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## Citizen's Petition To Repeal The Patriot Act

...Gene Trosper <gtrosper@ez2.net>

The Libertarian Political Action Alliance is proud to announce that it is sponsoring the "Citizen's Petition To Repeal The Patriot Act".

As we all know the Patriot Act and the recently enacted "Patriot Act II" have essentially ushered in the era of an American police state. It is absolutely essential that we do whatever we can **now** to pressure congress into repealing this horrendous legislation! Currently, the Bill of Rights Defense Committee has been successful at having town and county councils to adopt anti-Patriot Act resolutions. So far, over 270 resolutions have been adopted. However, the public has no organized voice to oppose this legislation. That is where we come in: By printing and distributing these petitions, we will be providing this much needed voice. In addition, many citizens are still not aware of the Patriot Act. This petition will provide activists with an educational tool to inform citizens of police state dangers and the benefits of liberty.

Imagine: whether your interest is political action or educating people about liberty, this petition will meet your needs in a simple, cost-effective manner.

This petition is different from what many have become accustomed to: It only requires that the person signing live within the United States or is a U.S. Citizen currently living abroad. No need to worry about ballot access or voter registration status...or age. High school students can sign as well!

Background:

In 1996, I formulated a petition drive to try and pressure the Commission of presidential Debates to include Harry Browne in the televised debates. In just a few short weeks, we garnered massive media attention and energized Libertarian activists nationwide. Eventually, we gathered roughly 30,000 signatures which were presented to the debates commission in Washington DC.

That particular petition was called a "pioneering effort" in libertarian activism by Libertarian Party officials at the time.

I believe this petition has much more potential. Why?

\* No partisan affiliation. People from all partisan persuasions will be more likely to sign this petition as opposed to a petition focused on an LP candidate.

[Petition to End the Patriot Act] (Continued on page 2)

## Libertarian Party State Leadership Alliance Annual Meeting Report

Written by: **Bob Sullentrup, MO**

Reviewed by: **Bonnie Scott, NY Lee Wrights, NC**

### Table Of Contents

|   |    |
|---|----|
| Preamble – Traction and Leadership                      | 3  |
| Attendees and Introductions                             | 5  |
| Opportunities   | 7  |
| Video, Increasing Press Coverage and Handling Questions | 7  |
| Indiana, 71 Candidates                                  | 10 |
| Billy Parker, The Leadership Institute                  | 10 |
| Aaron Russo, LP Presidential Candidate                  | 12 |
| Barry Smith, Improving Media Relations                  | 13 |
| Dr. Jim Lark, Working with Campus Libertarians          | 14 |
| Ray Ledford, Core and Critical Activities Survey        | 16 |
| Dan Lewis, Direct Mail Solicitations                    | 16 |
| Shane Cory, Websites                                    | 19 |
| Geoff Neale, National Convention                        | 21 |
| George Squyres, LP Platform                             | 22 |
| Mark Rutherford, Small Business Initiative              | 25 |
| BCRA, Sean Haugh  | 28 |
| Libertarian State Leadership Alliance (LSLA)            | 30 |
| Resources   | 31 |
| Errors and Omissions                                    | 33 |

### Preamble – Traction and Leadership

By **Bob Sullentrup, MO Chair**

This year's state chair's conference reflected yet another degree of maturation over prior conferences.

The 2001 conference in Indianapolis, our first in this series, was one in which participants got to know one another. We got a sense of which states were progressing well and had scored successes in various areas. Those states inspired the others who were struggling or just getting started. The contacts we made at that conference benefited MO, for example, when it came time to find mentors for our radio advertising initiatives (MI and ME).

The 2002 conference in Nashville provided all the benefits we accrued in Indianapolis and more. The prepared presentations delivered a wealth of information and then were supplemented with first-hand experience from the field. We opened up the phone lines and let people talk. From those discussions a pattern emerged: The message at that conference was to use "high touch in addition to high tech – talk to people and don't be afraid to ask for what you want".

Last year in Houston we took yet another step. For the first time, we established base performance metrics according to

[State Leadership Alliance] (Continued on page 2)

*(Continued from page 1)* [LP Pennsylvania Strategy]

\* More time to gather signatures. In 1996, we only had roughly five weeks to gather signatures, thus limiting our impact.

\* Lessons learned: The previous eight years has brought more knowledge in terms of media relations, publicity and tactics. We can utilize all of the accumulated knowledge since 1996 to our advantage.

\* The power of the internet. In 1996, the internet was just starting to garner popular attention. Now, with millions of people online, we can campaign for this petition widely with little (if any) cost. Links, e-mail lists, forums and internet ads will provide us with a greater outreach effort than ever before!

We are already off to a great start:

On Sunday, February 22, Orange County Superior Court Judge James Gray signed our first printed petition!

That same day, we also recruited our petition coordinator: Julianne Miller-Boyer. Thank you Julianne! She will be setting up a PO Box and collecting completed petitions.

I am working on contacting a United States Congressman that opposes the Patriot Act so we can, at the point our petition drive ends, present the petitions to congress **with** this particular representative. This promises to be **huge**.

Will you join us?

We need people to help by:

- \* Printing and distributing petitions.
- \* Forwarding this e-mail to interested individuals on your e-mail list.
- \* Asking your local organization to endorse this petition drive.
- \* Contacting you local media when/if you begin petitioning.

To view this petition, please visit [www.libertarianaction.com](http://www.libertarianaction.com)

Thank you for your help at bringing pressure upon our federally elected representatives to repeal the Patriot Act, once and for all!

Yours in liberty,  
--Gene Trosper, founder,  
Libertarian Political Action Alliance

The LPAA is a non-partisan organization dedicated to upholding liberty via the political process.

*(Continued from page 1)* [State Leadership Alliance]

the LNC's strategic initiative to strengthen state and local organizations. We allowed ourselves to be measured and to have our progress gauged. We had moved beyond talk to "nuts and bolts".

If last year was "nuts and bolts", this year's conference was "traction". That was readily apparent from the outset as conference attendees described the best and worst aspects of their states. Despite whatever obstacles we have all encountered recently – membership falling, donations dropping, national downsizing, and loss of key members – states are gaining traction.

For example, Indiana took Mark Schreiber's branding initiative by the bit and is progressing in city council deliberations, press releases, mayoral races, press coverage of convention speeches and so on. IN had 71 candidates posting six victories in an off year and is poised for continued success.

Even Missouri could have pointed to several items, but mentioned its burgeoning 48-page operations manual to document website operations, post office box rentals, convention organizing and other details. Previously, these details existed only in several minds and were frequently fumbled and not handed off. Missouri is slowly getting its administrative act together. When Missouri next gets its political act together, it will have something.

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**Libertarians.**

In pulling together Missouri's operations manual, I included the summary of a speech I gave at the 2002 state convention on Volunteerism. Essentially, the speech asked volunteers to "honor their word as themselves". That is, if a volunteer gives his word, then he/she should keep it. Alternatively, if he isn't going to do something, then he should not commit. At the time I thought the essential key to our success was to acquire a set of effective, reliable volunteers.

With these state chair's meetings, it has become clear that volunteerism is not enough. Leadership is an essential key, and *we conference attendees are the ones to provide that.*

But what is leadership? Roger Staubach, the erstwhile Dallas Cowboys quarterback, said leadership is composed of "honesty and integrity". Billy Parker of the Leadership Institute says it's mainly "integrity".

But it has to be more than that. From what I observed at this conference, good leadership is a *mode of behavior*. And what mode is that? Doing. Just do it. Get started and go.

There are best leadership practices to go along with it. Thinking ahead is always good, and typically does not require calculus. For example Mark Rutherford wondered at some point *prior to the 2004 LSLA conference*, "Where will we have the one in 2005"? He secured my assistance in bringing it to St. Louis, and clearly Mark exhibited leadership. Asking "what should we be doing NOW for next year's election?" is leadership as well.

It's not an act of leadership to figure out why we can't win and offer it up as an excuse for not doing. For example, Libertarians would never engage Haliburton to rebuild Iraq with American tax dollars and accept the campaign donations that would find their way into our coffers. Had Libertarians been in power, we'd have national defense, not international offense, and 9-11 would likely never have happened in the first place.

But just because this 'racket' the Republicans run, or the one the Democrats run with their labor union constituencies, are not available to us, that's no reason we can't win. The deliberate progress in Indiana clearly supports that assertion. And think of America's small businesses that must succeed despite government's regulations and obstacles.

There are no doubt other elements of leadership, perhaps including having a vision, being able to create cheap and effective methodologies, and suppressing the urge to pontificate while keeping the speak-to-listen ratio to one or less. I'll work on this and let you know what I find out. You'll probably find it in a chapter in the prototype operations manual on the CD that Bonnie Scott is compiling at her site (see Resources at the end) to mentor new state chairs. By the way, have you ever seen states collaborating like this before? That's what I mean by traction.

We owe a debt of gratitude to the one whose brainchild these LSLA conferences are. We have 50 parallel experiments going on, and these meetings serve as an opportunity for one

another to derive inspiration, ideas and renewed vigor from our peers.

I'm always delighted to spend time with like-minded Libertarians, and remain pleased and proud that people like Thomas Jefferson and the Libertarian leaders at the conference are in my camp.

### *Attendees and Introductions*

***Barbara Howe welcomed the group to North Carolina. Barbara's normal interest in football has peaked by the emergence of the Carolina Panthers in the Super Bowl.***

Mark Nelson the meeting moderator introduced Ted Dunlap of ID. Ted requested the group start Sunday's meetings a 8am to accommodate discussions regarding the small business initiative. The group agreed to start the breakout sessions scheduled for 11 at 8am.

Ray Ledford (TN) led a moment of silence for Ron Crickenberger.

Ron, a well respected and well liked former LP Political Director, passed away Jan 20 of melanoma and bone cancer.

Mark Nelson recounted the short history of these state chairs meetings. He noted that from Indianapolis in 2001 through Nashville, Houston and now Raleigh, the State Chair's Alliance has first, grown away from a dependence upon the national organization that launched it. We are now poised to widen our support base and gain increasing acceptance of libertarian ideas by the public. Accomplishing that comprises the goals of the conference.

Approximately 40 representatives from roughly 30 states participated in the conference. Mark asked the attendees to articulate the best and worst aspects of their involvement accomplishments of their state in the preceding year.

The participants and selected comments include:

- NC - Barbara Howe mentioned success in the ballot access reform bill which, unfortunately, the Speaker of House refused to bring to the floor
- CA - Mark Selzer, Vice Chair, and others knocked on doors of registered Libertarians asking them to join the party.
- CA - Aaron Starr, Chair, was present
- CA - Mike Carling, attended
- MO - Bob Sullentrup, Chair, noted his state's Operations Manual, 48 pages and growing, to document the tasks and responsibilities
- FL - Doug Klippel, Chair, has been able to travel around the state to develop a state-wide network for coordination and collaboration opportunities
- VA - Steve Damerell, noted general progress in his state
- VA - Fred Childress, was present
- VA - Bill Redpath, noted the ongoing ballot access work in NC
- MD - Chip Spangler, Chair, is fighting rejected signatures

for ballot access petitions

ID - Ted Dunlap, Chair, pointed to city council election victories

WA - Jocelyn Langlois, the new Executive Director, noted the LP's major party status

WA - Marla Bottemiller, is the new office manager in WA

WV - Helen Tucker, Chair, said WV has recently won lawsuits and promoted her "Theft by Deception" video

MN - Bob Wadden, Chair, dissention and moved office, Beacon group successes

NC - Bev Wilcox, Secretary for NC attended

Nat - Dianne Pilcher, long time dedicated employee, was present

TN - Ray Ledford, Chair, noted membership drive successes

TN - Heather Scott, a "Lady of Liberty", mentioned the Taxpayer Bill of Rights initiative that serves to extend the influence of the Party and increase members

Nat - Daniel Cloud, newly selected *LP News*, editor, was present

NC - Sean Haugh, ED, noted three people were elected city councils

Nat - George Getz, was present

NV - Brendon Traynor, noted his state formed a coalition to repeal newly imposed taxes

PA - David Owens, said he was helping Mike Dixon become LNC chair

AZ - George Squyres, Chair and LNC member, noted the AX LP won two lawsuits

SC - Chuck Williams, lost its treasurer but was national's gain. SC is very pleased to have a new Executive Committee position of Event Coordinator. It is a self-funding position with 15% of the net proceeds going to the coordinator.

AL - Michael Colley, wanted to learn at the meeting

VA - Jim Lark, former chair, noted increases in local activism

AR - Gerhard Languth, Chair, is looking forward to 2004

AR - Bill Haussig, Vice Chair, likewise

NY - John Clifton, Chair, was "here to learn" but identified several initiatives including bans on toy guns

NY - Bonnie Scott, Vice Chair, noted website advances

DE - George Smith, Chair, has doubled DE's number of activists

OH - Jason Hallmark, Chair, noted Ohio's LP Mayor, and suffered having 57000 signatures thrown out by statistis from ballot access petitions. OH sues.

NH - John Babiarez, Chair, noted NH's selection as the free state and is causing chaos among the D's and R's in the NH primary.

IN - Brad Klopfenstein, ED, noted IN's 71 candidates

IN - Mark Rutherford, Chair, noted IN elected 6 Libertarians to offices with three close calls. Phil Miller, an incumbent councilman, was narrowly defeated

TX - Pat Dixon, Chair, noted it will cost \$150k to keep ballot status, but a recent Jimmy Vaughn fundraiser

made a dent and energized the membership

FL - Bill Van Allen, Sarasota County chair, noted that with 73 state house candidates in 2002, registrations doubled

Nat - Rod Serverson, originally Sioux City, is the database manager

Nat - Mike Dixon, on the LNC, is running for national chair

Nat - Geoff Neale, national chair, was present

Nat - Joe Seehusen, national director, was present

NC - Jennifer Medlock, a "Lady of Liberty" (October) from Charlotte garnered 21% in her house race.

IA - Mark Nelson, Chair, noted IA is 3 for 3 in elected offices, and won contested race in Davenport, and raised \$100 per attendee at the IA convention. Moreover, 18 people vied for 14 delegate slots to the national convention.

SC - Mark Johnson was present

Nat - Aaron Russo, LP Presidential Candidate was present

NC - Lee Wrights, Vice Chair, LNC member, was present

        Dan Lewis

Nat - Nick Dunbar

**Opportunities**

*Note carefully the items below. These are opportunities LP groups can pull right off the shelf and at little or modest cost to produce a sizeable impact.*

- o Dianne Pilcher reminded the group of national's **bulk mail permit** and opportunity for cost savings by states. Contact Dianne Pilcher for more information.
- o Doug Klippel, FL, has templates, prototypes and other aids for efficient and effective **petitioning** at [www.lpfs.org](http://www.lpfs.org). The materials help identify signers making the qualification process quicker, easier and thus more likely to be accepted.
- o Mark Seltzer, CA, has produced a weekly newsletter in the form of libertarian **TV talk shows**. His shows have a professional demeanor. That is critical – amateurish shows suggest the ideas are amateurish.

Mark is interested in getting the show on in other parts of the country. Contact Mark at

Mark Selzer  
 Southern Vice Chair, CA LP  
[Liberty64@jps.net](mailto:Liberty64@jps.net)  
 H: 323-469-5372  
 C: 323-633-6275  
[www.lpca.org](http://www.lpca.org)

- o The **Ladies of Liberty calendar** featuring three conference attendees including Rachel Mills (NC, January 05), Heather Scott (TN, March 04) and Jennifer Medlock (NC, October 04) is available for resale. Volume purchases at cost. Contact Rachel Mills at [www.rachelmills.com](http://www.rachelmills.com) or e-mail [Rachel@rachelmills.com](mailto:Rachel@rachelmills.com).

**Video, Increasing Press Coverage and Handling Questions**

Barbara Howe, NC, aired a video prepared by the Oregon LP describing how to obtain good PR at minimal cost. One mention in the *Wall Street Journal* that reaches millions is effective, plausible and vastly more cost effective than the equivalent paid advertising.

Persuasion is a key to good press coverage. For example, write press releases in such a way that:

- o Objections along with rebuttals are in the press release
- o The text is of good enough quality that parts or the whole could be lifted verbatim and dropped into a reporter’s story

Media persons have a monster to feed daily governed by the daily deadline. Accordingly, make the media’s job as easy as possible.

Write press releases in “newspaper” style, beginning with the classic “who-what-where-when-why-how” in the opening paragraph. Thereafter, drill down to successive, less important detail. This allows an editor to cut a 10-column-inch story to 8 if the remaining text on the newsprint allows only that much space. (see the link to *Success 99* materials at [lp.org](http://lp.org) listed in Resources at the end of this document)

Richard Burke, Oregon’s ED, says to begin with the product of campaign issue or other Party position. Promote aggressive ideas that are bold but plausible, and not of the ‘hail Mary’ variety shooting for a libertarian America by Tuesday. Aim for progress in measured, plausible steps.

It will be hard to crack the media ice since reporters and editors don’t have time to listen to Libertarian theorists any more than they have the time for any other group. An excellent suggestion is to *start with the smallest towns in the state*. It is easiest there to get onto the front page since 1) fewer things happen in small towns and 2) the reporters there are unaccustomed to the attention.

From that step stone, it would be easier to “create a buzz” among other media persons. Before long, more media persons will have heard of you.

This approach does not require a lot of money, but it does take persistence and time.

In any case, *do your homework*. Know something about the

town before going in.

Oregon tried this in one of their races. When the Libertarian reached 7% in the polls on only \$6k, the republican was forced to spend over \$100k to beat the Libertarian down to 2%.

Remember that political parties such as us have three wings. There are activists who make the public fear a future without change. There are intellectuals who polish the ideas. Finally, there are politicians who make the public comfortable with change. In this Party’s case, we need to develop our political wing.

Accordingly, always thank the press for whatever support they provide. However, the media cannot be made to feel as if they are being used or they will turn against us. For that, be trustworthy. Moreover, if they make a mistake in reporting, don’t yell at them. They retain the power of the press after the yelling session is complete.

To earn the respect of the press, make sure you do the following:

- o Dress like them – always wear a suit (unless speaking to a group of farmers in a pasture, for example)
- o Practice
- o Do your homework and understand LP solutions
- o Use the following 4-step during debates and interviews

Four-step methodology for handling media questions

1. Restate the question and define the issue
2. Identify which principle of governing is involved to identify what we can all believe in
3. Offer the LP solution
4. Explain a transition plan

*(Note: This methodology is also the basis for the LNC’s effort to recast its platform planks into jargon-free, understandable, complete and coherent statements that non-Libertarians can understand)*

For example, suppose the question was “Why should we vote against a tax increase for vital services?”

1. (restate)  
“Your question is how can we vote against this tax increase for vital services? But that’s not what this is about.”
2. (principle)  
“It’s about items that never should have been funded in the first place.”
3. (solution)  
Our LP solution is to get government to provide

vital services, not discretionary or unnecessary ones

4. (transition)

We would get the state out of the insurance business. We would sell off its insurance function and net \$2B which would fund the shortfall.

Copies of this videotape are available by e-mailing: Tom@thomasbcox.com or by calling 971-570-4933. Price is \$20 + postage.

**Indiana, 71 Candidates**

Mark Rutherford and Brad Klopfenstein explained the elements of IN’s recent success in attracting 71 candidates and scoring six victories, aided by its central committee raising \$6-7k for the efforts.

“We’re a political party, and not CATO nor the Advocates for Self-Government”, Brad Klopfenstein explained. Accordingly, IN performed political activities starting with the fundamental of “getting good people, and giving everybody a job”.

Beyond that, however, IN appears to have injected itself in community politics in some clever ways. “The D’s and R’s hate each other more than they hate us”, Brad explained. “For bipartisan boards, we would ask the partying power if they wouldn’t like to have L’s, not R’s on your board?”

“We met with town officials, particularly those not elected and asked them how we could help. We knocked on doors and connected with people”.

Adequate financing is also a key. A rule of thumb indicates it will take \$5 per winning vote.

Indiana has demonstrated we can win at local elections. From there, moving up the political chain is a matter of time.

Brad made two additional points. First, he encouraged party members to get involved in outside groups such as the Kiwanis, Optimists Club and so on as a means of gaining exposure as well as demonstrating that libertarians want the same things as other people – good roads, schools, environment, etc.

Secondly, endorsements will vary in their particular contribution. Brad’s endorsement by the Fraternal Order of Police netted \$200, but made no apparent difference in the vote totals. His endorsement by the Gay and Lesbian Alliance, however, turned out for him in droves.

**Billy Parker, The Leadership Institute  
The Real Nature of Politics**

Winning is a mindset. Politics is like a business. We have a product, and the product is the issues we sell.

In order to sell these issues, being pure or being right is not

enough. Recall the 1964 Goldwater debacle in which arguably the most libertarian presidential candidate in the last century won only six states and lost 60-40 in a landslide. Goldwater’s slogan was “In your heart, you know he’s right”. Compare that with 1980 in which Reagan defeated Carter, also by a wide margin. Their messages were largely the same.

What was different? Certainly a recent presidential assassination is one. The hostages in Iran was another difference. Beyond that, the Republicans had learned to better

- o Organize, and
- o Get out their message

Though this was not his slogan, Reagan came to be known as the “Great Communicator”.

Accordingly, political success is a function of the number and effectiveness of activists.

The political technology used to garner political success is aimed at better organization and communication. The political technology employed is philosophically neutral.

*As Libertarians, we owe it to our philosophy and our cause to study how to win.* This is what separates coffee house politicians from the work of blue collar politics. In short, DO, don’t TALK ABOUT DOING.

## To Be Continued

There are three elements of political technology:

- o Time, which is limited
- o Talent, the volunteers and activists
- o Treasure, the money of the campaign which can be thought of as congealed labor

A political campaign needs all three. Of these, time is the most valuable because it cannot be retrieved once spent nor replenished.

Little things make a difference. Take name tags, for example.

- o A candidate’s name tag should occupy the whole space for easy reading
- o A name tag should be on a person’s right side, not left, to make it easier to read when shaking (right) hands.

Of course, there is no cookie cutter approach that works in all places, all the time. Otherwise, the formulas could be compiled in a manual and simply distributed for your reading pleasure. Politics is an inexact science.

**FEC FAQ**

This FAQ is meant to assist Libertarian Party state affiliates, and any other affiliate that wishes to generate memberships or engage in federal activity. It is organized by levels of complexity. That way, once you have reached the end of the level that covers all your activities, you can safely stop reading.

The advice contained here is designed to help affiliates avoid reaching the thresholds that require greater levels of compliance and reporting, or at least slow the progress towards those thresholds. Even so, it is presumed that we will continue to grow until we are truly competitive in every state, so keep this handy for the time your affiliate gets to the next level.

The Libertarian BCRA FAQ, v. 1.1  
January 23, 2004

by Sean Haugh, Executive Director, Libertarian Party of North Carolina (LPNC), and member of the Libertarian National Committee. Based on research and memos by Robert Dorsey, former LPNC Treasurer, and other sources.

NOTE: Please discard v1.0 and use only this version.

This FAQ is meant to assist Libertarian Party state affiliates, and any other affiliate that wishes to generate memberships or engage in federal activity. It is organized by levels of complexity. That way, once you have reached the end of the level that covers all your activities, you can safely stop reading.

The advice contained here is designed to help affiliates avoid reaching the thresholds that require greater levels of compliance and reporting, or at least slow the progress towards those thresholds. Even so, it is presumed that we will continue to grow until we are truly competitive in every state, so keep this handy for the time your affiliate gets to the next level.

Disclaimer: I am not a lawyer, so this should not be construed as legal advice. It is simply an attempt to organize information contained in previously published sources. If you have any questions of a legal nature after reading this document, it would be better to bring them to a qualified attorney. LNC Counsel Bill Hall has a program to offer such legal advice to state affiliates, for a reasonable fee.

I would be happy to get you in touch with Mr. Hall, or answer any followup questions about this document. These questions and corrections may result in a revised version of this FAQ. Email me at seanhaugh@mindspring.com.

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Table of Contents

Level Zero: Say What?

- 1) What is BCRA?
- 2) Why should I care?
- 3) Screw BCRA! What if our affiliate decides to not comply with BCRA?

4) We've come up with a brilliant scheme to get around BCRA. Will it work?

Level One: Basic Compliance

- 5) How does BCRA affect the LNC?
- 6) Can our state or local affiliate still send money to national?
- 7) OK, how do we set up a federal account?
- 8) Can we transfer money between our federal and non-federal accounts?
- 9) Does this mean we have to file with the FEC?
- 10) When does our federal activity become so much that we become a federal committee?
- 11) Do our UMP payments count towards the threshold?
- 12) What are the contribution limits for our federal account?

Level Two: Federal Election Activities (FEA)

- 13) What, exactly, are federal election activities?
- 14) What is meant by "voter registration"?
- 15) What is meant by "get out the vote" (GOTV) activity?
- 16) What is meant by "voter identification"?
- 17) What are "generic campaign activities"?
- 18) What are "public communications"?
- 19) We have an Executive Director. Is that FEA?
- 20) At what times are our activities considered FEA?
- 21) Is that all? What about our newsletter, website, etc.?
- 22) How can we pay for FEA?

Level Three: Levin funds and allocated expenses

- 23) Levin funds? What the heck is that?
- 24) Do we have to establish yet another bank account for these Levin funds?
- 25) Is there any FEA that has to be paid for solely with federal funds?
- 26) What do we use Levin funds for?
- 27) We're spending more than \$5000 a year on FEA. So what is allocation?
- 28) How do we pay these allocated costs?

Level Four: Filing

- 29) We haven't crossed the spending or fundraising thresholds yet. Should we start filing with the FEC anyway?
- 30) OK, we've crossed the threshold. How do we file?
- 31) Do we need to send anything else to the FEC?
- 32) After the FEC recognizes us, then what?

Level Five: Miscellaneous Wild Cards

- 33) Can federal candidates speak at our state convention or other events?
- 34) What about the prohibition of donations by minors?
- 35) What if we want to run ads in support of our federal candidates?
- 36) What if we want to buy or build a party headquarters?

Level Zero: Say What?

- 1) What is BCRA?

The Bipartisan Campaign Reform Act (BCRA) is a package of

"campaign finance reform" that was passed by the US Congress and took effect on November 6, 2002. It applies to all political organizations involved in any way in "federal election activities" (defined below). It also limits which organizations can send money to the national party (LNC).

It builds upon the Federal Election Campaign Act (FECA no jokes, please) of 1971. In 1975, Congress established the Federal Election Commission (FEC) and gave them regulatory power over federal elections, based on FECA. The FEC is responsible for developing and enforcing the regulations that are authorized by these laws. BCRA was upheld almost in its entirety by a Supreme Court decision in December 2002.

This FAQ examines the direct impact of BCRA on Libertarian Party national, state, and local affiliates. However, the effects of BCRA extend well beyond this subject matter. This FAQ will also touch upon provisions of FECA and other campaign finance legislation that has an impact on LP affiliates.

2) Why should I care?

If your state or local affiliate does any of the following:

- a) sends money to the LNC for memberships, literature, or for any other reason; or,
  - b) nominates or supports candidates for federal office (US House and Senate); or,
  - c) runs any candidates in an election where any federal candidates even appear on the ballot;
- then it is subject to the provisions of BCRA.

In other words, if you are acting like a political party in any way, you should care. And if you are not, can I interest you in volunteering for the Advocates for Self-Government instead?

3) Screw BCRA! What if our affiliate decides to not comply with BCRA?

Well, God bless you for it. But be advised then, your affiliate cannot legally engage in any of these activities. Even if you think you can get away with it, the LNC probably can't. So, at the very least, your affiliate will no longer be able to send payments to the LNC for individual memberships or literature. Well, you could, but national couldn't deposit them and would have to return them to you without honoring your request.

While of course you have to answer to your own conscience, it is true that you could save yourself a lot of headaches if you do try to comply.

4) We've come up with a brilliant scheme to get around BCRA. Will it work?

Almost certainly not. Remember, this is the US government we are dealing with here. They really don't care about your witty schemes and remain immune to logic, reason, or even reality. Not only would your scheme not hold up to their scrutiny, it would be evidence that your affiliate was aware of the law and deliberately

chose to violate it. This might well lead to the feds deciding to make an example of you.

State and local Party Treasurers in particular should care about compliance, because if anyone is held legally liable for violations, it will be the Treasurer first. Committee treasurers rarely go to jail, but the FEC hands out fines regularly.

If you follow the advice presented in this FAQ, then you are probably safe. If you do not, then you are on your own. The LNC simply does not have the resources to defend its affiliates in legal battles. If this is your approach, noncompliance would be so much simpler. Don't be stupid by trying to be too smart.

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Level One: Basic Compliance

5) How does BCRA affect the LNC?

The main provision of BCRA is to ban national political parties from receiving "soft money." Beginning on the day after the November 2002 election, the LNC can only accept funds from two sources: directly from individuals, or from other federally compliant committees.

There are several other effects worth considering, but this is the main one that is of concern to affiliates.

6) Can our state or local affiliate still send money to national?

Yes, but now it can only come from a special federal account. You can no longer send the LNC money from a non-federal account. This must actually be a separate bank account. Simply accounting for your federal funds as part of your treasury is not sufficient, and can have quite annoying consequences.

7) OK, how do we set up a federal account?

Your federal account must operate under the same rules that now affect the LNC. The only funds you can deposit there are funds from other federal committees, or from individual donors if and only if the donor is aware that the money may be used for federal election activities. A simple disclaimer to that effect in your fundraising appeals for your federal account will do the trick.

If your state affiliate receives UMP, then the easiest thing to do is to deposit one or more of your UMP payments directly into this account. If you follow the advice in this FAQ, then one or two UMP checks should be more than sufficient to fund all your federal activity

It is important to keep this strict segregation between your federal and nonfederal accounts. If you use your nonfederal account to pay for memberships, or engage in certain other activities described below, you make it subject to federal regulations.

Note that there is precisely one exception, allocation, when you can transfer money from your federal to your nonfederal account (see below).

One option is to keep only one bank account and classify it as federal. This is not recommended, as then you would have to report all your activity to the FEC as well as to your state elections agency. It is also almost certainly the case that your state campaign finance laws are less restrictive than the FEC's.

8) Can we transfer money between our federal and non-federal accounts?

You may transfer money from your federal account to the non-federal one. However, you may **not** transfer money from your non-federal account into the federal account. Remember, your state or local account is not acting like a federal committee, so it is prohibited from sending money to any federal account, even your own.

It is important to note that you cannot send any money to a 501(c) nonprofit organization that spends money in connection with federal elections from your federal account. Groups like the Advocates for Self-Government, which do not run issue ads, or support or oppose candidates, are safe.

9) Does this mean we have to file with the FEC?

Probably not yet. There is a critical distinction between being federally compliant and actually rising to the level of being a federal committee. If you manage your accounts as advised here, many Libertarian state and local affiliates will not raise or spend enough federal money to become a federal committee. Only federal committees have to file with the FEC.

At this point, you only have to be able to show through a reasonable accounting method that you are complying with federal regulations. They do throw you one bone, though: any costs of this recordkeeping do not count towards the spending threshold.

10) When does our federal activity become so much that we become a federal committee?

If your federal account either raises or spends \$1000 in a calendar year, only then must your affiliate start filing with the FEC as a federal committee. If you stay below those thresholds, then you only have to be federally compliant, but you do not have to file yet.

Some expenditures paid from the federal account do not count toward the \$1000 registration threshold: the allocable expenses for core administrative activities (see below), and activities such as slate cards, sample ballots, and generic campaign materials.

11) Do our UMP payments count towards the threshold?

Thankfully, no. Any transfer of funds from one federal committee to another only applies to the committee initiating the transfer, for the purpose of calculating these thresholds.

12) What are the contribution limits for our federal account?

It's complicated for the donor, but essentially an individual can

give a state party and its local affiliates up to \$10,000 a year combined in federal funds. Any contributions above that would have to be nonfederal funds, and would be governed by state law.

A state party federal account may receive unlimited transfers of federal funds from any other affiliated Libertarian Party committee, from national to local and everything in between. A multicandidate federal PAC can donate up to \$5,000 a year to a state party's federal account, and a garden variety federal PAC, \$10,000 a year.

Corporations and foreign nationals were prohibited from making federal contributions since before BCRA.

If you are seriously engaged in fundraising for your federal account, you have to keep a photocopy of every check or credit card receipt you receive of \$50 or more. That's just so they'll have something to look at if they audit you.

BCRA does allow the FEC to increase these contribution limits in the future, indexed to inflation.

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Level Two: Federal Election Activities (FEA)

13) What, exactly, are federal election activities?

Fortunately, the FEC has promulgated a very narrow definition of "federal election activities" (FEA). Besides transfers to other federal committees, only these four activities fit the official description of FEA:

a) Voter registration within 120 days of a regularly scheduled general election;

b) Get out the vote activity (GOTV), voter identification, and generic campaign activity where a federal candidate appears on the ballot;

c) Public communications which identify candidates; and,

d) Payment for employees devoting more than 25% of their time to federal elections.

Let's examine each one a bit more.

14) What is meant by "voter registration"?

Voter registration means helping an individual register to vote. For example, if you include a voter registration form in an inquiry packet, the cost of the inquiry packets sent during this 120 day window would count as FEA. However, general pronouncements simply urging people to register to vote would not be subject to this definition.

15) What is meant by "get out the vote" (GOTV) activity?

GOTV is any activity that helps specific individuals get to the polls, acquire absentee ballots, or cast their vote some other way. Again, general advertising simply encouraging people to vote would not count as FEA. But, for example, the costs of a phone

bank to remind people to vote would qualify. Most of your standard GOTV activity informing people where and when to vote) only counts as FEA if it is within 72 hours of the opening of the polls.

16) What is meant by "voter identification"?

That would be any specific action to enhance lists of voters to identify those who are more or less likely to vote for our candidates. For example, the costs of acquiring lists of registered voters does not count as FEA. But if you combine that with more information to help you identify your likely voters, that would be FEA.

17) What are "generic campaign activities"?

These would be public communications (see below) that promote or oppose a political party without naming any federal candidates. So, if you are running generic TV or radio ads promoting the party slate in connection with a federal election, that counts.

18) What are "public communications"?

Any broadcast, cable or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing (over 500 pieces) or telephone bank to the general public, or any other form of general public political advertising. One medium specifically excluded from this definition is the Internet.

One new annoying wrinkle of BCRA is that local or state candidates may no longer engage in public communications that clearly identify a federal candidate. Unless, of course, they want to also comply with all these federal regulations.

19) We have an Executive Director. Is that FEA?

Only if your Executive Director or other paid staff is spending at least a quarter of their time on your federal candidates. If you run only federal candidates, this might qualify. However, most state parties can easily show that paid staff work on other activities accounts for more than three quarters of their time. Even if your paid staff does qualify, you track the activity on a monthly basis, and only account for those months where they exceed the 25% threshold.

Here's another wacky exception: unlike almost anything else, the FEC takes the position that a state party employee who spends less than 25% of their time on federal campaigns must be paid entirely from non-federal funds (an exception to the normal rule that you can use federal funds for anything).

If your Executive Director or other paid staff is an independent contractor, this provision does not apply.

20) At what times are our activities considered FEA?

Remember, an activity is only FEA if it is in connection with a federal election. If you engage in any of these activities outside that time period, it can be considered nonfederal activity.

There are special windows noted above of 120 days for voter registration, and 72 hours for certain kinds of GOTV. For all other FEA, it depends on what year it is.

In even numbered years, the period begins on the date of the earliest filing deadline for access to the primary election ballot for Federal candidates as determined by your state law. In those states that do not conduct primaries, it starts on January 1st. The end date is the date of the general election, including any runoffs.

In an odd-numbered year, the period begins on the date on which the date of a special election in which a candidate for Federal office appears on the ballot is set, and ends on the date of the special election.

21) Is that all? What about our newsletter, website, etc.?

Yes, that's all. Your newsletter, website, and other usual core and critical activities do not count as FEA, even if they are used to promote your federal candidates. As long as you are doing more than simply running people for Congress or President, nothing else beyond what is listed above counts as FEA.

A note, though, on newsletters: this assumes your newsletter only goes to members. If you are using your newsletter as more of an outreach publication, then you may want not to run articles on your federal candidates, just to be sure. This is one of those dreaded "gray areas," of the law.

However, beyond FEA the FEC also regulates core administrative expenses. This was actually in place before BCRA. Core administrative expenses must be allocated among federal and nonfederal activities, and paid for accordingly (see below for the appropriate methods and formulas). If the state LP rents an office, a percentage of the rent and utilities must be allocated to federal activity, and paid from federal funds. Other examples of core administrative expenses would be office supplies and equipment, or postage for other than mass mailings. Your options are to make these expenditures out of your federal account, and then within 70 days transfer the nonfederal portion from your nonfederal/Levin funds account to reimburse the federal account for its share; or maintain a separate allocation account (see below).

22) How can we pay for FEA?

If you do intend to engage in any of the above federal election activities, you have three options. You can pay for them with all federal funds, or with what are known as Levin funds, or with a combination of the two. There are two exceptions (see below) which must be paid entirely with federal funds.

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Level Three: Levin funds and allocated expenses

23) Levin funds? What the heck is that?

Named after Sen. Carl Levin, the genius who can find yet another level of bureaucracy to add to an already unmanageable system. You should actually be thanking him for the loophole. Levin

funds are a way for you to be able to pay for FEA out of your nonfederal (state) account. Technically, they are all funds (up to \$10,000 per donor) that comply with state law. One notable exception is money received from another federal committee, such as UMP payments.

24) Do we have to establish yet another bank account for these Levin funds?

No. You can safely reclassify your state account as a combined non-federal/Levin funds account. Most all of your own internal fundraising efforts already count as Levin funds. All you have to do is be able to show through a reasonable accounting method that you have enough Levin funds in your account to cover the costs of your FEA. The only major difference between Levin funds and the funds your party raises under your state law is that an individual can only donate up to \$10,000 a year in Levin funds.

25) Is there any FEA that has to be paid for solely with federal funds?

Yes. Specifically: 1) a public communication that refers to a clearly identified federal candidate and that promotes, supports, attacks or opposes any federal candidate; and 2) services of an employee who devotes more than 25% of his compensated time to activities in connection with a federal election.

Furthermore, the money spent on these particular activities must not come from another federal committee. In other words, you can't use UMP money to pay for these activities. You have to raise this money yourself from individuals.

26) What do we use Levin funds for?

Any voter registration, voter identification, or GOTV activity can be paid for with Levin funds. Furthermore, all your FEA can be paid for with Levin funds up to a limit of \$5,000 in a calendar year.

It is recommended that you use the Levin fund option as much as you can. Most state affiliates are of a size that they can use Levin funds to pay for all of their FEA without touching their federal account, and without getting into the dreaded allocation formulas (below). Even better, if you stay below the \$5,000 spending threshold, you do not have to report your use of Levin funds to the FEC.

27) We're spending more than \$5,000 a year on FEA. So what is allocation?

Once you reach this level of spending, you can no longer use only Levin funds to pay for your FEA. You have to either pay for it all from your federal account, or you can allocate the costs between your federal and Levin funds. If you can stand the accounting head ache, allocation is worth your while, because of the greater restrictions on raising federal funds.

As if it couldn't get more complicated, the allocation formula changes depending on who is on the ballot: If there is a Presidential race and no Senate race on the ballot that year, at least 28% of your FEA must be paid with federal funds. If you have a Senate race but no Presidential race, the minimum federal

per centage becomes 21%. If you have both on the ballot, the minimum federal percentage shoots up to 36%. If you have neither, the minimum federal percentage is only 15%.

28) How do we pay these allocated costs?

You have two options. You can establish a separate allocation bank account, and transfer money from your federal and Levin funds accounts in the proper proportions into it. The easier way is to simply pay for it all out of your federal account, and transfer money from your Levin funds account to cover its share. However, if you use this option, you have to make the transfer within a 70 day window, from 10 days before to 60 days after the FEA expenditure.

Level Four: Filing

29) We haven't crossed the spending or fundraising thresholds yet. Should we start filing with the FEC anyway?

Don't be a fool. If you followed the advice above, you have no reason to open your accounts to FEC scrutiny. And as you'll see below, it a bureaucratic pain in the neck you'd do well to avoid.

30) OK, we've crossed the threshold. How do we file?

You can find all the forms you need at <http://www.fec.gov/>. When you get there, click on "Reporting Forms and Filing Information" in the left column.

You need to fill out FEC Form 1, your Statement of Organization. This is a simple four page form which asks for your basic contact, bank, and organizational info. Print the form, fill it out, and mail it to the address listed.

Here are some magic tips to what they are looking for:

For question 3, write "pending" now that you've introduced yourself, they'll be quick to reclassify you as a number.

The correct answer to 5 is (d), with "STA" for state and "LIB" for Libertarian. You'll need to fill in the contact info for the LNC under question 6, and your relationship is "affiliate."

31) Do we need to send anything else to the FEC?

Yes. Besides your Statement of Organization, you should also send them a copy of your bylaws, or other documents that show your connections with the national party. You should also send them a statement that your state affiliate secured ballot access for one or more federal Libertarian candidates, which is easily confirmed through publicly available sources, such as archived election coverage on news websites. It would also help to include a letter from the national office vouching for you. This letter can be provided by LNC Accounting Supervisor Rod Severson [operations@hq.lp.org](mailto:operations@hq.lp.org).

In your cover letter, you will have to ask the FEC for an Advisory Opinion that recognizes you as the state party affiliate of the Libertarian National Committee. It's a pain in the neck, I know. I blame the Green and Reform parties. After they both had two

competing groups each claiming to be the one true party, not just anyone can claim to be a state party affiliate anymore.

32) After the FEC recognizes us, then what?

You'll be dealing primarily with FEC Form 3X. Under BCRA, state and local party committees will have to start filing monthly. What you have to report depends on your level of spending: If you spend less than \$5,000 on FEA, you only need to report the activity in your federal account. Since you could spend it all in Levin funds, you may have nothing to report. If you spend \$5,000 or more on FEA, then you have to also report your use of Levin funds. If you spend \$50,000 or more a year on FEA, then you have to start filing electronically.

At this point, you really should be reading the FEC's Campaign Guide for Political Party Committees <http://www.fec.gov/pdf/partygui.pdf>. Don't worry, they'll send you a copy in your welcome wagon pack, but this is one class where it doesn't hurt to read ahead.

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Level Five: Miscellaneous Wild Cards

33) Can federal candidates and national party officers speak at our state convention or other events?

Yes, with few restrictions. They may not represent themselves as a federal candidate or national party representative when soliciting donations for nonfederal committees or candidates, but they are allowed to do so speaking as an individual. In other words, I would say, "I want you to give money to Joe Blow for County Commissioner," but I shouldn't say, "As a member of the Libertarian National Committee, I am proud to ask you to contribute to Joe Blow's campaign."

If these individuals solicit nonfederal contributions for your party, state law generally controls, except that federal limits and prohibitions on individual donations apply. A federal candidate may have to be careful about how they solicit contributions for their own campaign, so they should also become conversant with these rules.

34) What about the prohibition of donations by minors?

Fortunately, the Supreme Court struck down this provision of BCRA. It was the one bright victory in what was otherwise a rout for freedom. Thanks to LP Tennessee member Trevor Southerland, for being the plaintiff that got this obnoxious rule thrown out.

35) What if we want to run ads in support of our federal candidates?

This is another aspect of BCRA that was struck down by the Supreme Court. You can make two types of expenditures on behalf of a candidate, coordinated or independent. BCRA had replaced restrictions on these, but now you can engage in both types of expenditures freely.

A state or local party can make coordinated expenditures without them counting against the limits on direct subsidies you can give to the candidate. If you do engage in any "public communication" that costs more than \$10,000, you have to notify the FEC within 24 hours of the expense.

There are all kind of rules and limits on both types of expenditures. You'd probably do better to consult with the FEC directly if you are interested in making either type of expenditure. We are beginning to get beyond my level of expertise.

36) What if we want to buy or build a party headquarters?

If you are seriously thinking about this, get back to me. But right now, let's just leave it at this, you don't wanna know.

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Resources:

This FAQ relies on a variety of sources. Most of all, I would not be in a position to write this document except for the excellent research by LPNC Treasurer Robert Dorsey. Much of the above is restated from two memos he wrote for our executive committee in October 2002. Bob has also been generous with his time and knowledge in answering followup questions.

Two nonprofits have compiled some simple and useful guides that are shorter and probably better organized than this one:

"Some Facts About State and Local Political Parties and the New Federal Campaign Finance Law," from The Campaign and Media Legal Center, at <http://www.camlc.org/attachment.html/statelocalBCRA.pdf?id3D415>; and "The FEC's Soft Money Rules," from the Center for Responsive Politics, which gives an excellent breakdown of how BCRA affects state and local party fundraising, at <http://www.capitaleye.org/FECsoftmoneyrules.asp>.

Note that both of these were written before the Supreme Court's decision.

The "BCRA Campaign Guide Supplement" is the FEC's definitive report on new rules made to enforce BCRA as of January 2003. You can find that at <http://www.fec.gov/pdf/guide/sup03.pdf>. They are still apparently working on updating this in light of the Supreme Court's lengthy ruling. You can find documents relating to the case, including the decision itself, at <http://www.fec.gov/pages/bcra/litigation.htm>.

The FEC website has many other pages, explaining all the laws and their histories in gory bureaucratic detail. Check new issues of the FEC Record [fec.gov/pages/record.htm](http://www.fec.gov/pages/record.htm) for the drama of BCRA rulemaking as it unfolds. If you are filing, you'll need the FEC's "Campaign Guide For Political Party Committees," <http://www.fec.gov/pdf/partygui.pdf>.

If you really want to become the total expert, check out the Code of Federal Regulations 11 (CFR11). Over 400 pages, at [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/11cfrv1\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/11cfrv1_03.html), or just call the FEC to order the book. This option is for nerds and lawyers only.

If all else fails, call an FEC Information Specialist at 1-800-424-9530. You can remain anonymous, if all you want is some advice.

Sean Haugh