

10 AUG 1976

Mr. Robert L. Brewster  
5320 Montgomery, N.E.  
Apt. 104AE  
Albuquerque, New Mexico 87109

Re: MUR 193 (76)

Dear Mr. Brewster:

This acknowledges receipt of your complaint dated July 9, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended, by the Secretaries of State of certain States. I have reviewed your allegations and have concluded on the basis of the information in your complaint that there is no reason to believe that any statute within the jurisdiction of the Federal Election Commission has been committed. Accordingly, upon my recommendation, the Commission has closed its file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Federal Election Campaign Laws, please contact me. The attorney assigned to this matter was Victor Sterling (telephone no. 202/382-4055). The file reference number was MUR 193.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.  
General Counsel

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

USterling: amh: 7/23/76

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

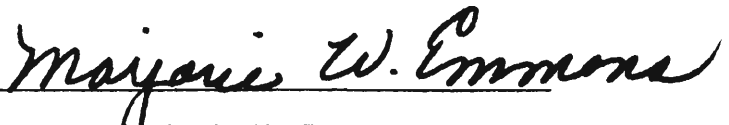
Secretaries of State for New Mexico,  
Utah, Colorado, Wyoming and Indiana

MUR 193 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 10, 1976, the Commission adopted the recommendation of the General Counsel that it finds no reason to believe that a violation of the Federal Election Campaign Act, as amended, had been committed in the above-captioned matter.

Accordingly, the file in this case has been closed.

  
Marjorie W. Emmons  
Secretary to the Commission

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77040001593

August 4, 1976

MEMORANDUM TO: BILL OLDAKER

FROM: MARGE EMMONS

*ME*

All of the MURS listed below were transmitted to the  
Commission on August 3, 1976 - 9:00 a.m. . As of  
August 4, 1976 - 10:00 a.m. , no objections were received  
in MURS 193 (76)

77040011591

*Check 6 D.W.  
190 x 198  
196 y -  
p 2*

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

DATE AND TIME OF TRANSMITTAL: \_\_\_\_\_

NO. MUR 193 (76)

REC'D: \_\_\_\_\_

FEDERAL ELECTION COMMISSION  
Washington, D. C.

Complainant's Name: Robert L. Brewster (notarized)

Respondent's Name: Secretaries of State for New Mexico, Utah, Colorado,  
Wyoming and Indiana.

Relevant Statute: 2 U.S.C. 453

Internal Reports Checked: None

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

Mr. Brewster alleges that the above mentioned Secretaries of State have violated his rights in enforcing State law qualifications for ballot access by political parties, which were purportedly preempted by the provisions of the Federal Election Campaign Laws pursuant to 2 U.S.C. Section 453.

PRELIMINARY LEGAL ANALYSIS

The Commission has taken the position that 2 U.S.C. 435 does not prohibit States from regulating ballot access by a political party.

Mr. Brewster was so advised in response to his earlier letter dated May 22, 1976, by N. Bradley Litchfield in his letter dated June 24,

1976. The allegations do not give reason to believe that

a violation of a statute over which the Commission has authority has occurred.

RECOMMENDATION

The file should be closed and the attached letter sent out.

Date of Next Commission Review: \_\_\_\_\_

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

Mr. Robert L. Brewster  
5320 Montgomery, N.E.  
Apt. 104AE  
Albuquerque, New Mexico 87109

Re: MUR 193 (76)

Dear Mr. Brewster:

7704000159  
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Sincerely yours,

John G. Murphy, Jr.  
General Counsel



BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. (104AE)  
ALBUQUERQUE, NEW MEXICO

76 JUL 14 P 1:27

CC #305  
MUR 193

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

July 9, 1976

Chairman  
Federal Election Commission  
1325 K. Street N.W.  
Washington, D.C.

176-1026  
ORIGINAL # 76-1026

Gentlemen:

This is the third letter I have written on the subject of the impact of the 1974 amendment to the federal election law which states: "The provisions of this act, and the rules prescribed under this Act supercede and preempt any provision of State law with respect to election to federal office".

The purpose of this letter is to re-submit basically the same information, but to place the information under oath. My previous information to your office did not contain an oath. We expect to file a civil action against your agency after the November election, and we do not wish to be in a position of being charged with failure to include the information without an oath.

The complaint against the various Secretaries of State are included on the attached sheet. Again your office is reminded, the proposed political party only intended to file candidates for federal electives positions.

It is again requested your office take legal action against these state officers as we disagree with your office's position that your only duty is to accept and record contributions and expenditures of federal candidate. Actually, your duties include: seeking injunctions, holding hearings, notifying the U.S. Attorney General of violators, etc.

Thank you for your consideration.

Very truly yours,

*Robert L. Brewster*  
Robert L. Brewster

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. [104AE]  
ALBUQUERQUE, NEW MEXICO

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

COMPLAINT AGAINST VARIOUS SEC. OF STATE

1. New Mexico:

Demanded that before I could have a new party on the ballot I must (a.) file a copy of party rules, (b.) have county and state chairmen, (c.) publish all party meetings in the newspapers.

2. Utah:

Prohibits any new party from being on the ballot in November if not registered before March of the election year. This is because of a desire of the state to control county and state convention dates....rather than a printing of ballot requirement.

3. Colorado:

Prohibits a candidate from securing petition signatures for his own candidacy. Apparently the same requirement may also apply to a new party. They require all new party petitions to include the names of the presidential candidate, Vice presidential candidate, and presidential electors....before starting to collect signatures on the petitions.

(this requirement seems to conflict with the Utah requirement which wishes to control the dates of the county and state conventions.)

4. Wyoming:

Does not require a new party to have a filing fee, certain number of signatures, or to submit a set of party rules....but no party can be on the ballot as a party until it candidates receive 10% of the vote total....and no party other than the D. and R. have been able to achieve this result. All presidential candidates other than D. & R. must pay a filing fee and secure over 5,000 signatures.

5. Indiana:

(for information only....The person gathering petition signatures must be a "notary"....and must personally know the persons signing the petitions.)

This information was provided to me by the various Secretaries of State or personnel in their office, and most of the information has been confirmed by reading the state election codes.

I hereby certify the above indicated information is true to the best of my belief and knowledge.

State of New Mexico)  
County of Bernalillo)

The foregoing instrument was acknowledged before me this 9th day of July, 1976.

My Commission Expires: 3/17/77

Brewster for President Committee, Gregg Brewster, honorary chairman, Cynthia Brewster, Treasurer. A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

Robert Brewster  
OFFICIAL  
OFFICE OF GENERAL COUNSEL

June 25, 1976

Robert L. Brewster  
5320 Montgomery, N.E.  
[104AE]  
Albuquerque, New Mexico 87109

Dear Mr. Brewster:

This refers to your letter of June 19, 1976, concerning the application of the Federal Election Campaign Act of 1971, as amended, to ballot and filing requirements imposed upon you by various State authorities.

I believe most of your questions are answered in my letter to you of June 24, 1976, a copy of which is enclosed.

In response to some of your other questions, I must inform you that the Commission has no jurisdiction with respect to provisions of State law that require candidates to pay filing fees or obtain signed petitions in order to appear on the ballot in that particular State. Moreover, the Commission has no enforcement authority to compel the various States to comply with Federal laws with respect to which the Commission has no jurisdiction.

Sincerely yours,

151

N. Bradley Litchfield  
Assistant General Counsel

Enclosure

NBLitchfield/scc  
cc: NBLitchfield

RL 6/25/76



BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. [104AE]  
ALBUQUERQUE, NEW MEXICO

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

June 19, 1976

Chairman  
Federal Election Commission  
1325 K. Street N.W.  
Washington, D.C.

Gentlemen:

This is a follow-up on a letter sent to the Chief Counsel approximately 2-3 weeks ago. As yet, we have received no response from your office.

It is urgently requested your office instruct the various state Secretaries of State concerning the 1974 amendment which provided for federal control of federal elections. The Utah and Colorado officials were not aware of the 1974 amendment.

Please advise me if states can lawfully prohibit a new political party from a place on the ballot (if the party limits itself to only federal positions) by requiring the following restrictions:

1. New Mexico-Demands that each party have state and county chairmen, and they require that all party meeting be advertised in the newspapers.
2. Utah-Prohibits any new party from being on the Nov. ballot if not registered before March of the election year. This is because the state wishes to control county and state convention dates rather than any ballot printing problem.
3. Colorado-Refuses to permit a candidate to secure petition signatures for his own candidacy. Apparently the same problem also applies to a new party. They also require that all new party petitions contain the name of the presidential, vice presidential, and presidential electors before starting to collect signatures. (this restriction appears to conflict with the Utah requirement which wishes to establish convention dates).

According to the Utah newspapers, the Libertarian Party had their convention a few days ago....to nominate a presidential candidate....but the national party had already selected their candidate 9 months before.

Advise if your office intends to institute legal actions to compel states to obey federal law. We have been advised that the personnel in the Secretary of State offices are more afraid of their own Attorney Generals than they are of the U.S. Attorney General. In addition, please advise if filing fees and petition signatures are lawful for federal candidates and new federal parties.

Very truly yours,

Bob Brewster

CC: Secretaries of State

Brewster for President Committee, Gregg Brewster, honorary chairman, Cynthia Brewster, Treasurer. A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

*Information  
Copy*

BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. [104AE]  
ALBUQUERQUE, NEW MEXICO

HONORARY CHAIRMAN  
Gregg Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

TREASURER  
Cynthia Brewster

FINANCE OFFICE  
Orlando, Fla.

Secretary of State  
State of New Mexico  
Santa Fe, New Mexico

Secretary of State  
State of Utah  
Salt Lake City, Utah

Secretary of State  
State of Colorado  
Denver, Colorado

Gentlemen:

During the last several days, I have been in your offices to request the Christian (non-lawyer) Party be placed on the November ballot. Your office personnel was notified that the proposed party would only involve itself with Federal positions rather than with State elective offices. In addition, your office was provided with my campaign literature which indicated that I had received three possible signs from God to be a presidential candidate.

My visits to Salt Lake City and Denver were not for political purposes. I felt it was undesirable to campaign in these areas because of the high price of gas. Unfortunately, within a few hours after the Secretary of State (Utah) denied my request to be placed on the ballot, the Teton River Dam collapsed, and within 30 minutes after the Secretary of State (Colorado) office personnel also denied my request for a place on the ballot, my car radio reported that 5 major fires had started throughout the state of Colorado.

I believe these events reflect a displeasure of God over the refusal of the Secretaries of State to permit the Christian Party on the ballot. If I am correct, there may be additional signs as other states refuse to place the party on the ballot. There has been water and fire, and the only astrological signs left are air and earth. We interpret this to mean drought and earthquakes.

We maintain the states lacked the authority to deny the party a place on the ballot as the Federal Election Laws were changed in 1974 to prohibit control of administrative or procedural acts of candidates. It is assumed the new laws also apply to political parties. The revision to the law is:

"Sec. 403. The provisions of this act, and the rules prescribed under this act, supercede and preempt any provisions of State law with respect to elections of Federal office"

I have referred the matter to the Federal Election Commission, but as yet, no reply has been received. It is again requested that your organization consider that state law has been superceded by federal law, and inform me if the party may be placed on the ballot if I so desire.

Very truly,  
*Bob Brewster*

Robert L. Brewster

cc: newspapers

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

BREWSTER FOR PRESIDENT COMMITTEE

POST OFFICE BOX 591  
MAITLAND, FLORIDA 32751

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

Dear Delegate to the state Democratic Convention:

I am one of the 80 candidates for the office of President. Some of the candidates are well known while others are unknown to the average citizen.

In 1974, I was a candidate for the office of U.S. Senator from Florida. The campaign was my first attempt at seeking a political office, and I received approximately 20,000 votes.

In 1976, I was informed by the state officials of Florida, Georgia, and Wisconsin that I would not be placed on the Presidential primary ballot because I was not a known candidate by the newspapers. These officials were usually Democrats,....but their judgement must be questioned as the All Florida News Service notified over 300 Florida newspapers of my candidacy. In addition, CBS has commented on my candidacy on one of their nationwide newscasts. Even a British newspaper has requested information about me, and we have received a letter from a school teacher in Canada.

After being denied access to the presidential primary ballots, I concluded it was advisable to seek support in the convention states....or possible start my own non-lawyer political party...in the mountain states and in the Midwest.

I do not know the number of votes I would have received in Florida had I been placed on the 1976 Presidential primary ballot; however, the following presidential votes totals were reported by the Denver Post newspaper:

1974 U.S. Senate Campaign	(rounded off)	1976 Florida presidential campaign
Brewster 20,000		No preference 37,000
		Morris Udall 26,000
		Birch Bayh 8,600
		Arthur Blessitt 8,200
		(Miami evangelist)
		Sargent Shriver 6,900
		Fred Harris 5,700
		Frank Church 5,500

While most of Democratic presidential candidates are well known to the American public....until I started my campaign....no one had ever heard of me. I believe most of the 37,000 no preference votes were really votes for me as my organization had distributed over 5,000 circulars before we were notified that we would not be on the ballot.

BREWSTER FOR PRESIDENT COMMITTEE

POST OFFICE BOX 591  
MAITLAND, FLORIDA 32751

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

I considered being a presidential candidate as a result of a dispute with North American Van Lines. I was forced to sign a blank shipping document after my furniture was loaded in a company van, because the driver threatened to take my furniture, and he claimed I would never see the furniture again. The driver also threatened to start a fight. After the furniture was misdelivered to a Florida agent....the agent's employees tried to overcharge for the shipment....then they tried to charge me for storage while the property was being detained....as they slowly varified the mistake. Later, I paid them the entire amount requested under protest, but they still refused to release my furniture.

In 8 years, the dispute was in 9 state and federal courts, but at no time was the furniture released. The dispute was never before a jury and never tried on its merits.

Later, I prayed to God for a sign whether I should be a candidate for the office of President. I did not ask whether I would be elected. Within two minutes:

1. A large school of non flying fish rose 3-4 feet out of the water and floated a distance of about 1-2 blocks.

More recently two other possible signs have developed:

2. Last year, while I was visiting Albuquerque, New Mexico for a short time, I attended a religious crusade as a spectator. I attempted to enter the arena the first time on the west side, but the guards would not permit anyone to enter. The next night, I was provided with reserve seat tickets on the east side where, before services started, a thin beam of sun light crossed the arena and centered on me. The direct rays of the sun touched other persons in the arena, but it was only a handful out of the thousands in attendance.
3. I expected a sign in the heavens during the two eclipses of the moon in 1975. During the November eclipse, in Maitland, Florida, clouds covered the moon so that the eclipse was not visible....but as soon as I completed the Federal Election Commission forms for the registration of my committee....the clouds moved away from the moon, and the eclipse was fully visible. Later, I took the forms to a shopping center to be reproduced and mailed....and as soon as the forms were placed in the mail box....the eclipse ended.

Whether these events are truly signs from God or merely unusual coincidences is unknown...but for better or worse....I am a candidate for the office of President.

BREWSTER FOR PRESIDENT COMMITTEE

POST OFFICE BOX 591  
HAITLAND, FLORIDA 32751

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

My past government positions were:

1. NASA, John F. Kennedy Space Center

Contract Specialist (7 years)

The duties involved the negotiation and administration of contracts with such aero-space contractors as the McDonnell Douglas Corporation, General Dynamics, and General Electric. Two of the companies were involved in the checkout and launch of various rockets.

2. Ammunition Procurement and Supply Agency, Joliet, Ill.

Contract Specialist

The duties involved the negotiation and administration of a contract to produce the 152MM projectile for the new Sheridan tank.

3. Wright-Patterson Air Force Base, Dayton, Ohio

Contract Specialist

The duties involved the negotiation and administration of electronic research and development contracts. The contracts were in the areas of missile detection systems from satellites, photographic reconnaissance from satellites, development of the miniaturized solid state, electronic circuitry (IC) industry, and development of machines to duplicate the functions of the human body.

4. General Services Administration, Chicago, Ill.

Management Officer

The duties involved the operation of large government office buildings in the central section of the nation.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



June 24, 1976

Robert L. Brewster  
532 Montgomery, N.E.  
Apt. #104AE  
Albuquerque, New Mexico 87109

Dear Mr. Brewster:

This responds to your letter of May 22, 1976, inquiring whether certain New Mexico statutes governing political party ballot access are superseded pursuant to the Federal Election Campaign Act of 1971, as amended. Your question was based upon a letter to you from the New Mexico Secretary of State which referred to the relevant State law qualifications and to an opinion of our General Counsel (OC 1975-129) previously rendered to you.

It appears that the State laws to which you refer concern requirements for ballot access by a political party and as such are not preempted by Federal law. Consequently, I find no basis for concluding that the "demands" of the Secretary of State are "invalid."

This letter is for informational purposes only and does not constitute an advisory opinion under 2 U.S.C. §437f. I hope that it is helpful regarding your inquiry.

Sincerely yours,

/s/  
N. Bradley Litchfield  
Assistant General Counsel

NBLitchfield/scc

cc: NBLitchfield  
~~JCMurphy~~  
SThomas

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

CC# 185

RECEIVED  
FEDERAL ELECTION  
BREWSTER FOR PRESIDENT COMMITTEE

5320 Montgomery NE --Apt 104AE  
Albuquerque, New Mexico  
76 MAY 26 AIO: 11

HONORARY CHAIRMAN  
GREGG BREWSTER

TREASURER  
KAREN MITCHELL  
*Karen Mitchell*

OPERATIONAL OFFICE  
CAPE CANAVERAL FLA

FINANCE OFFICE  
ORLANDO, FLA.  
May 22, 1976

John Murphy, Jr.  
General Counsel  
Federal Election Commission  
1325 K. Street, NW  
Washington, D.C.

FEC CORRESPONDENCE  
CONTROL # 76-17

Gentlemen:

Dear Mr. Murphy:

We have attempted to be a Democratic candidate for the office of President; however, certain event have occurred which have it difficult:

1. FEC delayed responding to my inquiries for so long that I was prevented from entering the early primaries.
2. The post office has removed my literature from houses in Florida, opened our mail, and perhaps removed our contributions.
3. The post office in Florida/Albuquerque stopped all my campaign mail for about 3 weeks.
4. Mountain Bell Telephone damaged our telephone so that we did not know we were out of service for approximately 4 weeks.
5. Various state and Democratic officials refused to place me on the ballot and may have refused to inform me of the dates for the state conventions. ( the failure to receive the information may have been because of the stoppage of our mail by the post office or because the state Democratic Parties preferred someone else.

Because of the problems listed above, I have decided to form my own political party which will only be involved with federal elective positions rather than state positions. Unfortunately the Secretary of State of New Mexico refused to place my new party on the ballot unless I establish certain state party officials. I believe this requirement is an "operational" requirement rather than a "qualifying" requirement.... and is not applicable for a FEDERAL party.

From the attached sheets from the Secretary of State, will you please indicate if their demands are invalid as being superceded by the 1974 federal amendment to the election law.

An immediate reply would be appreciated.

Very truly yours,

*B. of Brewster*

cc: Sec of State, Democratic Party

Robert L. Brewster



STATE OF NEW MEXICO  
OFFICE OF THE SECRETARY OF STATE  
SANTA FE

ERNESTINE D. EVANS  
SECRETARY OF STATE

May 19, 1976

Mr. Robert L. Brewster  
5320 Montgomery, NE  
Apt. 104AE  
Albuquerque, New Mexico  
87109

Dear Mr. Brewster:

We have reviewed the Federal Election Commission Opinion of Counsel 1975-129, which you hand-carried to this office on May 12, 1976. As stated in the letter written by Mr. John G. Murphy, Jr., General Counsel, Federal election law preempts State law in Federal elections in some instances. However, page 2, line 2 of the opinion states, "State laws which provide for the manner of qualifying as a candidate or the dates and places of elections or which prohibit false registration, voting fraud, theft of ballots and similar offenses are not superceded by Federal law."

Since the method for qualifying as a candidate for Federal office is reserved to the States, the Christian (non-lawyer) Party shall comply with all State requirements as set forth in Sections 3-7-1 through 3-8-1, NMSA, 1953 Compilation.

The Secretary of State cannot accept the rules and regulations of any political party for filing unless such rules and regulations comply with all provisions of Section 3-7-3, NMSA, 1953 Compilation. Your rules do not conform with the following provisions:

- "D. a method for selection of state central committee members, a state chairman and other party officers, and all other members of governing bodies of the party;...
- F. the powers and duties of party officers, committees and other governing bodies;
- G. for the structure of the state and county party organizations;
- H. that meetings to elect any party officer, including delegates, shall be held at a public place during the week specified by the state party chairman;

FEDERAL ELECTION COMMISSION  
COPY  
GENERAL COUNSEL



Mr. Robert L. Brewster

-2-

May 19, 1976

I. that notice of such meetings shall be published by the officers of the county party organization in a newspaper of general circulation at least fourteen days prior to the meeting and the notice shall specify the time, date and place for holding the meeting"

The petition forms which you submitted have been reviewed by the Attorney General's office. Of the three, the attached form meets the requirements of the Election Code with minor modifications as noted on the form.

In addition, the chairman of your state central committee must file with the Secretary of State a certificate setting forth the name selected for your political party and showing a representation of the emblem by which the party is to be represented.

If you have any questions regarding these items, please contact our office.

Sincerely,

*Ernestine D. Evans*  
Ernestine D. Evans  
Secretary of State

EDE:IS:brs

Attachment

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

July 14, 1976

MEMORANDUM TO: Brad Litchfield  
FROM: David Spiegel *DS*  
RE: Letter from Robert L. Brewster

Mr. Brewster wrote to us on two previous occasions and the file was transferred to you. Did you respond? Do you want us to handle this? Please, if you do want Compliance to handle, send over your previous letters to Mr. Brewster.

7734001600  
FEDERAL ELECTION COMMISSION  
EXTERNAL FILE COPY  
OFFICE OF GENERAL COUNSEL

CC # 305

BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. [104AE]  
ALBUQUERQUE, NEW MEXICO

76 JUL 14 P 1: 27

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

July 9, 1976

Chairman  
Federal Election Commission  
1325 K. Street N.W.  
Washington, D.C.

100 CONFIDENTIAL  
CONTROL # 76-1026

Gentlemen:

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The purpose of this letter is to re-submit basically the same information, but to place the information under oath. My previous information to your office did not contain an oath. We expect to file a civil action against your agency after the November election, and we do not wish to be in a position of being charged with failure to include the information without an oath.

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Thank you for your consideration.

Very truly yours,

  
Robert L. Brewster

BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. [104AE]  
ALBUQUERQUE, NEW MEXICO

HONORARY CHAIRMAN  
Gregg Brewster

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OPERATIONAL OFFICE  
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Does not require a new party to have a filing fee, certain number of signatures, or to submit a set of party rules....but no party can be on the ballot as a party until it candidates receive 10% of the vote total....and no party other than the D. and R. have been able to achieve this result. All presidential candidates other than D. & R. must pay a filing fee and secure over 5,000 signatures.

5. Indiana:

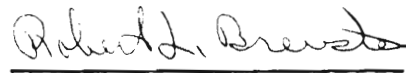
(for information only....The person gathering petition signatures must be a "notary"....and must personally know the persons signing the petitions.)

This information was provided to me by the various Secretaries of State or personnel in their office, and most of the information has been confirmed by reading the state election codes.

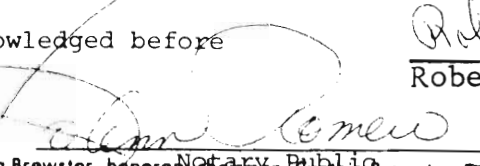
I hereby certify the above indicated information is true to the best of my belief and knowledge.

State of New Mexico)  
County of Bernalillo)

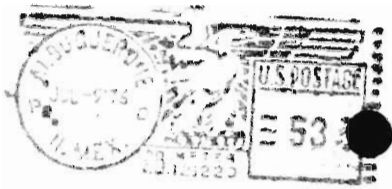
The foregoing instrument was acknowledged before me this 9th day of July, 1976.

  
Robert L. Brewster

My Commission Expires: 3/17/77

  
Notary Public  
Brewster for President Committee, Gregg Brewster, honorary chairman, Cynthia Brewster, Treasurer, with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



**CERTIFIED**  
**MAIL**  
No. 123250  
**OFFICIAL FILE**  
**FEDERAL ELECTION COMMISSION**  
**OF GENERAL COUNSEL**  
**COPY 1**

Chairman  
Federal Election Comm  
92.1.8 10/1/92  
1325 K Street N.W.  
Washington, D.C.

77040021613

June 25, 1976

Robert L. Brewster  
5320 Montgomery, N.E.  
[104AE]  
Albuquerque, New Mexico 87109

Dear Mr. Brewster:

This refers to your letter of June 19, 1976, concerning the application of the Federal Election Campaign Act of 1971, as amended, to ballot and filing requirements imposed upon you by various State authorities.

I believe most of your questions are answered in my letter to you of June 24, 1976, a copy of which is enclosed.

In response to some of your other questions, I must inform you that the Commission has no jurisdiction with respect to provisions of State law that require candidates to pay filing fees or obtain signed petitions in order to appear on the ballot in that particular State. Moreover, the Commission has no enforcement authority to compel the various States to comply with Federal laws with respect to which the Commission has no jurisdiction.

Sincerely yours,

/s/

N. Bradley Litchfield  
Assistant General Counsel

Enclosure

NBLitchfield/scc  
cc: NBLitchfield

BL 6/27/76

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

June 24, 1976

Robert L. Brewster  
532 Montgomery, N.E.  
Apt. #104AE  
Albuquerque, New Mexico 87109

Dear Mr. Brewster:

This responds to your letter of May 22, 1976, inquiring whether certain New Mexico statutes governing political party ballot access are superseded pursuant to the Federal Election Campaign Act of 1971, as amended. Your question was based upon a letter to you from the New Mexico Secretary of State which referred to the relevant State law qualifications and to an opinion of our General Counsel (OC 1975-129) previously rendered to you.

It appears that the State laws to which you refer concern requirements for ballot access by a political party and as such are not preempted by Federal law. Consequently, I find no basis for concluding that the "demands" of the Secretary of State are "invalid."

This letter is for informational purposes only and does not constitute an advisory opinion under 2 U.S.C. §437f. I hope that it is helpful regarding your inquiry.

Sincerely yours,

N. Bradley Litchfield  
Assistant General Counsel



BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. (104AE)  
ALBUQUERQUE, NEW MEXICO

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

June 19, 1976

Chairman  
Federal Election Commission  
1325 K. Street N.W.  
Washington, D.C.

Gentlemen:

This is a follow-up on a letter sent to the Chief Counsel approximately 2-3 weeks ago. As yet, we have received no response from your office.

It is urgently requested your office instruct the various state Secretaries of State concerning the 1974 amendment which provided for federal control of federal elections. The Utah and Colorado officials were not aware of the 1974 amendment.

Please advise me if states can lawfully prohibit a new political party from a place on the ballot (if the party limits itself to only federal positions) by requiring the following restrictions:

1. New Mexico-Demands that each party have state and county chairmen, and they require that all party meeting be advertised in the newspapers.
2. Utah-Prohibits any new party from being on the Nov. ballot if not registered before March of the election year. This is because the state wishes to control county and state convention dates rather than any ballot printing problem.
3. Colorado-Refuses to permit a candidate to secure petition signatures for his own candidacy. Apparently the same problem also applies to a new party. They also require that all new party petitions contain the name of the presidential, vice presidential, and presidential electors before starting to collect signatures. (this restriction appears to conflict with the Utah requirement which wishes to establish convention dates).

According to the Utah newspapers, the Libertarian Party had their convention a few days ago....to nominate a presidential candidate....but the national party had already selected their candidate 9 months before.

Advise if your office intends to institute legal actions to compel states to obey federal law. We have been advised that the personnel in the Secretary of State offices are more afraid of their own Attorney Generals than they are of the U.S. Attorney General. In addition, please advise if filing fees and petition signatures are lawful for federal candidates and new federal parties.

Very truly yours,

Bob Brewster

CC: Secretaries of State

Brewster for President Committee, Gregg Brewster, honorary chairman, Cynthia Brewster, Treasurer. A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.



*Information Copy*  
BREWSTER FOR PRESIDENT COMMITTEE

5320 MONTGOMERY N.E. [104AE]  
ALBUQUERQUE, NEW MEXICO

HONORARY CHAIRMAN  
Gregg Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

TREASURER  
Cynthia Brewster

FINANCE OFFICE  
Orlando, Fla.

Secretary of State  
State of New Mexico  
Santa Fe, New Mexico

Secretary of State  
State of Utah  
Salt Lake City, Utah

Secretary of State  
State of Colorado  
Denver, Colorado

Gentlemen:

During the last several days, I have been in your offices to request the Christian (non-lawyer) Party be placed on the November ballot. Your office personnel was notified that the proposed party would only involve itself with Federal positions rather than with State elective offices. In addition, your office was provided with my campaign literature which indicated that I had received three possible signs from God to be a presidential candidate.

My visits to Salt Lake City and Denver were not for political purposes. I felt it was undesirable to campaign in these areas because of the high price of gas. Unfortunately, within a few hours after the Secretary of State (Utah) denied my request to be placed on the ballot, the Teton River Dam collapsed, and within 30 minutes after the Secretary of State (Colorado) office personnel also denied my request for a place on the ballot, my car radio reported that 5 major fires had started throughout the state of Colorado.

I believe these events reflect a displeasure of God over the refusal of the Secretaries of State to permit the Christian Party on the ballot. If I am correct, there may be additional signs as other states refuse to place the party on the ballot. There has been water and fire, and the only astrological signs left are air and earth. We interpret this to mean drought and earthquakes.

We maintain the states lacked the authority to deny the party a place on the ballot as the Federal Election Laws were changed in 1974 to prohibit control of administrative or procedural acts of candidates. It is assumed the new laws also apply to political parties. The revision to the law is:

"Sec. 403. The provisions of this act, and the rules prescribed under this act, supercede and preempt any provisions of State law with respect to elections of Federal office"

I have referred the matter to the Federal Election Commission, but as yet, no reply has been received. It is again requested that your organization consider that state law has been superceded by federal law, and inform the party may be placed on the ballot if I so desire.

Very truly yours,  
*Robert L. Brewster*  
Robert L. Brewster

cc: newspapers

BREWSTER FOR PRESIDENT COMMITTEE

POST OFFICE BOX 591  
MAITLAND, FLORIDA 32751

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

Dear Delegate to the state Democratic Convention:

I am one of the 80 candidates for the office of President. Some of the candidates are well known while others are unknown to the average citizen.

In 1974, I was a candidate for the office of U.S. Senator from Florida. The campaign was my first attempt at seeking a political office, and I received approximately 20,000 votes.

In 1976, I was informed by the state officials of Florida, Georgia, and Wisconsin that I would not be placed on the Presidential primary ballot because I was not a known candidate by the newspapers. These officials were usually Democrats,....but their judgement must be questioned as the All Florida News Service notified over 300 Florida newspapers of my candidacy. In addition, CBS has commented on my candidacy on one of their nationwide newscasts. Even a British newspaper has requested information about me, and we have received a letter from a school teacher in Canada.

After being denied access to the presidential primary ballots, I concluded it was advisable to seek support in the convention states....or possible start my own non-lawyer political party...in the mountain states and in the Midwest.

I do not know the number of votes I would have received in Florida had I been placed on the 1976 Presidential primary ballot; however, the following presidential votes totals were reported by the Denver Post newspaper:

1974 U.S. Senate Campaign	(rounded off)	1976 Florida presidential campaign
Brewster 20,000	No preference	37,000
	Morris Udall	26,000
	Birch Bayh	8,600
	Arthur Blessitt	8,200
	(Miami evangelist)	
	Sargent Shriver	6,900
	Fred Harris	5,700
	Frank Church	5,500

While most of Democratic presidential candidates are well known to the American public....until I started my campaign....no one had ever heard of me. I believe most of the 37,000 no preference votes were really votes for me as my organization had distributed over 5,000 circulars before we were notified that we would not be on the ballot.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

BREWSTER FOR PRESIDENT COMMITTEE

POST OFFICE BOX 591  
MAITLAND, FLORIDA 32751

HONORARY CHAIRMAN  
Gregg Brewster

TREASURER  
Cynthia Brewster

OPERATIONAL OFFICE  
Cape Canaveral, Fla.

FINANCE OFFICE  
Orlando, Fla.

I considered being a presidential candidate as a result of a dispute with North American Van Lines. I was forced to sign a blank shipping document after my furniture was loaded in a company van, because the driver threatened to take my furniture, and he claimed I would never see the furniture again. The driver also threatened to start a fight. After the furniture was misdelivered to a Florida agent....the agent's employees tried to overcharge for the shipment....then they tried to charge me for storage while the property was being detained....as they slowly varified the mistake. Later, I paid them the entire amount requested under protest, but they still refused to release my furniture.

-In 8 years, the dispute was in 9 state and federal courts, but at no time was the furniture released. The dispute was never before a jury and never tried on its merits.

Later, I prayed to God for a sign whether I should be a candidate for the office of President. I did not ask whether I would be elected. Within two minutes:

1. A large school of non flying fish rose 3-4 feet out of the water and floated a distance of about 1-2 blocks.

More recently two other possible signs have developed:

2. Last year, while I was visiting Albuquerque, New Mexico for a short time, I attended a religious crusade as a spectator. I attempted to enter the arena the first time on the west side, but the guards would not permit anyone to enter. The next night, I was provided with reserve seat tickets on the east side where, before services started, a thin beam of sun light crossed the arena and centered on me. The direct rays of the sun touched other persons in the arena, but it was only a handful out of the thousands in attendance.
3. I expected a sign in the heavens during the two eclipses of the moon in 1975. During the November eclipse, in Maitland, Florida, clouds covered the moon so that the eclipse was not visible....but as soon as I completed the Federal Election Commission forms for the registration of my committee....the clouds moved away from the moon, and the eclipse was fully visible. Later, I took the forms to a shopping center to be reproduced and mailed....and as soon as the forms were placed in the mail box....the eclipse ended.

Whether these events are truly signs from God or merely unusual coincidences is unknown...but for better or worse....I am a candidate for the office of President.

**BREWSTER FOR PRESIDENT COMMITTEE**

**POST OFFICE BOX 591  
MAITLAND, FLORIDA 32751**

**HONORARY CHAIRMAN  
Gregg Brewster**

**TREASURER  
Cynthia Brewster**

**OPERATIONAL OFFICE  
Cape Canaveral, Fla.**

**FINANCE OFFICE  
Orlando, Fla.**

My past government positions were:

1. NASA, John F. Kennedy Space Center

Contract Specialist (7 years)

The duties involved the negotiation and administration of contracts with such aero-space contractors as the McDonnell Douglas Corporation, General Dynamics, and General Electric. Two of the companies were involved in the checkout and launch of various rockets.

2. Ammunition Procurement and Supply Agency, Joliet, Ill.

Contract Specialist

The duties involved the negotiation and administration of a contract to produce the 152MM projectile for the new Sheridan tank.

3. Wright-Patterson Air Force Base, Dayton, Ohio

Contract Specialist

The duties involved the negotiation and administration of electronic research and development contracts. The contracts were in the areas of missile detection systems from satellites, photographic reconnaissance from satellites, development of the miniaturized solid state, electronic circuitry (IC) industry, and development of machines to duplicate the functions of the human body.

4. General Services Administration, Chicago, Ill.

Management Officer

The duties involved the operation of large government office buildings in the central section of the nation.

**FEDERAL ELECTION COMMISSION  
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OFFICE OF GENERAL COUNSEL**

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Chairman  
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C.

**CERTIFIED**  
**No. 516148**  
**MAIL**

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OFFICIAL COPY

CC# 185

RECEIVED  
FEDERAL ELECTION COMMISSION  
BREWSTER FOR PRESIDENT COMMITTEE

5320 Montgomery NE --Apt 104AE  
Albuquerque, New Mexico  
76 MAY 26 AIO: 11

HONORARY CHAIRMAN  
GREGG BREWSTER

TREASURER  
KAREN MITCHELL  
*Karen Mitchell*

OPERATIONAL OFFICE  
CAPE CANAVERAL FLA

FINANCE OFFICE  
ORLANDO, FLA

May 22, 1976

John Murphy, Jr.  
General Counsel  
Federal Election Commission  
1325 K. Street, NW  
Washington, D.C.

FEC CORRESPONDENCE  
CONTROL # 76-17

Gentlemen:

Dear Mr. Murphy:

We have attempted to be a Democratic candidate for the office of President; however, certain events have occurred which have made it difficult:

1. FEC delayed responding to my inquiries for so long that I was prevented from entering the early primaries.
2. The post office has removed my literature from houses in Florida, opened our mail, and perhaps removed our contributions.
3. The post office in Florida/Albuquerque stopped all my campaign mail for about 3 weeks.
4. Mountain Bell Telephone damaged our telephone so that we did not know we were out of service for approximately 4 weeks.
5. Various state and Democratic officials refused to place me on the ballot and may have refused to inform me of the dates for the state conventions. (the failure to receive the information may have been because of the stoppage of our mail by the post office or because the state Democratic Parties preferred someone else.

Because of the problems listed above, I have decided to form my own political party which will only be involved with federal elective positions rather than state positions. Unfortunately the Secretary of State of New Mexico refused to place my new party on the ballot unless I establish certain state party officials. I believe this requirement is an "operational" requirement rather than a "qualifying" requirement.... and is not applicable for a FEDERAL party.

From the attached sheets from the Secretary of State, will you please indicate if their demands are invalid as being superceded by the 1974 federal amendment to the election law.

An immediate reply would be appreciated.

Very truly yours,

*Bob Brewster*  
Robert L. Brewster

cc: Sec of State, Democratic Party



STATE OF NEW MEXICO  
OFFICE OF THE SECRETARY OF STATE  
SANTA FE

ERNESTINE D. EVANS  
SECRETARY OF STATE

May 19, 1976

Mr. Robert L. Brewster  
5320 Montgomery, NE  
Apt. 104AE  
Albuquerque, New Mexico  
87109

Dear Mr. Brewster:

We have reviewed the Federal Election Commission Opinion of Counsel 1975-129, which you hand-carried to this office on May 12, 1976. As stated in the letter written by Mr. John G. Murphy, Jr., General Counsel, Federal election law preempts State law in Federal elections in some instances. However, page 2, line 2 of the opinion states, "State laws which provide for the manner of qualifying as a candidate or the dates and places of elections or which prohibit false registration, voting fraud, theft of ballots and similar offenses are not superceded by Federal law."

Since the method for qualifying as a candidate for Federal office is reserved to the States, the Christian (non-lawyer) Party shall comply with all State requirements as set forth in Sections 3-7-1 through 3-8-1, NMSA, 1953 Compilation.

The Secretary of State cannot accept the rules and regulations of any political party for filing unless such rules and regulations comply with all provisions of Section 3-7-3, NMSA, 1953 Compilation. Your rules do not conform with the following provisions:

- "D. a method for selection of state central committee members, a state chairman and other party officers, and all other members of governing bodies of the party;...
- F. the powers and duties of party officers, committees and other governing bodies;
- G. for the structure of the state and county party organizations;
- H. that meetings to elect any party officer, including delegates, shall be held at a public place during the week specified by the state party chairman;

FEDERAL ELECTION COMMISSION  
OFFICE OF THE SECRETARY OF STATE  
OFFICE OF THE GENERAL COUNSEL

Mr. Robert L. Brewster

-2-

May 19, 1976

I. that notice of such meetings shall be published by the officers of the county party organization in a newspaper of general circulation at least fourteen days prior to the meeting and the notice shall specify the time, date and place for holding the meeting"

The petition forms which you submitted have been reviewed by the Attorney General's office. Of the three, the attached form meets the requirements of the Election Code with minor modifications as noted on the form.

( In addition, the chairman of your state central committee must file with the Secretary of State a certificate setting forth the name selected for your political party and showing a representation of the emblem by which the party is to be represented.

If you have any questions regarding these items, please contact our office.

Sincerely,

*Ernestine D. Evans*

Ernestine D. Evans  
Secretary of State

EDE:IS:brs

Attachment

770400:162;  
FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



specified for  
challengers

3-7-1. POLITICAL PARTIES---CONDITIONS FOR USE OF BALLOT.--All

nominations of candidates for public office in New Mexico made by  
political parties shall be made pursuant to the Election Code. No  
political party shall be permitted to have the names of its candidates  
printed on any election ballot unless and until it has qualified as  
provided in the Election Code.

3-7-2. QUALIFICATION.--

A. To qualify as a political party in New Mexico, each  
political party through its governing body shall adopt rules and  
regulations providing for the organization and government of that  
party and shall file the rules and regulations with the secretary  
of state. Such rules and regulations shall be adopted uniformly  
throughout the state by the county organizations of that party and  
shall be filed with the county clerks.

B. Each county political party organization may adopt  
supplementary rules and regulations insofar as they do not  
conflict with the uniform state rules and regulations or do not  
infringe the lawful political rights of any person. Such supplementary  
rules shall be filed with the county clerk and the secretary of state  
whenever such supplementary rules are filed.

C. Any political party which fails to comply with the  
provisions of this section shall be deemed to have forfeited its  
right to have its candidates' names printed on the ballot.

D. The rules and regulations of a political party shall be

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election;

B. a method for calling and conducting conventions;

C. a method for selection of delegates to conventions;

D. a method for selection of state central committee members, a state chairman and other party officers, and all other officers of governing bodies of the party;

E. a method for filling vacancies in party offices, committees and other governing bodies;

F. the powers and duties of party officers, committees and other governing bodies;

G. for the structure of the state and county party organizations;

H. that meetings to elect any party officers, including the state chairman, shall be held at a public place during the week specified by the state party chairman;

I. that notice of such meetings shall be published by the officers of the county party organization in a newspaper of general circulation at least fourteen days prior to the meeting and the notice shall specify the time, date and place for holding the meeting;

J. a method for amending the party rules and regulations.

3-7-4. RULES AND REGULATIONS--FILED--FEB.--

A. Each political party shall file its rules and regulations within thirty days after its organization and at least thirty days before any election in which it is authorized to participate.

B. Pol.

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3-7-5. RULES

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B. Political parties filing rules and regulations with the county clerk shall pay the standard filing fee.

3-7-5. RULES AND REGULATIONS--AMENDMENT.--Political party rules and regulations filed as required by the Election Code are subject to amendment only in the manner provided therein; provided no amendments shall be made less than one hundred twenty days prior to any general election, nor shall any amendment be effective until thirty days after being filed. Amendments shall be filed in the same manner as political party rules and regulations are filed.

3-7-6. PARTY NAME AND EMBLEM.--

A. The chairman of the state central committee of a qualified political party shall file with the secretary of state a certificate setting forth the name selected for the political party and a representation of the emblem by which the party is to be represented.

B. The certified party name and emblem shall thereafter be used to designate the ticket of that political party on all ballots.

C. The secretary of state shall certify the party name and emblem of the party to each county clerk.

D. The state committee of a political party may change its name and party emblem by adopting in their stead another name and emblem.

E. The new party name and party emblem shall be filed in the same manner as the original party name and party emblem, and the certificate shall be filed by the presiding officer and the secretary of the state central committee.

party emblem.

E. No political party shall adopt any party name or party emblem which is the same as, similar to, or which conceivably can be confused with or mistaken for the party name or party emblem of any other qualified political party in New Mexico.

3-8-1. CANDIDACY IN PRIMARY OF ONE PARTY LARS GENERAL ELECTION  
DESIGNATION OF DIFFERENT PARTY--If a person has been a candidate for the nomination of a political party in the primary election, he shall not have his name printed on the ballot at the next succeeding general election under any party name or party emblem except the name and party emblem of the party designated on his declaration of candidacy filed for such primary election.

3-8-1. NOMINATION

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3-8-2. NOMINATION

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FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

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1  
2 1976-63, I/C #568, for internal reference only]

3 1976-8

4 Mr. Robert L. Browster  
5 President for President Committee  
6 c/o Office Box 591  
7 Miami, Florida 32751

8 Mr. Browster:

9 This responds to your recent undated letter requesting  
10 an advisory opinion on two questions involving the preemption  
11 of State law by the Federal Election Campaign Act of 1971,  
12

13 Your letter asks whether 2 U.S.C. §453 preempts State law  
14 with regard to the following matters: (1) the number of  
15 signatures necessary to place a new party on a primary ballot,  
16 whether that party "limited itself to only Federal positions";  
17 and (2) requirements that political parties establish certain  
18 organizational conditions such as State committee, county  
19 committee, and local committee, again, assuming  
20 that the party in question "limited itself to  
21 only Federal positions".

22 It is the opinion of the Commission that 2 U.S.C. §453  
23 does not preempt provisions of State law pertaining to the  
24 number of signatures necessary nor those requiring the  
25 establishment of certain organizational conditions in order  
26 to place a new party on a State primary ballot, even though  
27 that party "limits itself to only Federal positions". See  
28 especially a prior opinion of the Commission's  
29 dated 11/17/63, 1963-10-17.

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This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. D. I. E. C. §1376.

Sincerely yours,

Vernon E. Johnson  
Chairman of the Federal  
Election Commission

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

WPF

19 MAR 1976

3

Mr. Robert L. Brewster  
Brewster for President Committee  
Post Office Box 591  
Maitland, Florida 32751

Dear Mr. Brewster:

I wish to acknowledge receipt of your recent undated letter requesting the views of the Federal Election Commission concerning provisions of the Federal Election Campaign Act of 1971, as amended. The inquiry is under consideration and we will be back in contact with you in the near future.

As you may know, the Supreme Court's decision of January 30, 1976, in the case of Buckley v. Valeo, et al. revised the Commission's powers to respond to opinion requests. The Commission is currently reviewing all pending requests to determine to what degree it may properly respond at this time.

Please be assured that I will be back in contact with you as soon as the Commission has determined the appropriate mode of response.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.  
General Counsel

ek:3-18-76

cc: Docket Section (I/C # 568)

JGM

Atty assigned

FEDERAL ELECTION COMMISSION  
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OFFICE OF GENERAL COUNSEL

77040021630

## BREWSTER FOR PRESIDENT

COMMITTEE

POST OFFICE BOX 591  
MAITLAND, FLORIDA 32751HONORARY CHAIRMAN  
GREGG BREWSTERTREASURER  
KAREN MITCHELL76 MAR 15 All: 36  
OPERATIONAL OFFICE  
CAPE CANAVERAL, FLA.  
FINANCE OFFICE  
ORLANDO, FLA.

OC 1976 - 63

Federal Election Commission  
1325 K. Street, N.W.  
Washington, D.C.

I/C # 568

Gentlemen;

The Democratic officials and state officials in Florida, Georgia, and Wisconsin have decided to decline my request to be placed on the presidential ballot. Their decision is based on their judgement that I am not a candidate according to the newspapers.

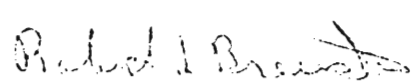
I will continue my campaign in the convention states; however, most likely I will create my own political party....as it is just as easy to form a new party by petition as it is to try to get on the democratic primary ballot in such states as Wisconsin and Indiana.

Please consider this a request for an advisory opinion on the following questions.

- (1) Did the 1974 amendment to the Federal election law render inoperative the state laws pertaining to the required number of signatures necessary to get a new party on the ballot.... if the new party limited itself to only Federal positions.
- (2) Did the same 1974 amendment render inoperative the state laws which require certain organizational committees such as State Committees, County Committees, and local committees....if the new party limited itself to only Federal positions.

My previous advisory opinion was delayed so long that it kept me out of the N.H. primary and the Illinois primary. In addition, the previous advisory opinion did not answer my questions concerning the effects of the 1974 amendment on state election laws.

Your cooperation in providing the requested information as soon as possible will be appreciated.

Very truly yours,   
OFFICE OF COUNSEL

Robert L. Brewster

cc: (Sec. Of States)  
Florida, Ind. Wisc. Ill.



BREWSTER FOR PRESIDENT

COMMITTEE

copy

POST OFFICE BOX 591  
MAITLAND, FLORIDA 32751

HONORARY CHAIRMAN  
GREGG BREWSTER

TREASURER  
KAREN MITCHELL

76 MAR 15 11:30 AM OPERATIONAL OFFICE  
TALLAHASSEE, FLA.

FINANCE OFFICE  
ORLANDO, FLA.

Federal Election Commission  
1325 K. Street, N.W.  
Washington, D.C.

According to the information received at the FEC meeting in Ohio recently, it is acceptable to amend my committee's registration by letter; therefore, the following change in treasurer is acknowledge:

Amendment 1

From  
Karen Mitchell

To  
Cynthia Brewster

This change was made necessary because the Florida state Democratic officials refused to place my name on the Florida primary ballot, and it became necessary to move my headquarters from Florida to New Mexico.

Your office will be notified of our new address as soon as we are established

Very truly yours,

*Robert L. Brewster*

Robert L. Brewster

cc: Karen Mitchell  
Terre Haute, Ind.  
(with appreciation)

Florida Sec. of State

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OFFICE OF GENERAL COUNSEL