



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 14, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 2016-07

Bill Hammons, Chairman
Reid Strouss-Tallman, Treasurer
United National Committee
1020 Kent Street
#K219
Boulder, CO 80303

Dear Messrs. Hammons and Strouss-Tallman:

We are responding to your advisory opinion request regarding whether the United National Committee (the “Committee”) is a “national committee” of a political party under the Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (the “Act”), and Commission regulations. The Commission concludes that the Committee is not a national committee of a political party.

Background

The facts presented in this advisory opinion are based on your letter received on March 28, 2016, and your email received on June 3, 2016.

The Committee is registered with the Commission as a political committee. Pursuant to the Constitution of the Unity Party of America (the “Unity Party”), the Committee is the governing body of the Unity Party. Advisory Opinion Request at AOR002. The Unity Party nominates individuals for federal office, including for President and Vice President. *See* AOR001, AOR003. To date, one individual nominated by the Unity Party has appeared on a ballot for federal office: Bill Hammons was the Unity Party nominee in 2014 for the U.S. Senate election in Colorado. AOR003, AOR005-AOR006. No person nominated for federal office by the Unity Party, including Mr. Hammons, has raised or spent more than \$5,000 for an election. AOR003, AOR006. According to its most recent report filed with the Commission, for the first

quarter of 2016, the Committee received \$735, spent \$815.74, and had cash-on-hand at the close of the reporting period of \$59.53.¹

Question Presented

Is the Committee a national committee of a political party under the Act and Commission regulations?

Legal Analysis and Conclusion

No, the Committee is not a national committee of a political party under the Act and Commission regulations.

The Act defines a “national 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 national level, as determined by the Commission.” 52 U.S.C. § 30101(14); *see also* 11 C.F.R. § 100.13. Thus, at the threshold, the Commission must first determine whether the Unity Party is a “political party” within the meaning of the Act. *See, e.g.*, Advisory Opinion 2013-01 (1787 National Committee) at 2 (concluding that requestor was not national committee because affiliated organization did not meet definition of political party); Advisory Opinion 1980-03 (Executive Committee of the Citizens Party) at 2 (same).

The Act defines a “political party” as an “organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such . . . organization.” 52 U.S.C. § 30101(16). Accordingly, to qualify for political party status, an organization must place a “candidate” on the ballot under the organization’s name. A candidate is an individual who has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000. *See* 52 U.S.C. § 30101(2)(A); 11 C.F.R. § 100.3.

During the 2014 general election, Bill Hammons appeared on the Colorado ballot as a nominee of the Unity Party of Colorado for the office of United States Senator.² However, because Mr. Hammons raised and spent less than \$5,000 for his election, *see* AOR002, AOR006, he was not a “candidate” under the Act. Thus, the Unity Party does not qualify for political party status by virtue of having attained ballot access for Mr. Hammons. *See* Advisory Opinion 1996-35 (Greens/Green Party USA) at 2 (concluding that organization could not qualify as political party by attaining ballot access for individual who did not meet definition of candidate under Act). No other individual nominated by the Unity Party has appeared as a candidate on any ballot for federal office. Accordingly, because the Unity Party has not yet placed any federal candidates on the ballot, the Unity Party is not yet a “political party” under the Act and Commission regulations, and the Committee therefore cannot yet qualify as a national committee

¹ *See* United National Committee, FEC Form 3X at 2 (May 2, 2016), <http://docquery.fec.gov/pdf/212/201605020300072212/201605020300072212.pdf>.

² *See* Colorado Secretary of State, 2014 General Election Official Candidate List, <http://www.sos.state.co.us/pubs/elections/vote/generalCandidates.html> (last visited June 10, 2016).

of a political party. *See* Advisory Opinion 2013-01 (1787 National Committee) at 3 (noting that Commission “has never recognized an organization as a political party without the organization first placing identified Federal candidates on the ballot”).

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request. *See* 52 U.S.C. § 30108. The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for its proposed activity. Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which this advisory opinion is rendered may rely on this advisory opinion. *See* 52 U.S.C. § 30108(c)(1)(B). Please note that the analysis or conclusions in this advisory opinion may be affected by subsequent developments in the law including, but not limited to, statutes, regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on the Commission’s website.

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Matthew S. Petersen", with a long horizontal flourish extending to the right.

Matthew S. Petersen
Chairman