



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 2012-36

Christopher Reilly
Treasurer
Green Party of Connecticut
P. O. Box 231214
Hartford, CT 06123-1214

Dear Mr. Reilly:

We are responding to your inquiry regarding the status of the Green Party of Connecticut (the "GPC") as a State party committee of a political party under the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations. The Commission concludes that the GPC qualifies as a State party committee because: (1) the Green Party of the United States (the "GPUS") qualifies as a political party; (2) the GPC is part of the official GPUS structure; and (3) the GPC is responsible for the day-to-day operations of the GPUS at the State level.

Background

The facts presented in this advisory opinion are based on your letter received on October 22, 2012 and an email from Budd Dickinson of the GPUS received on October 31, 2012; on information contained on the websites of the GPC (<http://www.ctgreenparty.org/>) and the GPUS (<http://www.gp.org/index.php>); and on disclosure reports filed with the Commission.

The GPC's Bylaws ("Bylaws") detail various aspects of the functions, organization, and operation of the GPC. The Bylaws establish a State Central Committee, which is responsible for "formulation of Statements of Purpose and Principles and basic plans for organization, programs, financing, and strategy." Bylaws, Tit. II, Pt. 1. The State Central Committee is also responsible for "acting on petitions for formation and acceptance of new Chapters and for determining and directing all action required for implementation of established Purposes and Plans." *Id.* The State Central

Committee is empowered to “establish subordinate committees, expend Party funds, and take or direct all action required for the execution of established Purposes and Plans, and coordinate all joint Chapter activities.” *Id.*

The Bylaws also describe specific responsibilities of the Party Chairpersons, Secretary, and Treasurer. *See* Bylaws, Tit. II, Pts. 2a-2c. The Bylaws create an Executive Committee, consisting of the three Chairpersons, the Secretary, and the Treasurer. The Executive Committee “shall be responsible for establishing the agenda for State Central Committee Meetings, duly considering recommendations and requests by [the] State Central Committee and chapters, and for informing State Central Committee members and Chapters of the agenda a week in advance of each meeting. It shall monitor the activities of Party committees and Chapters, assuring a full understanding of Party standards and objectives; and shall recommend to the State Central Committee any non-routine action that the State Central Committee should consider.” Bylaws, Tit. II, Pt. 2g.

The GPC has several committees including those responsible for finances, bylaws and procedures, platform, membership, data management, and dispute resolution. GPC Procedure Manual, 7-9, <http://www.ctgreenparty.org/images/pdf/procedure-book-103011.pdf> (last visited Nov. 8, 2012).

The GPC placed a candidate for President, Ralph Nader, on the Connecticut general election ballot in 2000. The GPC also succeeded in placing individuals who met the definition of “candidate” pursuant to the Act and Commission regulations on general election ballots for the U.S. House of Representatives, including Charles Pillsbury (3rd District) in 2002 and Ken Kreyeske (1st District) in 2010.

The Commission has recognized the GPUS as a “political party” since 2001. *See* Advisory Opinion 2001-13 (Green Party of the United States). Pursuant to its bylaws, the National Committee of the GPUS is composed of representatives of the State parties apportioned according to a rules document. Bylaws of the Green Party of the United States, Art. II, sec. 2, <http://www.gp.org/documents/bylaws.shtml> (last updated May 9, 2010). The GPC is an active, accredited state party under the GPUS and has apportioned five delegates on the National Committee. Rules and Procedures of the Green Party of the United States, Art VIII, sec. 8-1, <http://www.gp.org/documents/rules.shtml#08> (last updated Dec. 20, 2009); Green Party Committees – Green National Committee (NC), <http://www.gp.org/committees/nc/delegates/> (last visited Nov. 15, 2012). The GPUS also allocated ten delegates to the GPC for the 2012 Presidential nominating convention.

Question Presented

Does the GPC qualify as a State committee of a political party within the meaning of the Act and Commission regulations?

Legal Analysis and Conclusion

Yes, the GPC qualifies as a State committee of a political party within the meaning of the Act and Commission regulations.

A “State committee” is an organization that, by virtue of the bylaws of a “political party,” is part of the official party structure, and is responsible for the day-to-day operations of the political party at the State level. 2 U.S.C. 431(15); 11 CFR 100.14(a). 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.” 2 U.S.C. 431(16); 11 CFR 100.15.

The determination as to whether a State party organization qualifies as a State committee of a national political party turns on three elements: (1) the national party with which the State party organization is associated must be a “political party”; (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 for the day-to-day operations of the national party at the State level. *See, e.g.*, Advisory Opinions 2009-16 (Libertarian Party of Ohio), 2008-16 (Libertarian Party of Colorado), and 2008-13 (Pacific Green Party of Oregon). The Commission addresses each of these three elements in turn.

(1) Qualification of GPUS as a Political Party

First, the Commission must assess whether the national party qualifies as a “political party” under the Act and Commission regulations. 2 U.S.C. 431(15) and (16); 11 CFR 100.14 and 100.15; *see* Advisory Opinions 2008-16 (Libertarian Party of Colorado), 2008-13 (Pacific Green Party of Oregon), and 2007-06 (Libertarian Party of Indiana). As noted above, the Commission has determined in a previous advisory opinion that the GPUS qualifies as a political party. *See* Advisory Opinion 2001-13 (Green Party of the United States). The Commission is aware of no new facts that would alter that conclusion.

(2) Status of GPC as Part of Official GPUS Structure

Second, the GPC must qualify as part of the official party structure of the national party, pursuant to 11 CFR 100.14. According to the GPUS’s bylaws and rules referenced in the bylaws, the GPC is an active, accredited State party with five delegates on the GPUS’s National Committee. The GPUS also allocated ten delegates to the GPC for the 2012 Presidential nominating convention. The GPC is thus part of the GPUS’s official party structure under the GPUS’s bylaws. 11 CFR 100.14. In addition, an officer of the GPUS has confirmed that the GPC is part of the GPUS’s official party structure. Email from Budd Dickinson, GPUS Secretary, to Christopher Reilly, GPC Deputy Treasurer (Oct. 31, 2012). *See, e.g.*, Advisory Opinion 2008-16 (Libertarian Party of Colorado);

Advisory Opinion 2008-13 (Pacific Green Party of Oregon); Advisory Opinion 2007-06 (Libertarian Party of Indiana); Advisory Opinion 2007-02 (Arizona Libertarian Party).

(3) Responsibility of GCP for Day-to-Day Operations of GPUS in Connecticut

Third, the GPC must maintain responsibility for the day-to-day operations of the GPUS at the State level. 2 U.S.C. 431(15); 11 CFR 100.14. In previous advisory opinions, the Commission has evaluated this third element by considering: (a) whether the organization has placed a “candidate” on the ballot (thereby qualifying as a “political party”); 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.¹ See Advisory Opinion 2009-16 (Libertarian Party of Ohio); Advisory Opinion 2008-16 (Libertarian Party of Colorado); Advisory Opinion 2008-13 (Pacific Green Party of Oregon).

Ballot placement on behalf of a “candidate” is required because the requesting organization’s existence as a “political party” is necessary for State committee status. A State party organization must actually obtain ballot access for one or more “candidates,” as defined in the Act. See 2 U.S.C. 431(2), (15), (16); 11 CFR 100.3(a), 100.14(a), 100.15; see also, Advisory Opinion 2009-16 (Libertarian Party of Ohio) and Advisory Opinion 2008-16 (Libertarian Party of Colorado).

According to disclosure reports filed with the Commission, Ralph Nader received contributions or made expenditures in excess of \$5,000 in the 2000 election cycle. He therefore satisfied the Act’s definition of “candidate.” See 2 U.S.C. 431(2); 11 CFR 100.3(a). Mr. Nader’s name appeared on the 2000 Connecticut ballot as the GPUS’s candidate for President. Further, two GCP candidates for the House of Representatives, Charles Pillsbury on the 2002 ballot and Ken Krayeske on the 2010 ballot, also received contributions or made expenditures in excess of \$5,000 according to disclosure reports filed with the Commission. Accordingly, the GPC qualifies as a “political party” under the Act.

As discussed above, the Bylaws establish the organizational structure of the GPC and detail specific responsibilities of party officers. The Bylaws spell out activity commensurate with the day-to-day functions and operations of a political party on a State level. For example, the Bylaws establish a State Central Committee and an Executive Committee, which together are responsible for the day-to-day administrative functions of the GPC. The GPC has also created several committees charged with functions, such as finances, bylaws and procedures, platform, and membership.

The Bylaws are consistent with the State party rules reviewed in previous situations where the Commission has recognized the State committee status of a political

¹ As demonstrated by documents submitted with the request, under Connecticut State law, the GPC has qualified as a “political party.”

organization. *See, e.g.*, Advisory Opinion 2008-16 (Libertarian Party of Colorado) (finding that the Constitution and Bylaws of the Libertarian Party of Colorado sufficiently established the performance of day-to-day operations because the documents articulated a clear purpose, operating structure, and duties for officers). Therefore, the Bylaws satisfy the requirements of 2 U.S.C. 431(15) and 11 CFR 100.14(a).

Accordingly, because all three elements of the definition of “State committee” are satisfied, the Commission determines that the GPC qualifies as a State committee of a political party under the Act and Commission regulations.

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. *See* 2 U.S.C. 437f. 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. *See* 2 U.S.C. 437f(c)(1)(B). 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. The cited advisory opinions are available on the Commission’s website, or directly from the Commission’s Advisory Opinion searchable database at <http://www.fec.gov/searchao>.

On behalf of the Commission,

(signed)
Caroline C. Hunter
Chair