



Tom Diedrick <tomd@OPTIONSIL.ORG> on 04/08/2004 04:50:49 PM

To: politicalcommitteestatus@fec.gov
cc:

Subject: Comments on proposed rule

Ms Mai T Dinh, Acting Assistant General Counsel

Please accept the attached comments on the Notice of Proposed Rulemaking on Political Committee Status I am submitting on behalf of Options for Independent Living.

Thank you for the opportunity to submit these comments.

Thomas Diedrick, Executive Director
Options for Independent Living, Inc
555 Country Club Road
PO Box 11967
Green Bay, WI 54307-1967
(920) 490-0500
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tomd@optionsil.org

<<FEC letter on Advocacy limitations.doc>>

April 8, 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.

As a member of The National Council on Independent Living (NCIL) and a community based Independent Living Center (ILC) assisting people with disabilities be more independent, I wish to formally oppose the proposed rule change noted above. Our 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.

Options for Independent Living, Inc (Options) 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. If implemented, these proposals would drastically limit the free speech of all non-profits and inhibit our ability to represent our membership and engage in open

public discourse that is the hallmark of a free society.

While we are concerned about free speech issues, the most troubling are as follows:

Prohibitions on Advocacy Communications: The FEC definition of an expense associated with any communications that "promote, support, attack or oppose" a federal candidate and/or the policy positions of a federal candidate is fundamentally contrary to the First Amendment and unduly restrictive of advocacy activities by non-partisan non-profit organizations. Typically there is 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, member centers for independent living such as Options 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.

We strongly object 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.

People with disabilities depend upon advocacy at the federal level. To impose such onerous burdens and, accordingly, threaten to strangle organizations through excessive regulation is unreasonable, unfair and frankly unbecoming of a regulatory agency under a democratic system of government.

Sincerely,

Thomas J. Diedrick
Executive Director



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