



FEDERAL ELECTION COMMISSION
Washington, DC 20463

**STATEMENT OF COMMISSIONER DARA LINDENBAUM
URGING CONGRESS TO AMEND THE FEDERAL ELECTION CAMPAIGN ACT
TO ELIMINATE THE PUBLIC DISCLOSURE OF CONTRIBUTORS'
STREET NAMES AND STREET NUMBERS**

Ensuring transparency in the financing of elections is at the heart of what the Federal Election Commission does. The current disclosure rules require that political committees report the name, mailing address, occupation, and employer of each individual who makes contributions that aggregate \$200 or more each election cycle.¹ However, popular online political contribution platforms, such as ActBlue and WinRed, must disclose *every* contribution, including contributions as little as \$1. I believe it is time for Congress to reconsider the need for the public disclosure of full street addresses of contributors. Specifically, Congress should amend the Federal Election Campaign Act of 1971, as amended (the “Act”), to remove the requirement that the Commission publish contributors’ street name and street number.² Any benefit to the public of knowing the exact address of a contributor is outweighed by the safety concerns of having a contributor’s address easily accessible on the Commission’s website. Congress should maintain the requirement that political committees collect and report contributors’ full mailing addresses to the Commission, but only require that the Commission publish the contributors’ name, city, state, zip code, occupation, and employer.

Today, the Commission considers a proposed Directive by Commissioner Dickerson that would formalize a process for individuals, or organizations acting on behalf of their contributors, to request the Commission withhold, redact, or modify identifying information.³ As I understand it, Commissioner Dickerson’s proposal seeks to formalize an exemption from disclosure of contributor information, articulated by the Supreme Court in *Buckley v. Valeo*, to protect contributors subject to “threats, harassment, or reprisals” as a result of the contribution.⁴

¹ 52 U.S.C. § 30104(b)(3)(A) (requiring reports to disclose the “identification” of persons making contributions that aggregate in excess of \$200); *see id.* § 30101(13) (defining “identification” in the case of an individual to mean “the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer”); 11 C.F.R. § 100.12 (defining “identification” in the case of an individual to mean “his or her full name...; mailing address; occupation; and the name of his or her employer”).

² *Cf.* 52 U.S.C. § 30104(a)(11)(B) (“The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (or not later than 24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.”).

³ Proposed Directive Concerning Requests to Withhold, Redact, or Modify Contributors’ Identifying Information (May 2, 2024) [hereinafter Proposed Directive], <https://www.fec.gov/resources/cms-content/documents/mtgdoc-24-19-A.pdf>.

⁴ Proposed Directive at 1 (citing *Buckley v. Valeo* and other authorities); *see* 424 U.S. 1, 74 (1976).

For the reasons set forth below, I am unable to support the proposed Directive. I wholeheartedly support the principle that individuals should not be required to put their personal security at risk in order to participate in the political process. However, my concern is broader than Commissioner Dickerson's. The disclosure of a donor's full address may put the donor and their family's safety at risk for reasons separate and apart from the politics of the contribution.

The advance of technology in the nearly five decades of the Commission's history warrant Congress's reconsideration of these disclosure requirements to better balance the ever-important transparency mission of this agency with Americans' legitimate personal security concerns. In the 1970s, when the Act was promulgated and the Commission was born, the accessibility of contributor information to the general public looked very different than it does now. Today, armed with only an individual's name, it takes less than a half dozen clicks on the Commission's website to find that person's mailing address on a disclosure report. By contrast, until relatively recently, someone would have to physically come down to the Commission's office and browse through paper filings for the same information.

As a practical matter, the threshold for disclosure has changed over the past decade. While the Act requires committees to report contributions over \$200,⁵ the Act also requires conduit committees such as ActBlue and WinRed to report *all* contributions, even contributions as small as \$1.⁶ These online platforms now facilitate and report hundreds of millions of contributions and, therefore, it is no longer the case that an individual must contribute more than \$200 before the Commission publishes his or her name and address.⁷

Some citizens have jobs, like law enforcement, where the publishing of their home address is an obvious security threat. Other individuals, like major donors or celebrities, are already cautious about disclosing their home address and have access to sophisticated advisors that counsel them to instead disclose only a work address or other mailing address. However, most everyday Americans will not be aware that reporting their home address when making political contributions might subject them to security concerns until some future time, well after the relevant contributions were made and long after their personal information is already accessible on disclosure reports filed with the Commission.

⁵ See 52 U.S.C. § 30104(b)(3)(A).

⁶ See 52 U.S.C. § 30116(a)(8) (requiring contributions directed through conduits or intermediaries to "report the original source and the intended recipient of such contribution to the Commission" with no itemization threshold specified). Indeed, the Commission's top Legislative Recommendation to Congress in 2023 was to "amend [the Act's] reporting requirement for conduit contributions to establish an itemization threshold consistent with other [of the Act's] reporting requirements." FED. ELECTION COMM'N, LEGISLATIVE RECOMMENDATIONS 2023 at 1-3 (2023) [hereinafter 2023 Legislative Recommendations], <https://www.fec.gov/resources/cms-content/documents/legrec2023.pdf>. That Legislative Recommendation was based on the size of reports filed by ActBlue, WinRed, and the ultimate recipient committees, and number of transactions reported, *see id.* at 1-2, rather than because of the personal security concerns articulated here.

⁷ See 2023 Legislative Recommendations at 2 (including chart reflecting conduit report transactions as a proportion of all transactions reported to the Commission between the 2016 and 2022 election cycles). Absent the widespread use of conduit committees, the \$200 threshold might otherwise shield the vast majority of individual contributors from the disclosure of their mailing address on Commission reports. *See Donor Demographics*, OPEN SECRETS, <https://www.opensecrets.org/elections-overview/donor-demographics?cycle=2024&display=A> (last visited May 16, 2024) ("Just 0.48% of the United State[s] population contributed more than [\$200] to federal candidates, PACs, parties and outside groups in 2023-2024.").

It is unfortunately easy to envision such a scenario. Take, for example, a poll worker who has become subject to threats and harassment due to a video containing false allegations about their work.⁸ Their home address is easily located on the Commission’s website within minutes of the video’s release, and they have to flee their home. Consider, for instance, a victim of domestic violence who retreats to the refuge of a childhood home or family member’s residence, only for their abuser to locate them by searching their parents’ or other family members’ names on the Commission’s website. Or, in another modern example, a woman may not reveal her home address to a man she meets on a dating app, but he may nevertheless be able to access it via the Commission’s website. While hopefully rare, Congress needs to consider such scenarios and the possible risks to individuals’ personal security by requiring that the Commission disclose contributor street addresses.

The two-tiered approach I propose is not unprecedented. California, the nation’s most populous state and well-regarded for its transparency and campaign finance laws,⁹ maintains a similar reporting and disclosure regime, as does Texas, the nation’s second most populous state. Like the Act, both states’ laws require regulated entities to report the address of persons making contributions.¹⁰ However, similar to what I suggest here, both states also separately require that street names and street numbers not appear on reports that are made available online.¹¹

The changes I propose would continue to uphold the Act’s important transparency mission while also protecting individuals’ personal safety. The public, including the press and other interested observers, would still have robust access to information about where money in politics is coming from by virtue of the contributors’ names, city, state, zip code, and occupation and employer information. Members of the public who make contributions would avoid public disclosure of their street addresses that could, at unknown points in the future, put them and their families’ safety at risk. And by still collecting and transmitting full mailing address information to the Commission, reporting committees and the Commission would still be able to effectively track contributors to ensure compliance with relevant contribution limits.

⁸ Cf. Christine Zhu, *Threats, Harassment of Election Workers Have Risen, Poll Shows*, POLITICO (May 1, 2024, 6:03AM), <https://www.politico.com/news/2024/05/01/2024-election-poll-workers-00154953> (citing BRENNAN CTR. FOR JUSTICE, LOCAL ELECTION OFFICIALS SURVEY (May 2024), <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-may-2024>).

⁹ See, e.g., COAL. FOR INTEGRITY, THE STATE CAMPAIGN FINANCE INDEX 2022 at 1, 13 (2022), <https://www.coalitionforintegrity.org/wp-content/uploads/2022/06/The-State-Campaign-Finance-Index-2022-Full-Report.pdf> (ranking California second highest out of 50 states and the District of Columbia on a survey “relating to the scope, independence, and powers of state agencies which regulate campaign finance”).

¹⁰ See, e.g., CAL. GOV’T CODE § 84211(f)(2) (“Each campaign statement required by this article shall contain... [the] person’s street address.”); TEX. ELEC. CODE § 254.031(a)(1), (1-a) (“[E]ach report filed under this chapter must include... the full name and address of the person making the contributions”).

¹¹ See CAL. GOV’T CODE § 84602(a)(4) (“[T]he Secretary of State... shall.. [m]ake all the data filed available on the internet [but t]he data made available on the internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms....”); TEX. ELEC. CODE § 254.0401(e) (“Before making a report filed... available on the Internet, the commission shall remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report. The address information removed must remain available on the report maintained in the commission’s office but may not be available electronically at that office.”).

Turning to the matter at hand, I am unable to support Commissioner Dickerson's proposed Directive. First, redactions or modifications do little once the Commission has published the information because third parties republish disclosure data and the Commission is powerless to redact or modify information on those third-party databases. Second, it is unclear whether these requests would be exempt from disclosure under the Freedom of Information Act. Third, the Advisory Opinion process, an open and transparent process, has been and should be used for organizations seeking relief from the reporting requirements on behalf of their contributors.¹² Finally, any departure from disclosure requirements should be done in an open and transparent way, yet the proposed Directive would make those decisions behind closed doors and "be kept confidential and ... not be placed on the public record."¹³

I also have serious reservations about the burdens that this proposed Directive would place on the Commission's staff, as well as compliance professionals and the regulated community. Every request approved under the proposed Directive would require significant staff resources to locate, redact or modify, and republish relevant reports (including amendments). The demands on agency resources would quickly escalate and become unsustainable to fulfill requests for redactions or modifications for individuals with prolific contribution histories, for many individuals submitting requests, or for large organizations making requests on behalf of some or all of their contributors.

The proposed Directive contains a prospective alternative to avoid these problems: an ability to request a "letter from the Commission excusing the filing of enumerated identifying information."¹⁴ I am unwilling to impose such a novel reporting nuance onto the regulated community in May of a presidential election year, with significant open questions about how recipient committees could comply with their reporting obligations in light of these new "excuse letters," and the potential for civil liability if excused information were accidentally disclosed.

An internal Commission Directive, published with only two weeks notice and without meaningful opportunity for public input is ill-suited for consideration of these legal, resource, and implementation issues. For these reasons, I cannot support the proposed Directive, although I do support a formal rulemaking with a notice and comment period to solicit feedback from the public and members of the regulated community on if or how the Commission should adopt the ideas in the proposed Directive.

¹² See, e.g., Advisory Opinion 2012-38 (Socialist Workers Party); Advisory Opinion 2009-01 (Socialist Workers Party).

¹³ Proposed Directive ¶ 6.

¹⁴ *Id.* ¶ 1(a).

I look forward to working with Congress, my fellow Commissioners, the regulated community, and the public in updating the Act and Commission regulations to amend the requirement that the Commission publish individual contributors' street names and street numbers on public disclosure reports in a way that appropriately balances public transparency in the financing of federal campaigns with individuals' safety.



Dara Lindenbaum
Commissioner

May 16, 2024

Date