

LNC Executive Committee Meeting

Teleconference

July 16, 2000

Present: Jim Lark, Chair
Dan Fylstra, Vice-Chair
Mark Tuniewicz, Treasurer
Steve Givot, Secretary
Ken Bisson (IN), At Large Representative (joined during Ballot Access Report)
Joe Dehn (CA), Region 2 Representative
Michael "MG" Gilson de Lemos (FL), Region 4 Representative

Also present: Lois Kaneshiki (PA), At Large Representative
Mike Dixon (IL), Region 1 Representative
Scott Lieberman (CA), Region 2 Representative
Dan Wisnosky (NV), Region 2 Alternate
Tim Hagan (NV), Region 2 Alternate
Ben Scherrey (GA), Region 4 Alternate

Staff: Steve Dasbach, National Director

Lark called the meeting to order at 8:08 PM EDT.

Item: Setting the Agenda

MG moved adopted of the agenda as proposed by the Chair.

Lark suggested that Dehn's suggestion limiting discussion to 10 minutes on each agenda be adopted.

The agenda -- with Dehn's suggestion -- was adopted without objection.

Item: Chair's Comments

Lark said that he has discussed with John Buttrick the possibility that Buttrick would become General Counsel. He said that there was no reason to reach a decision at this time because Bill Hall has agreed to continue to serve as General Counsel through the December 2000 LNC meeting. He said that a decision needs to be made by the second LNC meeting after the convention.

Lark reported that six of seven members of the Judicial Committee elected in 1998 have agreed to continue to serve on that committee. He said that Steve Dillon had not yet been contacted regarding this.

Lark said that he has discussed the situation regarding Neal Randall in VT. He said that any members interested in information regarding this could contact him directly.

MG said that it is his understanding Randall is a very religious person and that this issue may not have been handled well when it first came up. He asked other regional representatives be on the lookout for similar situations.

Lieberman said that he has no objection to Buttrick serving as General Counsel as long as Buttrick recuses himself in matters relating to litigation in AZ.

Item: Ballot Access Report

Dasbach said that aside from the situation in AZ, the LP remains on track for 50 state plus DC ballot access. He said that the next 30 days will be very busy. He said that there are 10 drives which must be completed during that period. He said that this is in addition to VA which may already be done.

Dasbach said that the biggest challenge will be PA where somewhere between 6,000 and 10,000 signatures have been gathered against a target of 36,000 signatures. He said that this drive will probably be completed successfully, but that it will be a challenge.

Lark asked the Dasbach what the cost of the drive would be.

Dasbach said that the cost would be significantly higher because of the late start.

Dehn asked for gross costs of the drive and the LNC's cost for the drive.

Dasbach said that the total cost to the LNC for the PA ballot drive would likely be in the \$50,000 to \$60,000 range.

Givot asked whether Dasbach has adequate funding authority to complete the PA drive and other scheduled drives.

Dasbach said that he is unsure of this at the present time.

Dasbach outlined the various steps being taken to get more volunteer signatures. He said that the statewide campaign seems to be pushing hard to help out. He said that LPPA chair Tim Moir has resigned and no one has been appointed to replace him.

Kaneshiki said that LPPA wanted to make this an all-volunteer effort. She said that LPPA believes that with a membership of its size, there should be enough support to achieve ballot access on a volunteer basis. She said that in light of the error in judgment in not asking for LNC help earlier, she is not sure that the amount of money that must be spent to get the statewide candidates on the ballot in PA is best spent in that manner.

Lieberman asked whether Dasbach has considered a special email to people in PA to solicit contributions to fund the drive.

Dasbach said that this was already done for all states with outstanding ballot drives seeking volunteers to petition. He said that a follow up email is planned seeking funding from people in those states.

Lieberman asked about possible problems in CT.

Dasbach said that the deadline in CT is coming up close and that the state party was making good efforts but coming up a bit short. He said that if PA had not developed as a problem, CT would not be a problem.

Item: Discussion of AZ Situation

Lark asked the Committee to go into Executive Session.

Lark briefed the Committee on the requirement that discussion in Executive Session remain confidential.

Dasbach reminded the Committee that since General Counsel is not present, attorney-client privilege cannot be invoked.

The Committee went into Executive Session at 8:28 PM EDT.

The Committee returned to open session at 9:15 PM EDT.

Tuniewicz moved that Lark will approach ALP and ALP, Inc., Lark will suggest that MG, Givot, or Lark are willing to travel to AZ to assist in seeking out a long-term solution to issues between ALP and ALP, Inc., and that Lark will determine if ALP

and ALP, Inc. would like to suggest any other party to assist in developing a long-term solution.

Givot seconded.

The motion passed without objection.

Dehn said that an independent petition for president in AZ requires about 9,300 valid signatures. He said that the deadline has already passed. He said that it is Richard Winger's opinion that the AZ deadline is unconstitutional. He said that there is a U. S. Supreme Court decision that such a deadline cannot precede the major party nominating conventions.

Givot asked Dehn when the last major party nominating convention takes place.

Dehn said that it will be in mid-August.

Dehn said that AZ has had a past history of having independent petitioning through September. He said that this establishes a precedent that the State of AZ has been able to handle late petitioning.

Dehn moved that the LNC begin an independent petition drive in AZ for the Browne/Olivier ticket with a target completion date of the end of the Democratic Party's convention.

Givot seconded.

Dehn said that he has discussed the matter with ALP, Inc. Chair Peter Schmerl and that Schmerl has said that there are people in AZ who can be hired to gather these signatures. He said that he believes that this ballot drive can be finished without drawing non-financial resources away from other ballot drives.

Dehn said that Winger had suggested an attorney by the name of Jim Linger of Tulsa, a Libertarian who may be able to handle the lawsuit. He said that Winger estimated the cost of the lawsuit at about \$3,000.

Dehn said that Schmerl told him that an attorney who is involved in ALP, Inc. by the name of Hardy may be able to handle the lawsuit as well.

Dasbach said that having Hardy as local counsel would probably be helpful, but that an attorney who is experienced in ballot access matters should be leading the lawsuit.

Dasbach estimated that the cost of gathering the signatures would probably be in the \$15,000 range.

(Scherrey left the meeting at this time.)

Tuniewicz said that he has no clear sense as to the merits of the litigation which would accompany Dehn's proposal.

Dasbach said that with any litigation there are always question marks. He said that Winger has a good record regarding his recommendations in this regard.

Lieberman said that a signed agreement from ALP that someone would be listed as a Libertarian on the ballot would be sufficient to claim 50 state ballot access. He said that having two Libertarians on the same ballot for the same office would be confusing.

The motion passed 4-2. Fylstra, Givot, Dehn, and MG voted in favor of the motion. Tuniewicz and Bisson voted against the motion.

Dasbach informed the Committee that he will need additional funding authority to implement this motion.

(Kaneshiki left the meeting at this time.)

Item: Establishing a Meeting Schedule

The Committee reached consensus to meeting on alternating Tuesday nights at 8:30 PM ET with the first meeting to be held on July 18.

Item: Web Commanders

Fylstra moved that the LNC sign the last negotiated agreement with Web Commanders by David Bergland.

Bisson seconded.

Fylstra said that he believes that this is a fair agreement for the LNC under the circumstances.

MG asked whether the LP intends to pursue any others who use the name "Libertarian Party" in a domain name.

Dasbach said that based on the fact that Web Commanders planned an active business based on these domain names, he sees this as a special case. He said that the current trend toward using full names as domain names suggests that we acquire these particular domain names.

Fylstra said that the LP is pursuing registration of the name "Libertarian Party." He said that the party has a strong case and that owning this domain name will strengthen that case. He said that the party has pursued others using domain names using "Libertarian Party" and has succeeded in getting them to withdraw these domain names.

Tuniewicz characterized the amount of money involved as a "token payment."

Lark said that Dehn has sent a message which indicated that Web Commanders had registered these domain names to protect them on behalf of the LP. He asked why Web Commanders now asks for compensation in excess of his out of pocket costs.

Fylstra said that Web Commanders registered for these names to assure that no one else took them and to use them to start a business.

Dehn said that the LP is not taking anything away anything from Web Commanders to which they had a right in the first place. He said that he questions how much Web Commanders has put into this business. He said that any investment that Web Commanders has made can be used in starting a business using another domain name.

Tuniewicz said that he supports acceptance of the agreement because it is important to have the domain names point to the new LP web site as as soon as possible.

Dehn said that while the amount of money involved in the transaction is a token payment in the context of the purchase and sale of domain names, it is a significant amount of money to be paid to an activist for a domain name. He said that the LNC has been criticized in the past for its dealings with Web Commanders. He said that this agreement may pose a political problem because in addition to cash and free advertising, the LP is letting him start a business using its name. He said that the agreement subsidizes the risk Web Commanders would otherwise have in starting such a business. He said that he finds the agreement "distasteful."

MG asked whether Web Commanders is trying to cover his costs or to save face.

Fylstra said that he believes it is the latter.

The motion passed 4-2. Fylstra, Givot, Tuniewicz, and Bisson voted in favor of the motion. Dehn and Lark voted against the motion. MG abstained.

Tuniewicz asked Lark whether he intends to vote routinely.

Lark said that, in general, he will not be voting on most matters, but that he wanted his vote recorded on the Web Commanders matter.

The Committee agreed to postpone other items on the agenda until its July 18 meeting.

The Committee adjourned 10:06 PM EDT.
