



FEDERAL ELECTION COMMISSION  
1050 FIRST STREET, N.E.  
WASHINGTON, D.C. 20463

**STATEMENT OF  
COMMISSIONER ALLEN J. DICKERSON ON PROPOSED DIRECTIVE CONCERNING  
REQUESTS TO WITHHOLD, REDACT, OR MODIFY CONTRIBUTORS' IDENTIFYING  
INFORMATION**

Let me begin by thanking the public for its engagement with this proposal. Several substantial comments were filed with the Commission, including one from a United States Senator. I am grateful for those efforts, and I hope commentators will continue to engage with the Commission as we work to craft a regulation on this important topic.

I also want to thank my colleagues and the Commission's staff. What appears to be a single commissioner's proposal in fact represents numerous conversations among commissioners and hard work by dedicated civil servants. I appreciate those efforts.

Today is the beginning of a long-overdue discussion. The disclosure requirements of the Federal Election Campaign Act serve an important role, but they are not absolute. From the beginning, the Supreme Court has explained that, at least in some circumstances, compelled disclosure poses an undue risk that Americans will experience threats, harassment, or reprisals because of their political associations.

Fair-minded people disagree on precisely where to draw the line. But that is precisely why the formality and rigor of a regulation is required. The Commission should have taken that step 48 years ago when the Supreme Court first explained that at least certain individuals, and certain organizations, must be exempted from our disclosure regime.

We will, I hope, take that step today.

Before voting, I'd like to make three points.

First, we should be honest about the scope of the public reporting this agency demands. Every individual who gives more than \$200 must disclose his or her name, address, employer, and occupation.

That was one thing in 1976, when \$200 was worth more than \$1,000 now, and when our records were only available in hard copy at FEC headquarters. Now that information is available to anyone – instantly and forever – on the internet.

Worse, we have interpreted the law to require the disclosure of even the tiniest contribution made through fundraising platforms like ActBlue and WinRed – platforms that raise billions of dollars

from millions of Americans, many of them contributing far below the \$200 threshold Congress believed relevant.

It is simply inaccurate, and dishonest, to suggest that the FEC's disclosure burdens fall mainly on the wealthy and the powerful.

Second, we know the standard to apply, although reasonable people may disagree on how best to interpret it. The Supreme Court has explained that an as-applied exception to our rules is appropriate where an individual or group can demonstrate "a reasonable probability" that a particular compelled disclosure "will subject them to threats, harassment, or reprisals from either Government officials or private parties." Those are not the Commission's words, nor mine. Those are from the Supreme Court itself, consistently, over decades.

Finally, we are already doing this. The Commission has excused the disclosure of all contributors to a minor political party. It has redacted the personal addresses of contributors to a corporate PAC. Even in my comparatively short time here, we have on several occasions, and sometimes unanimously, permitted contributors to redact or replace their home addresses in official FEC reports.

To be clear, I support those decisions. But ordinary Americans are entitled to the same consideration as the well-connected.

It is time to formally address this long-standing issue and to publicly announce, by regulation, our procedures for granting as-applied exceptions to our reporting obligations.

Until we can do so, I have proposed a temporary Directive to streamline our consideration of individual requests. Under that directive, no one can be relieved of any portion of our disclosure requirements unless a bipartisan majority of the Commission believes they have adequately demonstrated their need. The Directive merely provides a formal, and temporary, replacement for the Commission's existing *ad hoc* process.

I hope my colleagues will support this effort and take concrete steps to defend vulnerable Americans' ability to fully participate in this aspect of our political process.