

July 2, 2021

Submitted Electronically (<http://sers.fec.gov/fosers/> REG 2021-01)

Federal Election Commission
Attn.: Ms. Amy Rothstein, Assistant General Counsel
Mr. Kevin Paulsen, Attorney
Office of the General Counsel
1050 First Street NE
Washington, DC 20463

Re: REG 2021-01 (Notice of Availability of Rulemaking Petition Regarding Candidate Salaries and Use of Campaign Funds to Pay Certain Healthcare Costs)

Dear Ms. Rothstein and Mr. Paulsen:

These comments are submitted by Common Cause in response to the Commission's Notice of Availability of a Petition for Rulemaking filed by Ms. Nabilah Islam, to amend regulations found at 11.C.F.R. §113.1(g)(1)(i)(I) to: "Extend the period during which a candidate can draw a salary from campaign funds; establish a minimum salary for candidates from campaign funds; and designate the payment of certain healthcare costs as permissible uses of campaign funds." 86 Fed. Reg. 23300 (May 3, 2021). Common Cause strongly supports the proposed regulation amendments.

When working-class Americans embrace the possibilities born of democracy, it often highlights that our government of, by and for the people is a work in progress. This is certainly the case when it comes to empowering a wider swath of everyday Americans to run for office, as discussed below. Accordingly, Common Cause appreciates the Federal Election Commission's consideration of the issues presented by this rulemaking petition and the accompanying opportunity to submit comments.

Congressional candidates who represent the diversity of America must be able to seek federal office without worrying about a living wage or health insurance. Only 2% of the members of Congress have working-class backgrounds, and millionaires make up more than half of Congress although they are less than 5% of the national population.¹ Consequently, public policy decisions made by Congress too often reflect the interests and preferences of the wealthy, not the vast majority of Americans. Historical economic inequity along the lines of race and gender has translated to a lack of political representation for Americans of color and women.

Big Money still unduly influences who can run for office and win. It can also corrupt the legislative process with appearances of quid pro quo favors, access, and undue influence over the agenda that elected officials pursue

¹ The Center for Responsive Politics publishes the annual financial disclosure provided by members of Congress at www.OpenSecrets.org/personal-finances. Open Secrets also published a series on the topic recently: <https://www.opensecrets.org/news/2020/04/majority-of-lawmakers-millionaires/>

when they get into office. Possibility is born of democracy, but Big Money has our democracy in a stranglehold. We must make it easier for everyday Americans to represent us in Washington.

One step is to address some of the barriers to participation for candidates. Common Cause enthusiastically supports Ms. Islam's petition to strengthen rules that have long allowed candidates to draw a limited salary from their campaigns while running for federal office by setting a living-wage floor to the salary formula and by making the funds available much earlier in the candidate's campaign.

Running for office is at least as time-consuming as a full-time job and effective campaigns typically start at least a year before the primary election. Accordingly, the FEC should amend its regulations to both standardize and lengthen the salary period. As Ms. Nabilah's petition aptly explains, the current federal candidate salary regulation text ties federal salary timing to each state's laws for primary ballot access. Thus, since filing deadlines vary wildly, so too do the covered federal candidate salary periods. A better practice would be tying the federal candidate salary to the timing of the federal primary itself. In short, Common Cause supports extending the start date for the period during which a candidate can draw a salary from campaign funds.

Common Cause further supports setting a living-wage floor to the salary formula for any candidates who may have had low income or a break in employment prior to running for federal office. Current regulations are tied to the lower payment amount of (a) a candidate's earnings for the year prior to the run for federal office *or* (b) the salary for the role the candidate is seeking. So, under the current regulation, a pause in paid employment or a period of very low wages currently leaves working people seeking federal office in a precarious financial position. Common Cause supports a minimum living wage of no less than an annualized salary of \$15 per hour, indexed to inflation. Indeed, it may prove necessary to provide higher annualized salaries in higher-cost-of-living areas of the country.

Common Cause also supports amending federal regulations to make clear that candidates can use campaign funds to pay for health insurance. Ms. Islam had to go without health insurance while running for office during a global pandemic. The scenario was unsafe for Ms. Islam and unhealthy for our democracy.

Candidates for federal office should be able to join a health plan and pay for benefits from the committee's account at the same time the other campaign employees become eligible to do so. Indeed, most Americans are insured via their places of employment and many working Americans would need to leave their employment to seek federal office. Allowing candidates to receive health benefits from the campaign would remove an important roadblock and potentially encourage more working-class Americans to seek federal office. Working class people have been excluded from democracy by a disproportionate number of millionaire members of Congress. They make up only 2% of the US Congress—while they make up approximately 50% of the United States.² Their voices are the ones we need in Washington and across the country. It is time we take every step necessary to end the millionaire's club. The regulation amendment proposed in Ms. Islam's petition are great steps and Common Cause support them whole heartedly.

² Dr. Nicholas Carnes, Working-class people are underrepresented in politics. The problem isn't voters., VOX (Oct. 27, 2018), <https://www.vox.com/policy-and-politics/2018/10/24/18009856/working-class-income-inequality-randybryce-alexandria-ocasio-cortez>.



Common Cause appreciates the Federal Election Commission's consideration of these issues and the opportunity to submit comments.

Sincerely,

/s/ Beth A. Rotman

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