

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

DR. JILL STEIN AND JILL STEIN)	
FOR PRESIDENT,)	
)	
Petitioners,)	
)	
v.)	No. 21-1213
)	FEC-LRA 1021
FEDERAL ELECTION)	
COMMISSION,)	
)	
Respondent.)	

PETITIONERS' STATEMENT OF ISSUES TO BE RAISED ON APPEAL

Pursuant to this Court's November 1, 2021 Order, Petitioners Dr. Jill Stein and Jill Stein for President (together, "**Stein**") respectfully submit their statement of issues to be raised in this appeal.

On October 1, 2021, nearly five years after the November 8, 2016 presidential election, Respondent Federal Election Commission ("**the Commission**") notified Stein of its determination that Stein "must repay \$175,272 to the United States Treasury," which Stein received pursuant to the Presidential Primary Matching Payment Account Act ("**the Matching Payment Act**"), 26 U.S.C. §§ 9031 *et seq.*, in connection with Stein's 2016 Green Party presidential campaign. The issues to be raised in this appeal are:

1. Whether the Commission's determination nearly five years after the 2016 general election that Stein must repay \$175,272 in matching funds was timely?
2. Whether the Matching Payment Act and the Commission's regulations authorizing the Commission's determination that Stein must repay \$175,272 in matching funds are unconstitutional as applied to Stein?
3. Whether the Commission's determination that Stein's Date of Ineligibility was August 6, 2016 was arbitrary, capricious, an abuse of discretion or otherwise contrary to law?
4. Whether the Commission's determination that Stein must repay \$175,272 in matching funds based on a Statement of Net Outstanding Campaign Obligations ("NOCO") the Commission did not complete until August 31, 2018, and the Commission's failure to permit Stein to include additional winding down expenses in a revised NOCO, was arbitrary, capricious, an abuse of discretion or otherwise contrary to law?
5. Whether equitable principles including reliance and estoppel bar the Commission from seeking repayment of matching funds from Stein?

Dated: December 1, 2021

Respectfully submitted,

s/Oliver B. Hall

Oliver B. Hall

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Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed using the Court's CM/ECF system on December 1, 2021, which will effect service upon all parties to this appeal.

s/Oliver B. Hall _____

Oliver B. Hall