



Conserving Land
for People

April 8, 2004

Ms. Mai T. Dinh
Acting Assistant General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Via fax to: 202-219-3923; original to follow by U.S. mail

Re: Notice of Proposed Rulemaking on Political Committee Status,
69 Fed. Reg. 11736 (March 11, 2004)

Dear Ms. Dinh:

I am writing to comment on behalf of the Trust for Public Land in opposition to the proposed Federal Election Commission ("FEC") rulemaking on Political Committee Status. The Trust for Public Land ("TPL") is a non-profit organization, recognized by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code that helps conserve land for recreation and to improve the health and quality of life of American communities.

As public charity, TPL does not participate in any candidate campaigns in any way. While we cannot and do not get involved in electioneering, TPL is allowed to "lobby" pursuant to the Internal Revenue Code, and does so through both legislative lobbying and ballot question campaigns. TPL's ballot question work is directed to campaigns that raise public funds for land conservation. The proposed FEC rule would force TPL to abandon all of its ballot question work on behalf of open space, water quality protection, public parks and other conservation issues. We believe that is a completely unintended result and one that runs counter to the principles of public advocacy and democratic participation that our laws are meant to encourage.

A traditional campaign that TPL would be involved in is a bond campaign designed to create public funds for the preservation of open space or the creation of public parks. As part of such a campaign TPL, or a campaign committee created by TPL, would send mail pieces to registered voters encouraging them to vote in favor of the open space bond and reminding them of the date of the election. TPL will typically be involved in many ballot question campaigns that happen to take place on the same day as federal elections. If TPL spent \$50,000 in one year on such mail pieces in all of its

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campaigns combined, it would be deemed a "political committee" under the FEC's proposed rule.

The effect of TPL being deemed a "political committee" would mean the end of TPL's involvement with ballot questions. TPL would not be able to take part in campaigns to raise funds for open space and still be able to accept foundation funds, individual donations for more than \$5,000 or any corporate donations for any of its work to preserve open space and our natural heritage. Such a result would be absurd and such a (presumably) unintended consequence demonstrates how overbroad the proposed rule regarding political committees is. TPL's campaign efforts do not support or oppose any candidates, its work is completely non-partisan, and is totally consistent with its mission as a tax-exempt public charity. Yet, under the FEC's proposed rule, TPL would be forced to terminate its ballot efforts on behalf of land conservation.

This is just one example of how the proposed rule would severely harm non-profit organizations that take part in ballot question advocacy. Because the rule as proposed would dramatically and conclusively abolish democratic participation by non-profits such as TPL on a host of public issues, we urge the Commission to withdraw the proposed rule.

Sincerely,



William P. Lee
Counsel
Conservation Finance Program

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