

17 AUG 1976

AO 1976-8

Mr. Robert L. Brewster  
Brewster for President Committee  
Post Office Box 591  
Maitland, Florida 32751

Dear Mr. Brewster:

This responds to your recent undated letter requesting an advisory opinion on two questions involving the preemption of State law by the Federal Election Campaign Act of 1971, as amended.

Your letter asks whether 2 U.S.C. §453 preempts State law with regard to the following matters: (1) the number of signatures necessary to place a new party on a primary ballot, if that party "limited itself to only Federal positions"; and (2) requirements that political parties establish certain organizational committees such as State committees, county committees, and local committees, again, assuming that the party in question "limited itself to only Federal positions".

It is the opinion of the Commission that 2 U.S.C. §453 does not preempt provisions of State law pertaining to the number of signatures necessary nor those requiring the establishment of certain organizational committees in order to place a new party on a State primary ballot, even though that party "limits itself to only Federal positions". See generally a prior opinion of the Commission's General Counsel, OC 1975-14, copy enclosed.

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,

Vernon W. Thomson  
Chairman for the  
Federal Election Commission