

Jim Hurysz for Congress Campaign Committee
PO Box 5191
Preston King Station
Arlington VA 22205

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2007 AUG 13 A 9 07

August 7, 2007

Thomasenia Duncan
General Counsel
Federal Election Commission
999 E St NW
Washington DC 20463

AOR 2007-22

Request for Advisory Opinion

Dear Ms. Duncan:

I was an Independent candidate for House of Representatives in Virginia's 8th Congressional District in 2004 and 2006 and I am contemplating running again in 2008. I called the FEC General Counsel's office yesterday regarding obtaining advice and assistance from Canadian citizens if I run again and I was advised by one of your staff attorneys that I would have to seek an Advisory Opinion.

As you are aware, it has been many years since a non-incumbent independent or third party candidate was elected to the U.S. House of Representatives. There is no independent or third party Representative currently serving in the House. Moreover, it is extremely difficult to locate anyone who has ever participated in a winning independent or third party campaign for a House seat by a non-incumbent.

Only 300 miles from Washington, a democracy exists that has a 3-party system (Conservative, Liberal, and New Democratic) and several strong smaller parties, e.g., Green Party. Third party (NDP) and independent candidates are often elected to Canada's House of Commons.

I would like to be able to consult with Canadian citizens who have managed winning campaigns for Parliament about running an effective independent congressional campaign. I would also like to be able to use campaign funds to pay for travel to Canada to observe third party election operations. I would like to use campaign funds to purchase election materials used by Canadian candidates. If Canadian citizens want to volunteer in my campaign I would like to be able to use their services. I would like to hire Canadian citizens as campaign staff (excluding positions involving fund-raising and other campaign finance activities) paid for from campaign funds.

Therefore, I request that your office issue an advisory opinion regarding the legality of these proposed campaign activities involving Canadian citizens.

I have reviewed advisory opinions issued by the Commission over the past several years. Almost all are favorable to incumbents.

Congress does not require persons providing Members with information and advice who are employed by the Congressional Research Service and Library of Congress to be U.S. Citizens. Members of Congress often travel abroad to obtain information and advice from foreign nationals. Foreign nationals often testify before Congressional committees. Congress funds several exchange programs with democratically elected legislatures of foreign nations. Members of Congress freely use information obtained from foreign nationals and foreign governments (e.g. from fact-finding trips to Iraq) when running for re-election.

In closing, I and other past third party and independent candidates for the House of Representatives believe the present two-party system the FEC maintains is so profoundly biased and discriminatory against independent and third party candidates that the Federal courts will almost certainly intervene within the next several years.

Sincerely,

A handwritten signature in black ink, appearing to read "James Hurysz", with a long horizontal line extending to the left and a large loop at the end.

James Hurysz

Campaign ID: 00396937

**Jim Hurysz for Congress Campaign Committee
PO Box 5191
Preston King Station
Arlington, VA 22205**

September 20, 2006

Tony Buckley
Office of the General Counsel
Federal Election Commission
Washington DC 20463

Re: Request for Advisory Opinion

Dear Mr. Buckley:

Please excuse the delay in responding to your request for clarifications about my request for an FEC Advisory Opinion regarding my campaign seeking information from foreign nationals in Canada about how independents and third party candidates win elections in Canada.

The nexus of this matter appears to lie in the Commission's Advisory Opinion, 2004-26, regarding Congressman Gerald C. Weller and the activities permitted his then-fiancée, Zury Rios Sosa, concerning the application of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Commission regulations to the participation of a foreign national in the activities of two affiliates campaign committees and a non-connected multi-candidate committee on a volunteer basis.

The Commission decided that:

"Therefore Ms. Rios Sosa must not participate in Congressman Weller's decisions regarding his campaign activities. She must also refrain from managing or participating in the decisions of the Committees.

With regard to the four types of activities about which you inquire, the Commission concludes that Ms. Rios Sosa may, as an uncompensated volunteer, take part in these Committee activities as long as she does not participate in the Committees' decision-making processes. First, the Commission concludes that Ms. Rios Sosa may attend Committee events, such as rallies, debates, other public appearances, and fundraisers. Second, as an uncompensated volunteer, she may solicit funds from persons who are not foreign nationals. As an uncompensated volunteer, Ms. Rios Sosa may also give speeches at Committee events. Third, Ms Rios Sosa may attend meetings with Representative Weller and Committee personnel regarding Committee events or political strategy. She may not, however, be involved in the management of the Committees.

Finally, Ms. Rios Sosa may accompany Representative Weller and attend fundraising and campaign events of other political committees, provided she does not make a contribution of her personal funds in order to attend. However, her participation in such events is subject to the same limitations detailed above that govern her participation in events of the Committees."

Any campaign committee that I maintain or will maintain will have only U.S. citizens in decision-making and campaign-finance position.

I ask my campaign be allowed the same right to information and use of non-citizen campaign volunteers as Representative Weller, and other Members of Congress, enjoy under the First and Fourteenth Amendments, Federal elections statutes and regulations, and FEC decisions and opinions.

Congressman Weller and other Members of Congress are afforded a wide range of information, paid for by American taxpayers. The Congressional Research Service and Library of Congress employ persons who advise Members of Congress and who are not U.S. Citizens. Members of Congress are often advised by persons who are not U.S. Citizens when Members travel to foreign nations, travel paid for by American taxpayers.

I wish to obtain information from Canadians about the manner in which Canada's multi-party system operates and how third party candidates and independents win election in Canada. I would like to utilize Canadian citizens as campaign volunteers.

May I use campaign funds to pay for the information? May I use personal funds to pay for the information? May I use campaign funds to travel to Canada to obtain information? May I use personal funds to travel to Canada to obtain information? Can Canadian citizens volunteer for a wide range of campaign activities that don't involve decision-making or fund-raising? May Canadians provide information about the campaign process in Canada by donating campaign material from past elections to my campaign?

If you have any further questions, please contact me.

Sincerely,

James Hurysz



Tony Buckley /FEC/US

09/27/2007 11:37 AM

To JH4Congress@aol.com

cc Ron Katwan/FEC/US@FEC

bcc Merita Johnson/FEC/US@FEC

Subject Your Advisory Opinion Request

Mr. Hurysz -

The Federal Election Campaign Act of 1971, as amended, authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 USC 437f(a). Commission regulations require that advisory opinion requests include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made. 11 CFR 112.1(c). The regulations further explain that the Office of General Counsel shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d). After reviewing your submission providing additional information for your advisory opinion request, we have determined that more information is still needed for your request to be considered complete.

First, we need to know what specific activities you intend foreign nationals to undertake in connection with your campaign. Please describe all specific duties foreign nationals will have in your campaign. If foreign nationals will manage or supervise others, please describe completely the duties of those persons the foreign nationals will manage or supervise.

Second, several of the questions you want answers to mention "information" to be obtained from foreign nationals. Please describe with as much specificity as possible the "information" you are referencing.

Third, your final question references "campaign material" from past Canadian elections to be donated to your campaign by foreign nationals. Please describe with as much specificity as possible the "campaign material" you are referencing.

If you have any questions regarding the additional information we seek, please contact me at 202-694-1650.



JH4Congress@aol.com
09/27/2007 05:39 PM

To **tbuckley@fec.gov**
cc
bcc

Subject Re: Your Advisory Opinion Request

History:  **This message has been forwarded.**

Mr. Buckley,

First, Canadian citizens who might volunteer would not be in supervisory or management positions in my campaign. Congressional campaigns use volunteers for a variety of operations, lit drops, door to door canvassing, handing out literature at transit stations, telephone banking, and get out the vote. I would utilize Canadian volunteers for these and similar grassroots operations.

Second, the information I would seek from Canadians would include information about the methods third party and independent candidates use in Canada to win elections. This information would consist of widely circulated campaign information and information from meetings and events. The information would correspond to the information that is handed out and presented at popular political events in the United States like The Campaign for America's Future's "Take Back America Conference" held each year in Washington D.C.

Third, the campaign material I would accept as information from Canadian third party and independent candidates to donate are the flyers, advertisements, door hangers, tri-folds, signs, and other printed material used in previous campaigns.

Please note that all of the aforementioned campaign materials are available to Members of Congress upon request to the Congressional Research Service and/or Library of Congress.

Sincerely,

James Hurysz

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JH4Congress@aol.com
09/28/2007 10:45 AM

To **tbuckley@fec.gov**
cc
bcc

Subject Background on Canada in the 21st Century

History:  This message has been forwarded.

Mr. Buckley:

FYI

Although Washington is 300 miles from Canada, Americans are apparently unaware of governmental and legislative developments in Canada over the past 15 years.

Canada is a multicultural nation with high immigration and two official languages (French and English).

Canada has 3 major political parties and independents and third party candidates are regularly elected to Parliament.

"Native Americans" and Inuit have been given significantly greater sovereignty and self-determination.

Marijuana possession has been largely decriminalized. Same sex marriage is legal. The Canadian government recently apologized for its role in the rendition of a Canadian citizen by the CIA.

Canada has a single-payer national health insurance system.

Canada enjoys good diplomatic relations with Third World nations.

The Canadian armed forces often engage in peacekeeping operations and are welcomed by Third World nations.

These are several of the reasons that I would like to obtain information from Canadians.

James Hurysz

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JH4Congress@aol.com

10/03/2007 01:13 PM

To tbuckley@fec.gov

cc

Subject Re: Get Out the Vote Campaign Activities

Mr. Buckley:

Get Out The Vote activities are essential to any federal, state or local campaign for public office.

Non-profits, such as the League of Women Voters, use GOTV to encourage more voters to vote. This is viewed by them as enhancing democracy.

GOTV political campaign activities are almost always carried out by volunteers.

So, my campaign would use the following types of activities:

Canvassing (telephone, door to door, and by voter lists) to determine who is likely to vote for me.

In the weeks and days before the election, contacting these likely voters by telephone. Also asking if anyone needs a ride to the polls.

Placing reminder literature on door handles, in apartment loobbies, etc., just before election day.

Holding rallies just before election day.

Giving disabled and elderly voters rides to the polls on election day.

Passing out campaign literature at transit stations just before election day.

Putting up large numbers of campaign signs at polling stations and in public places just before election day.

Jim Hurysz

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