



## FAITH & FREEDOM COALITION

March 6, 2019

Dear Representative:

On behalf of the more than 1.8 million members and supporters of the Faith & Freedom Coalition, I urge you to vote NO on H.R. 1. A vote for this bill is a vote to undermine the constitutionally protected free speech and association rights of every American. H.R. 1 would have a chilling effect on political participation and would further empower an unelected bureaucracy to target and harass faith-based organizations in an effort to silence them. **Faith & Freedom Coalition will score the vote on the H.R. 1 and your vote will appear in tens of millions of Congressional Scorecards and voter guides distributed in over 100,000 churches.**

In a number of ways, H.R. 1 seems designed to discourage political participation.

First, H.R. 1 creates and then regulates a new category of speech—namely, communications that “promote, attack, support, or oppose” federal candidates and elected officials. This definition is both overly broad and incredibly vague. Groups that merely speak about policy issues could be forced to file reports with the Federal Elections Commission which in and of itself will chill speech. Making matters even worse, this new PASO standard applies year-round, even in years with no federal elections. This standard is meant to discourage speech, not promote it. As the U.S. Supreme Court has said, “If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech.”

Second, H.R. 1 also so vastly expands the definition of “coordination” under the law such that any discussion about public policy, at any time, could conceivably be deemed “coordinated” with a candidate for federal office and therefore a donation to the campaign. As a result of H.R. 1’s expansive coordination definition, all groups would be effectively prohibited from making any communications that even refer to a candidate or elected official or communications that are deemed to promote, attack, support, or oppose them (even if the communication doesn’t mention any candidate or elected official). H.R. 1’s expansive “coordination” standards are unconstitutional under the Supreme Court’s decision in *Colorado Republican Federal Campaign Committee v. FEC*, where the Court held that the FEC could not presume coordination, but had to prove it in order to regulate it.

This bill’s broadly expanded concepts of campaign “coordination” to include even discussion of policy issues by associations and think tanks, even if no candidate names are mentioned and even if it is not an election year, is just one example of how this bill seeks to shut down all intelligent public discourse that might inform voters about good public policy.

Third, H.R. 1 would expose organizations to politically motivated FEC investigations with the specter of criminal liability for speaking on public issues. If H.R. 1 were to pass, the IRS's political targeting of Tea Party groups and religious organizations would become routine policy. H.R. 1 would transform the FEC from a bipartisan, 6-member agency to a partisan, 5-member agency under the control of the president. This change makes it likely that the agency's decisions will be made with an eye towards benefiting one political party over the other. Making this outcome even more likely is the fact that H.R. 1 centralizes power in the Chair of the Commission, who will be hand-picked by the president. The Chair would become the Chief Administrative Officer of the Commission, with the sole power to, among other things, appoint (and remove) the Commission's Staff Director, prepare its budget, require any person to submit, under oath, written reports and answers to questions, issue subpoenas, and compel testimony.

Finally, this new partisan FEC could impose hefty fines if they so choose and, if this partisan attack should bankrupt the nonprofit, then the FEC can also go after the directors or senior employees personally for the money and ask the Department of Justice to bring criminal prosecution with up to five years in prison.

For these reasons, Faith and Freedom Coalition will score the vote on HR 1, and any related votes, as a vote to restrict free speech and association and to discourage political participation by ordinary Americans in FFC's Congressional Scorecard for the 116<sup>th</sup> Congress. We strongly urge a "NO" vote on HR 1 when it comes before you.

Faith & Freedom Coalition is a grassroots public policy organization with over 1.8 million members and supporters committed to pro-life and pro-family legislation, criminal justice reform, immigration reform, and education reform at the federal and state level. In 2018, FFC volunteers knocked on 2.2 million doors of social conservative voters in key states, reached 13.4 million voters with education mail, placed over 32 million digital ads on social media platforms, and delivered 28 million emails and text messages providing voters with links to nonpartisan voter guides and mapping software that directed voters to polling locations.

Sincerely,



Timothy R. Head  
Executive Director  
Faith & Freedom Coalition