



Tom Cronin <Tom@GreenFoothills.org> on 04/07/2004 02:22:04 PM

To: politicalcommitteestatus@fec.gov

cc:

Subject: Rulemaking on Political Committee Status, 69 Fed. Reg. 11736

Tom Cronin, Executive Director
Committee for Green Foothills
(650) 968-7243
www.GreenFoothills.org



- FEC.pdf



COMMITTEE FOR
GREEN FOOTHILLS

April 7, 2004

Commission Secretary
Federal Elections Commission
999 E Street, NW
Washington, DC 20463

Re: Notice of Proposed Rulemaking on Political Committee Status, 69 Fed. Reg. 11736
via electronic mail: politicalcommitteestatus@fec.gov

Ms. Mai T. Dinh
Acting Assistant General Counsel,

Committee for Green Foothills, a nonprofit corporation under state law and exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code, is writing to express our strong concern regarding the scope and implications of the proposed rulemaking on political Committee Status, 69 Fed Reg 11736.

Our organization is actively engaged in educating the public and advocating positions on legislative and policy issues related to land use and open space. In this work we often make reference to current elected officeholders who have supported or opposed those positions—activities that the Commission noted in its October 23, 2002, rules on “electioneering communications” are considered by the public to be “highly desirable and beneficial.”

Although this advisory opinion is given in response to a request from a political committee, many of the activities that the opinion would treat as expenditures under the Act seem strikingly similar to activities of 501(c)(3) organizations that had not been previously treated as expenditures, including activities more appropriately characterized as lobbying, fundraising or nonpartisan voter activation. In its attempts to regulate these activities of political committees, it is critical and essential that the Commission clarify this will not apply to legitimate, nonpartisan activities by 501(c)3 organizations.

Advocacy is an essential role of our organization. Through advocacy, we provide a vehicle for civic engagement in the democratic process. The new rules that the Commission is considering may prevent us from fulfilling our advocacy role. Existing federal law prohibits 501(c)(3) organizations from engaging in partisan political activity. Title 26 of the United States Code, the Internal Revenue Code, explicitly bars 501(c)(3) organizations from participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office. Nonprofits are heavily regulated, and rightly so, from engaging in direct partisan political activities. Nonprofit leaders and boards are well aware of this limitation. They are careful not to cross the threshold into unpermitted activities, and we are overly cautious about kinds and extent of our advocacy efforts.

Effective advocacy work generally requires references to the elected officials who have sponsored or led efforts to support or oppose particular legislation, yet this opinion appears to define any communication that



COMMITTEE FOR
GREEN FOOTHILLS

includes criticism or praise of an elected federal official who is running for re-election as an expenditure that is subject to FECA rules.

For all of these reasons, we strongly urge the Commission not to issue the draft opinion in its present form. Please feel free to contact me if you have questions or would like further information.

Respectfully submitted,

Tom Cronin
Executive Director
Committee for Green Foothills
Tom@greenfoothills.org

cc: Commissioner Ellen L. Weintraub
Commissioner Bradley A. Smith
Commissioner David M. Mason
Commissioner Danny L. McDonald
Commissioner Scott E. Thomas
Commissioner Michael E. Toner