



FEDERAL ELECTION COMMISSION
Washington, DC 20463

September 21, 1992

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1992-30

Dr. Bevan Morris, Party Chair
Natural Law Party of the United States of America
51 West Washington Avenue
Fairfield, Iowa 52556

Dear Mr. Morris:

This responds to your letter of June 20, 1992, and the letters and supplemental documents sent by you on July 30, September 1, and September 15, 1992, requesting an advisory opinion regarding whether the Natural Law Party of the United States of America (the "Natural Law Party") is a "national committee" of a political party for purposes of the Federal Election Campaign Act of 1971, as amended ("the Act"). You also request that the Commission confirm that the state affiliates of the Natural Law Party are "official state party committees" for purposes of the Act.

Your letter indicates that the Natural Law Party is an incorporated not-for-profit Iowa corporation which was inaugurated on April 23, 1992, and which filed its articles of corporation on May 11, 1992. You have included in your request the Natural Law Party's bylaws which provide that its specific purpose is to "promote the principles of the Party by disseminating information through written materials, public meetings, advertising and other means and to support and endorse candidates of the Party for office in Federal, state and local elections."

To support your assertion that the Natural Law Party is a national committee of a political party, you state that the Party and/or its candidates, including its Presidential candidate, Dr. John Hagelin, and its Vice Presidential candidate, Vinton Tompkins, have met ballot access requirements in 26 states and the District of Columbia. You also state in your request that Party affiliates have been formed in 47 states of which, you state, 34 have filed with the Commission. You also state that the Party has established a national party headquarters located in Fairfield, Iowa and intends to promote its principles and candidates through a variety of written materials and appearances by the Party's Presidential and Vice Presidential candidates as well as other

Party representatives. Among the projects planned is the initiation of a national fundraising campaign and the hosting of a national convention scheduled for September, 1992 which will formally nominate your Presidential and Vice Presidential candidates.^{1/}

The term "national committee" is defined by the Act as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. 431(14). See also 11 CFR 100.13. The term "political party" is defined by the Act as "an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization." 2 U.S.C. 431(16).

Therefore, to determine whether the Natural Law Party is eligible for national committee status, the Commission must first determine whether the party qualifies as a "political party" under the Act. You have provided documentation consisting of correspondence from state authorities verifying that your Presidential and Vice Presidential candidate designates have achieved ballot access in 13 states.^{2/} Further, nomination at the September convention will automatically secure ballot access in four more states.^{3/} Similar documentation also verifies that currently 31 Party candidates to the U.S. Congress are on the ballot in 14 states.^{4/} On this basis, the Commission concludes that the Natural Law Party would be a political party for purposes of the Act. See Advisory Opinions 1988-45, 1980-121, 1980-96 and 1980-3.

The Commission has applied a number of criteria to determine whether a political party or its committees have demonstrated sufficient activity on a national level to attain national committee status. A committee demonstrates that it is a national committee of a political party by the nomination of candidates for various Federal offices in numerous states; by engaging in certain activities on an ongoing basis (rather than with respect to a particular election) such as supporting voter registration and get-out-the-vote drives; and by publicizing issues of importance to the party and its adherents throughout the nation. Other indicia include the holding of a national convention, the establishment of a national office and the establishment of state affiliates. See Advisory Opinions 1988-45, 1980-131, 1980-121, 1980-96, 1980-3, 1978-58, 1976-96 and 1975-129.

A committee or political party will not qualify for national committee status if its activity is focused solely on the Presidential and Vice Presidential election (Advisory Opinions 1980-131 and 1978-58), or if it is limited to one state (Advisory Opinion 1976-95), or if it currently has only a limited number of Federal candidates on state ballots (Advisory Opinion 1988-45).

An examination of the documents and information you have submitted indicates that while some of your party projects are still in the planning stage or, although planned, have yet to occur, your party has already undertaken significant party building activity of a national scope. Besides the establishment of a national headquarters, you have also instituted a national newsletter. Your request indicates that the Natural Law Party plans in the future to conduct significant voter registration drives. Presently, a nationally known musical group has given its permission to allow your party to participate in voter registration drives held in conjunction with that group's concerts. As of the end of August, these concerts were to have occurred in various cities in the

Midwest and Northeast. In addition, your request states that the Party has recently held voter registration drives in California, Iowa and Hawaii. These circumstances indicate that your party is engaging in activity on a national level.

Additional evidence shows the scope and status of your party's organizational and ballot access efforts on the state level. Commission records indicate that of the affiliates registered with the Commission, three committees located in different regions of the nation have qualified as political committees under the Act.^{5/} Of greater importance is the number of states (22) where your party's candidates have already achieved ballot access. Significantly, your ballot access extends beyond the Presidential and Vice Presidential level to other Federal races as well. See Advisory Opinion 1988-45.^{6/} Considering these factors together, the Commission concludes that the Natural Law Party has manifested sufficient activity to qualify it as the national committee of a political party.

This determination of national committee status is applicable only with regard to the contribution limitations of 2 U.S.C. 441a and the national party expenditures of 2 U.S.C. 441a(d). Since no specific transaction or activity relating to Chapters 95 or 96 of the Internal Revenue Code of 1954 was presented, this opinion does not reach any issues as to the eligibility of the Natural Law Party's Presidential candidate(s) to receive Federal matching funds under 26 U.S.C. 9031-9042 for use in the primary elections, nor as to entitlement to general election funding under 26 U.S.C. 9001-9012. Similarly, this opinion does not reach the issue of entitlement of the Natural Law Party to receive convention financing under 26 U.S.C. 9008.

Your second question concerns the state party committee status of the Natural Law Party's state affiliates. The Act defines "State committee" as the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level as determined by the Commission. 2 U.S.C 431(15). See also 11 CFR 100.14 and Advisory Opinion 1976-112.

The Commission has not previously examined the level of activity necessary to qualify the subordinate unit of a political party as a state committee. However, in Advisory Opinion 1976-95, when rejecting the national committee status of the 1976 campaign committee of the Liberal Party of New York, the Commission considered the evidence of the requester's activity to reach the conclusion that the requester was a "subordinate committee of a state party." See Advisory Opinion 1976-95.

The sample state affiliate agreement submitted in your request delineates activities commensurate with the day-to-day operation of the Natural Law Party on a state level. The agreement states that any organization agreeing to its terms shall "support the National Party and its goals." The text of the agreement requires that the affiliate use its "best efforts" to assist the National Party's candidates, as well as the affiliates' own local candidates, in obtaining ballot access. The affiliate is also required to engage in voter registration drives, state conventions and to solicit contributions and nominate candidates for Federal and state office.

To the extent the relationship between the Natural Law Party and an affiliate is based on this agreement and the affiliate displays evidence of activity by obtaining ballot access for both its

Presidential and other Federal candidates, the Commission concludes that the particular affiliate is a State Committee of the Natural Law Party. Of the affiliates registered with the Commission, seven presently show such evidence: the Natural Law Parties of Illinois, Iowa, Massachusetts, Michigan, South Dakota, Tennessee and Washington. Therefore, the Commission concludes that, as of the date of your last submission, the Natural Law Party of Illinois, the Natural Law Party of Iowa, the Natural Law Party of Massachusetts, the Natural Law Party of Michigan, the Natural Law Party of South Dakota, the Natural Law Party of Tennessee, and the Natural Law Party of Washington qualify as state committees of a political party.

This response constitutes an advisory opinion concerning the application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely,

(signed)

Joan D. Aikens
Chairman for the Federal Election Commission

Enclosures (AOs 1988-45, 1980-131, 1980-121, 1980-96, 1980-3, 1978-58, 1976-112, 1976-95 and 1975-129)

ENDNOTES

1/ Under the bylaws of Natural Law Party, the Party's Executive Committee designates candidates for nomination for U.S. President and Vice President. However, for these candidates to actually receive the nomination, a party convention must then ratify the choice.

2/ Arkansas, Illinois, Iowa, Kentucky, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, Ohio, South Dakota, Tennessee, and Utah.

3/ Michigan, New Mexico, Washington, and Wisconsin.

4/ These states are Connecticut, Hawaii, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New York, Pennsylvania, South Dakota, Tennessee and Washington. Twenty-six of the Party candidates are seeking election to the U.S. House of Representatives and five are seeking election to the U.S. Senate.

5/ The state affiliates which qualify as political committees under the Act are the Natural Law Party of Nevada, the Natural Law Party of Alabama, and the Natural Law Party of Pennsylvania.

6/ Your claim to national committee status is therefore distinguishable from that made by the Populist Party of the United States which was rejected in Advisory Opinion 188-45. The Populist Party Presidential effort had secured ballot access in 12 states. The requester had also established a national headquarters and produced a newsletter. However, the Commission found it

significant that the requester's involvement in other Federal races was limited to Congressional and Senatorial races in Pennsylvania. Therefore, unlike the Natural Law Party, the Populist Party's geographic reach or diversity did not extend to other Federal offices.