

EXECUTIVE COMMITTEE MINUTES
OCTOBER 31, 2018
TELECONFERENCE



DISTRIBUTION DATE:
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APPROVAL DATE:

NOVEMBER 7, 2018
AUTO-APPROVED
NOVEMBER 21, 2018

PREPARED BY CARYN ANN HARLOS, LNC SECRETARY

LEGEND: *text to be inserted*, ~~text to be deleted~~, unchanged existing text, *substantive final main motions*.

Main motions are tracked at <https://tinyurl.com/lncmainmotions>.

All main substantive motions will be set off by *bold and italics in green font* (with related subsidiary and incidental motions *set off by highlighted italics*) and will be assigned a motion number comprising the date and a sequential number to be recorded in the Secretary's Main Motion/Ballot Tally record located at <https://tinyurl.com/lncmainmotions>.

CALL TO ORDER

Nicholas J. Sarwark called the meeting to order at 9:34 p.m. (all times Eastern Daylight Time).

ATTENDANCE

Executive Committee Members Present: Nicholas J. Sarwark (Chair), Alex Merced (Vice-Chair), Tim Hagan (Treasurer), Caryn Ann Harlos (Secretary), Sam Goldstein (At-Large Representative), Jim Lark (Region 5 Representative)

Other LNC Members Present: Susan Hogarth (Region 5 Alternate), Alicia Mattson (At-Large Representative), Elizabeth Van Horn (Region 3 Representative)

Other Participants Present: Oliver Hall (LNC Special Counsel)

Not Attending: Bill Redpath (At-Large Representative)

PURPOSE

Request for Approval to submit or sign on to an existing amicus brief in Utah Libertarian Party v. Cox.

DISCUSSION

Mr. Hall gave a brief summary of the issues and the potential options for consideration. The LNC has the opportunity to sign on to a brief being filed on behalf of the Libertarian Party of California as well as various non-libertarian entities. This option would make the most logistical sense due to the present filing deadlines of November 12, 2018 for the brief and November 2, 2018 to file a Notice of Intent to join or file separately.

Mr. Hall clarified that it would be permissible to discuss the topics in the previously distributed confidential outline and fielded questions and answers. Both Dr. Lark and Ms. Harlos expressed deep concerns regarding the second item on the outline, specifically that the argument conceded that the state has the right to regulate how political parties nominate their candidates for the general ballot if such regulation passed strict scrutiny—an assertion which the Libertarian Party fundamentally denies.

Mr. Hall explained the likely strategy for such a concession. Dr. Lark suggested the possibility of language that would make it clear that not all of the amici agree with all of the points. Mr. Hall felt he could comfortably raise this issue to the other amici. Ms. Harlos confirmed that the chairman of the Libertarian Party of Utah was in favor of the LNC's support if we felt comfortable with any proposed brief and may be willing to contribute financially if needed. The following amici have already confirmed their support:

- Libertarian Party of California
- National Constitution Party
- Republican Party of Idaho
- Utah Republican Native American Caucus

Mr. Goldstein inquired about the financial considerations involved with joining the present brief versus retaining counsel to write an additional brief on the Party's behalf. The only potential cost to the Party in joining the current brief would be a pro rata share in the estimated \$1,500.00 in printing costs. Mr. Hall does not have any leads for available counsel to author an original brief in this short time window.

Mr. Hall acknowledged that the LNC would need to review any proposed brief before giving final approval, and suggested that a reasonable deadline for such a draft would be November 9, 2018.

Mr. Goldstein moved that the LNC tentatively join in an amicus brief in Utah Republican Party v. Cox pending LNC review of a draft to be provided by 5:00 pm EST on November 9, 2018 and also that the LNC enter into a pro rata share of the associated printing costs.

EC MEMBER	Aye	Nay	Abst.
Goldstein	X		
Hagan	X		
Harlos	X		
Lark	X		
Merced	X		
Sarwark			X
TOTALS	5	0	1

This motion PASSED with a roll call vote of 5-0-1. [181031-1]¹

¹ Per the Policy Manual 2.04.2, this motion required a 2/3rds vote for passage.

ADJOURNMENT

The meeting adjourned without objection at 10:03 p.m.