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FEDERAL ELECTION COMMISSION
Washington, DC

AGENDA DOCUMENT NO. 24-49-A
AGENDA ITEM
For meeting of December 12, 2024

December 5, 2024

MEMORANDUM

TO: The Commission

FROM: Lisa J. Stevenson *NFS for LJS*
Acting General Counsel

Neven F. Stipanovic *NFS*
Associate General Counsel

Amy Rothstein *ALR*
Assistant General Counsel

Luis Lipchak *ALR for LL*
Attorney

Subject: AO 2024-15 (Unified Libertarians of Massachusetts) Draft A

Attached is a proposed draft of the subject advisory opinion. We have been asked to place this draft on the Agenda by one or more Commissioners.

Members of the public may submit written comments on the draft advisory opinion. We are making this draft available for comment until 12:00pm (Eastern Time) on December 11, 2024.

Members of the public may also attend the Commission meeting at which the draft will be considered. The advisory opinion requestor may appear before the Commission at this meeting to answer questions.

For more information about how to submit comments or attend the Commission meeting, go to <https://www.fec.gov/legal-resources/advisory-opinions-process/>.

Attachment

1 ADVISORY OPINION 2024-15

2
3 Thomas R. Eddlem
4 Treasurer, Unified Libertarians of Massachusetts
5 93 Silverwood Drive
6 Taunton, MA 02780
7

DRAFT A

8 Dear Mr. Eddlem:

9 We are responding to your request on behalf of Unified Libertarians of Massachusetts
10 (the “Requestor”) regarding its status as the state committee of a political party under the Federal
11 Election Campaign Act, 52 U.S.C. §§ 30101-45 (the “Act”), and Commission regulations. The
12 Commission concludes that the Requestor qualifies as a state committee of a political party.

13 ***Background***

14 The facts presented in this advisory opinion are based on your advisory opinion request
15 received on October 17, 2024, public disclosure reports filed with the Commission, and other
16 publicly available information.

17 In 1976, the Commission recognized the Libertarian National Committee, Inc. (“National
18 Committee”) as the national committee of the Libertarian National Party (“Party”).¹ The
19 National Committee’s Chair, Ms. Angela McArdle, has confirmed by letter that the Requestor is
20 the “official state party affiliate of the [National Committee].”²

¹ Advisory Opinion 1975-129 (National Committee of the Libertarian Party).

² Advisory Opinion Request (“AOR”) at AOR008. In September 2017, the Libertarian Association of Massachusetts was designated as the state committee of the National Committee. Advisory Opinion 2017-09 (Libertarian Association of Massachusetts). In October 2022, however, the Libertarian Association of Massachusetts reported that it “voted to disaffiliate from the Libertarian Party” and is, instead, a “state committee of the Liberty Party.” Libertarian Association of Massachusetts, Statement of Organization, FEC Form 1 at 5 (Oct. 24, 2022), <https://docquery.fec.gov/pdf/090/202210249541517090/202210249541517090.pdf>. In her letter, Ms. McArdle also confirmed that the Libertarian Association of Massachusetts is no longer the official state party of the National Committee. AOR008.

1 The Requestor placed Chase Oliver on the 2024 general election ballot in
2 Massachusetts.³ Chase Oliver appeared on the general election ballot in Massachusetts as a
3 candidate of the Party.⁴ Chase Oliver’s campaign committee reported receiving contributions or
4 making expenditures in excess of \$5,000 during the 2024 presidential election cycle.⁵

5 Pursuant to its bylaws, the Requestor engages in various political party activities in
6 Massachusetts.⁶ These activities include promoting libertarian principles, endorsing candidates
7 for public office, sending delegates to the Party’s national convention, recognizing local affiliates
8 of the Requestor, and establishing a “State Committee.”⁷ The State Committee is responsible for
9 managing the affairs of the Requestor and organizing an annual state-level convention, at which
10 candidates for office may be endorsed.⁸ The Requestor’s bylaws also provide for the election of
11 members of its State Committee at the annual state-level convention.⁹

³ *See* AOR001-2, 13.

⁴ Secretary of the Commonwealth of Massachusetts, 2024 State Election Candidates, (Oct. 21, 2024),
https://www.sec.state.ma.us/divisions/elections/research-and-statistics/2024_state_election_candidates.htm.

⁵ *See* Chase Oliver for President, *FEC Financial Summary of Reported Activity* at
<https://www.fec.gov/data/committee/C00837625/?cycle=2024> (reflecting the candidate’s receipt and spending of
over \$300,000 through August 31, 2024, of the 2024 election cycle).

⁶ *See generally* AOR002-3, 9-12.

⁷ *Id.*

⁸ AOR011-12.

⁹ AOR009-12.

1 ***Question Presented***

2 *Does the Requestor qualify as a state committee of a political party within the meaning of*
3 *the Act and Commission regulations?*

4 ***Legal Analysis***

5 Yes, the Requestor qualifies as the state committee of a political party within the meaning
6 of the Act and Commission regulations.

7 Whether a state party organization qualifies as a state committee of a national political
8 party turns on three elements: (1) the national organization affiliated with the state party
9 organization must itself be a “political party;”¹⁰ (2) the state party organization must be part of
10 the official structure of the national party; and (3) the state party organization must be
11 responsible for the day-to-day operation of the national party at the state level.¹¹ The
12 Commission addresses each of these elements in turn.

13 *(1) Qualification of Libertarian National Party as Political Party*

14 The national party, the Libertarian National Party, must qualify as a “political party”
15 under the Act and Commission regulations, and the Commission has previously determined that
16 it does.¹² The Commission is not aware of any factual changes that would alter that
17 determination.

¹⁰ A “political party” is an “association, committee, or organization that nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.” 52 U.S.C. § 30101(16); 11 C.F.R. § 100.15. An individual is a candidate if the individual or his or her authorized committee has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000. See 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a)(1).

¹¹ See, e.g., Advisory Opinion 2023-12 (Democratic Party of the Northern Mariana Islands); Advisory Opinion 2019-03 (DC Libertarian Party).

¹² See Advisory Opinion 1975-129 (National Committee of the Libertarian Party); Advisory Opinion 2019-03 (DC Libertarian Party).

(2) *Status of the Requestor as Part of the Official Structure of Party*

To determine whether a state party organization is part of the official structure of a national party, the Commission evaluates documentation from the national party.¹³ The letter from the National Committee’s Chair, Ms. Angela McArdle, confirms that the Requestor is part of the official structure of the Party.¹⁴

(3) *Responsibility of the Requestor for Day-to-Day Operation of the Party at the State Level*

To determine whether a state party organization is responsible for the day-to-day operations of a national party at the state level, the Commission considers: (a) whether the state organization has placed a federal candidate on the ballot (thereby qualifying as a “political party” under 52 U.S.C. § 30101(16)); and (b) whether the bylaws or other governing documents of the state party organization indicate activity commensurate with the day-to-day functions and operations of a political party at the state level.¹⁵

(a) *Candidate on the Ballot*

The Requestor placed the Party’s nominee for President, Chase Oliver, on the 2024 general election ballot in Massachusetts.¹⁶ Chase Oliver’s campaign committee received contributions or made expenditures in excess of \$5,000 according to public disclosure reports

¹³ See, e.g., Advisory Opinion 2023-12 (Democratic Party of the Northern Mariana Islands); Advisory Opinion 2019-03 (DC Libertarian Party).

¹⁴ See AOR008.

¹⁵ See, e.g., Advisory Opinion 2023-12 (Democratic Party of the Northern Mariana Islands); Advisory Opinion 2019-03 (DC Libertarian Party).

¹⁶ See AOR001-2, 13.

1 filed with the Commission, therefore satisfying the Act’s definition of a “candidate.”¹⁷ The
2 Requestor thus placed a federal candidate on the ballot and thereby qualified as a political party
3 under the Act and Commission regulations.

4 (b) *Day-To-Day Functions and Operations*

5 In addition to gaining ballot access for a candidate for federal office, the Requestor must
6 show, in its bylaws, constitution, or other governing documents, that it is responsible for activity
7 commensurate with the day-to-day functions and operations of a national political party at the
8 state level.

9 Here, the bylaws indicate that the Requestor engages in various political party activities
10 in Massachusetts.¹⁸ These activities include promoting libertarian principles, endorsing
11 candidates for public office, sending delegates to the Party’s national convention, recognizing
12 local affiliates of the Requestor and establishing a “State Committee.”¹⁹ The State Committee is
13 responsible for managing the affairs of the Requestor and organizing an annual state convention,
14 at which candidates for office may be endorsed.²⁰ The Requestor’s bylaws also provide for the
15 election of members of its State Committee at the annual state convention.²¹

16 The Requestor’s bylaws indicate activity commensurate with the day-to-day functions
17 and operations of a political party at the state level and are similar to other state party rules that

¹⁷ See 2 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a).

¹⁸ See generally AOR009-12.

¹⁹ See *id.*

²⁰ AOR011-12.

²¹ AOR009-12.

1 the Commission has found sufficient to qualify an organization for state-committee status.²² The
2 Requestor therefore satisfies the requirement of being responsible for the day-to-day operation of
3 the National Party at the state level pursuant to 52 U.S.C. § 30101(15) and 11 C.F.R.
4 § 100.14(a).

5 The Commission concludes that the Requestor qualifies as the state committee of a
6 political party under the Act and Commission regulations because: (1) the Party qualifies as a
7 political party; (2) the Requestor is part of the official structure of the Party; and (3) the
8 Requestor is responsible for the day-to-day operation of the Party at the state level.

9 This response constitutes an advisory opinion concerning the application of the Act and
10 Commission regulations to the specific transaction or activity set forth in your request.²³ The
11 Commission emphasizes that, if there is a change in any of the facts or assumptions presented,
12 and such facts or assumptions are material to a conclusion presented in this advisory opinion,
13 then the Requestor may not rely on that conclusion as support for its proposed activity. Any
14 person involved in any specific transaction or activity which is indistinguishable in all its
15 material aspects from the transaction or activity with respect to which this advisory opinion is

²² See, e.g., Advisory Opinion 2023-12 (Democratic Party of the Northern Mariana Islands) (concluding that requestor's responsibilities to nominate candidates for state and federal offices, elect delegates to national party's national convention, and organize membership meetings at which delegates to national convention are elected, among other duties detailed in its bylaws, demonstrated requestor's responsibility for day-to-day functions and operations of national party to qualify for state committee status); Advisory Opinion 2019-03 (DC Libertarian Party) (finding that requestor's political party activities described in its bylaws including recruiting, nominating and training candidates for partisan public office, nominating and sending delegates to party's national convention, managing District of Columbia party conventions, and other duties established requestor's responsibility for day-to-day operation of national party at state level to qualify for state committee status).

²³ See 52 U.S.C. § 30108.

1 rendered may rely on this advisory opinion.²⁴ Please note that the analysis or conclusions in this
2 advisory opinion may be affected by subsequent developments in the law including, but not
3 limited to, statutes, regulations, advisory opinions, and case law. Any advisory opinions cited
4 herein are available on the Commission's website.

5 On behalf of the Commission,

6
7
8
9 Sean J. Cooksey,
10 Chairman

²⁴ See *id.* § 30108(c)(1)(B).