



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

AGENDA DOCUMENT NO. 24-46-A
AGENDA ITEM

For meeting of October 30, 2024

SUBMITTED LATE

October 25, 2024

MEMORANDUM

TO: The Commission

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SUBJECT: Jill Stein and Jill Stein for President 2024 – Date of Ineligibility
(LRA 1205)

The Commission certified Dr. Stein and Jill Stein for President 2024 (“Committee”) eligible to receive matching fund payments under the Presidential Primary Matching Payment Account Act, 26 U.S.C. §§ 9031-42, (“Matching Payment Act”) on June 26, 2024. The Office of the General Counsel (“OGC”) now recommends the Commission determine Jill Stein’s date of ineligibility (“DOI”) is August 22, 2024.¹ OGC also recommends the Commission approve notification to Dr. Stein and the Committee of the DOI determination with an instruction to submit a statement of net outstanding campaign obligations (“NOCO”) within 15 calendar days of the DOI determination.²

¹ See 26 U.S.C. § 9033(c) (setting forth general rule for termination of payments and limitations on payments after ineligibility); 11 C.F.R. § 9033.5 (determining DOI).

² See 11 C.F.R. § 9034.5(a) (requiring and setting time for submission of NOCO statement).

I. Determination of Date of Ineligibility

A candidate's DOI, at the latest, is the end of the "matching payment period."³ The DOI is the date the Commission uses to calculate the amount of the candidate's NOCO, which is necessary to determine any remaining entitlement to matching funds.⁴

For a candidate seeking the nomination of a party that nominates its candidate at a national convention, the matching payment period ends on the date of the convention nomination.⁵ For a candidate seeking nomination of a party that does not nominate its candidate by national convention, the matching payment period ends at the earlier of the nomination date or the last day of the last major party national convention.⁶ For a candidate seeking the nomination from both a party that selects its nominee at a national convention and a party committee that does not participate in that convention, the matching payment period ends on the later of (1) the date of the party's national convention, or (2) the earlier of the date of the non-convention party's nomination or the date of the last major party national convention.⁷

Dr. Stein sought the nomination of the Green Party of the United States ("Green Party"), which nominated its candidate at a national convention on August 17, 2024. Dr. Stein also sought the nomination of non-convention state parties, with ballot access deadlines as late as September 6, 2024 (Kentucky).⁸ Because the last major party convention concluded on August 22, 2024, which was later than the Green Party's convention, Dr. Stein's DOI can be no later than that date, even if her ballot access efforts continued in some states after that date. Thus, Dr. Stein's DOI is August 22, 2024.

II. Notification to Dr. Stein and the Committee

The Matching Payment Act and Commission regulations allow a candidate to receive post-DOI payments for a limited purpose; after DOI, a candidate "may only receive matching payments to the extent that he or she has net outstanding campaign obligations."⁹ The NOCO is

³ 11 C.F.R. § 9033.5(c).

⁴ See 26 U.S.C. § 9033(c); 11 C.F.R. §§ 9033.5, 9034.1(b), 9034.5 (determining ineligibility, entitlement, and NOCO).

⁵ 26 U.S.C. § 9032(6); 11 C.F.R. § 9032.6(a).

⁶ 26 U.S.C. § 9032(6); 11 C.F.R. § 9032.6(b).

⁷ See Stein and Jill Stein for President, Statement of Reasons: Repayment Determination after Administrative Review at 13 (LRA 1021) (determining DOI for Stein's 2016 campaign); see also *Stein vs. FEC*, 77 F.4th 868, 869 (D.C. Cir. 2023) (explaining end of matching payment period and upholding repayment determination); Advisory Opinion 2000-18 (Nader 2000) at 3-4.

⁸ Dr. Stein filed for ballot access in Kentucky on September 5, 2024. *Information for Jill Stein, Candidate for President and Vice President of the United States*, Kentucky Sec'y of State, <https://web.sos.ky.gov/CandidateFilings/default.aspx?elecId=85&cand=10824> (last visited Oct. 23, 2024).

⁹ 11 C.F.R. § 9033.5.

“a formula for computing a candidate’s financial status at the date of ineligibility. Under this formula, the campaign’s obligations for qualified campaign expenses, including winding down costs, are balanced against the campaign’s cash on hand, the value of capital assets, and amounts owed to the campaign.”¹⁰ All expenditures included in the NOCO must be “for qualified campaign expenses as of the candidate’s date of ineligibility.”¹¹ A candidate must submit a NOCO statement to the Commission within 15 calendar days after the candidate’s DOI.¹²

“Candidates will be notified of their DOI by the Commission.”¹³ We therefore recommend the Commission approve the appropriate letter notifying Dr. Stein and the Committee of the DOI determination and the obligation to submit a NOCO statement within 15 days.

III. RECOMMENDATIONS

OGC recommends the Commission:

1. Determine that the date of ineligibility for Jill Stein and Jill Stein for President 2024, under 26 U.S.C. § 9033(c) and 11 C.F.R. § 9033.5(c), is August 22, 2024; and
2. Approve the appropriate letter notifying Jill Stein and Jill Stein for President 2024 of the DOI determination and instructing Dr. Stein and the Committee to submit a statement of net outstanding campaign obligations within 15 calendar days.

¹⁰ Presidential Election Campaign Fund and Presidential Primary Matching Fund, 44 Fed. Reg. 20336, 20340 (Apr. 4, 1979).

¹¹ 11 C.F.R. § 9034.5(a)(1).

¹² *Id.* § 9034.5(a).

¹³ 2024 Presidential Candidate Matching Fund Submission Dates and Post Date of Ineligibility Dates to Submit Statements of Net Outstanding Campaign Obligations, 88 Fed. Reg. 31265, 31265 (May 16, 2023) (also establishing submission dates for revised NOCO statements).