

# LNC Executive Committee Meeting

## Teleconference September 26, 2000

Present: Jim Lark, Chair  
Dan Fylstra, Vice-Chair  
Mark Tuniewicz, Treasurer  
Steve Givot, Secretary  
Ken Bisson (IN), At Large Representative (joined the meeting during the discussion of the Proposed Browne email)  
Joe Dehn (CA), Region 2 Representative  
Michael "MG" Gilson de Lemos (FL), Region 4 Representative

Also present: Elias Israel (MA), At Large Representative  
Mark Nelson (IA), Region 1 Alternate (joined the meeting during National Director's Report)  
Dan Wisnosky (NV), Region 2 Alternate  
Deryl Martin (TN) - Region 7 Representative

Staff: Steve Dasbach, National Director

Lark called the meeting to order at 8:38 PM EDT.

### **Item: Agenda**

Lark said that he had received a request for an update on the web site project. He said that Givot requested a discussion of the possibility of working to establish a contract with affiliate parties.

Dehn asked that Dasbach's email request about sending out a Browne announcement be placed on the agenda.

The agenda was adopted with the additional items.

### **Item: Chair's Comments**

Lark said that he had seen some discussion about the LP News coverage of the Howell campaign. He said that the discussion concerned the accuracy of the coverage vis-a-vis the number of candidates who will be on the ballot. He said that he realizes that Winter may not have had sufficient information at his disposal, and that he did not mean to suggest that either Winter or Dasbach had conducted themselves improperly.

Lark said that he had considered placing a discussion item relating to the Howell campaign coverage in LP News on the agenda. He said that he recognizes the need to be upbeat and cover major campaigns. He said that it is important to pay close attention to the accuracy of such articles. He said that he intends to discuss the matter with Dasbach and Winter.

Lark said that he had received an email from Chris Raboin about a possible appeal regarding AZ ballot access. He said that he would discuss this under the agenda item relating to AZ.

Dasbach said that the information published in LP News was accurate and based on the best information available at the time it went to press.

Israel said that some people may be making assumptions based on the strength of various parties in their own states and applying those same assumptions to parties in MA. He said that there is "virtually no support" for the Constitution and Natural Law parties in MA.

## **Item: National Director's Report**

Dasbach said that the financial reserve has now been fully restored.

Dasbach said that a mailing has been sent to inquiries from 1996 to date as well as lapsed members. He said that about 170,000 letters were sent. He said that after two days of follow up calls, 44 people were reached, 22 said that would join, 13 declined to join, 6 said maybe, and others said they had already responded to the letter. He said that these results are very encouraging.

MG asked if this letter was the one adapted from a letter sent by LPNV.

Dasbach confirmed that it is.

Dasbach said that Atlanta does not have available the convention dates sought for in 2002. He said that Indianapolis does have those dates available and that he is expecting a bid from the hotels there soon.

Dasbach said that he has no new information about 527 groups.

Dasbach said that the main thing being worked on with the web site is the LP News interface administrative software. He said that, thus far, it has been necessary to send LP News articles to KIA for posting to the web site. He said that KIA reports that the software which will enable LNC staff to do this work is about 80% complete. He said

that similar software for other portions of the web site should be come fairly easily thereafter. He said that KIA has been much slower than anticipated in implementing these functions, but that the quality of their work has been excellent. Dasbach said that he authorized a small portion of the stage three payment to KIA to assure that they continue to focus on our project.

Dehn asked if any additional work has been added which will result in an increased cost to the LNC.

Dasbach said that the expenditure for a secure server hosting arrangement at a cost of about \$600 was in addition to the services provided for in the contract.

(Fylstra left the meeting at this point.)

Givot asked whether there has been any improvement in information exchange timetables between the LNC and the presidential campaign.

Dasbach said that Willis had requested prioritization of certain information flows. He said that information from the web site is being reported rapidly. He said that information from the 800 number is not handled efficiently by the campaign, and it is backlogged. He said that when the backlog from February through August was cleared up, there were about 5,000 phone calls from that period and about 3,000 names from the web site during that period.

Dehn offered to provide assistance.

Tuniewicz asked Dasbach about inquiries to the LP's web and 800 numbers.

Dasbach said that there has been an increase, but not a substantial increase. He said that the increase is less than in 1996. He said that there is a fairly significant increase in the number of people joining the LP on the web site. He said that membership and subscription revenues from the web site were running about \$5,000 per month before the convention and are running about \$5,000 per week now.

Tuniewicz ask Dasbach if KIA has presented a revised contract completion date.

Dasbach said that he has received none. He said that he wouldn't venture a guess as to when it will be completed. He said that he is pleased that KIA is putting in the time required to make sure that what they deliver "is right."

Tuniewicz asked Dasbach about 800 number activity.

Dasbach said that he is not seeing a lot of 800 number activity.

Tuniewicz asked Dasbach to explore whether the Howell campaign ads are now generating 800 number calls.

Dasbach said that he would look into this.

Tuniewicz asked Dasbach whether the core goal of ending the year with cash exceeding accounts payable by \$150,000 still seems attainable.

Dasbach said that it is still attainable. He outlined several factors that may affect the ability to achieve it.

Dehn asked why the EC has not been receiving updated financial information on a regular basis.

Dasbach said that he has been swamped. He said that he would send out a report the following day.

Dehn said that he has not received a balance sheet and an income statement in some time.

Givot said that he has not seen one in several months.

Dasbach said that he would discuss this with Nick Dunbar.

## **Item: Proposed Browne Email**

Dehn said that there is one point in the email that concerns him. He said that in the dialog from the NBC television program, someone is quoted as saying that Browne will be on the ballot in all 50 states.

Dasbach said that an email advisory will be going out on the announcements list updating people on ballot access.

Dehn said that he is glad to hear that national office will be sending out a ballot access update. He asked if that will be sent before the Browne email. He said that it may be appropriate to add some points to the version of the Browne announcement that LNC sends which provides this updated information.

Dasbach outlined how he intends to address this concern so that those receiving the email will have accurate information concurrent with receipt of it.

(Bisson joined the meeting at this time.)

## **Item: AZ Situation**

Lark said that Chris Raboin has responded to Joe Dehn regarding a possible appeal of the order from the AZ state court on Browne's attempt to overturn the June petition deadline for independent presidential candidates in AZ.

Dasbach said that the line of appeal is the state Court of Appeals, the AZ Supreme Court, and the US Supreme Court.

Givot asked whether, if the appeal is delayed until after the election, the court could dismiss it as being moot.

Dasbach said that because it involves a constitutional issue which affects future elections, it cannot be dismissed as moot because the election had passed.

Givot asked when the deadline is to file the appeal.

Dasbach said that Raboin believes the appeal should be filed by October 6.

Givot asked whether a claim for damages in the amount of petitioning costs - roughly \$55,000 - could be made.

Dasbach said that he did not think so, but that he would ask Raboin if such a claim could be made. He said that we might not want to include such a claim to avoid giving the judge a basis to rule against us.

Lark asked whether there was any sign of backlash against the leadership of ALP by its members in the aftermath of the leadership's decision not to place Harry Browne and Art Olivier on the Arizona ballot.

Dasbach said that he had seen no sign of this.

MG brought up David Nolan's suggestion that the LNC go directly to the AZ membership and ask them to write in the name of Harry Browne.

Dasbach said that Browne is not planning to run as a write-in candidate in AZ and that the Browne campaign has urged people in AZ to vote for L. Neil Smith.

## **Item: Possible Contract with Affiliates**

Givot introduced the topic by saying that recent experience in AZ has shown that there may be significant differences in expectations between the LNC and its affiliates about their relationship and actions.

Givot said that he believes that the LNC should consider working to develop a contract with any of its affiliates that would voluntarily enter into such a contract. He said that the contract that he envisions would identify the expectations and obligations of both the LNC and the affiliate party.

Givot said that, in his opinion, LNC regional representatives and alternates would be the best people to work with affiliates to draft such a contract.

Givot said that his sole purpose in bringing the discussion at this time was to see if there was interest on the part of the Executive Committee to exploring this possibility further.

Lark said that Dasbach has pointed out that some of our affiliates have ByLaws which have loopholes which might lead to problems such as those in AZ.

Dasbach said that some states are particularly vulnerable to what has happened to the Reform Party. He said that such ByLaws lend themselves to inviting problems, while ByLaws in other states are less likely to do so.

Lark said that Buttrick had warned him that states should evaluate their ByLaws in light of whatever state laws might govern party structure. He suggested that the review suggested by Givot might better be addressed as a "best practices" review.

Dasbach said that some states have requested a set of model ByLaws. He said that these requests have generally been dealt with by pointing inquiring affiliate parties to the ByLaws of other affiliates which are perceived to have good structures. He said that it might be beneficial for affiliates to enact a ByLaws requirement that the names of the candidates nominated by the LP national convention will be placed on their state ballot. He said that this might help avoid outsiders attempting to use an LP affiliate as a means to achieve cheap ballot access.

Tuniewicz said that the risk in that approach was demonstrated in AZ. He said that if a challenging group is strong enough to do what was done in AZ, it may be strong enough to change the ByLaws. He said that an agreement might create a legal obligation which would be stronger than a ByLaws provisions which can be amended unilaterally by someone trying a takeover.

Tuniewicz mentioned his experience as a board member of another membership-based organization which has a similar structure as the LP, with a national office and 50 independent state affiliates. In that case, there is a voluntary, standardized affiliate agreement with each state group that helps to clarify what the mutual obligations and responsibilities of the parties are.

Dasbach said that he sees no urgency in moving on this proposal. He said that an LNC signoff on the concept in December - with some proposal drafting done by April - should be sufficient.

Dehn said that he is not at all sure that this should be pursued. He said that although one can cite particular examples and particular problems that might be addressed by a contract, he is concerned that this approach will grow more and more complicated until it takes the place of the autonomous status of LNC affiliates today.

Dehn drew an analogy to the growth of federal involvement in the affairs of the 50 states. He said that the federal government has gotten around state autonomy by setting up supposedly voluntary programs which have enabled the federal government to control the states to a greater and greater extent.

Givot asked that this discussion continue at the next EC meeting.

## **Item: Remarks for the Good of the Party**

Tuniewicz asked about Crickenberger's availability to attend the EC meetings prior to the election.

Dasbach said that he thinks Crickenberger would be happy to attend, if there is a reason to attend.

Lark said that Crickenberger is a congressional candidate which may create obligations which conflict with EC meetings.

Dehn commented on a notice which was recently sent to all LP congressional candidates regarding possible funding by the LNC. He asked what responses have been received.

Dasbach said that about five or six anecdotal responses were received. He said that most of the responses said that they could probably take advantage of it.

Dehn asked if there was any deadline for campaigns to respond.

Dasbach said that no deadline had been set yet and that another notice would be sent before any deadline.

Dehn said that he had previously expressed concern that this program would be announced too late. He said that he now thinks that has happened.

Tuniewicz asked whether there is a maximum amount of funding that Dasbach has defined for this purpose.

Dasbach said that the amount of money raised will limit the amount available. He said that he believes that up to \$100,000 might be available for this purpose.

Tuniewicz suggested that based on his review of financial statements of two weeks prior, that an expenditure level of \$25,000 might be more appropriate for this item if we are to meet our core goal of \$150,000 in cash over accounts payable by the end of 2000.

Dehn asked how funds will be allocated if there are insufficient funds available for all candidates.

Dasbach said that the first \$5,000 will be matched for each participating candidate as long as funds allocated for this purpose remain. He said that all candidates who apply and qualify will be included before anyone gets more than the first \$5,000.

### **Item: Date of Next EC Meeting**

The Committee agreed that its next meeting will be held on October 10 at 8:30 PM EDT.

The meeting was adjourned at 9:58 PM EDT.

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