

# 1199SEIU

United Healthcare Workers East

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## Testimony

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*I am Annalicia Finol, the Political Action Fund Director of 1199 SEIU United Healthcare Workers East, whose 450,000 members include home care, nursing home and hospital workers in New York City. 1199 SEIU's members are deeply engaged in the City's elections, and 1199 regularly communicates with its members and the public about candidates for City office.*

*1199 plans to submit written comments on the CFB's August 28 proposal to expand its requirements for the involvement of unions and other groups in elections. We appreciate the extension of time for those comments, which was imperative given the CFB's abrupt notice and short comment period, which was timed when affected organizations like 1199 are most heavily focused on the imminent and critical federal and New York State elections.*

*We have significant concerns with the proposal's likely impairment of 1199's and its members' ability to participate in the political process. Here are a few preliminary points to consider; our comments will explain these in more detail as well as identify and expand on other objections.*

*First, the late timing of the proposed rules change, on the eve of the election year, is simply wrong. If the CFB believed that its current rules about coordination, express advocacy, electioneering communications or disclaimers were deficient, then it could have proposed any of these changes soon after the 2021 election cycle. That would have enabled full public participation and planning for 2025. The proposal cites no event or change in law requiring any of these changes, let alone at this late date.*

*Worse, every proposed new factor for determining whether there is coordination would implicate a group's conduct stretching back to January 2022, or even earlier - with no notice to the groups and individuals affected that their conduct could legally entrap them in 2025. The CFB has no authority to issue retroactive rules.*

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*Second, and on the merits, the six newly proposed coordination standards are based on the unjustified assumption that distant, unimportant and even coincidental and unrelated facts render truly independent communications subject to investigation and fines as coordinated contributions. That is disruptive and chilling of political activity and the freedom of people to move between jobs in an absolutely normal and efficient manner.*

*Third, the CFB interprets current law to mean that membership communications are subject to the coordinated-contribution rules, requiring 1199 and other groups to limit their members' engagement with candidates they support. Expanding the coordination standard as proposed would make an indefensibly hostile legal environment for freedom of association that much more hazardous, and mainly to the members' detriment.*

*Finally for now, we oppose the proposed elimination and replacement of the current exemption from independent expenditure treatment of Internet communications not placed for a fee on another person's website. This would expose email, social media, uploads, websites and other such outlets that have become second nature to oppressive enforcement and penalties – but given the prevalence of online communications, the CFB at best could expect to secure compliance only haphazardly and arbitrarily. Innumerable individuals and groups would become unwitting law violators, bringing disrepute upon the CFB and the law itself, for no evident public purpose.*

*Thank you for the opportunity to make these points today.*