

November 21, 2016

## **Oppose All Campaign Finance Riders to Funding Bills**

Dear Senator:

Our organizations strongly urge you to oppose all campaign finance riders and other “poison pill” riders to any CR or omnibus bill to be considered in the remaining days of this Congress.

Our organizations include the Brennan Center for Justice, Campaign Legal Center, Common Cause, CREW, Democracy 21, Demos, Every Voice, Issue One, League of Women Voters, People For the American Way, Public Citizen, Represent.Us, The Rootstrikers Project at Demand Progress and U.S. PIRG.

Last year, “poison pill” campaign finance riders were enacted in the Omnibus Appropriations bill to prevent the IRS from doing any work on new regulations to govern the political activities of section 501(c)(4) organizations, and to prevent the SEC from issuing any final regulations to require public corporations to disclose their political activities to shareholders. In September 2016, Congress passed a CR that extended the SEC rider.

Unsuccessful efforts also were made last year during the FY 16 Omnibus bill negotiations to add other campaign finance riders. This included riders to do away with the presidential public financing system and checkoff fund, to repeal the longstanding limits on the amounts parties can spend in coordination with their candidates, and to prevent the Obama administration from issuing an executive order requiring government contractors to disclose their political spending.

The presidential public financing system served the American people and presidential candidates well for more than two decades until it became outdated. The system needs to be repaired, and not eliminated as the rider would have done.

The unprecedented role played by the Super Rich and outside spending groups in the 2016 election has made an overwhelming case for providing candidates with incentives to raise small contributions from millions of ordinary Americans. Candidates need an alternative means to finance their presidential campaigns without becoming obligated to big money funders. It is essential to keep the presidential financing system in law to provide the framework for updating and repairing the system in time for the next presidential election.

Similarly, any effort to try to insert last year’s unsuccessful rider to repeal the party coordinated spending limits should be rejected for the same reasons the rider was blocked last year. Additionally, the effort to obtain disclosure by government contractors of their political activities is an effort to prevent pay-to-play efforts from undermining the integrity of the government contractor process. There is a powerful case for issuing this regulation and it should not be blocked by a rider.

The two campaign finance riders currently in the law serve to keep the American people in the dark about hundreds of millions of dollars in secret contributions that have been poured into federal elections. Secret campaign contributions prevent voters and others from holding officeholders and influence-seeking donors accountable for their potentially corrupt practices. These two riders should be rejected and not included in any funding measures passed in the lame duck session.

The Securities and Exchange Commission (SEC) has a vital role to play in ensuring corporate transparency for shareholders. More than 1.2 million investors and members of the public petitioned the SEC to create a rule requiring uniform corporate political disclosure, the most signers to a petition in agency history. The congressional rider, however, would prevent the SEC from issuing such a regulation. We urge that this rider be dropped.

Congress also has blocked the Treasury Department and Internal Revenue Service from issuing new regulations regarding the political activities of 501(c) groups. This prevents revised regulations from being issued that would provide nonprofit groups with a clear definition of political activities and would provide increased disclosure of secret money contributions being spent in our elections.

In preventing a rulemaking, Congress is leaving in place a chronically broken IRS definition that allows those willing to game the system to pour millions of dollars of secret contributions into our elections. At the same time, Congress is leaving nonprofit groups without a clear definition of what constitutes political activities, thereby making it difficult for groups to determine the nonpartisan civic activities that are allowable. We urge that this rider be dropped.

Any effort to rewrite the Nation's campaign finance laws and to restrict related campaign finance measures must be done by regular order and through the legislative process. This should not be done by a back door misuse of the appropriations process.

Poison pill riders have no place in any budget bill. We urge you to oppose any campaign finance riders or other poison pill riders from being included in any funding measures for FY 2017.

Brennan Center for Justice  
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