

HAGELIN
for PRESIDENT ★ 1996
NATURAL LAW PARTY PRESIDENTIAL CANDIDATE

FEDERAL ELECTION
COMMISSION
MAIL ROOM

Nov 28 10 49 AM '95

Nov 29 4 20 PM '95

November 17, 1995

Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Attention: Mr. N. Bradley Litchfield
Associate General Counsel

AOR 1995-45

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
Nov 28 11 48 AM '95

Dear Mr. Litchfield:

On behalf of Dr. John Hagelin, a 1996 presidential candidate, and the Dr. John Hagelin for President, 1996 committee (the "Committee"), his principal campaign committee, I am writing to clarify that certain expenses of the Committee for general election ballot access costs constitute "qualified campaign expenses" under the Presidential Primary Matching Payment Account Act, 26 U.S. C. §§ 9031-9042, and Commission regulations.

Dr. Hagelin is seeking the nomination of the Natural Law Party of the United States of America. He plans to complete his threshold submission for presidential primary matching funds this month, and expects to qualify for such funds. Dr. Hagelin's goal is to win the nomination of the Natural Law Party, and to appear on the general election ballot in as many states as possible as the candidate of the Natural Law Party.

Dr. Hagelin's campaign expenses will, in part, include expenses to obtain signatures for nominating petitions in several states so that his name will appear on the general election ballot as a presidential candidate. Dr. Hagelin's campaign expenses will also include, in part, expenses in several states to secure a place on the general election ballot for the Natural Law Party, with the objective of securing the party's nomination and thereby having his name appear on the general election ballot as the party's candidate.

As the Commission is aware, each state has its own ballot access requirements and procedures. In some states such as California, in order for a candidate such as Dr. Hagelin to appear on the ballot as the candidate of a particular party, the party must be on the ballot. In addition, in some states, it is simpler and more cost-effective to gain general election ballot access for the candidate's political party than for the candidate as an independent candidate. In California, for example, the number of signatures required to gain general election ballot access for an independent candidate is greater than the number of voter registrations required to put the party on the ballot permanently.

In each state, after careful consideration, the Committee selects the method of ballot access which the Committee believes will be the most effective means of securing a place on the ballot for Dr. Hagelin as the Natural Law Party candidate. In Iowa, for example, the Committee has decided to seek ballot access for Dr. Hagelin by obtaining signatures for nominating petitions to place his name on the general election ballot. Thus, the Committee would make expenditures for signature-gathering activities in that state. On the other hand, the Committee has determined that the best means of securing a place for Dr. Hagelin on the California general election ballot as the

candidate of the Natural Law Party is to get the party on the ballot. In the latter case, the campaign would make expenditures for voter registration activities in order to fulfill California state requirements for ballot access for the party.

Based on a review of the Commission's advisory opinions on this issue, it is our understanding that ballot access costs as described above for the purpose of placing Dr. Hagelin's name on the ballot for the general election are indeed qualified campaign expenses under the Act, provided of course that they are made or incurred during the matching payment period. In Advisory Opinion 1984-11, the Commission reviewed the requirements that "qualified campaign expenses" must be made (or obligations incurred) within the matching payment period, and must be in connection with the candidate's campaign for nomination. The Commission noted that Dennis Serrette, a 1984 presidential candidate, who requested that advisory opinion, would be making expenditures to collect petition signatures for the general election ballot. The Commission concluded that

"these expenses, to the extent that they are paid or incurred within what would be Mr. Serrette's matching payment period if he becomes eligible for matching funds, would be qualified campaign expenses for purposes of the Matching Payment Act."

The Commission also reiterated in that opinion that "[t]he regulations recognize that for nonmajor party candidates the requirements of State law governing qualification for a position on the general election ballot serve purposes similar to a primary election or other nominating process." (See also AO 1975-44.)

The Commission reaffirmed its position that Federal matching payments could be used for general election ballot access costs incurred until the end of the candidate's matching payment period in Advisory Opinion 1984-25. In that opinion, addressed to presidential candidate Sonia Johnson, the Commission cited language from the Serrette opinion in support of its position.

In light of the above information, we respectfully request confirmation that expenditures by the Hagelin campaign for general election ballot access during his matching payment period constitute "qualified campaign expenses." Such expenditures would include both those for the purpose of collecting petition signatures to have Dr. Hagelin's name appear on the ballot and those for the purpose of gaining ballot access for the party through voter registration and other state-required activities with the objective of having Dr. Hagelin's name appear on the ballot as the candidate of the Natural Law Party.

We trust that this request can be effectively addressed informally by a letter from your office. If, however, this request requires a formal advisory opinion, please consider this a request for an advisory opinion under the Federal Election Campaign Act and notify us in advance of any public meeting in which it is discussed.

If you have any questions or require any additional information, please call Ellen Akst Jones at 515-472-1930. I would like to thank you and your staff for your assistance in this and all previous matters. We look forward to receiving your response.

Sincerely,



Michael Spivak
Treasurer