

NCIL

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 Lou Ann Kibbee
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 Daniel Kessler
 Birmingham, Alabama

Multi-Cultural Subcommittee
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 Zainab Jama
 Brooklyn, New York

Members At-Large
 Mark Darry
 Morgantown, West Virginia

Jamey George
 Frederick, Maryland

Bryon MacDonald
 Oakland, California

Dary Rivera
 Ponce, Puerto Rico

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Regional Representatives
Region I
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Region VIII
 Sandra Meehan
 Ogden, Utah

Region IX
 Louis Finck
 San Diego, California

Region X
 Ruth L'Hommedieu
 Fairbanks, Alaska

FAX COVER SHEET

TO: Federal Election Commission, Attn: Ms Mari T. Dinh,
202-219-3923 *Acting Assistant General Counsel*

FAX #: _____

FROM: Anne-Marie Hughey Claudia Romero Kristy Langbehn
 Tim Fuchs Daniel Davis Jorge Pineda
 Gwen Gillenwater June Sutherland-John

DATE: 4/6/04

PAGE (S): 4

MESSAGE:
Comments Re: Notice of Proposed Rulemaking
on Political Committee States

2004 APR -6 PM 5:22
 COMMUNICATIONS UNIT
 FEDERAL ELECTION COMMISSION

This fax is intended only for the addressee(s) and may contain privileged and confidential information.



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April 5, 2004

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Fairbanks, Alaska

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.

The National Council on Independent Living (NCIL) is a national membership organization comprised of centers for independent living, statewide independent living councils, persons with disabilities, independent living advocates, and organizations supporting the principles of independent living. NCIL's mission is to advance the independent living philosophy and advocate for the human rights of, and services for, people with disabilities to further their full integration and participation in society.

NCIL 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 discourse that is the hallmark of a free society.

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

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FEDERAL ELECTION COMMISSION



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Letter to FEC

April 6, 2004

- **Expansive Definition of Political Committee:** Under these regulations, many non-profit groups would be transformed into federally regulated political committees.
- **Prohibitions 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 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 regard 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. NCIL, our member 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 20 percent 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.

NCIL 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 in the disability rights community.

Even if the Commission were to strike the definition of nonpartisan voter registration and get-out-the-vote from the 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 nonpartisan of voter participation activities.

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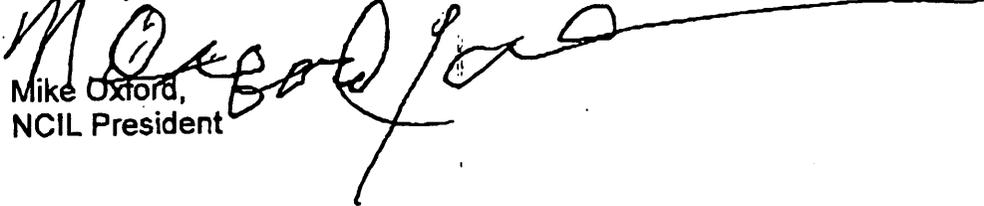
Letter to FEC

April 6, 2004

- **Look Back Rule:** We also emphatically object to the FEC's "look back" 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 regulation and burdensome micromanagement is unreasonable, unfair and frankly unbecoming of a regulatory agency under a democratic system of government.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Oxford", written over a horizontal line.

Mike Oxford,
NCIL President