

# Mark Charles

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*for* PRESIDENT

July 15, 2020

Federal Election Commission  
Office of General Counsel  
1050 First Street, N.E.  
Washington, DC 20463

To the Office of General Counsel,

The Committee to Elect Mark Charles for President (Committee ID C00706572) is seeking an Advisory Opinion for clarification of the guidelines established for Independent and Non-Major Party candidates as it relates to choosing a primary date.

Mark Charles is a current independent candidate for President. The attached Table 1 provides a ballot access status for each state along with their corresponding deadlines as of July 15, 2020. Currently, Mr. Charles is seeking ballot access for the general election in 12 states through petitioning or filing fees. There are 30 states that he is seeking access as a write-in candidate; nine of these states (including DC) have no filing requirements while the remaining 21 states have deadlines as listed in Table 1. The campaign has determined that there are 9 states in which there is no longer ballot access at this time. The campaign has not been able to satisfy the general ballot access requirements for those states by the deadlines, and there are no longer write-in options.

Independent presidential candidates are not included in primary elections, however, the committee has found that it needs to determine its “primary” date. This date will inform the delegation of contributions and expenditures to general or primary elections in its monthly reporting to the FEC, verifying contribution limits of donors, and determining a date on which the candidate could begin to qualify a salary.

The information currently available in the FEC Candidate Guide on page 21 states:

Even when independent and non-major party candidates are not involved in an actual primary, they are entitled to a primary limit. They may choose one of the following dates to be their “primary” date, and, until that date, they may collect contributions that count towards the contributor’s primary limits.

- The last day on which, under state law, a candidate may qualify for a position on the general election ballot; or
- The date of the last major primary election, caucus or convention in that state.

Non-major party candidates may also choose the date of the nomination by their party as their primary date. 100.2(c)(4).

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Committee to Elect Mark Charles for President  
PO Box 90034, Washington, DC 20090

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*for* **PRESIDENT**

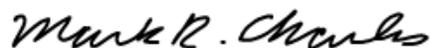
Since this statement comes from the handbook for congressional candidates, these guidelines do not appear to explain how to determine a primary date for an independent presidential candidate. The committee is uncertain how to apply individual state laws, primaries, caucus or conventions to a candidate who is campaigning in all states and does not have party affiliation.

The committee is asking the Commission to respond to the following questions:

- a. Is the committee is entitled to a separate contribution limit for a primary election?
- b. If the committee is entitled to a separate contribution limit for a primary election, what date is considered the committee's primary date for purposes of 11 C.F.R. § 100.2(c)(4)?
- c. For purposes of 11 C.F.R. § 113.1(g)(1)(I), on which date may the candidate begin accepting salary payments by the committee?

Due to election calendars that are currently in play, the committee is requesting the Commission to provide an expedited response to determine the proper date to use as our "primary" in order to timely comply with reporting requirements and communicate contribution limits to donors. The committee is currently on a monthly reporting basis, which eliminates the need for 48-hour notices prior to the primary. But this information will guide further required reporting on expenditures and receipts as well as compliance in contribution limits and salary payments to a candidate. Thank you for your attention to this matter.

Respectfully submitted,



Mark Charles, Candidate

# Mark Charles

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*for* **PRESIDENT**

**Table 1**

**Mark Charles Ballot Access Status  
as of 7/15/20**

<b>State</b>	<b>Status</b>	<b>Deadline</b>	<b>State</b>	<b>Status</b>	<b>Deadline</b>
Alabama, AL	Write-in	no deadline	Montana, MT	Write-in	9/9/2020
Alaska, AK	Ballot Access	8/5/2020	Nebraska, NE	Write-in	10/23/2020
Arkansas, AR	No Access		Nevada, NV	No Access	
Arizona, AZ	Write-in	9/24/2020	New Hampshire, NH	Write-in	no deadline
California, CA	Write-in	10/20/2020	New Jersey, NJ	Ballot Access	7/27/2020
Colorado, CO	Ballot Access	8/5/2020	New Mexico, NM	No Access	
Connecticut, CT	Ballot Access	8/7/2020	New York, NY	Write-in	10/6/2020
Delaware, DE	Write-in	9/30/2020	North Carolina, NC	Write-in	7/21/2020
District of Columbia	Write-in	no deadline	North Dakota, ND	Ballot Access	8/31/2020
Florida, FL	No Access		Ohio, OH	Write-in	8/24/2020
Georgia, GA	Write-in	9/8/2020	Oklahoma, OK	No Access	
Hawaii, HI	No Access		Oregon, OR	Write-in	no deadline
Idaho, ID	Write-in	10/6/2020	Pennsylvania, PA	Write-in	no deadline
Illinois, IL	Ballot Access	7/20/2020	Rhode Island, RI	Write-in	no deadline
Indiana, IN	No Access		South Carolina, SC	No Access	
Iowa, IA	Write-in	no deadline	South Dakota, SD	No Access	
Kansas, KS	Write-in	10/12/2020	Tennessee, TN	Ballot Access	8/20/2020
Kentucky, KY	Write-in	10/23/2020	Texas, TX	Write-in	8/17/2020
Louisiana, LA	Ballot Access	8/21/2020	Utah, UT	Ballot Access	8/17/2020
Maine, ME	Write-in	9/4/2020	Vermont, VT	Ballot Access	8/3/2020
Maryland, MD	Write-in	10/15/2020	Virginia, VA	Write-in	10/23/2020
Massachusetts, MA	Ballot Access	8/25/2020	Washington, WA	Ballot Access	8/4/2020
Michigan, MI	Write-in	9/4/2020	West Virginia, WV	Write-in	9/15/2020
Minnesota, MN	Write-in	10/27/2020	Wisconsin, WI	Write-in	10/20/2020
Mississippi, MS	Write-in	no deadline	Wyoming, WY	Write-in	no deadline
Missouri, MO	Write-in	10/23/2020			