

KEY VOTE ALERT



April 13, 2021

TO THE MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce strongly opposes S. 1, disingenuously named the “For the People Act of 2021.” **The Chamber will consider including votes related to this bill in our annual How They Voted scorecard.**

The Chamber believes it is crucial to democracy to bring more people into the political process. Significant portions of S. 1 are clearly intended to have precisely the opposite effect – pushing certain voices, representing large segments of the electorate and U.S. economy, out of the political process altogether.

For example, S. 1’s sweeping regulation of so-called “campaign-related disbursements,” regulates a brand-new category of communications that “promote,” “attack,” “support,” or “oppose” a candidate or elected official (“PASO communications”). Unlike existing campaign finance law, which regulates speech that either expressly advocates a candidate’s election or defeat or that mentions a candidate in relatively close temporal proximity to an election, the vague and overly broad new definition of PASO communications applies year-round and threatens to consume any legislative advocacy that even mentions an elected official.

The penalties imposed by S. 1 for engaging in PASO communications are severe – a group that spends more than an aggregate of \$10,000 on such communications over a two-year election cycle must, among other things, file reports publicly disclosing all of its donors who have given more than \$10,000 during the election cycle. The \$10,000 donor threshold appears designed to target business organizations while largely sparing labor organizations from disclosure of their funding sources, which are typically union dues far less than \$10,000.

There are many other aspects of S. 1 that are extremely problematic. To highlight just a few:

- S. 1 would fundamentally transform the FEC from a non-partisan agency comprised of three commissioners from each party into an overtly partisan enforcement tool controlled by a majority of commissioners from the political party then in power.
- S. 1 would deem communication by corporations, including associations, to be “coordinated” and thereby prohibited if the organization has even the most innocuous and tenuous of connections with a candidate. For example, a meeting with an elected official to discuss a policy issue, an organizational employee who was previously employed by the elected official or candidate in any capacity, or a common vendor with a candidate would all have the practical effect of prohibiting corporations, including associations, from engaging in the political process.
- S. 1 would also usher in a host of onerous disclaimer requirements for those engaging in communications that mention a candidate or elected official, even if those communications are related to legislative issues.



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- S. 1 would give taxpayer funds to political campaigns by allowing Americans to opt-into having their political donations matched by the federal government. Taxpayer money should be used to support projects like infrastructure initiatives and education programs – not political campaigns.

American democracy benefits from the robust participation of its citizens – whether they choose to engage individually at the ballot box or collectively through a party, association, or corporation. Yet S. 1 would regulate and ultimately silence Americans who choose to petition their government or participate in the political process through the collective action of an association or corporation. Just as using the power of government to silence the press is antithetical to the Constitution and fundamental rights, so are the restrictions proposed in S. 1.

Much attention is also being paid to the proposed changes in election operations included in S. 1. The Chamber believes the ability of Americans to exercise their right to vote in accessible and secure elections and to be able to trust in a free and fair outcome is fundamental to who we are as a nation. The Chamber is deeply troubled by efforts at the state and federal level to enact election law changes on a partisan basis. Changes enacted on a partisan basis are the most likely to erode access and security and undermine public confidence and the willingness of the American people to trust and accept future election outcomes.

From the Voting Rights Act of 1965 and its amendments in 1970, 1975, 1982, and 2006 to the reforms put in place after the 2000 election, elected leaders have risen to the challenge of finding common ground on reforming voting laws. We urge you to do so again.

Today, we call on President Biden and Republican and Democrat congressional leaders to create a bipartisan national commission with equal representation composed of former elected officials and leading citizens to examine the facts and make recommendations for improving our election system similar to the 2004 Carter-Baker Commission on Federal Election Reform.

Such an effort would bring about much better outcomes than the partisan S. 1. The Chamber believes there is a path forward based on common ground, inclusion of all relevant perspectives, and bipartisan engagement. Such efforts have worked in the past. We are confident they could – and will – work again.

The Chamber urges you to reject S. 1.

Sincerely,

Jack Howard
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U.S. Chamber of Commerce

