



# For the People Act

## A Poorly Disguised Attack on Free Speech

**T**he poorly named “For the People Act” (H.R. 1) is a direct attack on the authority of states and their ability to administer elections under their jurisdictions. It also contains provisions restricting free speech similar to those that have already been struck down by the Supreme Court as First Amendment violations. The provisions in H.R. 1 will inevitably stifle free speech—both campaign and non-campaign related. If members of Congress truly care about transparency in campaign activities, they will oppose this bill.

### **Adds Additional Regulatory Burdens on Non-501(c)(3) Nonprofit Organizations**

- Division B, Title IV, Subtitle B contains the “Disclose Act,” which would redefine public communications related to policy matters as electioneering (“campaign-related disbursements”) just because a politician’s name is mentioned and even if the communication does not express support or opposition for the politician (Section 4111). Thus, communications that have nothing to do with elections will be deemed election related.
- Section 4111 adds mandatory reporting requirements beyond what exists in current law.
- Organizations would be required to report to the Federal Election Commission whether their communication is in “support of” or “opposition to” any politician they name—even if the organization has not endorsed or opposed that politician’s election or defeat. Such garbled and onerous federal regulation of public communications will stifle free speech rather than protect it.

## **Exposes Private Donors of Nonprofit Organizations to Public Scrutiny and Burdens Free Speech**

- Subtitle D contains the “Stand by Every Ad” bill, which requires that an organization disclose its top five donors (or the top two donors in the case of an audio communication).
  - Past efforts to disclose donors to the public have led to donor harassment.
  - These donor disclosure requirements will effectively stifle donors’ willingness to fund organizations that engage in the policy debates of our time.
- The “Stand by Every Ad” bill also requires the organization’s leader to appear in its mailings or ads to approve the message, should the ad be deemed electioneering or otherwise sufficiently political in nature. Such a requirement is onerous and burdensome and will stifle free speech.
- Subtitle C, Section 4201 contains the “Honest Ads” bill. This would expand the regulation of “electioneering communications” to include online and internet communications—even those not campaign-related—and add additional disclosure requirements.

## **Contains a Problematic Religious Test for Public Service**

- H.R. 1 requires states to establish a nonpartisan agency in the state legislature to establish an independent redistricting commission to organize electoral districts.
- Section 2412 establishes eligibility criteria to serve on the redistricting commission. Any individual applying to serve on the redistricting commission must provide personal information, including “involvement with, or financial support of, professional, social, political, religious, or community organizations or causes.”
- It is inappropriate that an individual’s religious affiliation could be used to determine their eligibility for public office. Article 6, Clause 3 of the U.S. Constitution prohibits religious tests for office in order to prevent this exact type of discrimination.

H.R. 1’s blatant attacks on free speech almost certainly ensure that this bill will be struck down by the U.S. Supreme Court if passed into law. That may not happen before the next election cycle, however,

and by then the damage to free speech will have already been done. Thus, H.R. 1's unconstitutional provisions could have major ramifications for American politics and state elections for years to come. Aside from demolishing the authority of states to run their own elections (at a time when state election processes need to be reformed, not attacked), H.R. 1 undermines free speech where it is needed most—in politics. This catastrophic bill must be stopped.