

July 12, 2023

The Honorable Kevin McCarthy
Speaker of the House of Representatives
U.S. House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives
Washington, DC 20515

Re: Support for the American Confidence in Elections Act’s Critical Free Speech and Privacy Protections

Dear Speaker McCarthy and Democratic Leader Jeffries,

The undersigned nonprofit organizations and policy leaders write in strong support of the free speech and citizen privacy provisions in the “American Confidence in Elections (ACE) Act” (H.R. 4563) introduced by Congressman Bryan Steil. This thoughtful legislation protects and strengthens important First Amendment rights that Americans have enjoyed since the founding of our country. This is a critical counterbalance to the growing push for unconstitutional and harmful disclosures in Congress and at the state level that attack the rights to freely speak, publish, and support groups that advocate for causes supported by Americans across the country and ideological spectrum.

The free speech provisions in the American Confidence in Elections Act would defend the vital role nonprofit organizations serve in encouraging free speech and the free exchange of ideas. Privately supporting causes – and the organizations advancing those causes – is a fundamental freedom protected by the First Amendment.

Our Founding Fathers used pen names to encourage independence from Great Britain. Nearly 200 years later, the U.S. Supreme Court blocked the state of Alabama from demanding the supporter list of the NAACP, citing concerns about retribution against the group’s members and financial backers. And in 2021, the Supreme Court ruled in *Americans for Prosperity Foundation (AFPF) v. Bonta* that nonprofit causes cannot be forced to hand over their supporter lists to the government. The privacy rights at stake in that case were robustly supported by nearly 300 nonprofit groups representing a wide range of causes and political preferences. In the past five years alone, 17 states have passed laws – frequently with bipartisan support – strengthening and protecting nonprofit donor privacy rights.

The American Confidence in Elections Act would enshrine four vital privacy protections into law through the following provisions:

- **Speech Privacy Act of 2023.** Codifies the Supreme Court decisions in *NAACP v. Alabama* and *AFPP v. Bonta* by prohibiting federal agencies from collecting or disclosing the names of nonprofit supporters. Agencies that are required by law to collect this information are exempted, and penalties for government officials that illegally reveal this sensitive information are included. (Sec. 308)
- **Don't Weaponize the IRS Act.** Enshrines into law 2020 reforms issued by rulemaking that prevent the Internal Revenue Service from collecting and warehousing nonprofit donor information that the agency has acknowledged it does not use or need. (Sec. 309)
- **IRS Protections.** Prevents the IRS from writing new regulations to limit political speech by nonprofits. (Sec. 310)
- **SEC Protections.** Prohibits the Securities and Exchange Commission from requiring businesses to disclose their giving to nonprofits and membership in trade associations. (Sec. 341)

We urge all Members of Congress to support the strong free speech and citizen privacy provisions in Congressman Bryan Steil's "American Confidence in Elections Act." These reforms will protect millions of Americans across the country, who cherish and rely on the right to privately support causes they believe in without fear of harassment and intimidation, as well as the diverse causes they support, including the undersigned individuals and organizations.

Sincerely,

Heather Lauer, CEO
People United for Privacy

Grover Norquist, President
Americans for Tax Reform

Lisa B. Nelson, CEO
ALEC Action

Elizabeth McGuigan, VP of Policy and
Government Affairs
Philanthropy Roundtable

James L. Martin, Founder and Chairman
Saulius "Saul" Anuzis, President
60 Plus Association

Phil Kerpen, President
American Commitment

Paul Teller, Executive Director
Advancing American Freedom

Thomas Pyle, President
American Energy Alliance

Bethany Marcum, CEO
Alaska Policy Forum

Carrie Ann Donnell, Founder and President
American Juris Link

Bob Carlstrom, President
AMAC Action

Mark Fitzgibbons, President of Corporate Affairs
American Target Advertising

Gary Bauer, President
American Values

Richard Manning, President
Americans for Limited Government

Robert Alt, President and CEO
The Buckeye Institute

Scott Walter, President*
Capital Research Center

Maureen Blum, President
Catholics Count

Daniel Mitchell, President
Center for Freedom and Prosperity

Dawn Wildman, Director of Policy
Coalition for Policy Reform

Charles Mitchell, President and CEO
Commonwealth Foundation

Ron Pearson, Executive Director
Conservative Victory Fund

Lawson Bader, President and CEO
DonorsTrust

Tim Hoefler, President and CEO
Empire Center for Public Policy

Grant Callen, Founder and CEO
Empower Mississippi Foundation

Victoria Cobb, President
Family Foundation of Virginia

Brian Minnich, Executive Vice President
Freedom Foundation

Annette Meeks, Founder and CEO
Freedom Foundation of Minnesota

Randy Hicks, President and CEO
Georgia Center for Opportunity

Victor Riches, President and CEO
Goldwater Institute

Aidan Johnston, Director of Federal Affairs
Gun Owners of America

Cameron Sholty, Director of Government Relations
Heartland Institute

Mario H. Lopez, President
Hispanic Leadership Fund

Fred Birnbaum, Legislative Affairs Director
Idaho Freedom Foundation and
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Matt Paprocki, President
Illinois Policy Institute

Shayne Madsen, Director of Political Law Center
Independence Institute

Heather R. Higgins, CEO
Independent Women's Voice

Andrew Langer, President
Institute for Liberty

Chris Hagenow, President
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Brian Balfour, Senior VP of Research
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Jonathan Small, President
Oklahoma Council of Public Affairs

Brett Healy, President
John K. MacIver Institute for Public Policy

Tarren Bragdon, CEO
Opportunity Solutions Project

Morton Blackwell, President
Leadership Institute

Wendy D. Damron, President and CEO
Palmetto Promise Institute

Seton Motley, President
Less Government

Daniel Erspamer, CEO
Pelican Institute for Public Policy

Connor Boyack, President
Libertas Institute

Eli Lehrer, President*
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Charles T. Moran, President
Log Cabin Republicans

Sarah Hunt, President
The Rainey Center Freedom Project

Gene Mills, President
Louisiana Family Forum

Mike Stenhouse, CEO
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Joseph Lehman, President
Mackinac Center for Public Policy

Paul Gessing, President
Rio Grande Foundation

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