



**NEW YORK CITY CAMPAIGN FINANCE BOARD PUBLIC HEARING
ACTORS' EQUITY ASSOCIATION TESTIMONY
Rick Berg, Eastern Regional Director
Thursday, October 27, 2011**

Thank you for this opportunity to offer comments about the proposed independent expenditure regulations.

My name is Rick Berg and I am the Eastern Regional Director of Actors' Equity Association (Equity). Equity is the labor union representing over 49,000 live stage actors and stage managers in the United States. About 20,000 of our members live in New York. They are the artists New Yorkers and the rest of the world see performing on Broadway, Off Broadway, and Off Off Broadway.

Our association is disturbed to learn that the Campaign Finance Board (CFB) is considering internal member communication within our city's labor unions to be an activity subject to disclosure to the CFB as a form of independent campaign spending. It is our belief that the rules presented by the CFB go well beyond the mandate of the Charter Amendment and run counter to increasing citizen participation in the political process.

Equity, along with our sister labor unions nationally, and in New York State, strongly support the disclosure of independent campaign expenditures – by individuals, corporations, political committees, *and* labor unions - that seek to influence the general public about how to vote. That was the purpose and intention of last year's Charter amendment on this issue. However, the amendment should not apply to internal member communication. The Board would be distorting the scope if it were to consider internal union member communications as part of the intent of that Charter amendment. It would also limit or prohibit much of a union's membership and public advocacy by treating communications as an "in-kind contribution" to a "candidate." Moving forward with this threatens the ability of unions, as well as non-partisan and non-profit organizations, to communicate with their members and the public about legislative issues. When union members communicate with each other about politics and legislative issues, it increases participation in the overall process. Treating membership organizations as if they are political campaign committees is misguided.

The purpose of any independent expenditure reporting law is to reveal to the public the sources of messages that are trying to persuade them how to vote. This purpose is inapplicable to internal member-to-member communications. Our members know the group they voluntarily belong to and finance, and we should be left to our own democratic practices to determine how these internal communications should be paid for and identified. The Supreme Court and other courts have long recognized that public exposure of the internal political activities of membership groups implicates fundamental First Amendment concerns because of their tendency to chill speech and associational activity. The National Labor Relations Act also protects internal communications between a union and its members because the free and unregulated flow of information among the members of labor unions is vital to the ability of employees to successfully organize and negotiate with their employers.

However, the CFB's proposed rules will require a complicated and onerous filing system. For the first time, Equity and other unions and organizations would be required to file if we spend as little as \$1,000 communicating with our members and the public about how a legislative issue would impact our membership. Non-compliance or reporting incorrectly could result in lengthy investigations and hefty fines. Strict rules are appropriate for independent PACs but should not be applied to groups whose clear intention is education, advocacy or member service.

In conclusion, Equity respectfully requests that the CFB not interfere with membership relationships or impose onerous requirements on legislative and issue advocacy, and instead follow the intent of the new Charter amendments.