Eileen Goff DATE: 4/7/04

RE: Response to Notice of Proposed Rulemaking 3/4/04

NUMBERS OF PAGES (INCLUDING COVER SHEET) 3

**MESSAGE:**

Here is my response to Federal Election  
Commission's Notice of Proposed Rulemaking  
of March 4, 2004.

A printed copy of this faxed information  
will arrive in the mail.

**heightened independence & progress**  
A Center for Independent Living for People with Disabilities



# heightened Independence & progress

April 7, 2004

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

2004 APR -7 P 11:39  
OFFICE OF GENERAL COUNSEL

Dear Ms. Dinh:

Democracy relies upon and flourishes in a setting that encourages the participation of as many of the various segments of society as is possible. It is with a strong belief in this basic tenet that I am compelled to express serious concern and strong opposition to the Notice of Proposed Rulemaking (NPRM) of March 4, 2004 from the Federal Election Commission.

One of the major vehicles for participation in a democratic society is to exercise one's ability to vote and thereby select those who will represent us to make decisions about critical issues that affect us all. Any attempt to limit the information any citizen receives about available choices would reduce his or her ability to make a selection that would best impact upon his or her own needs. I believe that several elements of the Notice of Proposed Rulemaking would restrict the dissemination of information to people with disabilities and seriously limit the ability of a Center for Independent Living such as ours to encourage involvement and active participation in voting activities.

It is the following elements of the proposed rulemaking that I strongly oppose:

**1. Expansive Definition of Political Committee:**

Many non-profit groups could be transformed into federally regulated political committees and subjected to a number of restrictive rules and regulations.

**2. Look Back Rule:**

This kind of scrutiny to attempt to find some kind of justification for activities over a four year period in order to classify a non-profit as a political committee is effectively using new rules to assess activities that occurred before these new rules were ever put forward. The new rule would also require an agency to re-pay prior expenses for earlier activities that occurred before the new rules.

**3. Prohibitions on Advocacy Communications:**

This use of a new definition for "expenditure" could bar non-profits from sponsoring any public communication that merely refers to a policy or position of a candidate and would severely restrict the advocacy activities that are a basic foundation of the concept of independent living.

**A Center for Independent Living for People with Disabilities**

131 MAIN ST., SUITE 120, HACKENSACK, NJ 07601 201-996-9100 FAX 201-996-9422 TDD 201-996-9424 E-MAIL: [ber@hipcll.org](mailto:ber@hipcll.org)  
HUDSON BRANCH - 2815 KENNEDY BLVD., SUITE 2G, JERSEY CITY, NJ 07306 201-413-1200 FAX 201-413-0520 TDD 201-413-0521 E-MAIL: [hd@hipcll.org](mailto:hd@hipcll.org)

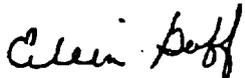
Heightened Independence and Progress, Inc. is not in any way affiliated with the Health Insurance Plan of Greater New York, HIP of New Jersey, Inc. or their affiliates.

**4. Restrictions on Voter Participation Activities:**

We do not engage in supporting a particular candidate or political party in our advocacy efforts. However, with the proposed restrictions on voter participation activities, it seems to allow for possible misinterpretation and could foster the assumption that people with disabilities may historically lean in one direction or another and thus allow an erroneous and unfortunate conclusion that a voter participation advocacy effort could be a partisan activity.

Centers for Independent Living are committed to encouraging any citizen and especially citizens with a disability in their attempts to become informed and involved in our communities, whether it be on a local, regional or federal level. These newly proposed rules would seriously discourage and limit the efforts of disability rights agencies to foster inclusion of people with disabilities as active and informed participants in our communities and our democratic system.

Sincerely,



Eileen Goff  
Executive Director