

December 2, 2012

Federal Election Commission
ATTN: Jeff S. Jordan, Supervisory Attorney
999 E Street NW
Washington, DC 20463
Re: MUR #6681

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2012 DEC -6 PM 3:50
OFFICE
MUR # 6681

Dear Mr. Jordan:

On November 28, 2012 I received your letter dated November 7, 2012 alleging that the Green Party of Virginia Federal PAC or I in my official capacity as treasurer of the PAC may have violated the Federal Election Campaign Act of 1971 (FECA) by "knowingly accepting an in-kind illegal campaign contribution". This alleged illegal act occurred when officers of the Green Party of Virginia (GPVA) received ballot access petitions delivered by Glenda Gail Parker to the Virginia State Board of Elections (SBE) in Richmond, Va. on Friday, August 24, 2012. The petitions in question contained several thousand signatures that Parker solicited from registered Virginia voters to qualify Green Party presidential candidate Jill Stein for the 2012 General Election ballot in the Commonwealth of Virginia. The Green Party of Virginia denies the allegation insofar as:

- 1) Neither the Stein campaign nor the GPVA Federal PAC ever entered into an agreement or contracted to purchase Parker's signatures. Furthermore in my capacity as treasurer of GPVA, I never received any correspondence from Gail Parker or SteppingStone Industries, Inc. before this complaint and was never advised by GPVA co-chairs that an agreement had been reached.
- 2) Thus Parker had no reason to expect compensation for her services.
- 3) Absent a contract to pay Parker for her work, Parker's independent, petitioning effort amounted to a volunteer contribution of time and labor not covered by FEC restrictions on in-kind donations.
- 4) The fact that Parker invoiced GPVA did not cause a contract to be consummated, because no price was ever agreed upon.
- 5) The fact that GPVA officers received Parker's petitions at SBE headquarters did not constitute an illegal in-kind donation by the GPVA Federal PAC to the Stein Campaign, because Parker is not a member of GPVA, and she had no contract real or implied to provide any services to the GPVA Federal PAC. Therefore the GPVA Federal PAC could not have made an illegal in-kind contribution to the Stein Campaign through the agency of Gail Parker.
- 6) As far as GPVA is concerned, the intent of Parker's independent petitioning effort was to compel GPVA and/or the Stein Campaign to purchase the signatures she obtained at the price she demanded or otherwise trigger a violation of FECA. This amounts to extortion.
- 7) The fact that GPVA officers accepted Parker's signatures and turned them over to an SBE election official did not make them party to an illegal act. On the contrary, they along with Parker would have been liable for prosecution under the Virginia Election Code for defrauding the voters who signed Parker's petitions had they not turned them over to SBE on August 24, 2012, the deadline set by the Commonwealth of Virginia for delivery of independent presidential candidate nominating petitions for the 2012 General Election.

- 8) Finally, even if GPVA's acceptance of Parker's signatures constituted an in-kind donation to the Stein Campaign, it was impossible to determine on August 24, 2012 the fair market value of those signatures. Thus the amount of the illegal component of the donation cannot be assessed, as will be explained further below.

Following is information supporting each one of these contentions.

- 1) The fact that the Stein Campaign never consummated a contract with Parker is not in dispute, inasmuch Parker herself relates that on August 24 while en route to Richmond to deliver her signatures to SBE Parker was "unable to continue negotiations" to sell her signatures to the Stein Campaign "because of the short timeline required and because my mobile phone's battery was too low."

Exhibits A, B and C show correspondence between GPVA Co-chair Audrey Clement, Carey Campbell, founder of the Virginia Independent Green Party (VAIG), Glenda Gail Parker and Joe Oddo. Both Oddo and Parker are officers of VAIG, which is not affiliated with the national Green Party (GPUS), but which competes with GPVA for Green Party votes in the state of Virginia. This correspondence indicates that GPVA did not contract with Parker or Oddo, because GPVA was prepared to offer no more than \$1 per signature, a price that was unacceptable to both Oddo and Parker.

- 2) Nevertheless Gail Parker continued her independent petitioning effort on the **supposition** that if GPVA agreed to pay her \$1 per signature, the Stein Campaign would come up with the difference. Exhibit D shows that in replying to an email from Parker's colleague and party leader Carey Campbell on July 10, 2012 Audrey Clement advised Campbell that there was no deal with GPVA, because Clement had learned that any funds GPVA might receive from the national party could not be used for that purpose. She also advised Campbell that Stein's campaign manager, Ben Manski, had informed her that there was no deal with the Stein Campaign either. Thus as of July 10, 2012 Campbell knew that VAIG petitioners had no expectation of payment either from the GPVA Federal PAC or from the Stein Campaign.

- 3) If Parker was not hired by either GPVA or the Stein Campaign, then the question is whether her independent petitioning effort constituted an in-kind service as she alleges, or a donation of a personal service not subject to FEC reporting. If it was an in-kind service, then Parker could sue any federal candidate for violation of FECA who did not meet her price, so long as the price she set exceeds FECA contribution limits. This is untenable insofar Congress could not possibly have contemplated extortion as an acceptable outcome of its desire to regulate federal elections.

- 4) Also untenable is Parker's notion that her invoice to GPVA and the Stein Campaign of August 22, 2012 constituted a contract. To argue as Parker does, that Stein and GPVA must honor an invoice whose terms were in dispute violates a basic tenet of contract law, which is that the buyer must accept the seller's offer at a price they both agree upon. Surely Congress did not intend to subvert well settled contract law when it adopted FECA in 1971. Yet according to Parker, the Stein Campaign had to:

- a) pay the price she demanded; or
- b) accept delivery of an illegal in-kind donation; or

c) refuse delivery of the petitions, thereby defeating the expectation of the voters who signed the petitions that they would be delivered to SBE.

The latter outcome constitutes fraud, something that neither Stein nor her agents were prepared to visit upon the voters of the Commonwealth of Virginia in 2012.

5) FEC is concerned that in receiving Parker's petitions at the office of the Virginia SBE in the presence of SBE officer Matthew Abell, GPVA officers accepted an illegal in-kind donation on Jill Stein's behalf. However, GPVA officers did not visit SBE offices on August 24, 2012 to consummate a deal with Glenda Gail Parker. They visited SBE's offices to see to it that all of the signatures collected on Jill Stein's behalf were delivered by the 12:00 p.m. deadline to the Secretary of State of the Commonwealth of Virginia.

When Parker handed her signatures to GPVA Co-chair Tom Yager, Yager immediately turned them over to Abell. To claim that by virtue of this act, the purpose of which was to honor his obligation to the voters of Virginia, Yager violated the law renders Virginia's own election code a dead letter. Again Congress could not have contemplated such an outcome when it enacted FECA.

6) If Parker's gambit is viewed as legitimate by the FEC, it will have the effect of compromising all federal petitioning efforts in the United States, including most particularly those of **major party** candidates, who will be even more vulnerable to price extortion from unscrupulous petitioners than the Green Party, which has little of value to extort. In the event a federal Democratic or Republican candidate were unwilling to pay \$3, \$4, \$5 or even \$10 per signature, the petitioner would simply deliver the signatures he/she had collected on the appointed day and report them as an illegal in-kind contribution to the FEC, thus compromising in one fell swoop, the candidate, the campaign, the party, the voters who signed the petitions, and the election code of the state in which the fraud was perpetrated. This is untenable.

7) Allowing petitioners like Parker to demand whatever the market will bear for their services or subject the candidates or their agents to prosecution under FECA will not only discourage federal political candidacies, it will also deny voters the right to state their preferences for federal candidates. Extortionate demands like these will thus operate as an infringement of the Fourteenth Amendment right to vote, which the FEC through FECA is bound to uphold.

8) In April, 2012 SBE advised the Libertarian Party of Virginia that several thousand signatures listed on its presidential nominating petitions obtained prior to the General Assembly's belated adoption of the state's decennial redistricting plan were invalid, because one of the electors listed on those petitions had been removed to another congressional district due to redistricting. Jill Stein's presidential nominating petitions circulated from January through April, 2012 suffered the same defect, insofar as one of her presidential electors had been removed to another district. In addition another elector had been compelled to resign or was "Hatched" after accepting employment with the federal government, and a third elector had moved out of state. So on August 24, 2012, the deadline for submitting the petitions, there was a serious question whether any of the signatures obtained before the circulation of a new Jill Stein petition in May, 2012 were valid. Exhibit E, a spreadsheet produced by Parker herself, shows that

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