



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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**AGENDA DOCUMENT NO. 16-28-A**  
**AGENDA ITEM**  
**For meeting of July 14, 2016**

July 6, 2016

MEMORANDUM

TO: The Commission

FROM: Daniel A. Petalas *DAP*  
Acting General Counsel

Adav Noti *AN*  
Acting Associate General Counsel

Neven F. Stipanovic *AN for NFS*  
Acting Assistant General Counsel

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Attorney

Subject: AO 2016-07 (United National Committee) Draft A

Attached is a proposed draft of the subject advisory opinion.

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 July 13, 2016.

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 <http://www.fec.gov/law/draftaos.shtml>.

Attachment

1 ADVISORY OPINION 2016-07

2

3 Bill Hammons, Chairman

4 Reid Strouss-Tallman, Treasurer

5 United National Committee

6 1020 Kent Street

7 #K219

8 Boulder, CO 80303

9

**DRAFT A**

10 Dear Messrs. Hammons and Strouss-Tallman:

11 We are responding to your advisory opinion request regarding whether the United  
12 National Committee (the “Committee”) is a “national committee” of a political party under the  
13 Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (the “Act”), and Commission  
14 regulations. The Commission concludes that the Committee is not a national committee of a  
15 political party.

16 ***Background***

17 The facts presented in this advisory opinion are based on your letter received on March  
18 28, 2016, and your email received on June 3, 2016.

19 The Committee is registered with the Commission as a political committee. Pursuant to  
20 the Constitution of the Unity Party of America (the “Unity Party”), the Committee is the  
21 governing body of the Unity Party. Advisory Opinion Request at AOR002. The Unity Party  
22 nominates individuals for federal office, including for President and Vice President. *See*  
23 AOR001, AOR003. To date, one individual nominated by the Unity Party has appeared on a  
24 ballot for federal office: Bill Hammons was the Unity Party nominee in 2014 for the U.S. Senate  
25 election in Colorado. AOR003, AOR005-AOR006. No person nominated for federal office by  
26 the Unity Party, including Mr. Hammons, has raised or spent more than \$5,000 for an election.  
27 AOR003, AOR006. According to its most recent report filed with the Commission, for the first

1 quarter of 2016, the Committee received \$735, spent \$815.74, and had cash-on-hand at the close  
2 of the reporting period of \$59.53.<sup>1</sup>

3 ***Question Presented***

4 *Is the Committee a national committee of a political party under the Act and Commission*  
5 *regulations?*

6 ***Legal Analysis and Conclusion***

7 No, the Committee is not a national committee of a political party under the Act and  
8 Commission regulations.

9 The Act defines a “national committee” as “the organization which, by virtue of the  
10 bylaws of a political party, is responsible for the day-to-day operation of such political party at  
11 the national level, as determined by the Commission.” 52 U.S.C. § 30101(14); *see also*  
12 11 C.F.R. § 100.13. Thus, at the threshold, the Commission must first determine whether the  
13 Unity Party is a “political party” within the meaning of the Act. *See, e.g.*, Advisory Opinion  
14 2013-01 (1787 National Committee) at 2 (concluding that requestor was not national committee  
15 because affiliated organization did not meet definition of political party); Advisory Opinion  
16 1980-03 (Citizens Committee) at 2 (same).

17 The Act defines a “political party” as an “organization which nominates a candidate for  
18 election to any Federal office whose name appears on the election ballot as the candidate of such  
19 . . . organization.” 52 U.S.C. § 30101(16). Accordingly, to qualify for political party status, an  
20 organization must place a “candidate” on the ballot under the organization’s name. A candidate

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<sup>1</sup> *See* United National Committee, FEC Form 3X at 2 (May 2, 2016),  
<http://docquery.fec.gov/pdf/212/201605020300072212/201605020300072212.pdf>.

1 is an individual who has received contributions aggregating in excess of \$5,000 or made  
2 expenditures aggregating in excess of \$5,000. *See* 52 U.S.C. § 30101(2)(A); 11 C.F.R. § 100.3.

3         During the 2014 general election, Bill Hammons appeared on the Colorado ballot as a  
4 nominee of the Unity Party of Colorado for the office of United States Senator.<sup>2</sup> However,  
5 because Mr. Hammons raised and spent less than \$5,000 for his election, *see* AOR002, AOR006,  
6 he was not a “candidate” under the Act. Thus, the Unity Party does not qualify for political party  
7 status by virtue of having attained ballot access for Mr. Hammons. *See* Advisory Opinion 1996-  
8 35 (Greens/Green Party USA) at 2 (concluding that organization could not qualify as political  
9 party by attaining ballot access for individual who did not meet definition of candidate under  
10 Act). No other individual nominated by the Unity Party has appeared as a candidate on any  
11 ballot for federal office. Accordingly, because the Unity Party has not yet placed any federal  
12 candidates on the ballot, the Unity Party is not yet a “political party” under the Act and  
13 Commission regulations, and the Committee therefore cannot yet qualify as a national committee  
14 of a political party. *See* Advisory Opinion 2013-01 (1787 National Committee) at 3 (noting that  
15 Commission “has never recognized an organization as a political party without the organization  
16 first placing identified Federal candidates on the ballot”).

17         This response constitutes an advisory opinion concerning the application of the Act and  
18 Commission regulations to the specific transaction or activity set forth in your request. *See* 52  
19 U.S.C. § 30108. The Commission emphasizes that, if there is a change in any of the facts or  
20 assumptions presented, and such facts or assumptions are material to a conclusion presented in  
21 this advisory opinion, then the requestor may not rely on that conclusion as support for its

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<sup>2</sup> *See* Colorado Secretary of State, 2014 General Election Official Candidate List,  
<http://www.sos.state.co.us/pubs/elections/vote/generalCandidates.html> (last visited June 10, 2016).

1 proposed activity. Any person involved in any specific transaction or activity which is  
2 indistinguishable in all its material aspects from the transaction or activity with respect to which  
3 this advisory opinion is rendered may rely on this advisory opinion. *See* 52 U.S.C. §  
4 30108(c)(1)(B). Please note that the analysis or conclusions in this advisory opinion may be  
5 affected by subsequent developments in the law including, but not limited to, statutes,  
6 regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on  
7 the Commission's website.

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On behalf of the Commission,

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Matthew S. Petersen  
Chairman

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