

April 2, 2015

RE: URGENT CONCERNS WITH SB 127

Dear Legislative Conferees and Governor Nathan Deal,

We, the undersigned organizations, have grave concerns about the House substitute to Senate Bill 127, state ethics and elections rules. As amended, the legislation will have a chilling effect on free speech in Georgia by restricting the ability of nonprofit organizations to engage in public debates and political discourse.

In the waning hours of the Georgia General Assembly, there have been several concerning developments, but none more concerning than Senate Bill 127's tortured substitutions and parliamentary maneuvers. If passed, Section 19 of SB 127 will profoundly redefine the ability of advocacy groups in Georgia to communicate with the voting public during the electoral process. SB 127 now is remarkably similar to recent legislation pushed by former Speaker Nancy Pelosi in Washington, D.C. designed to silence advocacy groups from educating the voting public. Fortunately, it didn't pass at the federal level.

The restrictions on "paid issue advocacy" outlined in SB 127 exist nowhere else in the nation. In expanding the definition of "communications" nonprofits can employ to educate the public on their position on a wide range of issues, this bill seeks to restrict civic engagement from organizations across the political spectrum.

This legislation adds blog posts, opinion editorials, letters to the editor, legislative scorecards, emails and other correspondence to a list of communications subjected to restrictions within 180 days of elections in Georgia. That extended period of time essentially restricts nonprofits from expressing their First Amendment rights from January to November in any election year without the threat of demands to disclose the members and donors of organizations who participate in public dialogues.

The 1958 Supreme Court case of NAACP v. Alabama put a stop to this type of onerous legislative restriction on free speech and free association. The Court's decision to provide for "immunity from state scrutiny" for organizations like the NAACP at the time guaranteed an important protection on First Amendment rights. The case protected members of organizations from intimidation and harassment. The 2010 case of Citizens United v. FEC further restored free-speech protections for non-profit organizations.

SB 127 would tear down those constitutionally protected rights, for individuals and organizations.

If this bill is signed into law, Georgia would restrict free speech and association more so than any other state in the nation. SB 127 stands to hurt not only the organizations who participate in public discourse but the voters, taxpayers, and residents of Georgia who will no longer be entitled to know where elected officials truly stand on important public policy issues.

The clandestine and confusing efforts to advance SB 127 not only make for bad public policy, but are seen by members of impacted organizations as a legislative weapon intended to silence dissenting voices.

We strongly urge you to correct or defeat SB 127 and any other effort to promote similarly heavy-handed public policy.

Sincerely,

Linda Fowler
Georgia Tea Party Patriots

Teresa Tatum
Georgia Tea Party Patriots

Debbie Dooley
Atlanta Tea Party & Georgia Tea Party Patriots

Jenny Beth Martin
Co-Founder
Tea Party Patriots

Jeanne Seaver
Chairman/ President
Georgia Grassroots Coalition

Erick Erickson
Editor
RedState.com

Tim Head
Executive Director
Faith and Freedom Coalition

Patrick Parsons
Georgia Executive Director
Georgia Gun Owners

Nathan Adams
Executive Director
Georgia Taxpayers United

Suart Griffin
Chairman
Georgia Pro Life

Jason Pye
Director of Messaging/ Georgia Resident
FreedomWorks

David Bossie
President and Chairman
Citizens United

Marjorie Dannenfelser
President
Susan B. Anthony List

Brent Wm. Gardner
Vice President of Government Affairs
Americans for Prosperity

Charmaine Yoest
President & CEO
Americans United for Life

Matt Kibbe
President
FreedomWorks

Ed Martin
President
Eagle Forum

Amy Noone Frederick
President
60 Plus Association

L. Brent Bozell III
Chairman
ForAmerica

Phil Kerpen
President
American Commitment

Virginia Galloway
Southern Regional Director
Faith and Freedom Coalition

Grover Norquist
President
Americans for Tax Reform

Heather Higgins
President and CEO
Independent Women's Voice