national RIGHT TO LIFE committee, inc.

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October 22, 2019

RE: H.R. 4617, the Stopping Harmful Interference in Elections for a Lasting Democracy (SHIELD) Act

Dear Member of Congress:

The National Right to Life Committee (NRLC), representing state right-to-life organizations nationwide, urges you to oppose H.R. 4617, the Stopping Harmful Interference in Elections for a Lasting Democracy (SHIELD) Act.

Because this legislation would severely impede the exercise of our organization's constitutional rights, NRLC intends to include any roll call that occurs on H.R. 4617 in our scorecard of key roll calls of the 116th Congress.

While the legislation purports to stop foreigners from attempting to influence our elections, the legislation would effectively silence domestic groups who wish to communicate on issues of "national importance."

H.R. 4617 contains multiple provisions that infringe on the right of citizen groups to communicate with the public— a right that the Supreme Court has repeatedly held enjoys the highest degree of immunity from government regulation under the First Amendment.

Importantly, H.R. 4617 will potentially affect non-political advertising campaigns. The legislation expands the definition of "qualified political advertisement" to "any political matter of national importance, including… a national legislative issue of public importance."

As "any political issue of national importance" is not defined, it could plausibly be interpreted to include advertisements that touch in some manner on abortion. Therefore, advertisements (digital or broadcast) that were run, for example, in favor choosing adoption, or that described a developing unborn child, if run close enough to an election could only be done by a political action committee, and would be subject to new burdensome disclaimer and reporting requirements from the Federal Election Commission (FEC). Whether an issue rose to the level of being "a national legislative issue of public importance" would be entirely subjective. This would have a powerful chilling effect on the ability of groups like NRLC to talk about abortion in the public space.

Since the bill would expand the definition of "electioneering communications," a standard currently limited to radio and television campaigns, to include online campaigns, these online communications will be subject to FEC requirements for the first time. This would result in organizations, like NRLC, becoming subject to politically motivated complaints, investigations,

and legal liability. These costs would negate the many benefits organizations like NRLC have in using online grassroots campaigns to effect social change.

Additionally, H.R. 4617 would change the long-standing definition for determining existence of coordination between campaigns and outside interests. H.R. 4617 includes that, "For purposes of paragraph (7), an expenditure or disbursement may be considered to have been made in cooperation, consultation, or concert with, or coordinated with, a person without regard to whether or not the cooperation, consultation, or coordination is carried out pursuant to agreement or formal collaboration." This would mean that merely knowing an outside group was engaging in a campaign would rise to the level of an illegal campaign coordination.

We strongly urge you to oppose this pernicious and constitutionally defective legislation. In our scorecard and advocacy materials, the legislation will be accurately characterized as a blatant political attack on the First Amendment rights of National Right to Life.

Should you have any questions, please contact us at (202) 378-8863, or via e-mail at jpopik@nrlc.org. Thank you for your consideration of NRLC's position on this important legislation.

Sincerely,

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President	Executive Director	Legislative Director