

LNC Meeting

Teleconference August 24, 2000

Present: Jim Lark, Chair

Dan Fylstra, Vice-Chair

Mark Tuniewicz, Treasurer

Steve Givot, Secretary

Ken Bisson (IN), At Large Representative

Lorenzo Gaztanaga (MD), At Large Representative

Elias Israel (MA), At Large Representative

Ed Hoch (AK), Region 1 Representative

Mark Nelson (IA), Region 1 Alternate

Joe Dehn (CA), Region 2 Representative

Scott Lieberman (CA), Region 2 Representative

Dan Wisnoski (NV), Region 2 Alternate

Tim Hagan (NV), Region 2 Alternate

Michael "MG" Gilson de Lemos (FL), Region 4 Representative (joined meeting during discussion of resolution relating to ballot access challenges)

Richard Schwarz (PA), Region 5 Representative

Deryl Martin (TN) - Region 7 Representative

Absent: Lois Kaneshiki (PA), At Large Representative

Jim Turney, At Large Representative

Mike Dixon (IL), Region 1 Representative

Jim Dexter (UT), Region 1 Alternate

Sara Chambers (IN), Region 3 Representative

Barbara Goushaw (MI) - Region 3 Alternate

Ben Scherrey (GA), Region 4 Alternate

Carl Milsted, Jr. (VA) - Region 5 Alternate

Ken Lindell (ME) - Region 6 Representative

Dan Karlan (NJ), Region 6 Alternate

Mary Ruwart (TX) - Region 7 Alternate

Vacant: None

Staff: Steve Dasbach, National Director

Lark called the meeting to order at 8:34 PM EDT.

Item: Setting of the Agenda

Dehn asked that an item be added to consider a proposed motion relating to ballot access laws.

Without objection the proposed agenda with Dehn's addition was adopted.

Item: Chair's Comments

Lark thanked the LNC members for participating in this meeting and also those who have worked with the parties in AZ over the past weeks.

Item: Proposed Resolution on Ballot Access Laws

Dehn said that his proposed resolution is in response to the increased number of attempts by Libertarians to exclude other candidates from the ballot by invoking ballot access laws.

Dehn updated the Committee on efforts - supposedly initiated by the LPIN Executive Director - to exclude several Green Party and Reform Party candidates from the ballot.

Dehn said that it is not only a violation of what we believe in to condone such ballot access challenges. He said that we rely on cooperation with other parties to work to eliminate restrictive ballot access laws. He said that if we participate in challenging candidates of such parties, we jeopardize their willingness to work with us to eliminate these laws in the future.

Dehn moved adoption of the following resolution:

Resolution of the Libertarian National Committee Concerning Restrictive Ballot Access Laws

Whereas, the Libertarian Party Platform declares that restrictive laws in many states deny ballot access to candidates and groups and further deny voters their right to consider legitimate alternatives, and

Whereas, the Platform further declares that no state has an interest to protect in this area except for the fair and efficient conduct of elections, and

Whereas, such laws have repeatedly been used to deny voters the choice of voting for Libertarian candidates, and,

Whereas, it is in the common interest of all parties that are challenging the dominance of the "two-party system" to make it easier for alternatives to be presented to the voters,

Therefore, be it resolved,

That the Libertarian National Committee calls for the immediate repeal of all laws which impose restrictions beyond the absolute minimum required to allow the fair conduct of elections, and

That the Libertarian National Committee finds that any restrictions which would prevent the appearance on the ballot of a Libertarian candidate or any other candidate or party which has any measurable degree of voter support are, *ipso facto*, too severe, and

That the Libertarian National Committee condemns the invocation of such laws by any person for the purpose of keeping a candidate of any party off the ballot, and

That the Libertarian National Committee directs that no employee or agent of the Libertarian Party shall directly or indirectly attempt, and that no party resources be used in any attempt, to use such laws to keep any candidate of any party off the ballot, and

That the Libertarian National Committee urges all state affiliates of the Libertarian Party to adopt this same policy with respect to their employees, agents, and resources.

Givot seconded.

Israel said that he does not support the motion. He said that one role of government is to protect people from fraud, but it does not do so. He said that we need to play by the same rules as other parties play by.

Schwarz said that he favors adoption of the resolution. He said that LPPA has come close to failing to get on the ballot in the past, and he does not want to have other parties challenging our petitions in response to us challenging their petitions.

Martin said that the resolution is timely.

Lieberman moved to postpone consideration until the December 2000 LNC meeting.

Fylstra seconded.

Dasbach said that he is concerned that the resolution was only distributed a few hours before the meeting. He said that people may not be prepared to address this issue at this time.

Dehn said that it is important to move on this quickly so that it does not appear that the LNC condones such behavior.

Gaztanaga said that he agrees with both Dasbach and Dehn. He said that this matter could be considered before the next LNC meeting.

Dasbach said that the last paragraph might create concerns among affiliate parties that the LNC is meddling in their affairs.

MG asked if there is any current policy on this or whether it is mentioned in the Platform.

Givot said that it is mentioned in the Platform.

Lark said that it is mentioned in the Platform but perhaps not in the manner that provides the LNC with sufficient direction.

Dehn asked Lark for his interpretation as to what restrictions passage of the motion to table would have on a possible mail ballot prior to the December 2000 LNC meeting.

Lark said that if the motion to table passes, a mail ballot on this proposal would be precluded until the December 2000 meeting.

With the consent of the body, both the motion to table and the resolution itself were both withdrawn.

Item: AZ

Givot updated the Committee on recent developments in the negotiations between ALP and ALP Inc. which he was facilitating.

Lark said that there is an unverified report that ALP has already tendered the name of a presidential candidate to the AZ Secretary of State.

Fylstra said that Peter Schmerl had told him that he understood that ALP has filed both a slate of electors and the name of L. Neil Smith as its presidential candidate. Fylstra said that ALP Inc. has filed both a slate of electors and the name of Harry Browne as its presidential candidate.

Fylstra said that the AZ Secretary of State's office could not tell him if ALP had filed the name of a presidential candidate.

Fylstra moved:

Resolved, that the Libertarian National Committee authorizes its Executive Committee, working with the national office staff, to submit by August 29, 2000 an amicus curiae ("friend of the court") brief, through either its General Counsel Bill Hall or local counsel in Arizona, in the Special Action before the Arizona Supreme Court to determine which Arizona group has the right to name the presidential electors on the November 2000 ballot. The final wording of the points to be covered by this brief, and the final decision as to whether or not it should be filed, shall be made by the Executive Committee based on the latest information the Executive Committee has available.

The brief shall cover substantially the following points:

1. That the Libertarian National Committee is the governing body of the national Libertarian Party.
2. That the petitioner in this case, Peter Schmerl, is the Chair of the group (ALP Inc.) that we currently recognize as our affiliate party in Arizona.
3. That our national convention nominated Harry Browne on the first ballot on July 3, 2000.
4. That Harry Browne has qualified and will be listed on the November general election ballot as the only Libertarian presidential candidate in all of the other 49 states and the District of Columbia.
5. That Harry Browne was the overwhelming winner of the non-binding Arizona presidential preference ballot early this year, with 482 votes versus 85 for Larry Hines and 57 for David Hollist.
6. That ALP Inc. has filed a slate of presidential electors and has given the name of

Harry Browne to the AZ Secretary of State.

7. That ALP has filed a different slate of presidential electors, but it is unclear (from the AZ Secretary of State) whether ALP has yet given the name of a presidential candidate to appear on the ballot. ALP has made numerous public and private statements that they intend to name some other person besides Harry Browne as the Libertarian Party presidential candidate in Arizona; the names they have suggested include persons who are not candidates for any office and who did not appear at all on the Arizona presidential preference ballot.

8. That as a practical matter, the name of the presidential candidate appearing on the ballot will have a greater impact for the public in Arizona than the list of presidential electors.

9. That the LNC urges the AZ Supreme Court to rule that one group has both the right to file the list of presidential electors and the right to provide the name of the presidential candidate to appear on the November ballot.

10. That the LNC believes that the public interest will best be served if Harry Browne appears as the Libertarian presidential candidate on the November general election ballot in Arizona.

Lark asked if the intention is for the Executive Committee to have the latitude not to file such a brief if developments lead it to reach such a conclusion.

Fylstra said that he intends to give the Executive Committee that latitude.

MG seconded.

Fylstra said that the filings of both sides fail to identify these facts. He said that we cannot assume that the AZ Supreme Court is familiar with these facts or that the parties will even mention them. He said that providing this information to the court would be valuable.

Givot asked whether point (4) above is factually correct.

Dasbach said there are one or two states in which the Browne name or the Libertarian label are not yet assured.

Givot said that it is important to note that this point will have to be revised if the motion is adopted.

Dehn said that there has been little time for the Committee members to read this resolution. He said that there surely needs to be some review of all of these points for accuracy and appropriateness. He said that it may be beneficial to add new points.

Dasbach said that review by counsel is also important. He said that some of the points may hurt the case.

Tuniewicz asked why this information could not simply be passed onto ALP, Inc. to be made.

Fylstra said that some of these points may only be able to be made credibly by the LNC.

Dehn said that we might not want to make point (5) regarding the AZ primary election, because we may not want to be on record saying that such results should be either binding or important in determining which candidate's name should be on the ballot.

Bisson moved to substitute

Resolved, that the Libertarian National Committee authorizes its Executive Committee, working with the national office staff, to submit by August 29, 2000 an amicus curiae ("friend of the court") brief, through either its General Counsel Bill Hall or local counsel in Arizona, in the Special Action before the Arizona Supreme Court to determine which Arizona group has the right to name the presidential electors on the November 2000 ballot. The final wording of the points to be covered by this brief, and the final decision as to whether or not it should be filed, shall be made by the Executive Committee based on the latest information the Executive Committee has available.

Fylstra accepted the substitution as friendly with the consent of the body.

MG said that filing the amicus curiae brief is a proactive step in the right direction.

Fylstra said that his intent is to file a brief which focuses on statement of fact, bringing facts to the attention of the court which it has not otherwise heard.

Givot said that he supports the concept presented by Fylstra as long as it focuses on facts and does not take sides in the ALP/ALP Inc. dispute or how AZ law should be interpreted.

Fylstra agreed that this was his intention in making the motion.

The motion passed 11-0 with 2 abstentions.

Givot said that he believes that it is important to continue to press for a negotiated solution after the court cases are decided - regardless of the outcome.

Fylstra agreed that it is important that after the court decisions are rendered to express our desire that they resolve their differences.

Israel agreed that this should be pursued.

Bisson suggested that we let both sides know of our continued interest in working toward a negotiated resolution to their disputes.

MG moved that Givot be directed to advise both ALP and ALP Inc. of LNC's intentions to continue to work toward a negotiated resolution all pending and future disputes between the parties in AZ regardless of the outcome of the pending action challenging the early cutoff date for independent candidates in AZ and the pending special action before the AZ Supreme Court.

Bisson seconded.

The motion passed unanimously.

There was a brief discussion on procedures to be used to perfect the brief.

The Committee adjourned at 9:49 PM EDT.

