



# H.R. 1 is for Politicians, Not the People

H.R. 1 would protect incumbent politicians, politically weaponize the Federal Election Commission, create unconstitutional restrictions on political speech, discourage people from supporting nonprofit organizations that are serving their communities, reduce the ability of nonprofits and other civic organizations to advocate on behalf of their communities.

## **Americans for Prosperity opposes H.R. 1 for the following reasons:**

- **H.R. 1 discourages Americans from supporting the organizations serving their communities:**

Transparency is for government, and privacy is for people. When politicians compel individuals to disclose what causes they support, they violate citizens' privacy and subject them to potential harassment. H.R. 1 would require nonprofits that make "campaign-related disbursements" to disclose the name and address of all people who donate above a certain amount. In our current toxic political environment, it's even more important to protect people's privacy from politicians who have no business knowing the personal information of the private citizens who oppose them. H.R. 1 would predictably result in less charitable giving, as people realize it could subject them to disclosure and potential intimidation.

- **H.R. 1 would remake the Federal Election Commission into a partisan agency:**

H.R. 1 would change the structure of the FEC from a six-member, bipartisan Commission into a partisan-led five-member Commission and create a powerful new Chair—designated by the President and given the ability to subpoena witnesses and compel testimony. A partisan Commission would engage in investigations and pass regulations without any support from the other side of the aisle. For an agency as impactful as the FEC, a bipartisan structure is critical to its legitimacy.

- **H.R. 1 unconstitutionally compels speech:**

H.R. 1 requires nonprofits and groups that publicly communicate on important issues in their communities to declare whether they support or oppose any candidate that appears in their materials. The bill does this by expanding the definition of "electioneering communication" to include issue advocacy, even if it occurs long before an election. Instead of encouraging Americans to work together to solve policy problems, this forces them to pick a political team. This is counterproductive, and this compelled political speech violates the First Amendment.

- **H.R. 1 will prevent nonprofits from supporting pioneering causes:**

Nonprofits that disburse grants to other institutions would also be impacted by these new rules. Under H.R. 1, if grantmaking organizations “knew or should have known” that an organization they’ve supported spent a certain amount of dollars on “campaign related disbursements”—which H.R. 1 expands to include issue advocacy—then the grantmaking organization must disclose its donors too. Nonprofits would be particularly reluctant to support newer organizations pioneering critical causes with public policy implications out of fear that a potential grantee’s conduct could one day require the disclosure of their donors. We should be encouraging, not discouraging citizens and philanthropic organizations to support promising efforts to make our society better. H.R. 1 would discourage giving to the very efforts that most need support.

- **H.R. 1 will reduce online free speech:**

H.R. 1 broadens disclaimer and disclosure requirements and applies those standards to mediums, like the internet, where those requirements would have a profoundly negative impact. The bill would overturn the Federal Election Commission’s internet exemption, which reasonably distinguishes internet speech from other advertising spaces. The result will be substantially increased costs for political speech on the internet and less speech overall – especially for those with fewer legal resources and financial means to navigate these requirements.

Through broad-based grassroots outreach, Americans for Prosperity (AFP) is driving long-term solutions to the country’s biggest problems. AFP activists engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another. AFP recruits and unites activists in 35 states behind a common goal of advancing policies that will help people improve their lives.