



**GAY & LESBIAN  
VICTORY  
FOUNDATION**

1705 DeSales Street NW, Suite 500  
Washington, DC 20036  
Voice: 202.628.9151  
Fax: 202.289.3863  
www.victoryfoundation.org

April 7, 2004

Via e-mail— [politicalcommitteestatus@fec.gov](mailto:politicalcommitteestatus@fec.gov)  
And Facsimile: 202-219-3923

Mai T. Dinh, Esq.  
Acting Assistant General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: Notice of Proposed Rulemaking: Political Committee Status

Dear Ms. Dinh:

These comments are submitted on behalf of the Gay & Lesbian Victory Foundation, a nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code. The Foundation works to ensure that Lesbian, Gay, Bisexual & Transgendered (LGBT) Americans are fully included in the electoral process. The Foundation offers nonpartisan training programs on campaign and organizing skills, and assists openly gay and lesbian officeholders develop professionally by managing the International Network of Lesbian & Gay Officials. The Foundation tracks the number of LGBT officeholders in the country and measures the attitudes of the American public towards these officials. The Foundation also works to educate the American public on the achievements and challenges of openly LGBT public servants and candidates.

The proposed rules would require treatment as a federal political committee—a federal PAC—of any organization that has spent as little as \$1,000 this year on nonpartisan voter registration, education and mobilization, and/or communications criticizing any federal elected official, plus as little as \$50,000 in any of the last four years on such activities. Treatment as a federal PAC, of course, would mean that any such organization could not accept more than \$5,000 a year from any individual, and could not accept any contributions from any corporation or labor union.

All of the Foundation's activities are in full compliance with all of the regulations of the IRS. The Commission's proposed new rules would create great uncertainty among nonprofit organizations, not only about what they could do in the future, but about the effect of all of their past activities.

RECEIVED  
OFFICE OF THE  
ACTING ASSISTANT  
GENERAL COUNSEL  
APR 7 2004 11:39 AM



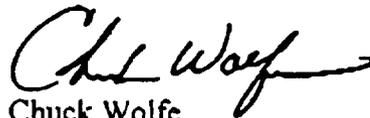
Nonprofit organizations of every type would be required to watch what they say about any federal candidate or officeholder, to avoid being charged with "promoting, supporting, attacking or opposing" an incumbent official in a way that would cause the organization to have to begin operation as a federal PAC. It is clear that the effect, if not the purpose, of these radical proposals would simply be to silence criticism of federal elected officials by independent groups of every type.

Furthermore, to change the rules so dramatically in the middle of an election cycle, and to do by administrative fiat in the face of years of established and understood IRS rules followed by hundreds of thousands of nonprofit organizations, would be singularly irresponsible.

We urge the Commission not to adopt any of the proposed regulations, and to terminate the rulemaking at this time.

Thank you for your time and attention to this important matter.

Sincerely yours,



Chuck Wolfe  
President & CEO