

The Tarheel Libertarian

News for, by & about North Carolina Libertarians.



July/August 2006

Electoral Fairness Act, Not Fair Enough

Barbara Howe

Tarheel Libertarian Editor

Libertarians in North Carolina were somewhat optimistic when Representative Paul Miller (D) introduced HB 88, the Electoral Fairness Act, during the 2005-06 legislative session. Like a bill introduced in the 2003-04 session (a bill that was essentially pocket vetoed by the co-Speakers of the House), the original version of HB 88 would have done two good things:

- ◆ Reduced the number of signatures required to get on the ballot by 75%. In current numbers, from roughly 70,000 (2% of the 2004 gubernatorial vote) to about 17,400 (.5% of the 2004 vote).
- ◆ Reduced the number of votes required to keep ballot access by 80%, from a harsh 10% of the Presidential or gubernatorial vote to a reachable 2%. Under current law, a party's candidate for either governor or president must get ten percent (10%) of the vote in order for the party to remain a recognized party. HB 88 reduced the number to two percent (2%). (For some historical perspective, the LPNC has only once broken the 2% hurdle, in 1992 when Scott McLaughlin achieved a little more than 4% of the vote. Barbara Howe achieved about 1.5% in both 2000 and 2004.)

The bill also offered a few other changes that had little impact on Libertarians or Greens.

What goes into the General Assembly is not often what comes out. In committee and on the floor, all sorts of mischief can occur. That's precisely what happened to HB 88.

It was in the NC House's Electoral Law and Campaign Finance Committee where the first

abomination occurred in the summer of 2005. Rep. Joe Kiser (R) offered an amendment to require that the candidates of a "new" third party be excluded from the general election ballot unless they paid a fee similar to the filing fees that Republicans and Democrats have to pay in order to participate in their party primaries. This was needed, said Kiser, "to level the playing field."

What goes into the General Assembly is not often what comes out.

The bill made it to the House floor before the end of the 2005 long session. It was in the wee small hours of the end of that session where the next abomination occurred. Rep Phil Haire (D) amended the bill to keep the signature requirement the same as the current 2% and reduce the retention number from the current 10% to 7%. The offending filing fee also stayed in. The House passed the amended bill in the late hours of their final day of business and sent the bill to the Senate, which promptly adjourned.

Even before the short session began in May of this year, we started working on the Senate to plead our case for restoring the bill to its original form. Senator Dan Clodfelter (D), chairman of the Judiciary 1 Committee, was sympathetic and said he would work with us to restore the bill.

The short session began in May and the immediate priority for both chambers was to come to terms over the state budget. HB 88 sat in limbo until mid July.

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Electoral Fairness Act

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Despite Senator Clodfelter's assurances to help restore the bill, when the Senate substitute came before the committee, there was still no reduction in the signature requirement and the filing fee was still in the bill. The only remotely positive change in the Senate Substitute bill was to restore the original good bill's change for staying on the ballot, changing 10% of the vote to 2%.

The Libertarian Party entered into an alliance with several like-minded organizations including the Green Party to form the NC Open Elections Coalition. Members lobbied hard to

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get the Senate to understand the reasons why NC's ballot access laws are unreasonable and that the changes asked for in the original incarnation of HB 88 offered a positive change for North Carolina voters. Eric Smith encouraged emails and letters to members of the Senate Judiciary I Committee. Barbara Howe and Hart Matthews, of the NC Open Elections Coalition, spoke before the J hearing.

Senator Phil Berger (R), minority Leader in the Senate, took up the cause to get the signature reduction back in the bill. He introduced an amendment in committee to restore the one half of one percent (.5%). The amendment failed.

Once the bill came to the Senate floor, it was clear that the General Assembly had no interest in making it easier for competitors to enter the field of play. Senator Berger and Senator Andrew Brock (R) both tried to persuade their colleagues in the Senate to reduce the signature requirement, but were unsuccessful.

So, in the end, what finally reached the governor's desk was the Senate substitute that leaves the signature requirement at its current level of 2%, reduces the number of votes necessary for staying on the ballot from 10% to 2%, and introduces the additional burden of requiring candidates nominated in convention, and only them, to pay a fee to get on the general election ballot. (We're thinking it's going to be a little weird when some of our official and legal candidates are left off the ballot because of this filling fee issue.)

We will try again next session. Libertarian leaders believe we got as much as we did this time only because the state lost a law suit on some of its petitioning requirements regarding independent candidates. If there is to be hope for more progress in the legislature, we will need to work hard on our current law suit. And we STILL need to keep up our petitioning!

New Law, New Strategy

**Phil Jacobson
LPNC Chair**

The new law, HB88, changes ballot access requirements. (For details, see report on HB88 on page one.) For the first time since the current ballot access petitioning requirement was enacted in the early 1980s, the retention requirement has been lowered to 2%. Since no LP gubernatorial or presidential candidate ever came close to the old 10% retention requirement, the LPNC was reclassified as a "new political party" at the end of each election cycle, so ballot access petitioning has been a perpetual process. With this new law, a serious effort to achieve retention has realistic chance of success.

Petitioning is as big a burden as ever, but if we also have a gubernatorial or presidential candidate with an especially strong appeal, that candidate might eliminate the need for a petition drive in the next cycle (2012). That would give us a full four years (2008-2012) to concentrate our "electoral energies" on candidacies rather than petitioning. It is possible that the momentum will keep us on the ballot for several cycles (or until the law changes yet again).

The LPNC has been able to meet the current petition requirements for all presidential races since 1992. However this has always been with the help from Libertarians at the national level. Because of shifting priorities at the national level, it is likely that the Libertarian National Committee (LNC) will decline to fund our petition drive, as it has in past cycles. Nevertheless, local efforts have been stronger than ever before. If the LNC decides to provide funds for ballot access petitioning, it will be the smallest share of the total cost they have ever needed to pay. I have renewed our request to the newly elected LNC, emphasizing the one new opportunity provided by our new election law.

No one knows who the next LP presidential candidate will be, or how strong that campaign will be. We do have one announced candidate for governor in NC already. That candidate is Michael Munger. Michael is currently the head of the Duke University Political Science Department, so he is

already very familiar with the issues, and should make a strong candidate.

A few questions might arise concerning the appropriateness of the party becoming involved in a race so early. We're not even on the ballot now. And what about the possibility of other candidates?

I am arguing that LPNC should not hesitate to put some energy into the governor's race even now. Yes, we must continue to work on getting on the ballot before a run to retain that status is meaningful. But the process of building interest in our governor's race will take time to build momentum for the 2008 election. At least some attention and thought should be put into it even at this early date.

And what about another candidate to run against Michael Munger? That will be an asset, not a liability. The one time the LPNC required a primary to decide a statewide candidacy resulted in the best media coverage we've ever achieved. And, if competition for the job produces an even stronger candidate than Dr. Munger, so much the better.

Meanwhile our political strategy should include a commitment to the governor's race. By this I mean that if any funds for candidacies become available, the governor's race should get priority. If people want to volunteer to help with candidates, we should urge them to consider this race. Other candidates should consider campaigning with the gubernatorial candidate(s) as often as possible. It will be unlikely that any other race will be as important to LPNC as the 2008 governor's race - at least not until the 2012 governor's race.

Typically LPNC leaders have emphasized the goal of electing people to office. I want to break from that tradition with what some may consider heresy. Right now, it is more important to free up our resources for real campaigning - to free them from the seemingly endless need to petition and petition again. Getting a tiny fraction over 2% in the next governor's race is more important than getting a "good showing" in any other partisan race. Arguably it is even more important than trying to win any other race.

We stand a good chance of getting out of the current rut, out of the need to put most of our resources into ballot access work leaving only a fraction of that for actual political work. Let's make the most of it.

The 2006 Libertarian National Convention: Yet Another Post Mortem

Joy Elliott
Convention Delegation Chair

This year's Libertarian National Convention was held in Portland, Oregon at the Hilton on June 28 through July 3. According to the Libertarian Party, "Over the past year, American voters have been breaking away from the two major parties and looking for a new home. At this year's convention we are highlighting this political migration while offering a new home to these dislodged voters." The theme of the convention was *Uniting Voters*.

Some 300-plus delegates, alternates, their friends, and family members attended the five day convention. Delegates voted to change the LP's bylaws and dramatically reduced the size of the party platform. Other business included the election of new officers, at-large representatives, and judicial committee members. Numerous speakers addressed the delegates and delegates could also attend many workshops designed to help activism.

To pay dues or not to pay dues was a major question for the bylaws committee to answer. The \$25.00 annual dues to the party in order to be a sustaining member of the LP was reinstated. The rationale for this change was directly related to the LNC's zero dues requirement which took advantage of the ambiguity in the bylaws. However anyone who signs the LP pledge, regardless of dues status, is still a member of the LP. They just aren't a sustaining member. The current language is "members of the party shall be those who have certified in writing that they oppose the initiation of force to achieve political or social goals." It might be well worth a mention that the Missouri delegation that did away with the pledge were allowed to be sustaining LP members and retain delegate status.

North Carolina's own Michael Dixon, the



Photo by Joy Elliott

National LP Chair, cut a nice figure as he kept the pace going throughout the convention proceedings. I suspect he had his stopwatch on vibrate as he maintained the strict 10 minute debate rule. He also made the wise choice not to run for re-election as many of his critics accuse him of style over substance.

Elections of officers of the Libertarian National Committee resulted in Bill Redpath of Virginia winning the office of National Chairman, Chuck Moulton of Pennsylvania winning the office of Vice Chairman, Bob Sullentrup of Missouri winning re-election as Secretary, and Geoff Neale of Texas winning the office of Treasurer.

The delegates elected Admiral Michael Colley (AL), Angela Keaton (CA), Pat Dixon (TX), Jeremy Keil (MI), and Dan Karlan (NJ) to the LNC as At-Large Representatives.

There were seven candidates for the Judicial Committee's seven seats, and the slate was elected by acclamation. The Judicial Committee members are: Michael Dixon (NC), Dr. Tom Stevens (NY), Allen Hacker (CA),

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National Convention

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Gerhard Langguth (AR), Nick Sarward (MD), Ruth Bennett (WA), and Joe Dumas (TN).

The bylaw to reduce the number of delegate allocation from 1450 to 1050 was passed. This change was based on the fact that there has never been a national convention of more than 900 delegates and it would free the national convention committee to book a smaller, less expensive location.

At the start of each National Convention, delegates vote on whether to retain the LP platform planks. The final tabulation of the platform retention vote resulted in only 15 planks being retained. The reason, it was a far easier vote requirement to eliminate a plank rather than to edit it to more transitional language. Even so, some of the retained planks actually incorporated several planks into one plank, thereby trimming down the size of the platform, but not eliminating many key positions. The new platform is available on the *LP.org* website.

As a wrap up to the National Convention, there were many things to enjoy. It was helpful that business was conducted after 9am with a working lunch on the floor, and speakers were scheduled for breakfast and dinner. The fact that Portland is not a hub airport probably hurt the attendance numbers. Maybe the convention organizers will push for a more central location next time. The suite after hours parties were a joy to attend. It was utterly fantastic to find Libertarians who realize you can have the best ideas in the world, but if you can't throw a fun party, no one will hear them. The best prank award would have to go to the Washington delegation party suite, who had taped a small spaceneedle in the Portland skyline of their suite window. Overall it was interesting to see the workings of this off year convention, an honor I wished I could have shared with more North Carolina Libertarians.

New Campus Outreach Initiative

Joy Elliott
LPNC At-Large

I am very happy to announce that we have created a sub domain for the LPNC campus outreach project. That sub domain is *www.campus.lpnc.org* and it links to the current campus contact page.

The Campus Outreach Committee is in the process of creating three new web pages geared toward the interest of younger Libertarians, as a means of recruitment and retention. Your help is needed in marketing this new contact to campuses across the state. If you are either a professor interested in advising a group on your campus, or a student interested in starting a new group, please write *campusinfo@lpnc.org*. We are prepared to assist with fliers, group constitutions, and finding group advisers.

Today's youth are always going to be tomorrow's future and it is very important to at least expose them to the ideas of libertarianism. Even if you aren't a student, you can help by requesting fliers to print, posting them at any local library or on college bulletin boards near you. With a little work this can be the beginnings of a new influx of previously unreached individuals who too often think they are alone politically. Feel empowered and get involved in this project in anyway you can, even if it is nothing more than posting one flyer on one bulletin board or placing a classified ad in a school paper with the sub domain address. Too often people forget the old axiom that states from tiny streams mighty rivers flow.

Pledge for Liberty!

Become an LPNC pledger. Pledges, consistent monthly donations, are vitally important to the stability of the LPNC. With a reliable source of income, the Executive Committee is better able to make realistic plans for long range activities such as the petition drive and the lawsuit. Use the form in this issue or contribute online at *lpnc.org*. Make a generous pledge today!

Come to the Fairs!

Susan Hogarth
Outreach Director

North Carolina has two major regional agricultural fairs in October, the **Dixie Classic** in Winston-Salem and the **State Fair** in Raleigh. These have in the past few years become great outreach tools for the LPNC. We've established a regular presence at both fairs, and in addition to making new contacts every year, our continued presence makes an impression on more people every year. Many libertarian-minded folks will be inclined to work with or join the LPNC when they are convinced that we are here to stay and be heard - and our presence at events like the Fairs can make exactly that impression in their minds. It's hard to say which is more fun - making an entirely new contact, or talking to someone who visited with us last year and is just "checking in" to see what we're doing this year.

This year our outreach will naturally be focused on ballot access. Last year's booth featured LPNC activists working together with local organizations on property rights and voting issues, and we will continue that theme with an emphasis on the LP's role in providing voter choice - especially to the nearly 20% of unaffiliated voters.

Of course a major goal of the booth will be to gain signatures for the ballot access effort, and we expect to get several thousand signatures. Beyond signatures, though, we have the chance to talk to people about libertarianism and the Libertarian Party as a political and social force in North Carolina and beyond, and to identify and connect with people sympathetic to freedom who may be looking for a way to join a greater freedom movement.

We will also be showcasing candidates who have announced and are running for both '07 and '08. If you are a candidate - or plan to be a

candidate in '08 - please make a special effort to get to at least one of the fairs and meet people. You will find the people working in the booth with you to be possible campaign-worker recruits, and you will learn



so much about "street-level" North Carolina political concerns that it will be as valuable as an expensive campaign training seminar - and much more fun!

Fun is an important watchword for Fair volunteers - we are improving every year in our coordination of efforts so that volunteers can travel to the fair, park, and have a great time both inside and outside the LPNC booth with a minimum of trouble and a maximum of pleasure. Fair volunteers will get a full day's free admission into the Fair, and we will do our best to find parking at free or reasonable rates close to the grounds for Fair volunteers. As a volunteer, you should come prepared to man the booth for a four-hour shift, with company, and then enjoy the rest of the day roaming the Fair. We are hoping that folks from the more far-flung counties will travel together in groups of four to six to take several consecutive shifts, save on gas, and have company for the trip. This means you need to reserve your county's "day" at one of the Fairs before other volunteers grab it!

Both fairs run through two weekends. The **Dixie Classic Fair** in Winston-Salem is the first week of October, September 29-October 8. The **State Fair** in Raleigh is October 13-22. Contact Susan Hogarth at hogarth@gmail.com or by phone at 919-906-2106 for more information or to sign up for one or more shifts.

Petitioning Opportunity

The most certain way for the LPNC to regain access to North Carolina's ballot is to complete our current petition drive. An ideal opportunity for collecting plenty of valid signatures is just around the corner. November 7, Election Day 2006.

Plan now to make arrangements to be at a busy precinct in your area on November 7 and take your clipboard and ask for signatures. It's going to be a great time to reach registered voters. Many of them will be in a mood to sign because they will see the lack of choice on their current ballots.



Petitions forms are available on the website (*lpnc.org*) or by writing the LPNC at P O Box 28141, Raleigh, 27611-8141. Mail completed forms to that same address.

Each signature collected by volunteers saves the LPNC valuable financial resources.

Thanks for your help.

I want to join the Libertarian Party of North Carolina

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____ Cell phone _____

E-mail _____ Occupation/Employer _____

I want to become a dues paying member of the Libertarian Party of North Carolina.

Enclosed is my check for \$25.

Charge my card. Here is the card information:

Name on card: _____ Card type: _____

Credit card number: _____ Expiration date: _____

Here is an additional one-time donation of \$ _____

I want to pledge \$ _____ each month.

Yes, I want to join the Libertarian Party of North Carolina. I certify that I do not advocate the initiation of the use of force to achieve social or political goals.

I just want to subscribe to the *Tarheel Libertarian*. Here is my \$10 subscription fee.

I've moved! Please update my address in your records.

Signature required

Please send form and payment to:

Libertarian Party of North Carolina
P O Box 28141
Raleigh, 27611-8141.

Gov't mandated notices: The IRS requires us to remind you that your contribution is not tax deductible. NC law requires political committees to report the name, mailing address, job title or profession, and name of employer or employer's specific field for each individual whose contributions' aggregate is in excess of \$100 in an election cycle. In addition, contributions using a business or corporate check or credit card are unlawful. By signing, you affirm that this contribution will be paid with personal funds.

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Celebrate Constitution Day

A Day of Great Company

Dr. Michael Munger, candidate for Governor and
Chair of Political Science Dept. at Duke University

Local candidates including:

**Vernon Robinson, Phil Berger, Sr., Phil Berger, Jr.,
Eric Smith, Richard Moore, Randy Rayeburn**

And many more great folks!

A Day of Great Fun

Food | Lawn games | Auction

Traditional American Stump Speeches

-ALL candidates welcome-

Dunking Booth – Democracy in Action!

A Day to Celebrate America

Come out and meet our local candidates
Support Ballot Access for All Political Parties

Come and support freedom!

Sunday, September 17th

2 pm – 7 pm

1161 NC 65, Wentworth*

(* use 27375 zip code for driving direction)

Call Bev Wilcox - 336 634 0308 for more information
Event sponsored by the Committee to Elect Eric H. Smith