



October 2, 2005

Executive Committee Meeting

As accepted  
A regular meeting held at  
Lone Star Steakhouse in Greensboro, NC

These minutes were e-mailed to: [ecLPNC@yahoogroups.com](mailto:ecLPNC@yahoogroups.com), [JudicialCommittee@LPNC.com](mailto:JudicialCommittee@LPNC.com) and the County Contact list.

With Mr. Hill presiding and Ms Wilcox recording the meeting came to order at 11:10.

**Members present:** Mr. Hill, Mr. Wrights, Ms Wilcox, Mr. Vuchnich, Ms Hogarth, Mr. Pitts (by proxy – Lee Wrights), Mr. Ritchie (by proxy – Brian Irving), Mr. Irving, Mr. Norman, Mr. Powell (by proxy – Thomas Hill), Ms Gallivan (by proxy - Beverly Wilcox), Mr. Anders (by proxy Phil - Jacobson), Mr. Jacobson, Mr. Pasotto and Mr. Smith.

**Staff present:** none

**Guests:** none

## I. Opening

- A. With the addition of one item, "Meetings" under New Business, and a correction to a name in the electronic voting, the agenda was approved as amended.
- B. Two corrections were made to the minutes of the August 21<sup>st</sup> meeting. The words "with the expense not to exceed \$300" were added to the motion regarding the bulk mail permit in Greensboro. It was noted that Lee Wrights held Eric Smith's proxy, not Thomas Hill, as originally recorded. The minutes were accepted as amended, by unanimous vote during the Secretary's Report.

## II. Executive Director's Report

- A. Mr. Haugh sent the following report:

*I regret that I will not be able to deliver this report in person on Sunday. On the other hand, this may get me in the habit of submitting a written report, which is a good thing. I hope you have the opportunity to read this before the meeting. I am always available for questions and other follow up by email or phone (919-286-0152).*

*The last six weeks have been among the most exciting weeks in our history. We have embarked upon a course which, if successful, will result in far and away our greatest public policy victory to date. This is a time to celebrate and share the joy of our common cause, and also to redouble our efforts.*

*First I will report upon the ballot access fight on four fronts, and then cover other matters. I'm sure other officers will have information to add to what is below.*

### *BALLOT ACCESS*

*We are fighting a battle on four fronts: legal, legislative, petitioning and public opinion. I have already reported extensively on these and will not try to rehash old information here.*

### *LEGAL*

*As you know, we filed our lawsuit last month, had our first TRO hearing for the Mayoral primary in Charlotte (which we lost) and are planning to be back in court before 10/18 to seek our preliminary injunctions to restore our candidates in Charlotte and Winston-Salem and to halt the decertification of our registered voters. Between now and then I will be working closely with our attorney Michael Crowell to further develop our complaint so that we can meet one of the main tests for preliminary injunctions, which is to show that we are likely to win our case.*

*After the preliminary injunction hearing, the next step will be to solicit supporting information from fellow traveler groups, including naming at least one Green Party plaintiff. I would like to see a separate amicus [curiae] brief from different persons and groups on each claim of our lawsuit. The Green Party has been extremely helpful using their connections to get partner organizations on board.*

*Now is the time to review the complaint and suggest corrections and additions. For two examples, we will most likely add a claim that redistricting is also an activity which is reserved only for Democrats and Republicans, and we will seek to revise some terminology such as "minor parties" and "third parties" to more accurately reflect our positions. The complaint has been uploaded to the files section of the LPNC yahoo group and also on the blog of Shane Killian at <http://www.shanekillian.org/files/Complaint.pdf>.*

*The first half of the \$10,000 retainer has been paid. Paying the balance of the retainer should be a top priority for this committee. After that, Tharrington Smith (Mr. Crowell's law firm) will send us a monthly statement of expenses. We are expected to pay for further services \$5000 at a time, when we are close to spending down what we already have on account. A prayer for relief has been added to the lawsuit to request attorney's fees from the state if we win. If that happens, the payment will go directly to the firm and they in turn will issue us a refund if applicable. So eventual victory in court will most likely also result in a large financial windfall for LPNC at that time.*

*In the month of September, we raised at least \$8030 towards our ballot access needs, from 61 unique donors. (This does not include funds raised from special events such as the Constitution Day picnic.) Of that, \$1000 is earmarked for the letter to registered Libertarians and \$500 for the county match fund. We may spend these funds now as long as we duly carry out the tasks which have earmarked funds when the time comes. That leaves about \$1530 left towards the next installment retainer. All my current fundraising is pushing the lawsuit exclusively. That will change to a more general ballot access pitch once we pay the next installment.*

*The above includes \$140/month in new five new or renewed pledges and does not include \$1160 from six donors who have promised to mail a check. Michael Dixon has informed me that he has now mailed the remainder of his match pledge (\$260) of two months ago.*

*In conversation with Thomas and Alex, we have agreed that we should keep a reserve of \$5000 at all times to cover our expected obligations over any 30 day period. The next \$5000 will go towards the retainer, and the following \$5000-6000 after that will go to the letter. After that, ballot access funds should be split between legal fees and hiring back our paid petitioners. Of course, this should not deter the committee from appropriating smaller amounts for necessary or desirable projects. While I have not seen the Treasury report yet, I suspect that we are currently at or below \$5000 in the bank since we have recently paid out several larger obligations (including Tarheel Libertarian, the final expenses of our paid petitioners and my commission for September). If that is the case, then of course our top financial priority should be to restore the reserve.*

*I have been shown a draft of a Lawsuit Strategic Plan which should be discussed at this meeting. I have sent my comments on that to Phil Jacobson. I would like to renew a suggestion I have been making for some time, that we establish a program for financially rewarding individuals or affiliates for fundraising, similar to the one for petitions. Volunteer efforts, while extremely necessary and valuable, are always haphazard. Offering financial incentive will vastly increase this activity. I recommend one of two options: either offer individuals or affiliates a 10% commission for funds they raise directly, or ask me to hire, train and manage party members for this program under the subcontractor terms of my contract (where I get 20% and am responsible for paying the subcontractors from that). For both financial and practical reasons, I highly recommend the former course of action, but will follow the latter if that is your desire.*

#### LEGISLATIVE

*As previously reported, this aspect of our battle is dormant until the General Assembly returns for the short session in May. At that time we will seek to amend EFA in the Senate back to its original form.*

#### PETITIONING

*The third batch of signatures were sent to the counties for verification on September 8th. These are still in process, particularly in the larger counties. As of 10/1/05, we have 33,334 signatures in hand, of which 20,649 have been verified. According to my best estimate, we need to gather 70,747 more signatures by May 1, 2006 to complete the ballot drive in time to meet the June 1st deadline to regain ballot access for 2006-08.*

*Since September 8th, we have received precisely 53 volunteer signatures. We do have some great volunteer opportunities in the next six weeks to gather more signatures. The New Hanover LP has mobilized to cover the polls in their area for upcoming municipal elections, and such action is called for across the state. The petition will be the main focus of our fair booths at the Dixie Classic, the State Fair and Centerfest in Durham.*

*Rehiring paid petitioners is an absolute imperative if we have any hope of meeting next year's deadline. Let me throw out some wildly optimistic numbers of expected volunteer signatures to make this point.*

*Let's say that we can mobilize 100 people to work the polls on primary and general election dates and at one-stop polling places in October and November. Considering the extremely low turnout for odd year elections, an estimated average of 150 signatures per volunteer is wishful thinking. That would result in 15,000 more signatures. Paul Elledge estimates that if fully staffed, the Dixie Classic can generate 1500 signatures. I believe that figure to also be in the realm of fancy, but let's use that as a benchmark and say that we can get double that at the State Fair. And finally, let's keep on dreaming and say that we can generate 1000 volunteer signatures a month from October-April, although we have never done this before.*

*The estimated total of these wildly ambitious estimates is 26,500 signatures. (This is more than double of the total number of volunteer signatures we have collected during any complete ballot drive in the past.) That will mean we will fall short of our goal by about 43,500. More likely, we will fall far shorter. We must hire professional petitioners to make up the difference, as not being back on the ballot in 2006 is totally unacceptable. At the current cost of about \$1.45 per paid signature, that means we will need to raise at least \$63,075 to complete this project. It would be wiser to place that figure at \$70,000.*

*All obligations to paid petitioners have been met. I intend to stick to the rule of thumb that we should have at least three weeks estimated pay in the bank before hiring any new petitioners.*

#### *PUBLIC OPINION*

*We have enjoyed our greatest non-electoral media attention ever since our decertification. Mr. Irving can report on the details of our media contacts, as I have duly kept him informed of all the ones which have come to me. I have been interviewed by about a dozen newspaper reporters, including ones with the NC Associated Press, the Charlotte Observer and the Winston-Salem Journal, as well as about half a dozen radio reporters, including the NC News Network which feeds talk radio stations across the state. We have received at least seven positive editorials in statewide newspapers, and the AP stories have appeared in newspapers across the country. I have appeared twice on WWNC, the big talk radio station in Asheville, twice in the last two weeks, including a three hour guest spot with Lee Wrights this last Thursday. Our candidates, particularly Richard Norman, have also generated much positive media during this period. Several letters to the editor and blog posts by LPNC members have also been published.*

*However, we have utterly failed on the public opinion front when it comes to communicating with our own members. There are many tasks which I perform as part of my regular administrative duties which you never see. One is that I answer general email, phone and mail correspondence. About a dozen members have contacted us spontaneously to ask about whether or not we still exist and if we are planning to fight. Here is a letter which is typical of that response:*

*"Dear Libertarian Party,*

*"You guys seem to be saying one thing and the state of North Carolina seems to be saying another.*

*"Is there a Libertarian Party in NC anymore? Today I was left with no choice but to change my party affiliation to Unaffiliated in order to vote in my state's next election.*

*"I felt I had found a home with the Libertarian Party but if we don't start doing a better job of growing we are doomed in my state.*

*"Please let me know what the Party can do to get back on the ticket in North Carolina. Thanks!*

*"Yours in Liberty,*

*"John Cline Jr.*

*"Cherokee NC*

*"p.s. If we need to go to Court, LET'S GO TO COURT!"*

*It is well known rule of thumb in business that if a customer writes to share their concerns, anywhere from 10-100 people share that concern but did not take the time to tell you. We have been efficient at getting out our side of this story via email, however our list now has 1958 names. On the other hand, we know there are at least 9,000-10,000 party members based on voter registration statistics, and the email list contains many members and supporters who are not registered NC Libertarian voters.*

*Two months ago, we had the means and opportunity to send a mailing to these members to tell them that we do indeed still exist and are ready to fight. There is no kinder way to put this: our decision to not send that letter is far and away the biggest blunder this body has made since I have been involved in the party, for three reasons.*

*First, as indicated by the typical response from Mr. Cline above, we clearly have failed to communicate to our membership, and lost an opportunity to give them renewed hope. We still need to send them a letter, but with every passing day, more addresses on the list of registered voters we downloaded in August go bad and more of our now former members give up hope that we are worth any more attention from them. For the first time since I have been involved with the party, we have suffered a very serious setback in our growth, simply because we failed to communicate with our membership.*

*Second, the two email fundraisers based on the letter text in September generated \$2285, which is more than seven times the previous record for an LPNC email fundraiser. While I don't keep statistics on this, it appears that telephone fundraising for this project is also setting records in the percentage of positive response and average amount given. These facts indicate that the letter would have been extremely financially successful, well beyond the very conservative estimates I gave you at the time. By not sending that letter, this committee threw away several thousand dollars that we could really use right now. Based on the success of email fundraising, I intend to send out 2-3 similar announcements to our list each month during the course of the lawsuit and petition drive.*

*Third, the process of not approving the letter was a breach of my contract with you. I had the authority both within the contract and within the LPNC budget to send the latter without this committee's approval, and a reasonable expectation of success. In hindsight, while I chose to seek your approval first because at the time it would have been politically highly controversial, that was clearly a huge error of judgment on my part. I must of course share the responsibility with you for these failures, as I encouraged you along this path. I vow that I will never make this mistake again.*

*I respect the very high standards of fiduciary responsibility displayed by this board, and in general agree that they are vital in maintaining the financial stability of this organization. However in this case this decision was clearly not an exercise of fiduciary responsibility, but rather quite probably the most fiscally irresponsible decision this body has ever made. Again, I regret having to put it this way but there is no other truthful way to say this.*

#### **OTHER MATTERS**

*Yesterday I heard from a new affiliate at the Appalachian State University School of Law. I believe this is the first graduate school affiliate in our history. Mr. Wrights and I are following up with them to make them official and possibly pay them a visit. They have inquired about the possibility of funding from the state party. I have encouraged them to put together a proposal detailing what they want to do with costs, which I will forward to this committee with my recommendation when it is submitted. In general, I strongly urge the committee not to*

*ignore or decline such small appropriations as necessary, despite the current financial imperatives detailed above.*

*Mr. Smith can give you the full report of the Legislative Agenda Committee. In the last period, we have received an invitation from the Pennsylvania LP to join a national coalition of state LP legislative action committees, which we are reviewing favorably. We have also been invited to join a new statewide anti-annexation coalition generated in Cumberland County, in large part due to the local activism of Mr. Irving, which has been forwarded to the committee for review.*

*I would like to give special thanks to Mr. Irving and Ms. Gallivan for working closely with me to ensure the maximum effectiveness of our press releases and our website to inform the media and our members and supporters of our ballot access news through these means. Also, Richard Winger of Ballot Access News has been invaluable in advising Mr. Crowell and myself in developing our lawsuit and publicizing it nationally.*

*All of my other significant activity of the last six weeks is part of the ballot access and lawsuit efforts and is detailed above.*

*Again, I regret I cannot be with you in person on Sunday. I hope you have a productive meeting. I have let Thomas know how to get a hold of me on Sunday if you need any immediate answers or assistance from me.*

*It continues to be my great pleasure to serve the party in this way, and to fight alongside all of the wonderful NC Libertarians who have renewed their commitment to Liberty in the face of our enormous challenges. Thanks to this excellent support and participation from our members, my faith in our ability to overcome these obstacles and fulfill our mission statement of changing public policy in a libertarian direction by electing Libertarians to public office has never been greater. Thank you.*

- B. During a 55-minute discussion regarding the above report the following questions and concerns were raised and will be forwarded to the Executive Director via the Chair.
1. Several members asked for clarity regarding the statement "I am always available for questions and other follow up by email or phone" when he has publicly stated that he has blocked the e-mail of certain EC members.
  2. Several members questioned the ability to send a letter to 13,000 + libertarians when there is little evidence that the money was available for the project when it was proposed.
  3. Several members questioned the statement "... the process of not approving the letter was a breach of my contract with you. I had the authority both within the contract and within the LPNC budget to send the letter without this committee's approval..." as the money for a project this large has never been planned nor budgeted. There was not enough money in the budget for this project.
  4. It was suggested that the Executive Director work directly with a direct mail contractor and set up his own account by which he could then independently send out direct mail without having to work within the confines of the budgetary process.
  5. Many questions were asked regarding the terms of the contract under which the Executive Committee and the Executive Director operate and it was realized that the contract that has been signed is not the contract that was agreed to by the Executive Committee and the Executive Director. Mr. Hill has agreed to get the appropriate contract signed. Some of the confusion regarding the contract is caused by the fact that the Director is sometimes referred to as an employee and at other times as an independent contractor, often by the same person.
  6. The statement " ... \$1000 is earmarked for the letter to registered Libertarians and \$500 for the county match fund. We may spend these funds now as long as we duly carry out the tasks which have earmarked funds when the time comes." was challenged by several members as an extremely poor financial practice.
  7. A request was made that the EC be told what continued correspondence transpired between Mr. Cline and Mr. Haugh.

8. After clarification from the Treasurer it was determined that the Ballot Access Fund was overspent by over \$4,000 and that this money came from the general fund and was then not available for other projects.
9. Concerns were raised regarding the time frame in which we will hold our convention and potentially name candidates for election in 2006 and that all members need to be mindful of the deadlines that we may face whether or not there are changes to the law via HB 88.

### III. Officer Reports

#### A. Chair

1. Mr. Hill reported that he had talked to a class at UNC-Charlotte and that he was very impressed with their response and the interaction.
2. Mr. Hill is looking for more opportunities to speak to college students.

#### B. Vice-chair

1. Mr. Wrights reported that he had spoken to a class at Wake Forest University
2. He also reported that he and Mr. Haugh had done another segment of the Matt Mattan show in Asheville where they received a very warm response from the callers.

A short break was taken to order lunch.

#### C. Recording Secretary

1. It was noted earlier in the meeting that in the future the minutes will reflect the names of all members and their vote on any motion that is not unanimous.

#### D. Treasurer

1. Mr. Vuchnich reported that the financials for the 3<sup>rd</sup> quarter have been posted to the list and gave a detailed commentary on this report.
2. Mr. Vuchnich gave a very detailed explanation of expenses and income, paying special attention to restricted funds and his accounting processes. His report is as follows:

#### Balance Sheet

	<u>9/30/2005</u>	<u>12/31/2004</u>
<u>Assets</u>		
Cash	\$ 9,252	22,801
Pledges receivable	535	335
	<hr/>	<hr/>
Total assets	\$ 9,787	23,136
	<hr/> <hr/>	<hr/> <hr/>
<u>Liabilities and net assets</u>		
Current liabilities-accounts payable	2,308	5,985
Net assets		
Unrestricted	6,479	5,563
Unrestricted-board designated	-	4,000
Total unrestricted	<hr/>	<hr/>
Temporarily restricted	1,000	7,588
	<hr/>	<hr/>
Total net assets	7,479	17,151
	<hr/> <hr/>	<hr/> <hr/>
Total liabilities and net assets	\$ 9,787	23,136
	<hr/> <hr/>	<hr/> <hr/>

## Income Statement

	Year-to-date			12/31/2004
	Unrestricted	Temporarily restricted	Total	
Income				
Contributions	\$ 18,000	10,107	28,107	33,778
UMP income	5,132	-	5,132	8,113
Convention fees	6,094	-	6,094	4,355
Membership dues	220	-	220	754
Miscellaneous	191	-	191	454
Total Income	29,637	10,107	39,744	47,454
Net assets released from restrictions	16,695	(16,695)	-	-
Expense				
Advertising	-	-	-	4,839
Bank fees	853	-	853	1,062
Candidate support	-	-	-	1,875
Dues and subscriptions	-	-	-	247
Executive director fees	9,062	-	9,062	12,356
Fairs	1,350	-	1,350	1,388
Filing fees	-	-	-	2,013
Handling and service	315	-	315	1,347
Meetings	2,090	-	2,090	5,960
Miscellaneous	-	-	-	258
Postage	761	-	761	1,324
Printing	642	-	642	3,418
Professional fees	24,935	-	24,935	9,557
Sales tax	42	-	42	168
Supplies	720	-	720	1,100
Telephone and fax	-	-	-	227
Travel	8,511	-	8,511	1,134
Webpage hosting	135	-	135	539
Total Expense	49,416	-	49,416	48,812
	\$ (3,084)	(6,588)	(9,672)	(1,362)
	9,563	7,588	17,151	18,513
	\$ 6,479	1,000	7,479	17,151

Break for lunch

3. Mr. Vuchnich moved, and Mr. Jacobson seconded, that a Finance Committee, with five members, to establish financial policies and procedures and help in the formation of budgets. Voting in the affirmative: Mr. Wrights, Ms Wilcox, Mr. Vuchnich, Ms Hogarth, Mr. Pitts, Mr. Ritchie, Mr. Irving, Mr. Norman, Mr. Powell, Ms Gallivan, Mr. Anders, Mr. Jacobson, Mr. Pasotto and Mr. Smith. There were no negative votes and Mr. Hill abstained.
4. Alex Vuchnich, Rick Pasotto, Phil Jacobson, Richard Norman and Beverly Wilcox have volunteered to serve on the committee and the E C affirmed these appointments.

#### E. Newsletter Editor

1. Ms Hogarth reported that submissions for the next issue of the Tarheel Libertarian must be submitted by October 10<sup>th</sup>, with a short extension to the 15<sup>th</sup> available with prior agreement.
2. Ms Hogarth reported that she is researching the feasibility of turning the TL into web only publication with the understanding that arrangements will have to be made for those who don't find this an acceptable form of communication. This is being proposed as an 'opt-in' transition.
3. Mr. Irving asked to have it recorded that he is opposed to a web-only format for the Tarheel Libertarian.

#### F. Outreach Director

NO REPORT

#### G. Ballot Access Director

1. Mr. Ritchie submitted the following report:
  - a. *I applaud the efforts of all volunteers in the gathering of petition signatures and encourage continuing in that effort.*
  - b. *The Cabarrus County Fair is an example of the success we can have at the upcoming outreach events.*
  - c. *The petitioning effort must continue even with the effort of the lawsuit. The county Affiliate Incentive has \$500.00 pledged to cover the first, of what I hope to be, a concerted effort to reach our ballot access goal of gathering the required signatures to ensure we are on the ballot once again for the 2006 elections. We need to have them in hand by May 31, 2006. I realize this is a tall order but I feel that it is imperative to achieve this goal.*
  - d. *Paid petitioners may be needed in the future to achieve this goal and I would encourage this committee to keep those costs in mind. I do not recommend taking on the costs of paid petitioners until we have the funds to pay them for the signatures collected.*
  - e. *I would recommend that the Committee accepts individual signatures in the same spirit as the County Affiliate signatures, in the case that there are motivated individuals that will collect a large amount of signatures, and should be incensed the same as the Affiliates.*
  - f. *I am willing to try to coordinate any efforts by any Affiliate or individual that is willing to petition for signatures; as laid out in the strategic plan that will be discussed at this meeting under the new business portion of the agenda.*

#### H. Press Secretary

1. Mr. Irving submitted the following report:
  - a. **News release:** *One news release on the lawsuit was distributed to 156 media outlets*
  - b. **Media queries/interviews:** *These media queries or interviews were reported to the press secretary:*
    - i. *Mr. Haugh was interviewed by the New Bern Sun Journal. Story appeared Sept. 22.*
    - ii. *Mr. Haugh and Mr. Wrights continue their participation in the Matt Mattan show (WWNC Asheville)*
    - iii. *Mr. Irving and Mr. Haugh spoke on WFNC radio Sept. 15.*
    - iv. *There may be other media coverage I don't know about, or missed in this report.*
  - c. **Media coverage:** *Generally, it's my assessment that media coverage of our decertification and lawsuit has been favorable. I have been attempting to save copies of as much media coverage regarding our lawsuit as I can get my hands on.*
    - i. *Several links are posted on the web site (under LPNC News), including an op-ed in the Raleigh News & Observer by Prof. Michael Munger, chair of the Duke University political science department. This piece also aired on WUNC radio.*

- ii. *It's noteworthy that we've had supportive editorials or op-eds in the Charlotte Observer and Durham Herald Sun, as well as other smaller newspapers.*
- iii. *Mr. Norman has also received favorable coverage of his bid to get back on the Winston-Salem city council ballot as an independent. In a related matter, Adam Weinberger's attempt to vote as an unaffiliated voter in a Republican primary gave us a positive spin story.*
- d. **Recommendation:** *We need to keep up the pressure on the public opinion front. I will solicit people to write op-eds about ballot access, free and fair elections, and related topics. I will coordinate with the chair and executive director to provide media updates on our lawsuit.*
- e. *Mr. Irving also noted the contacts reported by the Executive Director.*

**I. Membership Secretary**

- 1. Mr. Norman reported that officially we have 478 dues paying members, according to National.
- 2. Mr. Norman has the list of the 13,006 state registered Libertarians as of the date that the state Board of Elections decided to decertify them.

**J. Political Director**

NO REPORT

**K. Webmaster**

NO REPORT

**IV. Committee Reports**

**A. Convention**

- 1. Ms Wilcox reported that the committee had narrowed down the date choices for the next convention to the last weekend in April or the first weekend in May. The decision will depend on which of the three facilities now under consideration is determined to offer the best plan.
- 2. If an earlier date is needed for any reason, this information needs to be relayed to the committee immediately.

**B. County Affiliate Affairs**

- 1. Mr. Wrights reported that there is a group of students from Appalachian State University School of Law organizing.

**C. Small Business Owners**

NO REPORT

**D. Policy Manual/Past Practices**

- 1. Ms Wilcox agreed to contact Ms Howe and see if she has a continued interest in working on this project and report back to the next EC meeting.

**E. Legislative Agenda**

- 1. Mr. Smith reported that a national legislative support group has been formed so that information can be more easily shared.
- 2. Mr. Smith is also looking into the desirability of having an EC level position created via the by-laws for Legislative Agenda Director.

**F. State Fair**

- 1. Most of the booth materials are complete and being used at the Dixie Classic Fair. The booth had been totally revamped and redesigned this year with the help of a major donation from Bobby Emory.

2. The fair committee has also received a gift of supplies from a California resident, considering moving to NC. These will be used as a premium for those who sign up for three or more shifts at Dixie Classic and/or the State Fair.
3. The booth focus is ballot access.
4. The committee has stayed well under budget.
5. The sign-up sheet has been posted but more volunteers are needed.

## V. Old Business

### A. Electronic Voting

1. Motion by Mr. Irving on 8-29-05: I move we adopt the contract procedures policy proposed by Mr. Vuchnich. Voting yes: Alex Vuchnich, Jim Pitts, Bob Ritchie, Brian Irving, Elise Gallivan, Neal Anders and Phil Jacobson. Voting no: Lee Wrights, Beverly Wilcox, Richard Norman and Eric Smith. Abstaining: Thomas Hill, Susan Hogarth, John Powell and Rick Pasotto. Motion passed. 7-4-4.
2. Motion by Mr. Irving on 8-31-05: I move we direct the executive director to write and send a letter to all registered libertarians as quickly as possible and that we authorize an expenditure not to exceed \$4,000 for this project. Voting yes: Lee Wrights, Jim Pitts, Brian Irving, Neal Anders and Brian Irving. Voting no: Beverly Wilcox, Alex Vuchnich, Susan Hogarth, Bob Ritchie, Richard Norman, Elise Gallivan and Phil Jacobson. Abstaining: Thomas Hill, John Powell and Rick Pasotto. Motion failed. 5-7-3
3. Motion by Ms Wilcox on 9-7-05: I move that the Ballot Access Committee, consisting of the Executive Director, State Chair and Ballot Access Director be dissolved; that the paid petitioners turn in all signatures and bills for their services to date; that the Executive Director be directed to produce a tally of the petition signatures garnered from said paid petitioners with a separate tally for 'raw' signatures and a tally for verified signatures. Voting yes: Beverly Wilcox, Susan Hogarth, Richard Norman, Elise Gallivan, Phil Jacobson and Eric Smith. Voting no: Lee Wrights, Brian Irving and Neal Anders. Abstaining: Thomas Hill, Alex Vuchnich, Jim Pitts, Bob Ritchie, John Powell and Rick Pasotto. Motion passed. 6-3-6
4. Motion by Mr. Jacobson on 9-8-05: That it be resolved by the EC: That the proposed ballot access lawsuit is our highest priority; that all LPNC requests for funds clearly state that priority; and that all funds which are not earmarked for other purposed will go for the lawsuit, or activities related to lawsuit fundraising, until the lawsuit is fully funded. By friendly amendment from Mr. Irving the motion was divided into 3 parts as follows:
  1. That it be resolved by the EC: That the proposed ballot access lawsuit is our highest strategic priority. Voting yes: Alex Vuchnich, Susan Hogarth, John Powell, Phil Jacobson, Phil Jacobson and Eric Smith. Voting no: Lee Wrights, Bob Ritchie, Brian Irving, Richard Norman and Neal Anders. Abstaining: Thomas Hill, Beverly Wilcox, Jim Pitts and Rick Pasotto. Motion passed. 6-5-4
  2. That it be resolved by the EC: That all LPNC requests for funds clearly state that priority (priority being Ballot Access Lawsuit). Voting yes: Richard Norman, Elise Gallivan, Phil Jacobson and Eric Smith. Voting no: Alex Vuchnich, Bob Ritchie, Brian Irving and Neal Anders. Abstaining: Thomas Hill, Lee Wrights, Beverly Wilcox, Susan Hogarth, John Powell, Jim Pitts and Rick Pasotto. Motion failed. 4-4-7.
  3. That it be resolved by the EC: That all funds which are not earmarked for other purposes will go for the lawsuit, or activities related to lawsuit fundraising, until the lawsuit is fully funded. Voting yes: Susan Hogarth, John Powell, Elise Gallivan, Phil Jacobson and Eric Smith. Voting no: Lee Wrights, Alex Vuchnich, Bob Ritchie, Brian Irving, Richard Norman and Neal Anders. Abstaining: Thomas Hill, Beverly Wilcox, Jim Pitts and Rick Pasotto. Motion failed. 5-6-4
5. Motion by Mr. Pitts on 9-8-05: I move that the Executive Committee approve up to \$6,000 for Sean Haugh to send a fundraising mailing to all of our members ASAP! Voting yes: John Powell, Brian Irving and Lee Wrights. Voting no: Bob Ritchie, Richard Norman, Elise Gallivan, Neal

- Anders and Eric Smith. Abstaining: Thomas Hill, Beverly Wilcox, Alex Vuchnich, Susan Hogarth, Jim Pitts, Phil Jacobson and Rick Pasotto. Motion failed. 3-5-7
6. Motion by Mr. Smith on 9-12-05: I propose spending \$10,000 on a retainer in time to file an injunction to save our partisan candidates, provided we have enough money left to cover our obligations. Voting yes: Lee Wrights, Bob Ritchie, Brian Irving, John Powell, Elise Gallivan and Eric Smith. Voting no: Beverly Wilcox, Neal Anders and Alex Vuchnich. Abstaining: Thomas Hill, Susan Hogarth, Jim Pitts, Richard Norman, Phil Jacobson and Rick Pasotto. Motion passed. 6-3-6
  7. Appeal the ruling of the chair by Mr. Norman on 9-15-05: The ruling was...I RULE THAT THE CONSENSUS AGREEMENT MADE AT THE LAST MEETING CONSTITUTES AN AUTHORIZATION FOR SEAN TO PROSECUTE THE LAWSUIT ACCORDING TO HIS DISCRETION. I RULE ALL MOTIONS ABOUT THE LAWSUIT FUNDING ARE OUT OF ORDER. Do you support the appeal? Voting yes: Lee Wrights, Beverly Wilcox, Susan Hogarth, Richard Norman, John Powell, Neal Anders and Eric Smith. Voting no: Alex Vuchnich and Brian Irving. Abstaining: Thomas Hill, Jim Pitts, Bob Ritchie, Elise Gallivan, Phil Jacobson and Rick Pasotto. Ruling withdrawn. 7-2-6.
  8. Motion by Ms Hogarth on 9-19-05: I move that the LPNC approve the spending of up to \$400 by the Fair Committee (Bev Wilcox, Jim Pitts, Susan Hogarth) for State Fair booth materials. Voting yes: Lee Wrights, Beverly Wilcox, Alex Vuchnich, Susan Hogarth, Brian Irving, Richard Norman, Phil Jacobson, Rick Pasotto and Eric Smith. Voting no: no one. Abstaining: Thomas Hill, Jim Pitts, Bob Ritchie, John Powell, Elise Gallivan and Neal Anders. Motion passed. 9-0-6.
  9. Motion by Ms Hogarth on 9-20-05: I move that we appropriate expenses not to exceed \$300 for insurance fees for the State Fair booth. Voting yes: Lee Wrights, Beverly Wilcox, Alex Vuchnich, Jim Pitts, Brian Irving, Richard Norman, Elise Gallivan, Neal Anders, Phil Jacobson and Rick Pasotto. Voting no: no one. Abstaining: no one. Voting 'talk some more': no one. Voting 'scratch our bums': Eric Smith. Motion passed. 10-0-0-0-1
  10. Brian Irving moved, and Alex Vuchnich seconded, that all electronic voting since the last Executive Committee meeting become part of the record of the Executive Committee. Voting in the affirmative: Mr. Wrights, Ms Wilcox, Mr. Vuchnich, Mr. Pitts, Mr. Ritchie, Mr. Irving, Mr. Norman, Mr. Powell, Ms Gallivan, Mr. Anders, Mr. Jacobson, Mr. Pasotto and Mr. Smith. Voting no: Susan Hogarth. Abstaining: Mr. Hill. The motion passed.

#### **B. Inclusion in political debates**

TABLED

#### **C. Discussion of Bylaws, Platform, Statement of Principles Committees**

1. Brian Irving moved, seconded by Alex Vuchnich, to appoint a Bylaws Committee of at least five members, consisting so far, of Amanda Henry and Phil Jacobson, to authorize the Chair to add LPNC members to this committee as interested parties make their interest known and to authorize the Committee to select its own chair. Voting in the affirmative: Mr. Wrights, Ms Wilcox, Mr. Vuchnich, Ms Hogarth, Mr. Pitts, Mr. Ritchie, Mr. Irving, Mr. Norman, Mr. Powell, Ms Gallivan, Mr. Anders, Mr. Jacobson and Mr. Pasotto. No one voted in the negative. Abstaining: Mr. Hill and Mr. Smith. The motion passed.
2. Brian Irving moved, and Richard Norman seconded, that the Executive Committee refer to the Platform Committee consideration of the revision of the Statement of Principles. Voting in the affirmative: Mr. Wrights, Ms Wilcox, Mr. Vuchnich, Ms Hogarth, Mr. Pitts, Mr. Ritchie, Mr. Irving, Mr. Norman, Mr. Powell, Ms Gallivan, Mr. Anders, Mr. Jacobson and Mr. Pasotto. No one voted in the negative. Abstaining: Mr. Hill and Mr. Smith. The motion passed.

#### **D. Lifetime Membership plaque to Michael Badnarik**

1. Ms Wilcox spoke of concern regarding the presentation of this award and the expense. Mr. Norman donated the funds needed to purchase the plaque, and Ms Wilcox will proceed with the purchase.

**E. Follow-up – Greensboro bulk mail permit**

1. Eric Smith agreed to be the contact person with the Guilford County affiliate so that any misunderstandings or confusion can be cleared up and the permit process can move forward. The Executive Director will also be informed of the situation.

**F. Issues of Ballot Access**

1. It was requested that the Chair request that the Executive Director provide a report that would detail the level of commitment of organizations that have been contacted and have agreed to support the lawsuit. This report would detail the names of the groups contacted and what these groups have agreed to provide toward the furtherance of the lawsuit.
2. It was also requested that the Chair request that the Executive Director provide a list or an inventory of the jobs that the Executive Director has taken on so that it will be clear to everyone what he does do and so that Executive Committee members can best determine where their energy can best be directed and to eliminate any duplication of efforts.
3. It was noted that the contract signed by the Executive Director and the Chair is not the contract that was agreed to by the Executive Committee and the Chair volunteered to address this problem with the Executive Director.
4. After a long and detailed discussion regarding the communication difficulties regarding the issues of ballot access and the fact that the wrong contract was signed, a motion was made by Eric Smith, to give the Executive Director notice of the 30-day rule to re-open negotiation of the Executive Director's contract. It was not until this point that it was brought to the attention of the Executive Committee that the discussion of communication with the Executive Director was out of order as the agenda item under which this discussion was taking place was "Ballot Access".
5. Eric Smith moved and Phil Jacobson seconded, that the rules be suspended so that there could be discussion and action regarding re-negotiating the Executive Director's contract. Those voting in the affirmative were: Ms Wilcox, Mr. Pitts, Mr. Ritchie, Mr. Jacobson and Mr. Smith. Those voting in the negative were: Mr. Wrights, Mr. Vuchnich, Ms Hogarth, Mr. Irving, Mr. Powell, Mr. Norman and Mr. Pasotto. Those abstaining were: Mr. Hill, Ms Gallivan and Mr. Anders. The motion failed and it was requested that this issue be placed on the agenda for the next Executive Committee meeting.

**G. UMP phase out options**

1. Susan Hogarth moved, and Lee Wrights seconded, that the Executive Committee take the 6-month buyout plan for the UMP phase out. Voting in the affirmative: Mr. Hill, Mr. Wrights, Ms Wilcox, Mr. Vuchnich, Ms Hogarth, Mr. Pitts, Mr. Irving, Mr. Norman, Mr. Powell, Ms Gallivan, Mr. Anders, Mr. Jacobson, Mr. Pasotto and Mr. Smith. Voting in the negative: Mr. Ritchie. Abstaining: Mr. Hill. The motion passed.

**VI. New Business**

**A. Strategy for funding our lawsuit and other party activities**

1. Ms Hogarth presented copies of two documents for consideration
  - a. Lawsuit Funding Strategic Plan (which had been shared with members prior to the meeting);

## **Problem statement**

The party must continually renew efforts to obtain and maintain Ballot Access ("BA") under North Carolina law. This comes at great expense in both financial and volunteer resources and effectively prevents the party from executing strategic plans for its many other goals. For this reason obtaining and maintaining BA must be set as the highest-ranking priority of the Libertarian Party of North Carolina ("LPNC").

## **Goals/Targets**

- ??Long-term – Within five years the LPNC will have an established program of sustainable BA.
- ??Mid-range – The LPNC will have insured BA for the 2008 election (3 years out).
- ??Short-term - The LPNC will obtain ballot access for the 2006 election by obtaining approximately 70,000 more signatures for the petitioning drive.
- ??Immediate – The LPNC will raise \$100,000 in a combination of cash contributions and designated fund pledges (per Section 4G of the 2005-2006 ED contract designated fund pledges are specifically excluded from the ED's commission calculation) over the next year (target goal of 50k over the next sixth months) for the purpose of funding a lawsuit against State BA laws.

### **A. Action Plan**

1. Presentation of the plan at October 2005 EC meeting along with a specific statement that the EC will pursue the BA lawsuit.
2. Susan Hogarth will coordinate an EC directed fundraising campaign. This campaign will consist of:
  - a. Direct phone solicitations made of established donors.
  - b. Direct phone solicitations made of all (previously) registered Libertarians.
    - i. This effort is to be coordinated at a county party level in conjunction with county volunteer BA petitioning efforts.
  - c. Organizations with an interest in fair ballot access will be identified for donor and assistance requests.
    - i. As organizations are identified an EC member will request a time slot at the organization's board meeting to demonstrate the shared benefits of the lawsuits and seek contributions and other forms of support (such as access to general membership). Meetings with general membership or other means of collaborating can be planned, providing some direct fundraising benefit but also longer-term benefits of cooperation and coordination.
  - d. EC member pledge drive with a goal of raising a minimum of \$1,500 among the current EC members. (already \$600 toward that goal)
    - i. This is important for donor buy-in. We must demonstrate by example that we are committed to this plan and course of action.
  - e. Fundraising "Run for Freedom" - Will seek to ally with other organizations (as identified in item 2c) to hold a joint fundraising run. (approx. 6-12 months out).
  - f. Will hold a brainstorming session (or sessions) to determine other profitable fundraising activities.
  - g. Coordination of above efforts with ED fundraising efforts.
3. Initial solicitation will be for a \$100 designated fund pledge to be paid in installments over a 12-month period (with this request we will need approximately 1,000 donors to meet our goal, to meet the six month goal we only need 500).
  - a. A selling point to potential donors that can be talked up is the fact that (hopefully) 100% of the EC has agreed to the same commitment.
4. EC will request that Bob Ritchie, the Ballot Access Director, begin to develop a coordinated county level volunteer BA petitioning effort. This will be a joint effort along with the fundraising phone solicitations.
  - a. Initially this will be piloted in Wake, Guilford and Mecklenburg counties considering the existing county party infrastructure already in place with these parties. Once the model has been established it will be rolled out in the remaining counties.

- b. A county coordinator at each county level affiliate will be identified. This person will coordinate with Bob (for petitioning), Susan (for fundraising), and Lee (for other county level efforts?).
  - i. If deemed necessary multiple county coordinators could be assigned to each specific "area" to break up the responsibilities at the county level.
- c. The State party will be responsible for providing the tools (spreadsheet formats for developing volunteer databases) and training to these county coordinators.
  - i. In turn the county coordinator will provide that training to his/her volunteers at the county level.
  - ii. The EC will hold its first training session within one month of adoption of the plan.

## **B. Key Benefits of the Plan**

1. The plan will provide a means of achieving our long-term goal of achieving sustainable BA.
2. Provides a means of reaching our intermediate goal of regaining BA by the 2008 elections.
3. By developing the County Coordination aspects we will have laid the infrastructure in place for other statewide volunteer efforts.
4. Significant efficiencies will be obtained between our BA volunteer petitioning efforts and our lawsuit fundraising efforts.
5. Provides an excellent opportunity for direct member outreach and provides new events (such as the run) that might target members who we do not normally reach with our request for meeting attendees, petitioners, protestors, etc.

- b. Phone Fundraising Plan – lawsuit (presented for the first time):

### **Phone Fundraising Plan – lawsuit**

Goal for next six months (November\*, 2005-April, 2006): 50K. While an event will be planned within this timeframe, having it executed and profitable could be problematic. It makes more sense to view an event over a longer timeframe and as an outreach event – outreach both to the general public and to other organizations we might work with to stage an event such as a "Run for Freedom". Therefore I have included the six months' goal of 50K entirely in the phone plan.

**Note:** Use of the word 'pledge' here is taken to mean a commitment made over the phone to send a specific contribution within a specified time, either in payments or in a lump sum. Not to be confused with the monthly pledge program run by Sean Haugh.

#### **Some rough calculations:**

We have 15 EC members. Not all will be able/willing to make fundraising calls; however, several volunteers can be found to fill the gap, so we'll work under the assumption of having 15 people able to make 8 completed calls (~2 hours) 2 times per week. At least one EC member or other volunteer must be almost completely dedicated to record-keeping, sending out pledge reminders and thank-yous, and keeping tabs on the body of callers (reminding them of their goals, providing them with fresh names, looking up phone and other information, etc.).

With 15 callers, each would be responsible for raising ~\$3,350. We can round to \$3,700 to account for ~10% uncollected pledges. If we assume an average of \$10 contributed for each call completed (which I believe is conservative, based on a 50% pledge rate of \$20/pledge), then each caller will need to complete ~370 calls (total, not pledgers) to make the individual goal of \$3,700. With 26 weeks available, each caller will need to make ~14 calls per week. Assuming a rate of 4 completed calls per hour (also conservative), we can predict that 3.5 hours of calling per week per volunteer will be enough. More callers and/or greater success rates will of course make the task go faster.

#### **Logistics:**

*Calls will be made from volunteers' homes as available during the week using names/numbers supplied centrally. The information can be shared and updated either through a decentralized web database or held by the coordinator for distribution and collection as calling progresses.*

**Task order:**

- *Gather list(s) of possible contacts: personal acquaintances, LP supporters, issue supporters, LP voters.*
- *Check lists against Sean Haugh's list to ensure non-duplication of efforts.*
- *Distribute names to specific callers.*
- *Collect information on pledges from callers.*
- *Send thank-yous and reminders to pledgers as appropriate.*
- *Add names to list and redistribute as calling progresses.*

*\*October of 2005 will be used for planning, gathering of numbers, assignment of calls, and other tasks to prepare for calling. Calling can begin in this month, of course, as soon as everything is well organized.*

2. A recess was called so that members could review the first item and read the second.
3. On reconvening the meeting, Susan Hogarth moved, and Alex Vuchnich seconded, that the Executive Committee authorize a five-member committee consisting of herself and four other members to implement the Fundraising Plan, with the committee chair providing detailed reports to the Executive Committee on a regular basis. After long discussion the vote was as follows: Voting in the affirmative: Ms Wilcox, Mr. Vuchnich, Ms Hogarth, Mr. Pitts, Mr. Ritchie, Mr. Norman, Mr. Powell, Ms Gallivan, Mr. Anders, Mr. Jacobson, Mr. Pasotto and Mr. Smith. Voting in the negative: Mr. Wrights and Mr. Irving. Abstaining: Mr. Hill. The motion passed.

**B. Meetings**

1. It was suggested that the Executive Committee meeting dates be scheduled for one year in advance and posted to the Executive Committee list. Ms Wilcox agreed to plot out those dates and post them.

**VII. Adjournment**

- A. The meeting adjourned at 5:05.
- B. The next meeting will be October 29<sup>th</sup> in Raleigh under the direction of Susan Hogarth.