

## LIBERTARIAN PARTY OF CALIFORNIA

Saturday, May 6, 2006 Executive Committee Meeting at Doubletree Hotel in San Jose

**1. The meeting was called to order** at 10:25 am. The following Executive Committee members were present:

Officers: Aaron Starr, Chair  
Lawrence Samuels, Northern Vice Chair  
Mark Selzer, Southern Vice Chair  
Willard Michlin, Treasurer  
Daniel Wiener, Secretary

Representatives: Ted Brown  
*M Carling (absent)*  
Bruce Cohen (*arrived late*)  
Zander Collier  
Don Cowles  
Bruce Dovner  
Mark Johnson  
Angela Keaton  
Richard Newell  
Kevin Takenaga

Alternates: Lois Garcia  
Jay Eckl

Executive Director: David Ruprecht

Guests: None.

**2. Announcements:** None.

### 3. Agenda review:

Item 6(j) was added to discuss the Vern Dahl issue (5 min). Item 6(k) was added to discuss reimbursement issues (5 min). Item 5(b) was moved to 5(c), and a new item 5(b) was added for a discussion of goals and objectives for 2006 (45 min). The agenda as amended was adopted without objection.

### 4. Staff & Officers Reports

- a. Chair Aaron Starr – Three things are expected of Executive Committee members: (1) Contribute money; (2) Perform work (e.g., chair a committee); (3) Once a decision has been made, don't try to undermine it. Aaron is personally subsidizing Kate O'Brien, his significant other, for the equivalent of \$400 per week to work part-time in the LPC office. We are trying to find ways to fund Operation Breakthrough, and discussions have been held with a fundraising consultant. An organizational consultant, referred by Willard Michlin, has presented a proposed committee structure. The 2006 convention made a slight profit.
- b. Executive Director David Ruprecht – Kate O'Brien has been a godsend; she's been handling membership packets and other tasks so that Dave can concentrate on Operation Breakthrough and fundraising. Kate has helped draft a fundraising letter, which Dave distributed. Dave is making phone calls and getting pledges. So far we have pledges such that ten elected officials would bring in \$747 each, twenty would bring in \$431 each, and thirty would bring in \$330 each. Ali Martin is compiling information on districts and offices. Richard Newell has designed renewal forms and membership forms. M Carling prepared one, two, and three month renewal notices, which are going out and getting a good response. Dave took a week off to go to New York to see his wife who's choreographing a Broadway show. M Carling has been in three times, working in the office, the last time for three weeks. Dave has been going to Atlantic City to do *The Price is Right* live. Go-to-My-PC allows long-distance work. The computers are working great; we have two new ones. The printer died and was replaced (cheaply). Google search ads are almost complete. Cory Stearn in Minneapolis is designing 5 or 6 variations of landing pages. Ray Melissa has provided his marketing guru to assist. Oregon, Washington, Idaho, and Hawaii will join California to form a double region as a result of M Carling's efforts. Penn & Teller will do a 3-minute infomercial.
- c. Northern Vice Chair Lawrence Samuels – There have been a series of conferences, in Fresno and next in Chico (on July 8<sup>th</sup>) for local Libertarians to try to increase activism. There should probably be a third Central Valley LPC Vice-Chair. Lynette Shaw has received the endorsement of Willie Nelson.

- d. Southern Vice Chair Mark Selzer – Adrian Moore (from the Reason Foundation) has been appointed chair pro-tem of Kern County. Libertarian Alternative is now being assigned as homework by some teachers. The show is now on in New Hampshire, which resulted in a newspaper requesting a transcript. The Junior Statesmen Association (JSA) convention was attended and much literature was handed out. Operation eBay Freedom is resulting in one or two shows per day being sold. Mark is moving during the next couple of months. Some shows are also available on Google video.
- e. Secretary Daniel Wiener reported on the results of recent Executive Committee email ballots (results are listed as Yes-No-Abstain-NVR, where NVR means No Vote Received prior to close of balloting):
- “We censure Mr. Ireland for threatening violence against Brain Holtz.” Passed 13-0-0-2 on March 10, 2006.
  - “Moved, that the minutes of the 2006 LPC state convention; the February 26, 2006 LPC Executive Committee meeting; the Bylaws & Convention Rules as modified by the 2006 LPC state convention; and the Platform as modified by the 2006 LPC state convention; are all hereby approved.” Passed 10-0-0-5 on March 17, 2006.
  - “Moved that the LPC direct its members and county parties to support the signature gathering efforts of both the 'California Eminent Domain Limitations Act' (aka People's Initiative) and the 'Protect Our Homes Act' (aka Anderson Initiative) during the month of April.” Passed 13-0-0-2 on April 5, 2006.

A copy of the resolution which the LPC state convention approved to oppose Proposition 82 was sent to the No On Prop 82 Coalition.

The list of elected national convention delegates, with addresses and phone numbers and membership status, was sent to the national party Secretary and Chair, as required by the Bylaws.

On March 6, 2006 the Judicial Committee (JC) delivered its final report (the complete majority report and a concurring opinion are appended below) on the appeal by Mark Selzer regarding the vote by the LPC Executive Committee to hold the 2006 LPC convention on a cruise ship traveling from Los Angeles to Ensenada and back:

- The JC voted 3-2 that all of Mr. Selzer's arguments fail to reach a threshold sufficient for the Judicial Committee to overturn the action of the Executive Committee. His petition was rejected and no orders were issued.

On March 6, 2006 the Judicial Committee delivered its final report (the complete majority report is appended below) on the appeal by LPC member Allen Rice regarding the suspension of the membership of Mark Selzer and his expulsion from the Executive Committee:

- The JC voted 4-1 that the actions of the Operations Committee (OC), with regard to Mr. Selzer's suspension and expulsion, did NOT violate the LPC Bylaws, and that the appeal, with regard to these actions, was moot because Mr. Selzer's mistaken suspension was corrected.
- The JC voted 4-1 that the OC did NOT violate the LPC Bylaws in asking Mr. Selzer to sign an affidavit, which would affirm, in part, that Mr. Selzer did not file a complaint against the LPC.
- The JC voted 4-1 NOT to rule on a request by the appellant to clarify Bylaw 5, Section 10 and Bylaw 12, Section 2D (Bylaw numbering is from the 2005-2006 LPC Bylaws).
- The JC voted 4-1 NOT to rule on a request by the appellant to craft further remedies in regard to any actions involving this appeal.

Labels & Lists has supplied the list of registered voters along with a \$5000 payment to the LPC.

Marin County is trying to put together the documentation to have it declared an “active” county as per the relevant Standing Resolution.

- f. Treasurer Willard Michlin – Wells Fargo will erase all of their bank charges for the past two years. Willard is picking up the cost of the consultant who is working with the Chair on organizational issues. Willard has purchased a mailing house, and has decided to pay for stuffing, stamping, sealing, and mailing for Operation Breakthrough, the newsletter, etc., as long as the LPC picks up the out-of-pocket costs. It will also utilize the LPC cheap bulk mailing rate. The March 31, 2006 budget statement was presented (see attachments below).
- g. LNC Alternate Scott Lieberman – The March 11-12 LNC meeting in Charlottesville, NC was reported on. The National LP address is no longer in the basement (Suite 100) but now is Suite 200; it is a much more functional and useable area at a reasonable rent. The Libertarian School is now on-line (since January); courses (at \$50 each) are excellent. The LNC voted to offer Shane Cory the Executive Director position. Bruce Dovner distributed a draft of the national LP Program, which is excellent; there will probably be an email vote prior to the Convention. M Carling reported that the Libertarian National Congressional Committee (of which he is Chair) has been formed and has filed the necessary papers; it will attempt to elect people to Congress. Shane Cory will have the national party provide a web form for database updates. An affiliate services agreement was discussed; provisions for an anti-takeover provision and putting the LP Presidential candidate on the state ballot are some of the requirements. Donations are being collected, but fundraising receipts are way down.

## 5. Old business:

- a. The Executive Committee went into closed session to discuss a potential lawsuit over write-in candidates.

The meeting was recessed for lunch, and reconvened after an hour and a half.

b. Discussion of Goals & Priorities – Our registration is down, and the Green Party is doing much better. The *Advocates for Self-Government* is having major financial problems due to a failed conference. Kevin Takenaga suggested that voter registration should be a major goal. That might have BCRA implications. Kevin had several other suggestions: (1) A regular conference call among counties. (2) Member packages. Aaron Starr posited that the Libertarian Party is about getting Libertarians into elective office so as to implement libertarian solutions. [Discussion was extended for 10 minutes.] Aaron proposed that the number one priority is electing Libertarian local officials. Dan Wiener proposed that the number two priority is follow-up with elected Libertarian officials. Bruce Dovner proposed making registration a high priority. Richard Newell said we have to build up the county organizations. Bruce Dovner suggested: (1) Operation Breakthrough to elect local officials (2) Follow-up with Elected Officials (3) Voter Registration (4) Student Recruitment and Organizing (5) Fundraising. Zander Collier circulated a written “Plan for the Libertarian Party of California.” Kevin Takenaga moved to recess for 5 minutes to allow people to read it; the motion to recess passed 8-7.

c. Creation of Working Committees – Willard Michlin discussed an organizational chart prepared with the assistance of a consultant. Aaron moved to establish 21 working committees (see attachments below), which correspond to functional tasks needed to effectively operate the Libertarian Party of California. The motion passed 8-6.

A motion to suspend the rules to go back to Item 5(b) was passed. Bruce Dovner moved to establish the following unranked priority goals: (1) Operation Breakthrough to elect local officials; (2) Follow-up with Elected Libertarian Officials; (3) Voter Registration; (4) Student Recruitment and Organizing; (5) Fundraising. Passed unanimously.

## 6. New business:

a. Jim Eyer, Michael Denny, and Terry Floyd prepared a conceptual proposal which Terry presented to hold the 2007 LPC state convention in either the Marconi Conference Center in Marshall or the Asilomar Conference Center in Pacific Grove or the Marriott Convention Center in Oakland or the Claremont Resort in Berkeley. They would be targeting Feb. 16-19, 2007 (President’s Day weekend). They are willing to take the financial risk and have experience with previous conferences.

Zander Collier moved to establish a convention committee to consider proposals. Aaron Starr moved to amend so as to select one of two cruise locations by instant runoff voting and consider another proposal if it was received within four weeks. The amendment failed. Mark Selzer moved to amend by requiring a report back by June 10<sup>th</sup>. The amendment was adopted without objection. The motion as amended was approved.

b. Membership Database – Kevin Takenaga demonstrated the interface and the present functional capabilities.

c. Dues Payments to County Parties – Daniel Wiener will provide contact information for county chairs of active counties and their email addresses to Kate O’Brien, to provide monthly database membership dumps. Counties will be sent their UMP dues money immediately.

d. Ted Brown moved that the LPC take a position in opposition to Proposition 81. Passed unanimously.

e. Discussion of California Freedom – Bruce Cohen is currently handling California Freedom production. Some people have offered to voluntarily provide financial support, so that is no longer an issue. Laura Brown is going to be assisting. Aaron will provide some oversight. There will also be a quality control division. California Freedom will be a broad-based product, not one which allows biases.

f. Selection of five-member Program Committee – Members who have expressed interest in being on the committee are Dan Fernandes (San Gabriel Valley), Curt Cornell (Alameda), Brian Holtz (Santa Clara), Marty Swinney (L.A. Southbay), and Bruce Dovner (L.A. Southbay). The selection of those five was approved without objection; Bruce Dovner will be Chair.

g. Operation Breakthrough – We are accumulating data about elected officials and will need to do more fundraising. A fundraising letter is ready to go out to past donors, with professional phone-bank follow-up. There are presently 25 pledgers. The past cost of running Operation Breakthrough was \$1600 per victory, not counting fundraising.

h. Status of 2006 Partisan Candidates – Ted Brown reported that there are 65 partisan candidates, but we may add three or four more write-in candidates. There has been a problem with statements in the Voter Ballot Pamphlet. Prop 64 specified that candidates had to buy statements (by word) rather than get them free. Candidates were unaware that they were eligible to do so.

7. Time ran out before reaching agenda items 6(i) *Status of Eminent Domain initiatives* or 6(j) *Request to Suspend Vern Dahl’s LPC membership* or 6(k) *Request by Northern Vice-Chair for reimbursement*. The meeting was adjourned at 4:46 pm. The Chair announced that the next Executive Committee meeting would be held on August 12<sup>th</sup> at a location near LAX.

| Libertarian Party of California<br>Actual vs Budget<br>2006 |                   |                  |           |                |  |                   |                  |          |                |
|---|-------------------|------------------|-----------|----------------|--|-------------------|------------------|----------|----------------|
|   | Mar YTD<br>Actual | Annual<br>Budget | Variance  | % of<br>Budget |  | Mar YTD<br>Actual | Annual<br>Budget | Variance | % of<br>Budget |
| <b>Unrestricted General</b>                                 |                   |                  |           |                | <b>LPC PAC (Restricted)</b>                |                   |                  |          |                |
| <b>Support and Revenue</b>                                  |                   |                  |           |                | Support and Revenue                        | 0                 | 0                | 0        | -              |
| Membership Dues (1)   | 14,948            | 75,000           | (60,052)  | 19.9%          | Cost of Support and Revenue                | 0                 | 0                | 0        | -              |
| Membership Recruitment (2)                                  | 0                 | 0                | 0         | -              | Program Expenses                           | 0                 | 0                | 0        | -              |
| Pledges (3)   | 11,637            | 42,000           | (30,363)  | 27.7%          | <b>YTD Net Surplus (Deficit)</b>           | 0                 | 0                | 0        | -              |
| Convention  | 3,506             | 0                | 3,506     | -              | Beginning Net Surplus (Deficit)            | 73                | 73               | 0        | -              |
| Direct Mail Fundraising                                     | 0                 | 20,000           | (20,000)  | 0.0%           | <b>Current Net Surplus (Deficit)</b>       | 73                | 73               | 0        | -              |
| Telephone Fundraising                                       | 0                 | 9,000            | (9,000)   | 0.0%           |  |                   |                  |          |                |
| Convention Fundraising                                      | 0                 | 3,000            | (3,000)   | 0.0%           | <b>Operation Breakthrough (Restricted)</b> |                   |                  |          |                |
| Event Fundraising   | 0                 | 0                | 0         | -              | Support and Revenue                        | 1,715             | 0                | 1,715    | -              |
| Bequests  | 0                 | 0                | 0         | -              | Cost of Support and Revenue                | 0                 | 0                | 0        | -              |
| Personal Solicitation                                       | 0                 | 10,000           | (10,000)  | 0.0%           | Program Expenses                           | 868               | 0                | 868      | -              |
| Other Revenue and Support (4)                               | 696               | 10,000           | (9,304)   | 7.0%           | <b>YTD Net Surplus (Deficit)</b>           | 847               | 0                | 847      | -              |
| <b>Total Support and Revenue</b>                            | 30,787            | 169,000          | (138,213) | 18.2%          | Beginning Net Surplus (Deficit)            | 0                 | 0                | 0        | -              |
| <b>Cost of Support and Revenue</b>                          |                   |                  |           |                | <b>Current Net Surplus (Deficit)</b>       | 847               | 0                | 847      | -              |
| Membership Dues (1)   | 10,142            | 41,250           | (31,108)  | 24.6%          |  |                   |                  |          |                |
| Membership Recruitment (2)                                  | 0                 | 0                | 0         | -              | <b>Questionnaire Project (Restricted)</b>  |                   |                  |          |                |
| Pledges (3)   | 0                 | 3,250            | (3,250)   | 0.0%           | Support and Revenue                        | 0                 | 0                | 0        | -              |
| Convention  | 0                 | 0                | 0         | -              | Cost of Support and Revenue                | 0                 | 0                | 0        | -              |
| Direct Mail Fundraising                                     | 0                 | 20,000           | (20,000)  | 0.0%           | Program Expenses                           | 0                 | 0                | 0        | -              |
| Telephone Fundraising                                       | 0                 | 9,000            | (9,000)   | 0.0%           | <b>YTD Net Surplus (Deficit)</b>           | 0                 | 0                | 0        | -              |
| Convention Fundraising                                      | 0                 | 0                | 0         | -              | Beginning Net Surplus (Deficit)            | 0                 | 0                | 0        | -              |
| Event Fundraising   | 0                 | 0                | 0         | -              | <b>Current Net Surplus (Deficit)</b>       | 0                 | 0                | 0        | -              |
| Bequests  | 0                 | 0                | 0         | -              |  |                   |                  |          |                |
| Personal Solicitation                                       | 0                 | 1,000            | (1,000)   | 0.0%           |  |                   |                  |          |                |
| Other Revenue and Support (4)                               | 469               | 2,000            | (1,531)   | 23.5%          |  |                   |                  |          |                |
| <b>Total Cost of Support and Revenue</b>                    | 10,611            | 76,500           | (65,889)  | 13.9%          |  |                   |                  |          |                |
| <b>Net Support and Revenue Available for Programs</b>       | 20,176            | 92,500           | (72,324)  | 21.8%          |  |                   |                  |          |                |
| <b>Program Expenses</b>                                     |                   |                  |           |                |  |                   |                  |          |                |
| Administrative  |                   |                  |           |                |  |                   |                  |          |                |
| Convention  | 2,355             | 4,000            | (1,645)   | 58.9%          |  |                   |                  |          |                |
| Executive Committee   | 0                 | 2,000            | (2,000)   | 0.0%           |  |                   |                  |          |                |
| Other Committees  | 0                 | 1,000            | (1,000)   | 0.0%           |  |                   |                  |          |                |
| LPC Office  | 10,583            | 60,000           | (49,417)  | 17.6%          |  |                   |                  |          |                |
| Total Administrative  | 12,938            | 67,000           | (54,062)  | 19.3%          |  |                   |                  |          |                |
| Campaigns & Elections                                       | 0                 | 35,000           | (35,000)  | 0.0%           |  |                   |                  |          |                |
| Litigation  | 0                 | 5,000            | (5,000)   | 0.0%           |  |                   |                  |          |                |
| Lobbying  | 0                 | 0                | 0         | -              |  |                   |                  |          |                |
| Media Relations   | 392               | 3,000            | (2,608)   | 13.1%          |  |                   |                  |          |                |
| Member Communications                                       | 5,072             | 30,000           | (24,928)  | 16.9%          |  |                   |                  |          |                |
| Member Recruitment  | 149               | 10,000           | (9,851)   | 1.5%           |  |                   |                  |          |                |
| Outreach  | 0                 | 6,000            | (6,000)   | 0.0%           |  |                   |                  |          |                |
| Party Development   | 0                 | 0                | 0         | -              |  |                   |                  |          |                |
| Voter Registration  | 0                 | 0                | 0         | -              |  |                   |                  |          |                |
| Other   | 0                 | 0                | 0         | -              |  |                   |                  |          |                |
| <b>Total Program Expenses</b>                               | 18,551            | 156,000          | (137,449) | 11.9%          |  |                   |                  |          |                |
| Operations Committee Projects                               | 0                 | 0                | 0         | -              |  |                   |                  |          |                |
| Chair's Discretionary Fund                                  | 0                 | 0                | 0         | -              |  |                   |                  |          |                |
| <b>YTD Net Surplus (Deficit)</b>                            | 1,625             | (63,500)         | 65,125    | -              |  |                   |                  |          |                |
| Beginning Net Surplus (Deficit)                             | 59,657            | 59,657           | 0         | -              |  |                   |                  |          |                |
| <b>Current Net Surplus (Deficit)</b>                        | 61,282            | (3,843)          | 65,125    | -              |  |                   |                  |          |                |

Notes:  
(1) Net of Passthroughs of \$  
(2) Net of Passthroughs of \$  
(3) Net of Passthroughs of \$1,685.00  
(4) Net of Passthroughs of \$

| Statement of Net Assets<br>As of March 31, 2006 |                         |                          |   |              |                       |
|---|-------------------------|--------------------------|---|--------------|-----------------------|
|   | Unrestricted<br>General | Restricted<br>LPC<br>PAC | Restricted<br>Operation<br>Breakthrough | Eliminations | Totals<br>(Memo Only) |
| <b>Assets</b>                                   |                         |                          |   |              |                       |
| Petty Cash                                      |                         |                          |   |              | 0                     |
| Cash In Bank                                    | 89,496                  |                          | 1,715                                   |              | 91,211                |
| Accounts Receivable                             | 39,691                  |                          |   |              | 39,691                |
| Loan Receivable                                 |                         |                          |   |              | 0                     |
| Less Allowance For Bad Debts                    | (12,134)                |                          |   |              | (12,134)              |
| Due From Funds                                  |                         | 73                       |   | (73)         | 0                     |
| Investments                                     | 1                       |                          |   |              | 1                     |
| Prepaid Expenses                                |                         |                          |   |              | 0                     |
| Other Assets                                    | 395                     |                          |   |              | 395                   |
| <b>Total Assets</b>                             | 117,448                 | 73                       | 1,715                                   | (73)         | 119,163               |
| Accounts Payable                                | 4,097                   |                          | 868                                     |              | 4,965                 |
| Accrued Liabilities                             | 28,416                  |                          |   |              | 28,416                |
| Deferred Revenue                                | 23,581                  |                          |   |              | 23,581                |
| Due To Lenders                                  |                         |                          |   |              | 0                     |
| Due To Funds                                    | 73                      |                          |   | (73)         | 0                     |
| <b>Total Liabilities</b>                        | 56,168                  | 0                        | 868                                     | (73)         | 56,962                |
| <b>Net Assets</b>                               |                         |                          |   |              |                       |
| Beginning Net Assets                            | 59,657                  | 73                       | 0                                       | 0            | 59,729                |
| Current Year Surplus (Deficit)                  | 1,625                   | 0                        | 847                                     | 0            | 2,472                 |
| <b>Net Assets</b>                               | 61,282                  | 73                       | 847                                     | 0            | 62,201                |
| <b>Total Liabilities and Net Assets</b>         | 117,449                 | 73                       | 1,715                                   | (73)         | 119,164               |

## Working Committees (Column 2):

|  |  |  |  |   |
|--|--|--|--|---|
| <p><b>DEVELOPMENT DIVISION</b></p> <p>This division makes the organization's products and services widely known and demanded amongst the existing party members - key elements are promotion and marketing, and publications.</p> <p>Major Objective: excellent party marketing and promotion, resulting in developing more committed adherents who either enroll as candidates who seek winnable office or support those who do.</p> <p><b>FINANCE DIVISION</b></p> <p>This division handles financial matters, assets and material of the organization so that the organization's physical body is fully cared for, enabling the organization to produce its products and services and remain solvent. Key elements: Income, Disbursements and records - assets and material.</p> <p>Major Objective: A well funded party with preserved and valuable assets and reserves for times of need.</p> <p><b>PRODUCTION DIVISION</b></p> <p>This division produces excellent quality products and services without delay. Key elements are scheduling, preparing resources needed to create the products and services and the production thereof.</p> <p>Major Objective: Candidates placed and assisted to achieve their objective of party policies implemented.</p> | <p><b>MARKETING</b></p>  | <p><b>DONOR DEVELOPMENT</b></p>                | Responsible for getting existing donors to give again and give more.   |   |
|  |  | <p><b>PROMOTION</b></p>                        | Responsible for selling to existing party supporters the idea that it is important to run, support and donate to Libertarian candidates in winnable races.   |   |
|  |  | <p><b>PARTY COMMUNICATIONS</b></p>             | Responsible for overseeing the production of the party newspaper and any e-mail promotion communications.  |   |
|  | <p><b>PUBLICATIONS</b></p>   | <p><b>PUBLICATIONS</b></p>                     | <p><b>PUBLICATIONS</b></p>   | Research and establishing publication outlets of Libertarian materials for the purpose of educating party members and generating a profit.  |
|  |  | <p><b>CANDIDATE RECRUITMENT</b></p>            | <p><b>CANDIDATE RECRUITMENT</b></p>  | Responsible for recruiting candidates who run serious campaigns for winnable offices.   |
|  |  | <p><b>RECEIPTS</b></p>                         | <p><b>FINANCE</b></p>  | Responsible for raising the funds needed by the Party.  |
|  | <p><b>DISBURSEMENTS</b></p>  | <p><b>DISBURSEMENTS</b></p>                    | <p><b>DISBURSEMENTS</b></p>  | Responsible for verifying that disbursements are authorized and issuing such disbursements. This is the responsibility of the Treasurer and the CEO.  |
|  |  | <p><b>ACCOUNTING</b></p>                       | <p><b>BUDGET</b></p>   | Responsible for the collection of budgetary information and the preparation of the party budget.  |
|  |  |  | <p><b>REPORTING</b></p>  | Responsible for reporting the Party's financial position and the results of its operations, and the safe and secure storage and rapid production of the party's financial records. This is the responsibility of the Treasurer. |
|  | <p><b>AUDIT</b></p>  | <p><b>AUDIT</b></p>                            | Responsible for reviewing the financial records and processes of the Party and reporting at each subsequent Board meeting and at the next state convention.  |   |
| <p><b>CANDIDATES</b></p>   | <p><b>CANDIDATE PREPARATION</b></p>  | <p><b>CANDIDATE PREPARATION</b></p>            | Responsible for briefing candidates on what is expected of them and getting them to subscribe to these expectations.   |   |
|  |  | <p><b>CANDIDATE FILING</b></p>                 | Responsible for getting identified qualified candidates to file or re-file for office.   |   |
|  | <p><b>CAMPAIGNS</b></p>  | <p><b>CAMPAIGN IMPLEMENTATION</b></p>          | Responsible for crafting the message and executing the campaigns of candidates seeking winnable offices.   |   |
| <p><b>OFFICEHOLDERS</b></p>  | <p><b>OFFICEHOLDER CONVERSION</b></p>  | <p><b>OFFICEHOLDER CONVERSION</b></p>          | Responsible for identifying and converting elected officials who are not yet Libertarians.   |   |
|  |  | <p><b>GOVERNING</b></p>                        | Responsible for working with elected Libertarian officials to define their objectives and help them achieve them.  |   |
| <p><b>DIVISION</b></p> <p><b>MANAGEMENT DIVISION</b></p> <p>This division coordinates and supervises the organization's activities so it runs smoothly, produces its products viably and delivers its products and services to individuals and the community in high quality. Key elements are: organizational policy creation and enforcement, maintenance of proper government relations, care for legal matters, organizational planning and its execution so that the organization's objectives are achieved.</p> <p>Major Objective: An expanding Party.</p>  | <p><b>SUBDIVISION</b></p> <p><b>ADMINISTRATIVE</b></p>   | <p><b>COMMITTEE</b></p> <p><b>POLICY</b></p>   | Research and proposes new and revised policies for the Board of Directors approval and is responsible for its enforcement. These are the rules that we agree to live under as an organization.   |   |
|  |  | <p><b>BRANDING</b></p>                         | Responsible for defining, an effective Libertarian Party of California brand in a cost-effective manner to the political marketplace, and ensuring a consistent message be conveyed in all public communications and appearances.  |   |
|  | <p><b>ASSOCIATION AFFAIRS</b></p>  | <p><b>BALLOT STATUS</b></p>                    | Responsible for maintaining a sufficient number of registered Libertarian voters to retain our ballot status.  |   |
|  |  | <p><b>LEGAL</b></p>                            | Responsible for recruiting legal resources and recommending the course of action needed to: <ul style="list-style-type: none"> <li>1) Provide general legal support for routine organization maintenance and creation of agreements.</li> <li>2) Defend the party in the legal arena.</li> <li>3) Support strategic lawsuits against governmental agencies.</li> </ul> |   |
|  |  | <p><b>PUBLIC IMAGE</b></p>                     | Responsible for publicizing well our good works through all available media to reduce our vulnerability.   |   |
|  | <p><b>PLANS &amp; PROGRAMS</b></p>   | <p><b>PLANNING AND PROGRAM SUPERVISION</b></p> | Proposes plans and supervises approved programs.   |   |
|  |  | <p><b>WEBSITE</b></p>                          | Responsible for the design, development and maintenance of all party websites.   |   |
|  |  | <p><b>INFORMATION INFRASTRUCTURE</b></p>       | Responsible for the design, development and maintenance of all party databases, and computer systems.  |   |
|  | <p><b>ESTABLISHMENT DIVISION</b></p> <p>This division is fully responsible for the establishment of the organization - the key elements are personnel, communication and ethics/statistics.</p> <p>Major Objective: A well established party that is in full communication and productive.</p> | <p><b>HUMAN RESOURCES</b></p>                  | <p><b>PERSONNEL</b></p>  | Responsible for defining responsibilities, recruiting staff, and training them to ensure vital duties are accomplished.   |
|  |  |  | <p><b>VOLUNTEER DEVELOPMENT</b></p>  | Responsible for the recruitment, nurturing and organizing of volunteers for party activities.   |
| <p><b>INTERNAL COMMUNICATIONS</b></p>  |  | <p><b>INTERNAL COMMUNICATIONS</b></p>          | Ensures that those with responsibilities are communicating on a timely basis.  |   |
| <p><b>ETHICS</b></p>   |  | <p><b>DISPUTE RESOLUTIONS</b></p>              | Responsible for ensuring that any disputes between party members are fully and satisfactorily resolved   |   |
|  |  | <p><b>METRICS</b></p>                          | Responsible for formulating, gathering and reporting on approved metrics that show individual performance.   |   |

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|---|--|--|---|
| <p><b>QUALITY DIVISION</b></p> <p>This division ensures that every product or service delivered by the organization is of the expected level of quality. Key elements are: Examining the output, certifying that it has met the desired quality, identifying and correcting any sub-standard product/service and its cause, and implementing any training required.</p> <p>Major Objective: Effective, well trained and functioning staff, candidates, officeholders, county parties and membership.</p>  | <p><b>EXAMINATION AND TRAINING</b></p> | <p><b>TRAINING</b></p>   | <p>Responsible for ensuring any initial training required by staff, candidates, officeholders, county parties or members are fully and competently completed.</p> |
|   |  | <p><b>EXAMINATION</b></p>  | <p>Responsible for verifying that what was produced was at the desired quality.</p>   |
|   |  | <p><b>LIBRARY</b></p>  | <p>Responsible for maintaining a complete library of committee materials and information required by the party to prosper.</p>                                    |
|   | <p><b>CORRECTION</b></p>               | <p><b>PROCESS CORRECTION</b></p>   | <p>Responsible for any needed retraining of staff, candidates, officeholders, county parties and party members.</p>   |
|   |  | <p><b>PRODUCT CORRECTION</b></p>   | <p>Responsible for correcting any substandard products/services produced.</p>   |
| <p><b>CERTIFICATION</b></p>   | <p><b>CERTIFICATION</b></p>            | <p>Responsible for issuing certificates when the standards of our people and our products are being met.</p> |   |
| <p><b>DISTRIBUTION DIVISION</b></p> <p>This division brings knowledge of and distributes the organization's products and services to the broad public - key elements: providing the broad public with information and the organization's products and services, establishing and making distribution points outside the organization that offer the organization's products and services to new people and recording and making widely known to the broad public the successes of the organization and its products and services.</p> <p>Major Objective: A well known and well thought of party with increasing numbers of new supporters signing up in HUGE quantities.</p> | <p><b>PUBLIC INFORMATION</b></p>       | <p><b>GUEST OPINIONS</b></p>   | <p>Responsible for the solicitation, review and submission of guest opinion columns.</p>  |
|   | <p><b>PUBLIC RELATIONS</b></p>         | <p><b>PUBLIC RELATIONS</b></p>   | <p>Responsible for collecting every possible success of the party and disseminating it broadly.</p>   |
|   | <p><b>EXTERNAL DISTRIBUTION</b></p>    | <p><b>MEMBER AND DONOR ACQUISITION</b></p>   | <p>Responsible for recruiting new party supporters.</p>   |
|   |  | <p><b>CAMPUS COORDINATION</b></p>  | <p>Responsible for the development and nurturing of libertarian on-campus organizations.</p>  |

# Judicial Committee Majority Report on the Mark Selzer Appeal of 2005

## Background

The LPC Executive Committee voted to hold the 2006 LPC convention on a cruise ship traveling from Los Angeles to Ensenada and back. Mr. Selzer appealed to the Judicial Committee asking to overturn the Executive Committee's decision.

Two members of the Judicial Committee agreed to hear the case, satisfying the Bylaw 13 Section 3 requirement: "It shall require at least two members of the Judicial committee to agree to hold a Judicial Committee hearing or consider an appeal to the Judicial Committee."

Mr. Selzer made three main arguments. His first argument was that LPC Bylaw 3 prohibits holding a convention in any geographic area without an LP affiliate. His second argument was that delegates must be free to come and go at any time and cannot be required to stay for the full convention. His third argument was that the Bylaws prohibit a floor fee (also known as a registration fee). We consider each in turn.

First, Mr. Selzer argued that a convention cannot be held outside the United States because Bylaw 3 reads in part "Any Party activities taking place outside of California must be coordinated with and approved by the state or national Libertarian Party organization having jurisdiction over the areas affected." and since no Libertarian Party organization exists there to approve it, it is not allowed.

The Judicial Committee finds this argument to be without merit. Where no Libertarian Party organization exists, no approval is required. Further, since a convention does not affect any area, no approval would be needed for a convention if a Libertarian Party organization were to exist. The word "affected" makes clear that this clause of Bylaw 3 only refers to external political activities e.g. attempting to affect the outcome of an election for public office outside California.

Per Bylaw 13 Section 3, "The Judicial Committee review of a Party action or inaction is limited to the consistency of that action or inaction with the governing documents of the Party, including these Bylaws and documents to which they refer..." It is not within the purview of the Judicial Committee to judge whether an action of the Party is wise, sensible, prudent, or worthwhile. Although it might, in the opinion of the Judicial Committee, be unwise to hold a convention in a Tibetan monastery, the Bylaws do not prohibit doing so and the Judicial Committee has no power to prohibit doing so.

Mr. Selzer argued regarding Bylaw 17: Convention, "When the above was written it was referring to a convention on land." Mr. Selzer presented no evidence to support this assertion.

Second, Mr. Selzer argues "Delegates must be granted access to the convention. It was assumed when the rules were written that access would mean being able to arrive at any relevant time in order to vote." and "This is not possible when at sea. Schedules are published ahead of time. If a delegate is interested in a committee meeting or vote on the floor he could arrive at any time before or during it and still participate. This is what is expected and provided for in these bylaws. Access is denied to delegates on a boat at sea" and "Bylaws do not stipulate that all delegates must arrive at the beginning of the convention and stay until the end or they cannot vote. To now require this without changing the bylaws is requiring delegates to meet additional requirements not stated in the bylaws."

Mr. Selzer produced no evidence to substantiate any of these assertions. While making claims about what the Bylaws do and do not say, he did not cite actual text from the Bylaws.

However, Roberts Rules of Order Newly Revised (10<sup>th</sup> ed.) p. 586 reads in part:

### DUTIES OF DELEGATES

When a member of a constituent unit has accepted election as a delegate, he has the obligation to attend the convention, with such expense allowance as the unit may provide; he should not leave it to an alternate to serve in his place except for serious reason. At the convention, the delegate has the duty to be present at the business meetings, and to be prepared on returning from the convention to present to his unit an information report of what transpired.

The Judicial Committee finds that Mr. Selzer's second argument fails to counter the express authority of the Executive Committee under Bylaw 17 Section 2 to set the time and place for a state convention.

Third, Mr. Selzer argues that a registration fee may not be required and that the cost of passage on a cruise constitutes a registration fee.

My Selzer's argument that a registration fee may not be required rests on the assertion that the Bylaws list the requirements to be a delegate and that, as a matter of parliamentary principle, lists are both inclusive and exclusive, in other words, that which is specified by any list is both necessary and sufficient. In fact, there is no such general rule of parliamentary principle. There is a similar but

more specific rule (“If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited.” #4, RONR, p. 571) that for two reasons does not apply to the case at hand:

1. The requirements in Bylaw 17 and Convention Rule 3 are requirements, not authorizations.
2. They are of sundry classes, not of the same class.

Parliamentary rules allow for the imposition of a registration fee on delegates. Specifically, Roberts Rules of Order Newly Revised (10<sup>th</sup> ed.) p. 593 includes language describing how the Credentials Committee normally handles the process of registering delegates at a convention, which in part reads:

- 5) Registration – which normally includes these steps:
  - a) Submission, by the member intending to register, of evidence that he is entitled to do so;
  - b) Verification by the committee, or a subcommittee of it, that the member’s credentials are correct;
  - c) Recording of the member as officially registered, upon his paying the registration fee (which is sometimes sent in advance) and signing the list of registrations; and
  - d) Issuing of the particular badge to which the member is entitled, the official program, and additional necessary information, such as time and place of individual section or committee meetings or workshops.

Additionally, since our Bylaws do not have any sort of enumerated powers clause, it must be presumed that powers granted to the Executive Committee by the Bylaws should be interpreted broadly. Bylaw 11 Section 1 states that "The Executive Committee shall be responsible for the control and management of all the affairs, properties and funds of the Party consistent with these Bylaws and any resolutions which may be adopted in convention." Therefore an action of the Executive Committee in managing the affairs of the Party is valid unless it is inconsistent with the Bylaws.

Accordingly, we find that the Executive Committee does have the power to set a registration fee. We would hope that any registration fee that the Executive Committee might set would be reasonable but, just as the Executive Committee has the power to set dues at \$2000 per year (which would be unwise), the Executive Committee has the power to set a registration fee at \$2000 (which would also be unwise). It is up to the members of the Libertarian Party of California to elect members of the Executive Committee who will act in a wise manner. It is not up to the Judicial Committee to substitute its judgment for that of the Executive Committee.

Mr. Selzer further asserts that the cost of passage on a cruise ship constitutes a registration fee. He presents no argument to support this assertion. Because there is no rental fee per se for the meeting room and because the cost of passage for a delegate is lower than the cost of booking passage directly with the cruise line, we hold that the cost of passage is not a registration fee. It pays for one's cabin, meals, etc. We note that members choosing not to attend the cruise convention are not forced to subsidize members choosing to attend.

In summary, we find that all of Mr. Selzer's arguments fail to reach a threshold sufficient for the Judicial Committee to overturn the action of the Executive Committee. His petition is rejected and no orders are issued.

Respectfully submitted,  
Mark Hinkle  
Robert Weber, Jr.  
Rodney Austin

## Do the LPC Bylaws Prohibit Out-Of-State Conventions? (Concurring Opinion in the Selzer Case)

by Bob Weber, LPC Judicial Committee

One of the points Mark Selzer used in arguing that the 2006 LPC convention at sea was illegal is Bylaw 3 (Scope) which is:

### *BYLAW 3: SCOPE*

*The Party shall conduct its activities primarily within the state of California. Any Party activities taking place outside of California must be coordinated with and approved by the state or national Libertarian Party organizations having jurisdiction over the areas affected.*

Selzer argued that, since the convention was an *activity*, and there is no “Libertarian Party of Mexico” and no “Libertarian Party of the High Seas” that the party could not coordinate its convention with such organizations and that the convention was *per se* in violation of the bylaws.

One tool for interpreting bylaws is to ask, “What is the intent of this bylaw?” The conventions of the LPC consist of these activities:

1. Selection of a venue.
2. Seating of delegates
3. Modification of the State platform, bylaws, and program.
4. Election of various officers.

If the intent of the bylaw was to make the LPC coordinate these with another Libertarian party, *what* would be coordinated? Would the other Libertarian organization have veto power over the selection of the venue? Could it prohibit the seating of delegates it didn’t like? Could it veto a change in the LPC platform, bylaws, or program, or veto a candidate for party office? And who in the other party would have that power?

Another way to look at this argument is to pose the hypothetical of another LP organization holding its convention in California. Should the LPC have say in how it runs its convention, simply because the convention is being held in California? Most California LPers would surely consider this absurd.

So what is the correct interpretation of Bylaw 3? Bylaws need to be interpreted in context. Consider the immediately preceding Bylaw 2 (Purpose):

### *BYLAW 2: PURPOSE (2/3 required to amend)*

*The Party exists to uphold, promote, and disseminate the philosophy and principles of libertarianism. To that end, it will proclaim and implement the Statement of Principles of the national Libertarian Party by engaging in political and informational activities in California.*

*The Party shall do so by:*

- A. Developing an on-going political strategy to identify, expose, combat, and defeat the opponents of liberty in the political arena.*
- B. Engaging in political **activity** (boldface added) in all segments of the population.*
- C. Identifying, persuading, and recruiting influential individuals and opinion leaders to become members of the Party.*
- D. Identifying and developing coalitions with other organizations in order to realize the ideas of liberty as proclaimed in the Statement of Principles.*
- E. Employing media experts, political tacticians, field workers and others, as needed.*
- F. Preparing a statewide political environment to enhance the election of Party candidates pledged to the Principles for the singular purpose of abolishing statist law, and restoring civil and economic liberty and property rights as proclaimed in the Principles and defined in the Platform.*
- G. Nominating, endorsing and promoting registered Libertarians who pledge to proclaim and implement the Statement of Principles of the Libertarian Party of California as candidates for public office in California;*
- H. Promoting, chartering, and coordinating county central committees throughout the state.*

Notice that Bylaw 2 is the one only other bylaw which mentions *activities*, and that conventions are not mentioned under Bylaw 2. Now the intent of Bylaw 3 becomes apparent: that the LPC should concentrate its political activities primarily in California, but that, if it feels that a particular issue or candidacy is especially important, it may engage in out-of-state activism, but should not “step on the feet” of any LP organizations in that particular venue. For example, the LPC could decide that eminent domain is a sufficiently important issue that it should be involved in the Kelo case in Connecticut, but it should coordinate its activities with the LP of Connecticut, which presumably has superior local knowledge of the issue to that of the LPC. Likewise with other important issues such as the “War On Drugs”.

In light of the above it is apparent that holding the LPC Convention in an out-of-state venue does not violate the LPC Bylaw 3.

# Judicial Committee Majority Report on the Allen Rice Appeal of 2005

## Findings

The Judicial Committee (JC) of the Libertarian Party of California (LPC) has ruled on the appeal regarding the suspension of the membership of Mark Selzer and his expulsion from the Executive Committee by LPC member Allen Rice.

The JC voted 4-1 that the actions of the Operations Committee (OC), with regard to Mr. Selzer's suspension and expulsion, did NOT violate the LPC Bylaws, and that the appeal, with regard to these actions, is moot because Mr. Selzer's mistaken suspension was corrected.

The JC voted 4-1 that the OC did NOT violate the LPC Bylaws in asking Mr. Selzer to sign an affidavit, which would affirm, in part, that Mr. Selzer did not file a complaint against the LPC.

The JC voted 4-1 NOT to rule on a request by the appellant to clarify Bylaw 5, Section 10 and Bylaw 12, Section 2D.

The JC voted 4-1 NOT to rule on a request by the appellant to craft further remedies in regard to any actions involving this appeal.

In the discussion that follows, we, the majority on the Judicial Committee explain, in detail the rationale for our rulings.

## The suspension and expulsion of Mark Selzer

On 20 August 2005, the XC approved a motion to pursue a plan to hold the 2006 LPC Convention aboard a Royal Caribbean cruise ship. On August 24, an appeal of that action was received by the JC from a member of the XC, Southern Vice Chair (SVC) Mark Selzer. The JC voted to hear the case and scheduled a hearing via teleconference for September 22. During the teleconference, the representative for the XC in this appeal, LPC Secretary Daniel Wiener, and others witnessing the teleconference, believed that they heard Mr. Selzer say in his testimony, "I filed a complaint with the Secretary of State," which they cited as evidence of a violation of LPC Bylaw 5, Section 10, which reads, in part:

Notwithstanding anything to the contrary, a county central committee member shall be suspended indefinitely if, without the permission or pardon of the Executive Committee, the member:

B. Intentionally involves, or threatens to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates;

On September 28, the OC passed the following motions:

RESOLVED that Mr. Selzer is pardoned for threatening to invoke the force of the State against the Party, effective upon receipt of a signed affidavit stating that he has not filed a complaint nor encouraged anyone else to file a complaint and will not file a complaint nor encourage anyone to file a complaint in the future, nor threaten to do any of the aforementioned.

The Operations Committee hereby appoints Ted Brown to fill the vacancy in the position of Southern Vice Chair, in accordance with Bylaw 12 Section 3 which states "The Operations Committee may, by unanimous vote, fill any vacant office or Operations Committee position on an interim basis until a meeting of the Executive Committee is held."

That same day, Mr. Selzer appealed the suspension and expulsion. The following day, Mr. Selzer told the JC that he had possession of a recording of the teleconference that could prove that he did not admit to filing, nor threatening to file, a complaint with the Secretary of State. The teleconference was supposed to be recorded through the LPC office, but was not. However, the recording that Mr. Selzer alluded to was recorded by a witness to the teleconference. A playback of that recording convinced OC members that their suspension and expulsion actions were mistakes. On October 1, the OC rescinded its actions of September 28, and Mr. Selzer abandoned his appeal of his suspension and expulsion.

LPC member Allen Rice appealed Mr. Selzer's suspension and expulsion on November 28, and the JC voted to hear his appeal. LPC Chair Aaron Starr informed the JC that the XC would not participate in the hearing because the XC felt that the rescission of the suspension and expulsion rendered the appeal moot. Mr. Rice agreed to have his arguments presented by electronic word documents and to have the JC deliberate without an audio or visual hearing.

Mr. Rice argued that the OC did not have the authority to suspend memberships of county central committee members, and thereby the OC did not have the authority to suspend the membership of Mr. Selzer. The relevant portions of LPC Bylaw 12, Section 2, read:

Section 2.

The Operations Committee shall have the powers of the Executive Committee between meetings of the Executive Committee,

except for the following:

D. Suspending or censuring any member of the state or county central committees.

Any other action requiring a two-thirds vote of the Executive Committee shall require a unanimous vote of the Operations Committee.

Section 3.

The Operations Committee may, by unanimous vote, fill any vacant office or Operations Committee position on an interim basis until a meeting of the Executive Committee is held.

The bylaw does indeed prohibit the OC from suspending members. However, a careful reading of the OC resolutions reveals that the OC did *not* act to suspend Mr. Selzer. Instead, once the OC was satisfied that Mr. Selzer had violated Bylaw 5:10, it assumed that his suspension was automatic. What the OC *did* do was to set conditions for a pardon that would grant Mr. Selzer membership reinstatement. The JC majority does not consider that action a violation of LPC Bylaws.

The OC also assumed that the automatic suspension of Mr. Selzer's membership requires the expulsion of Mr. Selzer from the XC. Bylaw 11, Section 1 clearly suggests that an XC member must be a county central committee member. Furthermore, it is clear that in Bylaw 12:2, expulsion of XC membership is not one of the five prohibited powers of the XC that are denied to the OC. The OC has the authority to expel Mr. Selzer from the XC, providing that the OC action has unanimous support, as required by Bylaw 12:2 (above) and Bylaw 11, Section 8, which reads:

A two-thirds majority of the eligible positions on the Executive Committee shall be required to pass the following:

A. Removal from office, censure, or suspension of a Party officer, Operations Committee member, Executive Committee member, Libertarian National Committee representative or county central committee member, or reinstatement of a county central committee member.

The JC majority do not find that the LPC Bylaws authorizes the JC to assess the consequences of any action scrutinized in an appeal it hears. The fact that the mistaken action was corrected by the OC ends the JC's involvement in this portion of Mr. Rice's appeal.

#### **Other issues**

On September 30, Mr. Selzer signed an affidavit detailing the requirements for a pardon from the XC. The JC majority finds that the LPC Bylaws do not prohibit the tendering of an affidavit to a member to ostensibly regain membership status. No violation of Mr. Selzer's membership rights were found to be violated by this action.

The JC majority does not find any authority in the LPC Bylaws for the JC to interpret any LPC bylaw outside of the relevance of the bylaw to an action being appealed. Indeed, this report offers some insight into the interpretation of bylaws 5:10 and 12:2D, but only in the context of the actions appealed by Mr. Rice.

The JC does not find any authority in the LPC Bylaws "to craft further remedies in regard to any actions involving this appeal", as requested by the appellant.

Respectfully submitted,

Rodney Austin

Mark Hinkle

Gail Lightfoot

Robert Weber, Jr.