



FEDERAL ELECTION COMMISSION
Washington, DC 20463

December 4, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1980-121

Mr. Kendrick G. Kissell
Socialist Party
Socialist National Committee
1011 North Third Street
Milwaukee, Wisconsin 53203

Dear Mr. Kissell:

This is in response to your letter of October 8, 1980, requesting an advisory opinion on behalf of the Socialist National Committee of the Socialist Party, U.S.A. regarding its status as a "national committee" of a political party under the Federal Election Campaign Act of 1971, as amended ("the Act").

You state that the Socialist National Committee ("the committee") is the national committee of the Socialist Party of the United States of America ("Socialist Party"). In support of this assertion, you have submitted information on the Committee's activities and ask that the Commission issue a formal declaration affirming the Committee's status under the Act as a national committee of a political party. The Committee has filed a Statement of Organization with the Commission declaring itself to be a "national committee of a political party" pursuant to 2 U.S.C. 431(14), registering under the name "Socialist National Committee of the Socialist Party, U.S.A." Also, reports filed by the Committee with the Commission indicate that the Committee has made coordinated expenditures totalling more than \$1,000.

The Act defines "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." 2 U.S.C 431(14). See also 11 CFR 100.16. To determine whether the Committee is eligible for treatment as a "national committee", the Commission must first determine whether the Socialist Party, qualifies as a "Political party" under the Act and Commission regulations.

"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 ballot as the candidate of such association, committee or organization." 2 U.S.C. 431(16). See also 11 CFR 100.17. Information provided by the Committee indicates that the Socialist Party, first founded in 1901, has nominated several Presidential candidates including Eugene Debs and Norman Thomas. Its 1976 Presidential candidate, Frank Zeidler, received nearly 6,000 votes from seven states in the general election. In 1980, the Socialist Party's Presidential and Vice Presidential nominees, David McReynolds and Diane Drufenbrock, were on the ballot in ten states. In view of its history of nominating candidates for Federal office and assuming that the names of its candidates appeared on State ballots as the candidates of the Socialist Party, the Socialist Party would be regarded as a political party under the Act. See Advisory Opinion 1980-3 and 1975-129, copy enclosed.

Furthermore, documentation submitted by the Committee demonstrates that it is engaged in sufficient activity on the national level to satisfy the requirements established in past advisory opinions for "national committee" status under the Act. The Committee has established a national office which is responsible for administering the affairs of the Party. The Socialist Party constitution designates the Committee as "the governing body of the Party" with "final authority in all matters of principles, policies, constitution and national platform." Articles IX and VIII. In addition, the constitution describes the procedures for the establishment of State and local affiliates and their relationship with the Committee. The constitution also provides for biennial national conventions to determine party policy and national platform, elect Party officers and nominate its Presidential candidate. The Socialist Party's last convention was held February 24, 1980. Finally other information¹ indicates that the Party maintains a speakers bureau, disseminates party information to the public, and maintains communication channels within the Party through its publications. See Advisory Opinions 1980-3 and 1975-129; compare Advisory Opinion 1980-131, copies enclosed.

Thus, the Commission concludes that the National Committee of the Socialist Party, U.S.A. qualifies as the "national committee" of a political party under the Act. 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 expenditure limitations under 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 advisory opinion does not reach any issues as to the eligibility of the Socialist Party's Presidential candidate(s) to receive Federal matching funds under 26 U.S.C. 9031-9042 for use in 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 the entitlement of the Socialist Party to receive convention financing under 26 U.S.C. 9008.

¹ N. Yakes and D. Akey, Encyclopedia of Associations at 951 (1980).

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

Sincerely yours,

(signed)

Max L. Friedersdorf
Chairman for the
Federal Election Commission

Enclosures (AO 1980-131, 1980-3, 1975-129)