



Wes Wagner <wes.wagner@gmail.com>

FW: Disaffiliation

TROUT, Steve <steve.trout@state.or.us>

Thu, Oct 6, 2011 at 11:01 AM

To: "wes.wagner@gmail.com" <wes.wagner@gmail.com>

Mr. Wagner;

Below is an email string between Tyler Smith and myself. As you can see, we see the Libertarian Party of Oregon as an entity independent of any other organization. No matter what the LNC does it will not impact the standing of the Libertarian Party of Oregon. The only way the Libertarian Party of Oregon could be affected is if we were presented a binding court decision that the Libertarian Party of Oregon could no longer use the word Libertarian in their party name if a court were to decide that the LNC has exclusive rights to the use of the word Libertarian.

I hope this clarifies our position. Let me know if you have any further questions or concerns. We will be expecting nominations for the 1st Congressional Special Election from you as Chair of the LPO.

Stephen N. Trout

Director of Elections

Oregon Secretary of State

503-986-1518

steve.trout@state.or.us

From: TROUT, Steve

Sent: Tuesday, September 27, 2011 3:58 PM

To: 'Tyler Smith'

Cc: PACK, Barry

Subject: RE: Disaffiliation

We expect to have a decision from the Secretary by the end of this week on who the officers of the Libertarian Party of Oregon are so that both groups have as much time as possible to seek judicial remedies if they desire.

From: Tyler Smith [mailto:Tyler@RuralBusinessAttorneys.com]
Sent: Tuesday, September 27, 2011 3:44 PM
To: TROUT, Steve
Cc: PACK, Barry
Subject: RE: Disaffiliation

Hi Steve, thank you for your quick response.

I guess the only remaining question I can think of for interpretation by the SOS or Elections Division is what is the current status? If there is no change in status with the SOS, that does not solve the problem that there are two sets of independently operating organizations calling themselves the LPO, one set of officers newly elected, and one set of officers (officer) heldover from the past administration, who do you then take future instructions from, which one of those groups has the registered Libertarians attached to them?

I guess that is why it will be important for the Secretary to establish whom she sees as the rightful LPO, under her interpretation of state law. Assuming the SOS and Elections Division does not want to weigh in on the internal disputes about bylaw violations, meeting notice violations etc., then the question for the SOS to answer is "Does state law or SOS Rules allow an outgoing party chair retain power by withholding acknowledgement of newly elected officers"?

Best wishes,

Tyler

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From: TROUT, Steve [mailto:stetro@sos.state.or.us]
Sent: Tuesday, September 27, 2011 3:01 PM
To: Tyler Smith
Cc: PACK, Barry
Subject: RE: Disaffiliation

Tyler,

To confirm our conversation this morning, there is no requirement that a state political party be affiliated with a national party. If the LNC disaffiliates the LPO there will be no change of status in Oregon. The LPO will still be an official political party in the state. The only way we can remove the qualification of the LPO is if we were presented with a valid Oregon court order stating that the LPO can no longer exist because the LNC will not allow their use of the name Libertarian. In that instance all voters currently affiliated with the LPO would be placed in the registration category of "Other" and they would be treated as non-affiliated voters unless and until they re-register with a qualified party. Any new Libertarian Party headed by the LNC or others would need to qualify as a new minor party pursuant to ORS 248.008.

Let me know if you have any further questions.

Stephen N. Trout
Director of Elections
Oregon Secretary of State
503-986-1518
steve.trout@state.or.us

From: Tyler Smith [mailto:Tyler@RuralBusinessAttorneys.com]
Sent: Tuesday, September 27, 2011 11:42 AM
To: TROUT, Steve
Cc: PACK, Barry
Subject: Disaffiliation

Steve,

I appreciate your taking to time to talk with me about this issue. As I expressed on the phone, my law firm represents the Libertarian National Committee (LNC) on this matter. The question to you is:

1. If the LNC officially disaffiliates the Oregon affiliate known as the LPO (Libertarian Party of Oregon), and the re-affiliates a new state-level affiliate, would that new affiliate need to file for a new ORS 248.008 "qualification as a minor political party" or would they be able to simply use the existing qualification that exists presently to nominate candidates for the coming elections?

Thank you for responding promptly.

Best wishes,
Tyler

Tyler Smith | Managing Attorney

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