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FEDERAL ELECTION COMMISSION
Washington, DC 20463

AGENDA DOCUMENT NO. 25-08-A
AGENDA ITEM
For meeting of April 30, 2025

April 23, 2025

MEMORANDUM

TO: The Commission

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

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Associate General Counsel

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Assistant General Counsel

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Attorney

Subject: Draft AO 2025-07 (4 Libertarian State Committees) 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 12:00 pm (Eastern Time) on April 29, 2025.

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 2025-07

2
3 Lorenzo Holloway, Esq.
4 Holloway Law Office, LLC
5 National Harbor
6 6710 Oxon Hill Rd. Suite 210
7 Oxon Hill, MD 20745

DRAFT A

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9 Dear Mr. Holloway:

10 We are responding to your request on behalf of the Libertarian Party of Idaho, the
11 Libertarian Party of Maine, Inc., the Libertarian Party of Maryland, and the Libertarian Party of
12 Vermont (the “Requestors”) regarding their status as state committees of a political party under
13 the Federal Election Campaign Act, 52 U.S.C. §§ 30101-45 (the “Act”), and Commission
14 regulations. The Commission concludes that the Requestors qualify as state committees of a
15 political party.

16 ***Background***

17 The facts presented in this advisory opinion are based on your advisory opinion request
18 received on April 4, 2025, public disclosure reports filed with the Commission, and other
19 publicly available information.

20 In 1976, the Commission recognized the Libertarian National Committee, Inc. (“LNC”)
21 as the national committee of the Libertarian National Party.¹ The LNC’s chair, Mr. Steven
22 Nekhaila, has confirmed by letter that the Requestors “are officially chartered affiliates of the
23 [LNC].”²

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

² Advisory Opinion Request (“AOR”) at AOR005. In October 2016, the Libertarian Party of Maryland and the Libertarian Party of Idaho were each designated as the state committee of the LNC. Advisory Opinion 2016-14 (11 Libertarian State Committees). In December 2016, the Commission accepted the Libertarian Party of Idaho’s request to terminate as a committee. Letter from Kaitlin Seufert, Sr. Campaign Finance & Reviewing Analyst, Reports Analysis Division, FEC, to Cathy Smith, Treasurer, Libertarian Party of Idaho (Dec. 13, 2016), <https://docquery.fec.gov/pdf/017/201612130300070017/201612130300070017.pdf>. In November 2019, the Commission administratively terminated the Libertarian Party of Maryland. Letter from Deborah Chacona,

1 The Requestors placed Chase Oliver on the 2024 general election ballot in their
2 respective states.³ Chase Oliver appeared on the general election ballots in Idaho, Maine,
3 Maryland, and Vermont as a candidate of the Libertarian National Party.⁴ Chase Oliver's
4 campaign committee reported receiving contributions or making expenditures in excess of
5 \$5,000 during the 2024 presidential election cycle.⁵

Assistant Staff Director for Reports Analysis Division, FEC, to Michael Linder, Treasurer for Libertarian Party of Maryland (Nov. 15, 2019), <https://docquery.fec.gov/pdf/492/201911150300051492/201911150300051492.pdf>. In December 2024, the Libertarian Party of Maryland re-registered as a new committee and is a Requestor. Libertarian Party of Maryland, Statement of Organization, FEC Form 1 (Dec. 26, 2024), <https://docquery.fec.gov/pdf/076/202412269739992076/202412269739992076.pdf>; In February 2025, the Libertarian Party of Idaho re-registered as a new committee and is a Requestor. Libertarian Party of Idaho, Statement of Organization, FEC Form 1 (Feb. 19, 2025), <https://docquery.fec.gov/pdf/536/202502199753487536/202502199753487536.pdf>. The Libertarian Party of Maine registered as a committee in May 2016, but filed a termination report and terminated in January 2017, after withdrawing its request for advisory opinion. *See* email from Chritina Sirois, Senior Associate Attorney, DB Capitol Strategies PLLC, to Anthony Bell, Administrative Assistant, FEC (Dec. 2, 2016), https://saos.fec.gov/aodocs/201622W_1.pdf; Libertarian Party of Maine, Amended Report of Receipts and Disbursements, Termination Report, FEC Form 3X (Jan. 17, 2017), <https://docquery.fec.gov/pdf/898/201701179041409898/201701179041409898.pdf>. In March 2025, the Libertarian Party of Maine re-registered a new committee and is a Requestor. Libertarian Party of Maine, Statement of Organization, FEC Form 1 (Mar. 12, 2025), <https://docquery.fec.gov/pdf/444/202503129754145444/202503129754145444.pdf>. The Libertarian Party of Vermont registered in March 2025. Libertarian Party of Vermont, Statement of Organization, FEC Form 1 (Mar. 25, 2025), <https://docquery.fec.gov/pdf/667/202503259754504667/202503259754504667.pdf>.

³ *See* AOR002, 70-73.

⁴ *See id.* at 2; Secretary of State of Idaho, Nov. 5, 2024 General Election Canvass Report, https://sos.idaho.gov/elections/data/results/2024/2024_general_canvass.pdf; Secretary of State of Maine, November 5, 2024 General Election Listing of Candidates Appearing on the Ballot, <https://www.maine.gov/sos/sites/maine.gov.sos/files/content/assets/2024-20General-20Candidate-20list.xlsx>; Maryland State Board of Elections, 2024 Presidential General Election State Candidates List, https://elections.maryland.gov/elections/2024/General_candidates/gen_cand_lists_2024_1.html; Secretary of State of Vermont, Official Report of the Canvassing Committee, United States and Vermont Statewide Offices, General Election, November 5, 2024, <https://outside.vermont.gov/dept/sos/Elections%20Division/election%20info%20and%20resources/elections%20results%20and%20data/2024%20General%20Election%20Canvass%20Report%20-%20FULL.pdf>; *see also* Official 2024 Presidential General Election Results, General Election Date 11/05/2024, <https://www.fec.gov/resources/cms-content/documents/2024presgeresults.pdf>.

⁵ *See* AOR002; Chase Oliver for President, Financial Summary, FEC, <https://www.fec.gov/data/committee/C00837625/?cycle=2024> (last visited Apr. 11, 2025) (showing candidate received and spent over \$300,000 through August 31, 2024, of 2024 election cycle).

Pursuant to their respective bylaws, the Requestors engage in various political party activities in their respective states.⁶ These activities include promoting libertarian principles, holding and overseeing state conventions, sending delegates to the Libertarian National Party's national convention, and nominating and supporting candidates for public office in their respective states.⁷ The bylaws also provide for the election of officers for its state committees, and the selection of officers for its local committees.⁸

Question Presented

Do the Requestors qualify as state committees of a political party within the meaning of the Act and Commission regulations?

Legal Analysis

Yes, the Requestors qualify as state committees of a political party within the meaning of the Act and Commission regulations.

Whether a state party organization qualifies as a state committee of a national political party turns on three elements: (1) the national organization affiliated with the state party organization must itself be a “political party;”⁹ (2) the state party organization must be part of the official structure of the national party; and (3) the state party organization must be responsible

⁶ See generally AOR002-4, 6-69.

⁷ *Id.*

⁸ See *id.* at 8-9, 11-12, 19-21, 31-37, 49-58.

⁹ A “political party” is an “association, committee, or organization which 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).

for the day-to-day operation of the national party at the state level.¹⁰ The Commission addresses each of these elements in turn.

(1) Qualification of Libertarian National Party as Political Party

The national party, the Libertarian National Party, must qualify as a “political party” under the Act and Commission regulations, and the Commission has previously determined that it does.¹¹ The Commission is not aware of any factual changes that would alter that determination.

(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.¹² The letter from the LNC’s Chair, Mr. Steven Nekhaila, confirms that the Requestors are part of the official structure of the Libertarian National Party.¹³

(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”

¹⁰ See, e.g., Advisory Opinion 2025-02 (Democratic Party of Puerto Rico); Advisory Opinion 2024-15 (Unified Libertarians of Massachusetts); Advisory Opinion 2019-03 (DC Libertarian Party).

¹¹ See Advisory Opinion 1975-129 (National Committee of the Libertarian Party); see also 2024-15 (Unified Libertarians of Massachusetts) at 3.

¹² See, e.g., Advisory Opinion 2025-02 (Democratic Party of Puerto Rico) at 4; Advisory Opinion 2024-15 (Unified Libertarians of Massachusetts) at 3.

¹³ See AOR005.

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.¹⁴

(a) Candidate on the Ballot

The Requestors placed the Libertarian National Party’s nominee for President, Chase Oliver, on the 2024 general election ballot in their respective states.¹⁵ Chase Oliver’s campaign committee received contributions or made expenditures in excess of \$5,000 according to public disclosure reports filed with the Commission,¹⁶ therefore satisfying the Act’s definition of a “candidate.”¹⁷ The Requestors thus placed a federal candidate on the ballot.

(b) Day-To-Day Functions and Operations

In addition to gaining ballot access for a candidate for federal office, the Requestors must show—in their bylaws, constitution, or other governing documents—that they are responsible for activity commensurate with the day-to-day functions and operations of a national political party at the state level.¹⁸

Here, the Requestors’ respective bylaws indicate that they engage in various political party activities that the Commission has found sufficient to qualify an organization for state-

¹⁴ See, e.g., Advisory Opinion 2025-02 (Democratic Party of Puerto Rico) at 4; Advisory Opinion 2024-15 (Unified Libertarians of Massachusetts) at 3.

¹⁵ See AOR002, 70-73.

¹⁶ See *id.* at 2; Chase Oliver for President, Financial Summary, FEC, <https://www.fec.gov/data/committee/C00837625/?cycle=2024> (last visited Apr. 11, 2025).

¹⁷ See 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a).

¹⁸ See, e.g., Advisory Opinion 2025-02 (Democratic Party of Puerto Rico) at 5; Advisory Opinion 2024-15 (Unified Libertarians of Massachusetts) at 4.

committee status.¹⁹ The Requestors' bylaws indicate that they each engage in various political party activities in their respective states.²⁰ These activities include promoting libertarian principles,²¹ holding and overseeing state conventions,²² sending delegates to the Libertarian National Party's national convention,²³ and nominating and supporting candidates for public office in their respective states.²⁴ The bylaws also provide for the election of officers for their respective state committees, and the selection of officers for their respective local committees.²⁵ Based on these activities, the Requestors satisfy the requirement of being responsible for the day-to-day operation of the Libertarian National Party at the state level pursuant to 52 U.S.C. § 30101(15) and 11 C.F.R. § 100.14(a).

Conclusion

¹⁹ See, e.g., Advisory Opinion 2025-02 (Democratic Party of Puerto Rico) at 5-6 (highlighting that requestor's bylaws show that it endorses national party's principles, sends delegates to national convention, and establishes requirements for committee elections, among other activities); Advisory Opinion 2024-15 (United Libertarians of Massachusetts) at 4-5 (concluding that requestor's responsibilities to promote national party principles, endorse candidates for public office, send delegates to the party's national convention, and recognize local affiliates, among other duties detailed in bylaws, demonstrated requestor's responsibility for day-to-day functions and operations of national party at state level); Advisory Opinion 2023-12 (Democratic Party of the Northern Mariana Islands) at 4-5 (concluding that requestor's responsibilities to nominate candidates for state and federal offices, elect delegates to national party's national convention, establish requirements for election of committees, among other duties detailed in 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) at 4-5 (finding that requestor's political party activities described in bylaws, including recruiting, nominating and training candidates for partisan public office, sending delegates to party's national convention, managing District of Columbia party conventions, among other duties, established requestor's responsibility for day-to-day operation of national party at state level to qualify for state committee status).

²⁰ See generally AOR006-69.

²¹ See AOR004, 7, 17, 30, 48.

²² See *id.* at 4, 9-11, 15, 22-23, 33-34, 41-43, 58, 65-67.

²³ See *id.* at 4, 15, 23-25, 43, 65-66.

²⁴ See *id.* at 4, 7, 12, 26, 30, 42-43, 58, 66.

²⁵ *Id.* at 4, 8-9, 11-12, 19-21, 31-40, 49-58.

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request.²⁶ The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the Requestor may not rely on that conclusion as support for its proposed activity. Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which this advisory opinion is rendered may rely on this advisory opinion.²⁷ Please note that the analysis or conclusions in this advisory opinion may be affected by subsequent developments in the law including, but not limited to, statutes, regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on the Commission's website.

James E. “Trey” Trainor III
Acting Chairman

²⁷ See *id.* § 30108(c)(1)(B).