

FEDERAL ELECTION COMMISSION

AUG 4 11 39 AM '92

LaRouche for President  
Independents for Economic Recovery  
PO Box 266  
Leesburg, VA 22075

July 31, 1992

Federal Election Commission  
Office of General Counsel  
999 E Street, NW  
Washington, DC 20463

AOR 19.92-31

RE: REQUEST FOR ADVISORY OPINION

92 AUG -4 PM 3:15

To whom it may concern:

This is a request for an advisory opinion made on behalf of Lyndon H. LaRouche, Jr., independent candidate for President of the United States, Rev. James Bevel, Mr. LaRouche's vice presidential runningmate, and LaRouche for President - Independents for Economic Recovery, Mr. LaRouche's principal campaign committee. For the reasons detailed below, it is requested that the Commission consider this request on an expedited basis.

Factual Circumstances

1. Mr. LaRouche is running as an independent candidate for President of the United States. He is not the nominee of any party, major or minor.
2. Rev. Bevel is running with Mr. LaRouche, as an independent candidate for Vice President of the United States. He is not the nominee of any party, major or minor.
3. Mr. LaRouche and Rev. Bevel constitute a unified ticket, neither of whom is running independently of the other. Both are seeking conjoint ballot status in various states. The two candidates intend to issue joint literature and in other respects to campaign for each other, that is, for the single ticket comprising both offices.
4. States in which the campaign is submitting petitions or conducting other procedures to attain ballot status vary in their requirements concerning the Vice Presidential candidate. Some states require that his name be on the presidential candidate's petitions; others require that his name not be on

the petitions. In all cases, however, both names appear together on the final ballot, being treated as if they were the nominees of a single party as such. In no case does the Vice Presidential candidate file his own petitions independently of the Presidential candidate.

5. Mr. LaRouche has filed a Statement of Candidacy and his designated principal campaign committee has filed a Statement of Organization. Rev. Bevel has not filed a Statement of Candidacy, nor formed a principal campaign committee. He is not yet obligated to do so, as he has not met the threshold that defines him as a candidate [see, 11 C.F.R. 100.3(a)], and may have no such obligation at all, pending the Commission's response to this Request for Advisory Opinion.

Questions Submitted to the Commission:

1. Must the Vice Presidential candidate file a Statement of Candidacy?
2. Must he designate a principal campaign committee?
3. If he must designate a principal campaign committee, may it be the same as the associated presidential candidate's principal campaign committee?

Analysis

11 C.F.R. Sect. 101.1(a) would appear to exempt "a nominee for the office of Vice President" from the requirement of filing a Statement of Candidacy and designating a principal campaign committee. Other regulations further establish Vice Presidential candidacies as, in essence, subsumed components of the associated Presidential campaigns. See, e.g., 11 C.F.R. Sects. 103.4, 110.8(f), which mandate a single principal campaign committee, a single depository, a single limitation on contributions and expenditures, and so forth.

Certain of these regulations, however, apparently presuppose a Vice Presidential candidate to be the candidate or nominee of a political party (though 101.1(a) does not), whereas in the circumstances of this Request for Advisory Opinion, although the Presidential and Vice Presidential candidates form a single electoral ticket, it is an independent slate rather than one nominated by a party.

The states share the apparent general presumption of the Federal Regulations, that a Vice Presidential candidate, running on a joint ticket with a Presidential Candidate, cannot in reality be considered to have a campaign separate from and

independent of the Presidential, but rather is an adjunct or included feature.

Regarding the issue of two candidates sharing the same principal campaign committee, although it is stated at 11 C.F.R. 102.12(b) that "no political committee may be designated as the principal campaign committee of more than one candidate," it is clear that the regulations concerning parties' Vice Presidential candidates clearly form exceptions to this regulation, even though neither their own wording nor that of 102.12(b) makes that exception explicit.

#### Request for Expedited Consideration

Since under normal circumstances a candidate must file a Statement of Candidacy within 15 days of becoming a candidate, and the principal campaign committee must file a Statement of Organization within ten days of being so designated, it is clearly important to the requesters to receive an opinion as quickly as possible, even though the election is more than 60 days in the future.

On the presumption that the Vice Presidential candidate need not file a Statement of Candidacy, nor form a principal campaign committee other than that of the Presidential candidate -- as would appear to be the weight of the regulations -- no such statements will be filed unless the Commission rules otherwise.

Until such time, there will be no separate solicitation of contributions to the Vice Presidential candidate's campaign. All expenditures involving his campaign activities will be made by the Presidential campaign's principal campaign committee, and considered as counting towards the presidential campaign expenditure limitation, and all contributions received counted towards the contributors' \$1,000.00 limitation.

Sincerely,

  
Kathy A. Magraw  
Treasurer