



January 13, 2022

NTU urges all Senators to vote “NO” on H.R. 5746, the legislative vehicle for the updated elections reform bill titled the “Freedom to Vote Act.” This fundamentally flawed legislation still amounts to a federal takeover of the American election system, seemingly for the benefit of one party. While it may masquerade as a common-sense ethics and elections reform bill, in reality it is deeply troubling and far from sensible. Its enactment would stifle free speech, severely threaten the viability of 501(c)(4) tax-exempt organizations, and increase federal spending.

The cornerstone of our democracy is the promise of free and fair elections, coupled with the unabridged freedoms guaranteed by the Constitution. However, H.R. 5746 seeks to address some of the underlying problems in our election system with the heavy hand of the federal government controlling most aspects of the election process, which are properly under the jurisdiction of state governments. To be clear, NTU takes no position on the sensitive nature of the voting rights provisions, but the ancillary sections on higher fees, higher spending, and enhanced regulation outweigh the potential benefits of its enactment.

As a nonpartisan 501(c)(4) advocacy organization, NTU is one of many organizations that would be disadvantaged by this proposed system’s heavy-handed regulations. First and foremost, taxpayers would provide a 6-to-1 contribution match to participating candidates for the House of Representatives. The “Freedom to Vote Act” contains many dubious provisions, such as the DISCLOSE Act and the SPOTLIGHT Act. Essentially, the contents of this legislation would force the disclosure of names and addresses of individuals who freely choose to support various nonpartisan public-interest groups. Their information would be held forever in a publicly-available government database. Taxpayers, and indeed all Americans, have a constitutionally guaranteed right to privacy, and a violation of this sacred right could suppress political speech. Ironically, H.R. 5746 justifies many of donors’ fears about political retaliation if their membership details were to be weaponized simply based on the groups they choose to support.

More broadly, [an analysis of the fiscal effects](#) of the similar “For the People Act” by National Taxpayers Union Foundation estimates an increase in spending of \$5.47 billion in FY 21, \$1.3 billion in FY 22, \$92 million in FY 23, \$1.67 billion in FY 24, and \$163 million in FY 25. Given the record level of deficits and debts, members of Congress should make sure they are fully assessing the budget impact of measures under consideration and enacting corresponding spending reductions to protect taxpayers from additional liabilities.

Despite its compelling title, the “Freedom to Vote Act” would greatly harm the freedom of taxpayers and nonprofit organizations to prosper in the 21st century and beyond.

Roll call votes on H.R. 5746 will be included in NTU’s annual Rating of Congress and a “NO” vote will be considered the pro-taxpayer position.

If you have any questions, please contact NTU Director of Federal Affairs Thomas Aiello at Thomas.Aiello@ntu.org