

## Comment on Grassroot Lobbying Rulemaking

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Commissioners:

Attached is a copy of the most recent L6 report filed with the agency. Please note how the form asks the filer to disclose expenditures by category. When filling out the L6, filers are asked to provide only the amount of dollars spent in a particular expenditure category.

L6 filers are not asked by the agency to provide the highly detailed description of expenditures that the agency requests filers provide when filing form C4.

What is the basis for this discrepancy? Are members of the public less entitled to know about the expenditure details for grassroots lobbying campaigns than they are to know about the expenditure details for regular campaigns?

The agency should apply the same rules for expenditure descriptions on L6 filers that exist for C4 filers.

Will this result in greater burdens for the sponsors of grassroots lobbying campaigns? Yes. Will this result in additional PDC complaints being filed when filers fail to provide the required details? Also yes. Would this requirement have the effect of suppressing activity that is protected by the First Amendment? Absolutely. Would applying these same requirements also impose greater burdens on PDC staff as they would have to deal with a greater number of pointless complaints alleging improper levels of expenditure description? You bet.

But what is the rationale for exempting L6 filers from the same requirements that C4 filers must abide by?

Alternatively, the agency could try a different approach altogether. The agency could use its rulemaking authority to make it so that filers must disclose only a general description of the expenditure on the forms and would have to provide details associated with a particular expenditure **only in response to a written request from the agency or a member of the public**. This is similar to how the Public Records Act functions. Agencies don't have to make every single record in their possession available to the public, as this would be extremely burdensome. Instead, agencies only have to make certain records available in response to specific requests.

Adopting this approach would significantly reduce administrative burdens on filers, reduce the number of PDC complaints filed for political reasons, encourage activity that is protected by the First Amendment and also reduce the amount of agency staff time that is spent adjudicating complaints of little merit.

Very few people are actually interested in the minutiae of expenditure details, however they do exist. They should have the right to view as much detail as they want, but **upon request only**. Don't continue to force filers to disclose the minutiae of each and every routine expenditure.

For too long, the agency has functioned like a broken, one-way ratchet: only increasing burdensome campaign finance reporting requirements while refusing to look at reforming or eliminating old requirements that no longer serve a meaningful purpose. This approach is not sustainable.