

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
OCT 29 10 00 AM '96
REFORM PARTY OF ARKANSAS
P O BOX
NORMAN, AR 71860

OCTOBER 24, 1996

FEDERAL ELECTION COMMISSION
999 E ST NW
WASHINGTON, D.C. 20463

RE: ADVISORY OPINION FROM FEC ON PARTY STATUS

I FILED A *STATEMENT OF ORGANIZATION* ON SEPTEMBER 6, 1996, FOR THE ABOVE PARTY. I RECEIVED A LETTER FROM RICHARD NG STATING I WOULD NEED AN ADVISORY OPINION FROM THE FEC. THEREFORE, I AM HERE REQUESTING THIS OPINION.

ENCLOSED IS A REVISED *STATEMENT OF ORGANIZATION* WHICH SHOWS OUR AFFILIATION WITH THE NATIONAL REFORM PARTY IN DALLAS.

RESPECTFULLY,



GWYNN J. KANSFIELD
TREASURER



FEDERAL ELECTION COMMISSION
Washington, D.C. 20463

October 30, 1996

Gwynn J. Kansfield, Treasurer
Reform Party of Arkansas
P.O. Box 6
Norman, Arkansas 71960

Dear Ms. Kansfield:

This refers to your letter dated October 24, 1996, asking the Federal Election Commission to determine if the Reform Party of Arkansas ("the State Party") is a State committee of a political party for purposes of the Federal Election Campaign Act of 1971, as amended ("the Act").

You enclosed an amendment to the original Statement of Organization (FEC Form 1) which, according to you, was filed by the State Party on or about September 6, 1996. This amendment has been forwarded to the FEC Public Disclosure Division for placement on the public record.

You indicate that the State Party was formed in September 1996, and it filed as a political committee with the Commission at that time. You were thereafter informed by a Commission staff member that the State Party would need an advisory opinion from the Commission in order to be recognized as the State committee of a political party. Your letter does not provide any further information, such as bylaws or similar documents pertaining to the formation and operations of the State Party in 1996. You do state that the State Party has an "affiliation with the National Reform Party in Dallas."

Your letter raises the question of when an organization would be considered a political party or a State committee of a political party. Since the Act and prior opinions provide guidance on these points, an advisory opinion may not be necessary in this instance. However, if an opinion is required, you will need to provide additional information which is comparable to that considered by the Commission in the advisory opinions cited below. See 11 CFR 112.1 which gives the basic requirements for submitting an advisory opinion request.

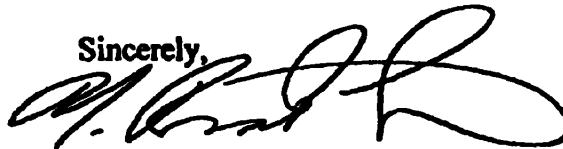
For your information and further review, please note the following key provisions of the Act. Under 2 U.S.C. §431(15), the term State committee is defined as the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission. Your inquiry and publicly available documents indicate that the State Party may have had a low amount of financial activity, and may still be at an early organizational stage.

In addition, the definition of State committee also requires the existence of a political party. Political party is defined under 2 U.S.C. §431(16) as an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization. It is not clear whether the State Party has nominated any candidate for Federal office in Arkansas who has achieved ballot access as a candidate of the State Party in the 1996 general election.

With respect to these issues, you may wish to review Advisory Opinions 1996-43, 1996-27, 1995-49, and 1992-30 which address the importance of political party status, as well as questions relating to State party political activity and State committee status. Copies of these opinions are enclosed. A copy of the *Campaign Guide For Political Party Committees* has also been included to give you information regarding other provisions of the Act that may apply to future activity by your organization, if it qualifies as a State political party organization.

If you have any questions about the advisory opinion process, the enclosed opinions or this letter, please direct your inquiry to this office. If you have questions about the enclosed *Guide*, please direct them to the Commission's information staff who may be reached at 1-800-424-9530.

Sincerely,



N. Bradley Litchfield
Associate General Counsel

Enclosures

Advisory Opinions 1996-43, 1996-27, 1995-49, and 1992-30
Campaign Guide For Political Party Committees

REFORM PARTY OF ARKANSAS
P. O. BOX 6
NORMAN, AR 71960
(501) 334-2756

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DEC 2 2 31 PM '96

November 24, 1996

Re: Advisory Opinion Request

AOR 1996-51

N. Bradley Litchfield
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Litchfield:

In answer to your letter of October 30, 1996, concerning my request for determination by the commission that the Reform Party of Arkansas is a State Committee of a political party for purposes of the Federal Election Campaign Act of 1071, as amended, I am enclosing the following:

1. Judgement of United States District Judge, George Howard, Jr.
2. Copy of By-Laws and Rules of the Reform Party of Arkansas.
3. Federal Office candidates which ran on the Reform Party in Arkansas 1996 General Election are: Tony J. Huffman, U. S. House of Representatives, Third Congressional District; Keith Carlee, U. S. House of Representatives, First Congressional District. In addition, two candidates ran for state office and five candidates ran for local offices under the Reform Party. All candidates were listed as Reform Party candidates on the Arkansas ballot. All candidates running for local offices won their elections.

If you need further information, please let me know. I can be reached at the above address and phone number.

Respectfully,



Gwynn J. Kansfield
Treasurer

FILED
U S DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JUL 31 1996

JAMES W. McCORMACK, CLERK
By: *[Signature]*
DEP CLERK

CITIZENS TO ESTABLISH A REFORM PARTY
IN ARKANSAS, et al.

PLAINTIFF

v.

No. LR-C-96-185

SHARON PRIEST, Secretary of State
for the State of Arkansas

DEFENDANT

JUDGMENT

In accordance with the separate memorandum opinion and order filed this date, the following judgment is hereby entered in favor of Plaintiffs:

- (a) This Court declares the actions of the Secretary of State in rejecting the Plaintiffs' efforts to create a new political party to be contrary to and in violation of the First and Fourteenth Amendments to the United States Constitution;
- (b) This Court declares the statutes herein at issue to be, both on their face and as applied to Plaintiffs, in violation of the First and Fourteenth Amendments;
- (c) A permanent injunctive order is issued against Defendant Secretary of State Priest, to the effect that she officially recognize the formation of the Reform Party pursuant to Ark. Code Ann. § 7-1-101;

- (d) A permanent injunctive order is issued against Defendant Secretary of State Priest, to the effect that Plaintiffs be allowed ballot access for the general election this November 1996 and that the Reform Party may select its candidates for office by convention; and of its nominees for local, state, and national office by convention; and
- (e) This Court hereby awards Plaintiffs their costs and reasonable attorney's fees under 42 U.S.C. § 1988.

DATED this 31 day of July, 1996.


UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON DOCKET SHEET IN
COMPLIANCE WITH RULE 58 AND/OR 78(b) FRCP
ON 7-31-96 BY [Signature]

BY-LAWS AND RULES OF THE REFORM PARTY OF ARKANSAS

ARTICLE I: NAME AND MEMBERSHIP

Section 1: The name of this organization shall be THE REFORM PARTY OF ARKANSAS ("Party"). The purpose of this organization shall be to nominate and endorse candidates for public office, and to engage in other political and information activities in the State of Arkansas.

Section 2: A party member is any registered voter in the State of Arkansas who:

- (1) affiliates with the Party by oath promising to support the Reform Party and its candidates, said oath administered by a Party Officer or Committee Member;
- (2) affiliates with the Party by making application on such form as may be prescribed by the Committee or the Party;

Section 3: Notwithstanding the provisions of Article 1, Section 2, the Committee may provide additional or different membership requirements.

Section 4: Each Party member is entitled to participate in the official organization and activities of the Party to the extent provided by these bylaws and rules.

Section 5: These bylaws and rules shall govern the organization, operation and functions of the Party.

Section 6: Membership terminates automatically for any of the following reasons:

- (1) no longer being a resident of Arkansas; or
- (2) suspension of membership for cause by a 3/5 vote of the Committee, in which case the suspended member will be notified by mail at the member's last known address. The suspended member shall have 30 days after the date of mailing to file a written appeal.

Section 7: Upon timely appeal by any member, the committee shall hold a hearing concerning the suspension, and shall rule either to terminate the membership or continue the member in good standing. Should the committee fail to rule within 90 days of the date appeal is given, the membership shall be automatically reinstated.

FILED

AUG 27 1996

SHARON PRIEST
SECRETARY OF STATE
BY _____

ARTICLE II: STATE EXECUTIVE COMMITTEE

Section 1: The State Executive Committee ("Committee") shall be the governing and administrative body of the Party and shall manage the business and operations of the Party in accordance with these bylaws and rules.

Section 2: The Committee shall consist of five (5) Committee Members. Committee Members shall be Party members and shall serve without pay.

Section 3: Committee Members, other than the initial Committee Members, shall be elected at meetings by the membership of the Party. The Committee shall ensure that members have the opportunity to participate in the election of Committee Members. For the purposes of these bylaws and rules, and at the sole discretion of the Committee, a Party state convention may be considered a meeting, and a meeting may be considered a convention. The initial Committee Members shall be those persons appointed as such by the initial chairperson.

Section 4: Committee Members shall serve two-year terms, except as provided in Article II, Section 9, and except the initial committee members, who shall serve until the first meeting of the membership of the Party in calendar year 1997, at which time an election of committee members shall be held. Subsequent election of Committee Members shall occur every 2 years thereafter at a meeting of the general membership of the Party.

Section 5: The Committee shall meet at least twice in each calendar year at times and places as designated by the Chairperson. The Committee may meet by telephone. Reasonable advance notice shall be given to all committee members prior to the meeting.

Section 6: The presence in person or by telephone of a majority of Committee Members shall constitute a quorum for purposes of transacting business.

Section 7: Each Committee Member shall have one vote.

Section 8: Any action required or permitted to be taken by the Committee may be taken without a meeting, if all members of the Committee shall individually or collectively consent in writing to such action. Action by written consent has the same force and effect as a vote of the Committee Members.

Section 9: Vacancies on the Committee shall be filled through appointment by the Chairperson or by the Vice-Chairperson if the office of Chairperson is in vacancy, and majority approval by the remaining Committee Members. The term of a Committee Member appointed to fill a vacancy on the Committee shall be coterminous with the term to which the replaced Committee member had been entitled.

Section 10: A Committee Member may be removed from the Committee upon a three-fifths (3/5) vote of the Committee Members or upon recall by the membership of the Party. The Committee shall adopt, ~~no~~ ^{not} later than the close of calendar year 1997, additional bylaws and rules

for the recall of Committee Members, which shall ensure that Party members have the opportunity to participate in the recall of Committee Members.

Section 11: No individual may serve more than two (2) consecutive terms as a Committee Member. The term ending in 1997 of the initial committee members shall not apply to the consecutive term provision under this section.

ARTICLE III: OFFICERS

Section 1: The officers of the Party and of the Committee shall be a Chairperson, a Vice-Chairperson, a Secretary, a Treasurer, and an Officer At Large. All officers shall be Committee Members. Officers shall serve without pay.

Section 2: The term of each officer shall be coterminous with his term as a Committee member. Officers shall be elected by majority vote of the Committee at its first meeting, except as otherwise provided in Article III, Section 3. A Committee Member may hold more than one office simultaneously.

Section 3: The Chairperson shall be the chief executive officer and shall have general supervision of the business and activities of the Party, subject to the general direction of the State Executive Committee. The Chairperson shall preside over all meetings of the Committee. The initial Chairperson shall be Deborah (Debbie) Andrews Kraus, presently of 2230 South Y Street, Fort Smith, Arkansas, 72901.

Section 4: The Vice-Chairperson shall perform all the duties of the Chairperson in the Chairperson's absence or disability. In the event of a vacancy in the office of the Chairperson, the Vice-Chairperson shall become Chairperson. In the event of a vacancy in the office of Vice-Chairperson, a new Vice-Chairperson shall be elected by the Committee from among its members. The initial Vice-Chairperson shall be John Goodson, presently of 3012 Briar Cove, Fort Smith, Arkansas, 72903.

Section 5: The Secretary shall maintain all records of the Committee and of the Party and shall turn over at the end of the term of office all records and documents associated with the office of Secretary to the Committee. In the event of a vacancy in the office of Secretary, a new Secretary shall be elected by the Committee. The initial Secretary shall be Wayne Michael Grommet, presently of 3214 Race St., Jonesboro, Arkansas, 72401.

Section 6: The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of all business transactions of the Party, shall have access to the financial records of the Party, shall prepare and deliver at each Committee meeting a report on the financial affairs of the Party, and shall turn over at the end of the term of office all records and documents associated with the Office of Treasurer to the Committee. The Committee members collectively shall have access to financial and all other party records. From time to time and as requested by the Committee the Treasurer shall report to the Committee and provide an accounting of the Party's financial condition and transactions, and shall ensure that an audit of

Party financial matters is conducted once every two calendar years. The Treasurer shall also be responsible for maintaining compliance with all applicable law regarding campaign finance matters. In the event of a vacancy in the office of Treasurer, a new Treasurer shall be elected by the Committee. The initial Treasurer shall be Gwynn Kansfield, presently of P. O. Box 6, Norman, Arkansas, 71960.

Section 7: The officers, upon approval of the Committee, may employ staff, enter into contracts, conduct campaigns for the Party and for its candidates for public office, and appoint committees necessary to carry out the duties of their respective offices.

Section 8: The Chairperson of the Party shall serve as liaison to the State of Arkansas on all matters relating to the Party's relationship with the state, except as otherwise explicitly provided by Arkansas law.

Section 9: To the extent required by Arkansas law, the Chairperson and Secretary of the Party shall immediately file a full and complete list, under oath and acknowledged by a notary public, of any and all persons elected or appointed by the Party, the Committee or its officers with the relevant office of the State of Arkansas, excluding those appointed under Article III, Section 7 to carry out non-political duties in the ordinary course of business

Section 10: To the extent required by Arkansas law, the Chairperson and Secretary of the Party shall file with the relevant office of the State of Arkansas a copy of these bylaws and rules immediately after their adoption or amendment.

Section 11: To the extent required by Arkansas law, the Chairperson and Secretary of the Party shall timely file with the relevant office of the State of Arkansas the emblem of the Party as provided by the national Reform Party.

ARTICLE IV: PARTY PLATFORM, CANDIDATE NOMINATION AND ENDORSEMENT

Section 1: The Party shall hold a state convention in each even-numbered year if required by Arkansas law or should the Committee in its discretion deem such convention necessary. Each convention shall be called and conducted in accordance with Arkansas law. Nominations for candidates for elective office may be made at such convention.

Section 2: Any convention held pursuant to Section 1 shall adopt a party platform.

Section 3: The Committee shall promulgate rules for the conduct of the convention. The Committee, or the secretary of the convention as appropriate, shall ensure that all legally required documents related to the convention are timely filed with the relevant elections official, and that timely notice of the time, place and location of the convention is made available to the Party membership.

Section 4: All certificates of nomination for all offices, including President and Vice-President of the United States and their electors, must be filed with the current chair of the state convention or the current chair of the Party by 5:00 P.M. on the day following Labor Day.

Section 5: The Reform Party of Arkansas may endorse candidates nominated by other political organizations or parties. Any such endorsed candidate must agree in writing to uphold the national and state Reform Party platforms. The Committee is authorized to withdraw the endorsement of the Party should it decide that the candidate by action or statement has failed to uphold either platform. The Party may not endorse the candidate of another party for an office for an election for which the Party has made nomination.

ARTICLE V: PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATE SELECTION

Section 1. The presidential and vice presidential candidates of the Reform Party of Arkansas shall be the Reform Party candidates for President and Vice-President selected at the Reform Party national nominating convention. To this end, the Reform Party of Arkansas shall take all necessary steps to cause the names and addresses of these candidates to be certified to the State of Arkansas as provided by Arkansas law and to otherwise ensure that the names of these candidates appear for these offices on the general election ballot in Arkansas.

Section 2: Should either the Reform Party candidate for President or the Reform Party candidate for Vice-President die, withdraw or become disqualified before the general election, the Reform Party of Arkansas candidate for such office shall be the candidate chosen by the national Reform Party to replace the withdrawn or deceased candidate. To this end, the Reform Party of Arkansas shall take all necessary steps to cause the name and address of the replacement candidate, as well as all other information related to him required by the State of Arkansas, to be certified and submitted to the State of Arkansas as required by Arkansas law, and to otherwise ensure that the name of the replacement candidate shall appear on the general election ballot in Arkansas as the Reform Party candidate for the office for which the national party has chosen him. Should both the Reform Party candidate for President and the Reform Party candidate for Vice-President die or withdraw before the general election, the Reform Party of Arkansas candidates for these offices shall be the candidates chosen by the national Reform Party to replace the withdrawn or deceased candidates. To this end, the Reform Party of Arkansas shall take all necessary steps to cause the names and addresses of the replacement candidates, as well as all other information related to them required by the State of Arkansas, to be certified and submitted to the State of Arkansas as required by Arkansas law, and to otherwise ensure that the name of the replacement candidates shall appear on the general election ballot in Arkansas as the Reform Party candidates for the offices for which the national party has chosen them.

Section 3: The Chairperson shall prepare and transmit to the State of Arkansas in accordance with Arkansas law a list of nominees for Presidential and Vice Presidential electors and alternate electors. Such nominees shall be nominated at the State Convention in accordance with Arkansas law. Two elector nominees shall be nominated to represent the state at large, and four elector nominees shall be nominated to represent congressional districts, one for each congressional district. Twelve alternate electors shall be nominated. Four shall be nominated for the state at large, and eight to represent congressional districts, two for each congressional district.

Section 4: Should a nominated elector candidate withdraw, die or become disabled before the general election, the State Executive Committee will designate a replacement and certify to the appropriate elections officials a replacement as provided by Arkansas law.

Section 5: No United States Senator or Representative in Congress, nor any person holding an office of trust or profit of the United States, may be nominated as a candidate for presidential elector. Each nominee for elector must be registered voters of the State of Arkansas and a Reform Party member, and must meet all other requirements of Arkansas law regarding presidential electors. Each nominee for elector nominated to represent a congressional district must be a registered voter in the congressional district which he is to represent.

ARTICLE VI: BYLAWS AND RULES AMENDMENT

Section 1: These bylaws and rules may be amended upon a three-fifths (3/5) vote of the Committee or by majority vote of the membership voting through an initiative process. No later than the end of calendar year 1997 the Committee shall adopt a method for amending the bylaws and rules via the initiative process which shall ensure that all Party members have the opportunity to participate in the process. No bylaw or rule approved through the initiative process may be amended or repealed except by the initiative process. No bylaw or rules approved through the initiative process may be amended or repealed except by majority vote at a meeting of the general membership of the Party.

Section 2: Any amendment considered by the Committee must be submitted in writing to the Chairperson at least ten (10) days prior to the meeting of the Committee at which the amendment is to be considered. The Chairperson shall submit the amendment to the Secretary, who shall notify all Committee Members of the proposed amendment at least five (5) days prior to the meeting at which the amendment is to be considered.

ARTICLE VII: PARLIAMENTARY PROCEDURE

Section 1: The Committee shall adopt rules of parliamentary procedure for the conduct of Committee meetings. Robert's Rules of Order, latest edition, shall be the parliamentary authority for all matters of procedure not covered by these bylaws and rules, unless some other procedure is specifically adopted by the Committee.

ARTICLE VIII: COUNTY AND LOCAL ORGANIZATION

Section 1: The Party may undertake all other organizational measures necessary on a state, county, or district basis to comply with Arkansas law.

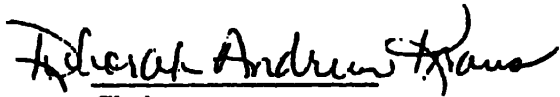
ARTICLE IX: MISCELLANEOUS


Section 1: Should any of the foregoing provisions or any part thereof conflict with the requirements of Arkansas or federal law, these bylaws and rules are hereby automatically amended so as to conform with the requirements of law and to provide the Party authority to act thereunder.

Section 2: Should any of the foregoing provisions or any part thereof be declared invalid by the State of Arkansas for any reason, such invalidity shall not affect any other term or provision hereof, and these bylaws and rules shall be interpreted and construed as if such provision or part thereof had never been contained herein.

Section 3. The Committee is empowered to take such action it deems necessary to comply with the laws and regulations of the United States and the State of Arkansas.

The foregoing bylaws and rules for the Reform Party of Arkansas were adopted at the meeting held on August 3, 1996 at Conway, Arkansas.


Chairperson


Secretary