



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

October 28, 1976

AO 1976-95

Frank T. W. New, Treasurer  
Liberal Party of New York State  
1560 Broadway  
New York, New York 10036

Dear Mr. New:

This is in response to your letter, dated October 8, 1976, in which you request that the Commission rule that, because the Liberal Party has created a committee, namely the Liberal Party Campaign Committee for 1976-Carter-Mondale, that such committee is a national committee as defined by the Federal election campaign laws and in particular 2 U.S.C. §431(k). You indicate that the Liberal Party has been specifically authorized by the delegates at its nominating convention to establish such a national committee and that the Liberal Party itself supports a national ticket composed of a presidential and vice-presidential candidate.

The Federal Election Campaign Act of 1971, as amended ("the Act") defines, in 2 U.S.C. §431(k) the term national committee to mean "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." The term "political party" is defined in 2 U.S.C. §431(m). See also §100.17 and §100.16 of the Commission's recently proposed regulations. In support of your contention that the Liberal Party is a national party you state that "support is obtained from many residents in many states," that "literature is mailed to voters in many states," and that "contributions are received from persons throughout the United States."

The real question then is whether the Liberal Party operates at the national level. The Commission has addressed this same issue previously, albeit in a slightly different context. In Advisory Opinion 1975-129 (41 FR 5755, February 9, 1976) the Commission indicated that the National Committee of the Libertarian Party (LNC) was a political committee operating at the national level since the LNC had "nominated Presidential and Vice Presidential candidates, and 1976 will run at least 100 candidates for the Senate and the House of Representatives in over 30 states." The LNC also represented that it engaged in activities outside of those which directly influenced

specific elections in that it supported voter registration and get-out-the-vote drives, provided speakers, organized volunteer workers, and publicized issues of importance to the party and its adherents throughout the United States. Your case appears to be distinguishable. The history of the Liberal Party indicates activity focusing only on the State of New York and in particular the City of New York. See generally J. Gelb and M. L. Palley, Tradition and Change in American Party Politics 180 (1975); R.A. Straetz and F. J. Munger, New York Politics 30-32 (1960). The Commission believes that until a party demonstrates sufficient activity on a national level it may not take advantage of those provisions of the Act applicable to national committees. Accordingly, the Commission concludes that the Liberal Party Campaign Committee for 1976 is a subordinate committee of a State party but is not the national committee of a political party.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,

(signed)

Vernon W. Thomson

Chairman for the

Federal Election Commission