

March 4, 2019

Federal Election Commission  
Office of General Counsel  
1050 First Street NE  
Washington, DC 20463

Dear Commissioners,

Thank you for the opportunity to submit this comment. We urge you to act on the Institute for Free Speech's petition to conduct a rulemaking to amend the definition of "contribution" in 11 C.F.R. § 100.52.

In *Citizens for Responsibility & Ethics in Washington v. Federal Election Commission*, the court found that the statutory (and accordingly the regulatory) definition of contribution was unconstitutionally vague, and therefore such donations must be "earmarked for political purposes." However, the court does not define what is considered to be a political purpose. While it is clear that a political purpose includes independent expenditures, it could also include a much broader scope of activities, such as partisan get-out-the-vote activities, candidate scorecards, and even some issue advocacy. Not having a common definition of key terms creates compliance and enforcement nightmares.

Alliance for Justice and its Bolder Advocacy program are dedicated to making advocacy easy and accessible for all tax-exempt organizations, which includes ensuring that the rules governing advocacy do not overly burden or intimidate these organizations. Vague and unclear requirements can result in burdensome compliance requirements. This may lead tax-exempt organizations that make independent expenditures to either abstain from participating in advocacy for fear of financial penalties or pay for costly services to ensure they do not inadvertently break the law.

We believe that greater clarity benefits all organizations and that your rulemaking authority helps make a stronger, more robust advocacy community. Accordingly, we encourage you to conduct a rulemaking to amend the definition of "contribution" so that all organizations making independent expenditures can advocate boldly, without having to fear potential noncompliance with the law.

Sincerely,



Abby Levine, Director, Bolder Advocacy  
Nikhil Pillai, Counsel, Bolder Advocacy