

September 15, 2022

The Honorable Nancy Pelosi  
Speaker of the House of Representatives  
U.S. House of Representatives  
Washington, DC 20510

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
Washington, DC 20510

**Re: Support for the ACE Act’s Critical Free Speech and Privacy Protections**

Dear Speaker Pelosi and Republican Leader McCarthy,

The undersigned nonprofit organizations and policy leaders write in strong support of the free speech and citizen privacy provisions in the “American Confidence in Elections (ACE) Act” (H.R. 8528), introduced by Congressman Rodney Davis. This thoughtful legislation protects and strengthens important First Amendment rights that Americans have enjoyed since the founding of our country. This is a critical counterbalance to the growing push for unconstitutional and harmful disclosures in Congress and at the state level that attack the rights to freely speak, publish, and support groups that advocate for causes supported by Americans across the country and ideological spectrum.

The free speech provisions in the ACE Act would defend the vital role nonprofit organizations serve in encouraging free speech and the free exchange of ideas. Privately supporting causes – and the organizations advancing those causes – is a fundamental freedom protected by the First Amendment.

Our Founding Fathers used pen names to encourage independence from Great Britain. Nearly 200 years later, the U.S. Supreme Court blocked the state of Alabama from demanding the supporter list of the NAACP, citing concerns about retribution against the group’s members and financial backers. And just last year, the Supreme Court ruled in *Americans for Prosperity Foundation (AFPF) v. Bonta* that nonprofit causes cannot be forced to hand over their supporter lists to the government. The privacy rights at stake in that case were robustly supported by over 280 nonprofit groups representing a wide range of causes and political preferences.

The ACE Act would enshrine four vital privacy protections into law through the following provisions:

- **Speech Privacy Act of 2022.** Codifies the Supreme Court decisions in *NAACP v. Alabama* and *AFPF v. Bonta* by prohibiting federal agencies from collecting or disclosing the names of nonprofit supporters. Agencies that are required by law to collect this information are exempted, and penalties for government officials that illegally reveal this sensitive information are included. (Sec. 307)
- **Don’t Weaponize the IRS Act.** Enshrines into law 2020 reforms issued by rulemaking that prevent the Internal Revenue Service from collecting and warehousing nonprofit donor information that the agency has acknowledged it does not use or need. (Sec. 308)
- **IRS Protections.** Prevents the IRS from writing new regulations to limit political speech by nonprofits. (Sec. 309)

- **SEC Protections.** Prohibits the Securities and Exchange Commission from requiring businesses to disclose their giving to nonprofits and membership in trade associations. (Sec. 341)

We urge all Members of Congress to support the strong free speech and citizen privacy provisions in Congressman Rodney Davis’ “American Confidence in Elections Act.” These reforms will protect millions of Americans across the country, who cherish and rely on the right to privately support causes they believe in without fear of harassment and intimidation, as well as the diverse causes they support, including the undersigned individuals and organizations.

Sincerely,

Heather Lauer, Executive Director  
People United for Privacy

Grover Norquist, President  
Americans for Tax Reform

Lisa B. Nelson, CEO  
ALEC Action

Elizabeth McGuigan, Senior Director of Policy &  
Government Affairs  
The Philanthropy Roundtable

Brent Wm. Gardner, Chief Government Affairs  
Officer  
Americans for Prosperity

Tracie Sharp, President and CEO  
State Policy Network

James L. Martin, Founder/Chairman  
Saulius “Saul” Anuzis, President  
60 Plus Association

Scott Walter, President\*  
Capital Research Center

Bethany Marcum, CEO  
Alaska Policy Forum

Garrett Ballengee, Executive Director  
Cardinal Institute for West Virginia Policy

John Droz, Jr., Founder  
Alliance for Wise Energy Decisions

Ryan Johnson, Assoc. Commissioner, District 2  
Cass County Commission

Bob Carlstrom, President  
AMAC Action

Ryan Ellis, President  
Center for a Free Economy

Phil Kerpen, President  
American Commitment

Andrew F. Quinlan, President  
Center for Freedom and Prosperity

Thomas Pyle, President  
American Energy Alliance

Craig Rucker, President  
CFACT

Carrie Ann Donnell, Founder & President  
American Juris Link

David N. Bossie, President  
Citizens United

Gary L. Bauer, President  
American Values

Ashley Baker, Director of Public Policy  
The Committee for Justice

Charles Mitchell, President and CEO  
Commonwealth Foundation

Ron Pearson, Executive Director  
Conservative Victory Fund

Tom Schatz, President  
Council for Citizens Against Government Waste

Tim Hofer, President & CEO  
Empire Center for New York State Policy

Grant Callen, Founder & CEO  
Empower Mississippi Foundation

Craig Richardson, President  
Energy & Environment Legal Institute

Timothy R. Head, Executive Director  
Faith & Freedom Coalition

Victoria Cobb, President  
The Family Foundation of Virginia

Brian Minnich, Executive Vice President  
Freedom Foundation

Annette Meeks, CEO  
Freedom Foundation of Minnesota

Adam Brandon, President  
FreedomWorks

Randy Hicks, President and CEO  
Georgia Center for Opportunity

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Gun Owners of America

James Taylor, President  
The Heartland Institute

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Brian Balfour, Senior VP of Research  
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Brett Healy, President  
The John MacIver Institute for Public Policy

Morton Blackwell, President  
The Leadership Institute

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Less Government

Connor Boyack, President  
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*\*Affiliation used for identification purposes only.*