



March 4, 2021

The Honorable Lindsey Graham
United States Senate
290 Russell Senate Office Building
Washington, DC 20510

Dear Senator Graham,

On behalf of the South Carolina nonprofit community, we, the undersigned organizations, ask you to uphold the right of fellow South Carolinians to support causes they believe in without fear of harassment and intimidation by rejecting H.R. 1 and S. 1, the deceptively named “For the People Act.”

Additionally, as a cosponsor of the Honest Ads Act—one of the many pieces of individual legislation included in H.R. 1 and S. 1—we feel it is important for you to understand how this legislation would negatively impact our organizations.

With almost 20,000 nonprofits registered with the Internal Revenue Service, South Carolina is known as a charitable state. Nonprofits support needs in our communities and contribute to the public square by encouraging free speech and the free exchange of ideas. South Carolinians’ ability to privately support these organizations is a fundamental freedom protected by the First Amendment.

Our country has a long history of supporting private speech and private giving. Our Founding Fathers used pen names to voice opposition to Great Britain and encourage independence. During the Civil Rights Movement of the 1950s, the Supreme Court blocked the state of Alabama from demanding the NAACP’s list of supporters over concerns for the safety of their members and the impact the government’s possession of this sensitive information would have on their cause. And last month, the Supreme Court agreed to hear arguments challenging California’s requirement for charities to disclose lists of their donors to state officials.

H.R. 1 and S. 1 attack America’s great tradition of free speech. Instead of encouraging vigorous discourse, the legislation will silence speech by requiring nonprofits that communicate about issues to disclose their donors. These organizations also will be subjected to a barrage of new regulations that will do little to promote democracy, root out corruption, or counter foreign influence in elections.

The bill is a patchwork of unrelated policies that address campaign finance, voting and election laws, and ethics reforms. The result is a confusing labyrinth of legislation that will violate the First Amendment rights of Americans by:

- Establishing a searchable database to house personal information about donors to certain nonprofits that engage in civic debates.

- Making it more difficult for smaller and less-established organizations to use the internet to get their message out by subjecting them to complex disclaimer and reporting requirements.
- Requiring top donors to nonprofits that run ads about issues to publicly identify themselves in the advertisement, dangerously exposing them to public scrutiny.
- Regulating groups that comment on federal judicial nominees and requiring their donors to be exposed—even if those contributors had nothing to do with and no knowledge of the groups’ speech about judicial nominees.
- Eliminating important safeguards barring the IRS from regulating speech, despite the fact that the agency has been caught systematically harassing certain right-of-center groups.
- Reversing recent IRS reforms under the Trump administration that eliminated the requirement for certain nonprofits to report the confidential information of their supporters to the agency—information that the IRS has acknowledged it does not need to enforce the tax code.

The Honest Ads Act claims that it will deter foreign influence in American elections. Unfortunately, it will not prevent foreign meddling, and its burdens will fall exclusively on American citizens. Instead, the legislation:

- Uses the threat of Russian and other foreign interference as a Trojan horse to expand regulation of all online political ads, even though it has been proven that a very small percentage of political ads are actually purchased by foreign agents.
- Expands the definition of “electioneering communication” to include ads that merely mention a candidate or elected official, even if the message has nothing to do with an election.
- Greatly expands government regulation of political speech online beyond paid advertising to include other fundamental ways nonprofits communicate, such as posts on their websites and email correspondence.
- Requires online platforms and speakers to maintain a searchable public file of all issue ads, along with detailed, difficult to obtain information about each campaign.
- Imposes inflexible disclaimer requirements on online ads, making many forms of small, popular, and cost-effective ads impossible for nonprofits that wish to speak to the public and their supporters.
- Increases the cost of online advertising, which would severely burden newer and smaller grassroots or volunteer-run organizations.

Our elections will not be more honest, more informed, or more secure from foreign interference if we sacrifice the privacy of American citizens. But our democracy will be immensely weakened if important voices are eliminated from public debate through intimidation and overregulation.

Nonprofit organizations are forces for good and have long played a role in educating Americans and policymakers about complex issues. As your constituents, we ask that you adhere to the oath you took to support and defend the Constitution of the United States. H.R. 1, S. 1, and the Honest Ads Act will violate our First Amendment rights and will devastate South Carolina nonprofit organizations.

Sincerely,

Ellen Weaver

Palmetto Promise Institute

Lisa Van Riper

South Carolina Citizens for Life

Tony Beam

South Carolina Baptist Convention

Holly Gatling

South Carolina Citizens for Life

Evan Newman

South Carolina Club for Growth

Chad Connelly

Faith Wins

Andrew Yates

Americans for Prosperity South Carolina

Dave Wilson

Palmetto Family Council

Don Weaver

South Carolina Association of Taxpayers