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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

United Citizens Party  
402 Stroud Ct.  
Greenwood, SC 29646

SEP 15 3 16 PM '00

August 20, 2000

Federal Election Commission,  
Office of General Counsel  
999 E Street, NW  
Washington, D.C. 20463

AOR 2000-27

Dear Sir:

I request an opinion concerning the application of the Federal Election Campaign Act of 1971 as amended and Commission regulations to the possible status of the State Executive Committee of the United Citizens Party (UCP) as a State committee of the United Citizens Party.

The United Citizens Party, named the Patriot Party of South Carolina from 1992 to June 2000, has had ballot status in South Carolina from 1970 to now, and has fielded candidates for Federal office. The United Citizens Party first fielded candidates for federal office in 1972 (George McGovern for President). Recently, in 1996 it fielded (under the name the Patriot Party) Ross Perot for President, and Peter Ashy for U.S. Senate, in 1998 it fielded Peter Ashy for U.S. Congress. This year it is fielding, for Federal office, Ralph Nader and Winona LaDuke for President and Vice-President, and Peter Ashy for U.S. Congress (4th district).

We have held many meetings this year and have organized 10 additional counties in South Carolina, including Greenwood County, Spartanburg County, Charleston County, Berkeley County, York County, Lexington County, Richland County, Beaufort County, Fairfield County, and Greenville County. The United Citizens Party returned to its original name this year and held a nominating convention attended by 110 delegates. At that convention, the UCP nominated candidates for several federal offices, including President, Vice-President, two U.S. Congressional seats (and several state and local offices).

As you can see from the attached UCP bylaws, the State Executive Committee is responsible for the day-to-day operation of the United Citizens Party at the state level as determined by the commission. 2 U.S.C. 431(15); 11 CFR 100.14.

This party has fielded candidates in South Carolina for federal office since 1972, but has not been affiliated formally with any national political party. During that entire time, the UCP has had formal ballot status in South Carolina, with rights to field candidates for any federal or state office. We are anticipating that the party may receive and expend in excess of \$5,000 this year for our campaign that includes candidates for federal offices.

Sincerely,



Michael J. Avey  
UCP State Vice-Chair

Enclosure: UCP Bylaws

**CONSTITUTION AND BYLAWS  
OF THE UNITED CITIZENS  
PARTY (PATRIOT PARTY)  
OF SOUTH CAROLINA**

**ADOPTED BY THE STATE EXECUTIVE COMMITTEE ON June 10, 2000**

**The Purpose of the United Citizens  
Party is to Promote, Through the  
Electoral Process, Human, Civil,  
Workers, and Reproductive Rights,  
Environmental Protection, and  
Governmental Reform**

**Any person who is registered to vote in South Carolina may become a member of the  
United Citizens Party by attending any party meeting or Convention**

## **STRUCTURE OF THE Party Principles Committee**

The members of the Party Principles Committee are:

### **The State Chair**

The state chair is responsible for presiding over meetings of the United Citizens Party Executive Committee and the United Citizens Party Central Committee. The Chair is a member of all standing committees and is responsible for implementing the decisions of the party

### **The State Vice-Chair**

The Vice-Chair is responsible for the duties of the State Party Chair in the absence of the Chair. The Vice-Chair serves as a member of all standing committees

### **The State Treasurer**

The Treasurer, along with the Chair of the Finance committee, monitors the financial transactions of the party.

### **The First Secretary**

The duties of the First Secretary of the United Citizens Party include corresponding with the members of the organization, informing them, in advance, of meetings and other matters. The First Secretary works with the party webmaster to utilize the Internet for party recruitment and communication.

### **The Second Secretary**

The duties of the Second Secretary of the United Citizens Party include receiving official communication from the Executive Committee of the party, the Standing Committees, and other bodies of the party and insuring that the information is communicated to the appropriate officers or governmental authorities.

### **The Chair of the Employee Rights committee**

The Chair of the Employee Rights Committee sits as a member of the State Executive Committee and communicates the concerns of the activists on employee rights to the other officers of the party.

### **The Chair of the Environmental Action Committee**

The Chair of the Environmental Action Committee sits as a member of the State Executive Committee and communicates the concerns of environmental activists to the other officers of the party.

The Chair of the Committee on reforming the Criminal Justice System  
The Chair of the Committee on Reforming the Criminal Justice System sits as a member of the State Executive Committee and communicates the concerns of activists on the reform of the criminal justice system to the other officers of the party.

The Chair of the Reform of Campaign and Lobby Finance Committee  
The of the Reform of Campaign and Lobby Finance Committee sits as a member of the State Executive Committee and communicates the concerns of activists on the issues of campaign and lobbying reform to the other officers of the party.

The Chair of the Committee for Racial Equality  
The Chair of Racism Issues Committee sits as a member of the State Executive Committee and communicates concerns of activists about Racism issues to the other officers of the party

The Chair of the Gender Equality Issues Committee  
The Chair of the Gender Equality Issues Committee sits as a member of the State Executive Committee and communicates concerns of activists on sexism issues to the other officers of the party.

The Chair of the Standing Committee of Young Voters  
The Chair of the Young Voters Committee sits on the State Executive Committee and communicates the concerns of the young voters to the other party officers.

The Chair of the Standing Committee on Senior's Issues  
The Chair of the Senior's Issues Committee sits on the State Executive Committee and communicates the concerns of the young voters to the other party officers.

The Chair of the Sexual Orientation Issues Committee  
The Chair of the Sexual Orientation Issues Committee sits as a member of the State Executive Committee and communicates concerns of activists on issues of human rights to the other officers of the party.

The Chair of the Civil Liberties Committee  
The Chair of the Civil Liberties Committee sits as a member of the State Executive Committee and communicates the concerns of activists on issues of civil liberties to the other officers

of the party.

**Chair of the Health Committee**

The Chair of the Health Issues Committee sits as a member of the State Executive Committee and communicates the concerns of activists on health issues to the other officers of the party.

**The Chair of the Municipal Issues Committee**

The Chair of the Standing Committee on Municipal Issues sits on the State Executive Committee and communicates the concerns of municipalities to the other party officials.

**The Chair of the County Issues Committee**

The Chair of the Standing Committee on County Issues sits on the State Executive Committee and communicates the progressive political concerns of government at the county level.

**The Chair of the Education Committee**

The chair of the Standing Committee on Education sits on the State Executive Committee and communicates progressive concerns about the schools to the other party officials.

**The Chair of the Campaign Committee**

The Chair of the Campaign Committee sits as a member of the State Executive Committee and provides information and assistance on election campaigns to the party and the other officers of the party.

**The Chair of the Finance Committee**

The Chair of the Finance Committee sits as a member of the State Executive Committee and keeps other officials informed of opportunities to acquire resources for the party.

**The Chair of the Rules and Bylaws Committee**

The Chair of the Rules and Bylaws Committee sits as a member of the State Executive Committee and monitors the actions of the State Committees to insure compliance with the party's rules.

**All United Citizen Party members who are members of the US Congress**  
Each member of the US Congress who appears on the ballot as a candidate of the United Citizens Party and is elected, may, during the term for which they were elected to office, sit on the State Executive Committee of the party.

All United Citizen Party members who are members of the US Senate  
Each US Senator who appears on the ballot as a candidate of the United Citizens Party and is elected, may, during the term for which they were elected to office, sit on the State Executive Committee of the party.

All United Citizen Party members who are statewide elected Constitutional officials in South Carolina.  
Each statewide elected official who appears on ballot as a candidate of the United Citizens Party and is elected by the voters may sit on the State Executive Committee of the party during the term for which they were elected.

The Chair of the Standing Committee of the members of the United Citizens Party Caucus of the State Legislature.  
The Chair of the Standing Committee of the members of the United Citizens Party Caucus of the State Legislature sits as a member of the State Executive Committee.

### **STANDING COMMITTEES**

The State Chair and State Vice-Chair are members of all standing committees. The Chairs of the Finance Committee and the Campaign Committee are appointed by the State Executive Committee. All other Standing Committees elect their own Chairs and may remove them in a two meeting process, first voting to declare the Chair vacant, and then, at the following Standing Committee meeting, electing a new Chair.

#### **Employee Rights Committee**

The Employee Rights Committee shall be composed of official and unofficial representatives of employee and labor organizations and other labor activists designated by the committee.

#### **Environmental Action Committee**

The Environmental Action Committee shall be composed of official and unofficial representatives of organizations who take action to improve the environment along with individual activists designated by the committee.

#### Committee on Reform of the Criminal Justice System

The Committee on Reform of the Criminal Justice System shall be composed of activists representing criminal justice reform groups, along with other individuals concerned with criminal justice issues.

#### Reform of Campaign and Lobby Finance Committee

The committee of activists on issues of campaign and lobbying reform includes representatives of organizations active on these issues, along with other individuals, designated by the committee, who are active on these issues.

#### Racial Equality Issues Committee

Official and Unofficial representatives of organizations that are active in opposing racism, along with other individuals, designated by the committee, who are active on these issues, constitute the Racism Issues Committee

#### Gender Equality Issues Committee

Official and Unofficial representatives of organizations that are active in opposing sexism, along with other individuals, designated by the committee, who are active on these issues, constitute the Gender Equality Issues Committee

#### Sexual Orientation Issues Committee

Official and Unofficial representatives of organizations that are active in politically supporting human rights issues, along with other individuals, designated by the committee, who are active on these issues, constitute the Sexual Orientation Issues committee

#### Health Issues Committees

Official and Unofficial representatives of organizations that are active in politically supporting health issues, along with other individuals, designated by the committee, who are active on these issues, constitute the Health Issues committee

#### Disability Issues Committee

Official and Unofficial representatives of organizations that are active in politically supporting disability rights issues, along with other individuals, designated by the committee, who are active on these issues, constitute the Disability Issues committee

#### Young Voters Committee

The United Citizens Party Committee on the concerns of young voters is composed of representatives from United Citizen

Party College Clubs, other college clubs that affiliate with the United Citizens Party, groups of young voters who are not enrolled in college, and other individual young voters that the committee may admit to committee membership.

#### Senior's Issues Committee

The Senior's Issues Committee is composed of representatives of groups working in senior's issues and other individuals who are concerned about senior issues.

#### County Issues Committee

The County Issues Committee shall be composed of officials of county governments in South Carolina elected as candidates of the United Citizens Party and other persons active on county issues admitted to the committee.

#### Municipal Issues Committee

The Municipal Officials Committee shall be composed of elected officials in municipal government in South Carolina who belong to the United Citizens Party and other persons active on municipal issues admitted to the committee.

#### Education Committee

The Education Committee shall be composed of elected school board members who belong to the United Citizens Party and other persons active on education issues admitted to the committee.

#### The United Citizens Party Caucus of the state legislature

The members of the South Carolina State legislature who are organized into the party caucus in the legislature compose a Standing Committee of the State Executive Committee of the party.

#### Campaign Committee

The State Executive Committee appoints all members of this committee.

The Campaign Committee is composed of the State Coordinated Campaign director, the Director of Campaign Manager Training, the State Voter File Data Manager, the State Volunteer Coordinator, the State Finance Committee Chair, the Party Legal Counsel, the campaign managers of candidates running as candidates for the United Citizens Party, and other persons appointed to the committee.

Persons who intend to be nominees of the United Citizens Party may request campaign assistance from the Campaign



Committee in obtaining the nominations of additional parties. Should the State Executive Committee agree to provide assistance to these candidates the Campaign Committee shall assist these candidates with the primary elections or conventions of these other parties.

#### Finance Committee

The State Finance Committee shall have responsibility for obtaining fiscal resources for the United Citizens Party. The State Finance Committee Chair is appointed and replaced by the State executive Committee. The State Treasurer is a member of the Finance Committee. The Party Legal Counsel is appointed and replaced by the State Executive Committee and is a member of the Finance Committee. The Finance Committee Chair, the State Treasurer, and the State Chair appoint other members of this committee.

#### Party Rules and Bylaws Committee

The Party Rules and Bylaws Committee has responsibility to monitor the actions of the state and county party officials and members to insure that political actions of the United Citizens Party conform to these Bylaws. The State Party Second Secretary and the State Legal Counsel are members of this committee.

#### *OTHER COMMITTEES*

The State Executive Committee may create Temporary or Proposed Standing Committees. If the Proposed Standing Committees are placed in the Bylaws at a State Convention the Chairs of these committees become members of the State Executive Committee.

#### *REPLACEMENT OF OFFICES ON THE EXECUTIVE COMMITTEE*

Replacement of vacant State Chair, State Vice-Chair, State Treasurer, State First Secretary, or State Second Secretary Offices shall be on temporary basis by the State Executive Committee. Absences at all State Conventions and State Executive Committee Meetings for any six month period by any of these officials shall be *prima facie* evidence of vacating the office.

Replacement of the State Executive Committee Officials who are selected by Standing Committees shall be at the pleasure of these Standing Committees.

## ***STRUCTURE OF THE STATE EXECUTIVE COMMITTEE***

All members of the State Principles Committee are members of the State Executive Committee. All standing committee Vice-Chairs are members of the State Executive Committee.

Each County Chair and County Vice-Chair of the United Citizens Party are also members of the State Executive Committee of the United Citizens Party.

Each county also may appoint one other member of the State Executive Committee for each 1,000 votes received in that county on the ballot lines controlled by the United Citizens Party by candidates running for any office as official candidates of the United Citizens Party.

## ***CONVENTIONS***

As the first order of business, at every state convention of the United Citizens Party of South Carolina, all vacant offices and positions of the party will be filled, provided that there are qualified candidates for these offices.

The first step in this process shall be to call all standing committees into simultaneous session. Committees that include representatives of supporting organizations will recognize new official representatives from organizations and admit them to the committee. Next the committees will approve, by vote, unofficial representatives of organizations. Then the committee may admit independent activists to their ranks as formal members of the committee. Committees that include elected representatives shall admit elected officials who qualify to their committees and may then admit independent activists as formal members. Then, if the committee chair is vacant, each committee will hold election for the chair, for a term to run at the pleasure of the committee.

The second step of the process to be taken by the United Citizens Party at conventions is to briefly recess the State Convention to allow the county organizations to meet to fill vacancies. Each county meeting will fill vacant County Chair, Vice-Chair and other county offices, including additional Central Committee members determined by votes on the United Citizens Party ballot lines, by election by the county organization.

## **Local Clubs and County Conventions**

On the second Saturday in January in even numbered years, the United Citizens Party shall advertise in all newspapers with general circulation in the state the dates and locations of all club meetings, all county conventions, and the State Convention.

The United Citizens Party members in each precinct shall be called a local club. On the first Saturday in February all United Citizens Party members wishing to participate in the State Organizing Convention shall go to their polling place at noon for a local club meeting. There the local club shall elect a president, one or more vice presidents, a secretary, and a treasurer, a precinct or club secretary and a district executive committeeperson. Any local club that fails to organize at this time may organize at the county convention or at the State Convention.

Each county shall have a convention at the county courthouse at noon on the third Saturday in February of every even numbered year. At that County Convention a County Chair, County Vice-Chair, County Secretary and such other officers as they deem appropriate shall be elected by plurality vote of the attendees who are registered to vote in that county. These county officials shall compose the United Citizens Party County Executive Committees and shall take actions appropriate for county committees of a political party. After the county organizing elections occur, the new county chair shall report the events of the meeting and the new officers to the State Party Second Secretary.

Each county organization shall function as a County Club of the United Citizens Party, except where municipal groups may want to form another club they may do so and still meet with the general county club in the County Convention before State Conventions to select delegates to the State Convention.

At each convention the delegates to the State Executive Committee shall be selected. The delegates shall be the County Chair, County Vice-Chair, and additional delegates at the rate of one additional delegate per 1,000 votes obtained on the United Citizens Party's ballot lines in that county since the previous State Organizing Convention.

Among the tasks to be performed by the county committees shall be the scheduling of Municipal Nominating Conventions for the cities within their county. After the general election ballots are tabulated each even year, the Chair of the county committee shall report to the State Campaign Committee and the State Second Secretary the total number of votes obtained in their county by candidates of the United Citizens Party on the ballot lines of the United Citizens Party.

Vacancies in County Club Offices may be filled on a temporary basis by any meeting of the County Club, or at the State Convention by the party members attending the convention who are registered to vote in that county.

### *STATE PARTY ORGANIZING CONVENTION*

The State Organizing Convention of the United Citizens Party shall meet on the first Saturday in March at a location announced in newspapers of general circulation on the second Saturday in January. At the State Conventions of the United Citizens Party, only members of the Executive Committee and other county delegates of the United Citizens Party shall have voting rights. All Standing Committees shall report to the State Executive Committee. At that convention the delegates shall elect a State Chair, a State Vice-Chair, a State Treasurer, a State First Secretary, and a State Second Secretary, from among nominees submitted by Standing Committees, for two-year terms. Changes to the party platform will be considered by the Convention and may be implemented by plurality vote of the delegates.

At the close the convention will be recessed to be reconvened later for the nomination of candidates for public office.

### *STATE PARTY NOMINATING CONVENTIONS*

During every even-numbered year the State Executive Committee shall reconvene the State Convention to nominate candidates for elective office. After the party office vacancies are filled, the State Convention shall entertain nominations for candidacy for federal and state public office, and if the voting delegates agree, the nominated candidate will be placed on the ballot lines controlled by the party for the upcoming election.

Before the United Citizens Party Nominating Convention nominates Candidates for federal and state office, the County Nominating Conventions shall convene to nominate candidates for local office in each county. After each county group nominates the candidates for their county, the county chairs shall notify the State Party Second Secretary of the candidates chosen to be placed on the United Citizens Party ballot line in the election.

After the convention the Second Secretary, the State Chair, or the State Vice-Chair shall arrange the notification of the South Carolina Election Commission of the nomination choices of the party.

The United Citizens Party may nominate candidates for office who are or may be nominated by another party (fusion).

### *MUNICIPAL NOMINATING CONVENTIONS*

At least four months before the scheduled municipal election of each city in South Carolina, the County Committees shall schedule a municipal nominating convention to nominate candidates for municipal offices to be supported by the United Citizens Party.

At the Municipal Nominating Convention the county chair shall accept nominations for local candidates to be endorsed by the United Citizens Party. The party members who are registered to vote in the municipality shall choose which candidate to support. The convention shall endorse candidates by a plurality vote of those members attending the convention.

The county chair shall pass a list of all such endorsed candidates to the State Party 2<sup>nd</sup> Secretary who shall send copies to all members of the State Executive Committee

### *STATE PARTY REORGANIZING CONVENTIONS*

The State Executive Committee or any five members of the party may call a State Reorganizing Convention during the odd-number years. This convention shall plan for future party activity, shall receive reports on the previous year's activities from all standing committees, shall proceed in the order, and shall have all responsibilities, of a State Organizing Convention.

### *PARTY PLATFORM DEVELOPMENT*

Each Standing Committee may, from time to time, suggest changes in the party positions and campaign platform concerning the areas of interest covered by that committee. Upon finalization of the proposed change in the party principles or party campaign platform, the committee shall to submit a document containing the proposal to the State Party Second Secretary. The Party Second Secretary shall keep these proposals and submit them to the next statewide convention for the approval or disapproval of the delegates.

### *NATIONAL AFFILIATION*

The South Carolina United Citizens Party shall determine or alter the affiliation of the party with a national political party as part of the party principles at the Party Nominating Conventions.