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Arizona Libertarian Party, Inc.

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January 8, 2007

Federal Elections Commission
Office of General Counsel
999 E Street NW
Washington DC 20463-0002

AOR 2007-02

Subject: Advisory Opinion Request, Arizona Libertarian Party, Inc (C00430264)

To Whom It May Concern:

This letter is in response to a letter from Quy Vuong, our Campaign Finance Analyst in your office. The substance of that letter seems to be that an Advisory Opinion is necessary for Arizona Libertarian Party, Inc. (AZLP, LPAZ) to be recognized by the Commission as a State Committee of the Libertarian National Committee (LNC). This letter is a request for an Advisory Opinion that AZLP be so recognized.

Upon reading AOs 2004-34 and 2004-40, it appears that the Commission's criteria for state committee status are:

1. Be a political party that gained ballot access for at least one federal candidate who has qualified as a candidate under the Act;
2. Have bylaws or a similar document that "delineates activities commensurate with the day-to-day operation" of a party at a state level; and
3. Be part of the official party structure.

We believe that AZLP satisfies all of these criteria for status as a state committee of the LNC. Specifically:

With regard to the first criterion: AZLP is one of three parties that have gained state-wide ballot access in Arizona. AZLP's state party identification is "Libertarian". The most recent voter registration count may be found at the AZ Secretary of State's website (<http://www.azsos.gov/election/voterreg/>). In the 2006 general election AZLP ran a full slate of candidates for U.S. Congress. Specifically, David Schlosser (C00424911) and David Nolan (C00426734) were recognized by the Commission. In the 2004 General Election AZLP placed the name of Michael Badnarik (C00384966), the Libertarian National Committee candidate for President, on the Arizona Ballot.

With regard to the second criterion: The Bylaws and the Articles of Incorporation for Arizona Libertarian Party, Inc. are attached. These document the

PO Box 50777
Phoenix, Arizona 85076-0777
(602) 248-8425

responsibility of AZLP to conduct the day-to-day operations of the party at the state level.

With regard to the third criterion: A letter from Robert Kraus, Director of Operations for the Libertarian National Committee, is attached. This letter confirms that the LNC recognizes AZLP as the sole affiliate in the state of Arizona.

If you have any additional questions regarding this Advisory Opinion Request please contact me immediately. My direct contact information is below my signature.

Best regards,

A handwritten signature in black ink, appearing to read "Warren Severin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Warren Severin
Treasurer, Arizona Libertarian Party, Inc.
15031 S 21st Place
Phoenix AZ 85048
(480) 706-5978

PO Box 50777
Phoenix, Arizona 85076-0777
(602) 248-8425

**BYLAWS OF THE ARIZONA LIBERTARIAN PARTY, INC.
AND ITS STATUTORILY CONSTITUTED STATE COMMITTEE**

As Amended and Approved by the State Committee on August 10, 2000

Definitions: The Party: Arizona Libertarian Party, Inc. as defined by its Constitution which is also its Articles of Incorporation; State Committee: As defined by Title 16, Chapter 5, Article 2, Arizona Revised Statutes, the statutorily constituted State Committee of the Arizona Libertarian Party, Inc.

1. Statutory Officers: The statutory officers of the Party and State Committee are defined and shall be elected in accordance with Title 16, Chapter 5, Article 2, Arizona Revised Statutes; to wit, the statutory officers of the Party and State Committee shall be: 1) the State Chairman, who is the Chief Executive Officer of the Party and State Committee, 2) the State Secretary of the Party and State Committee, and 3) the State Treasurer, who is the Chief Financial Officer of the Party and State Committee. The State Committee shall elect from its membership the statutory officers at the biennial statutory organizing meeting of the State Committee. All statutory officers shall be elected for a two year term, shall take office immediately upon election, and shall hold office until their successors are elected or qualified.

2. Nonstatutory Officers: These Bylaws hereby create four nonstatutory officers of the Party and State Committee. The four nonstatutory officers of the Party and State Committee shall be: 1) the State First Vice-Chairman of the Party and State Committee, 2) the State Second Vice-Chairman of the Party and State Committee, 3) the State Assistant Secretary of the Party and State Committee, and 4) the State Assistant Treasurer of the Party and State Committee. The State Committee shall elect from its membership the nonstatutory officers at the biennial statutory organizing meeting of the State Committee. All nonstatutory officers shall be elected for a two year term, shall take office immediately upon election, and shall hold office until their successors are elected or qualified.

3. Board of Directors and Terms of Office: The statutory and nonstatutory officers of the Party and State Committee shall constitute the Board of Directors of the Party and State Committee. Thus, there shall be seven members of the Board of Directors and this membership shall not be changed or increased except by an amendment, approved by the State Committee, to these Bylaws. Furthermore, no individual may hold more than one office on the Board of Directors, and no member of the Board of Directors shall have more than one vote. Each member of the Board of Directors shall serve a two year term, and the two year terms of office of members of the Board shall run concurrently with their two year terms of office as statutory and nonstatutory officers.

Furthermore, at the time of their election by the State Committee, succession by means of Bylaw 10, or appointment by the remainder of the Board to office, the statutory and nonstatutory officers that thus constitute the Board of Directors shall be residents of the State of Arizona and shall be state committeemen of the Party and State Committee. However, upon assuming their offices, all statutory and nonstatutory officers shall be ex officio state committeemen while serving, in good standing, as officers and members of the Board of Directors and until the terms of office of ex officio state committeemen end, as defined below.

All Arizona Revised Statutes (in particular, A.R.S. 38-291) regarding elections, appointments, residency requirements, and vacancies in office shall be interpreted with the widest possible latitude to allow the statutory and nonstatutory officers to serve out their terms of office as officers and members of the Board and as state committeemen, where: 1) the term of office of a person as an officer and as a member of the Board, elected by the State Committee, shall end at the next biennial statutory organizing meeting of the State Committee; 2) the term of office of a person as an officer and as a member of the Board, succeeding by means of Bylaw 10 or appointed by the remainder of the Board, shall begin immediately upon succession or appointment and shall end at the next annual meeting of the State Committee; 3) the term of office of a person as a state committeeman, appointed by the State Chairman of the Party and State Committee, shall begin immediately upon appointment; 4) the two year terms of office of persons as state committeemen, elected at the biennial statutory organizing meetings of the county committees that are the recognized county affiliates of the Party and State Committee, shall begin upon the adjournments of these meetings; 5) also, the terms of office of persons elected or appointed as state committeemen shall end upon the adjournments of the next biennial statutory organizing meetings of the above recognized county affiliates; 6) the term of office as ex officio state committeeman, of a county chairman of an above recognized county affiliate, shall begin when that person assumes the office of county chairman; 7) the term of office of a person serving ex officio as a state committeeman shall end when that person is neither a statutory or nonstatutory officer of the Party and State Committee nor the county chairman of an above recognized county affiliate, and; 8) all persons serving as statutory or nonstatutory officers and thus as members of the Board of Directors and all persons serving as state committeemen shall hold office until their successors are elected, appointed, or qualified.

4. Duties of the Board of Directors: The duties of the Board of Directors of the Party and State Committee shall include but not be limited to the following: 1) ensuring that the Arizona Libertarian Party, Inc. has continuing countywide and continuing statewide ballot status, 2) recruiting Libertarians wishing to seek elective office, 3) registering voters as members of the Arizona Libertarian Party, Inc., 4) educating the electorate on the virtues of Libertarian principles, and

5) bringing laws into closer agreement with Libertarian principles through the initiative and referendum process, through the legal challenge of unjust laws, and through the persuasion of sitting lawmakers.

5. General Powers of the Board of Directors: The Board of Directors of the Party and State Committee shall manage all affairs of the State Committee, and the Board of Directors shall have the power to make contracts and set general policy on behalf of the State Committee. The Board of Directors shall have final authority over all State Committee finances. The Board of Directors, however, may establish funds available to the State Chairman of the Party and State Committee and the State Treasurer of the Party and State Committee, for discretionary expenses.

The Board of Directors of the Party and State Committee shall fulfill all legal requirements of the State of Arizona, in particular, all requirements currently set out in Title 16, Chapters 1 through 8 of the Arizona Revised Statutes governing political parties, elections, and campaign finance; all requirements currently set out in Title 19, Chapters 1 through 2 of the Arizona Revised Statutes governing initiative, referendum, and recall; and all requirements currently set out in Title 10, Chapters 24 through 40 of the Arizona Revised Statutes governing nonprofit corporations.

Should the Board of Directors of the Party and State Committee choose to make the State Committee a Federal political committee, the Board of Directors shall then fulfill all legal requirements of the Federal election laws and Federal campaign finance laws of the United States of America.

The Board of Directors of the Party and State Committee shall have the sole power to appoint and to dismiss the statutory agent for the Arizona Libertarian Party, Inc.

6. Specific Powers of the Statutory and Nonstatutory Officers:

a) Chairman: The State Chairman or acting State Chairman is the Chief Executive Officer of the Party and State Committee. The Chairman or acting Chairman presides over the meetings of the Board of Directors, and the Chairman or acting Chairman presides over the meetings of the entire State Committee. With the exception of the statutory agent and in addition to the powers delegated in Bylaw 21 below, the Chairman or acting Chairman shall have the power to form or abolish all other committees, create or abolish other positions, including paid positions, and make all appointments to these committees and positions as needed to carry on the business of the Party and State Committee. The Chairman or acting Chairman is responsible for overseeing the performance of his appointees, and all appointed committee members and other appointees such as employees, consultants, and vendors shall serve at the discretion of the Chairman or acting Chairman. Furthermore, the Chairman or acting Chairman, at his discretion, may delegate some of his authority.

b) First Vice-Chairman and Second Vice-Chairman: In the absence of the State Chairman or acting State Chairman, the State First Vice-Chairman of the Party and State Committee shall preside over the meetings of the Board of Directors and the meetings of the entire State Committee. In the simultaneous absence of the State Chairman or acting State Chairman and the State First Vice-Chairman, the State Second Vice-Chairman of the Party and State Committee shall preside over the meetings of the Board of Directors and the meetings of the entire State Committee.

c) Secretary: The State Secretary of the Party and State Committee shall correspond with other organizations and individuals as needed. The Secretary shall keep all non-financial written records of the Party and State Committee and shall record, keep, and maintain all minutes of meetings of the Board of Directors and of meetings of the entire State Committee.

d) Assistant Secretary: The State Assistant Secretary of the Party and State Committee shall aid and assist the State Secretary of the Party and State Committee in the Secretary's duties to correspond with other organizations and individuals. At the Secretary's discretion, the Assistant Secretary shall keep copies of non-financial written records of the Party and State Committee, and the Assistant Secretary shall also keep copies of all minutes of meetings of the Board of Directors and of meetings of the entire State Committee. In the absence of the Secretary, the Assistant Secretary shall perform the duties of Secretary at meetings of the Board of Directors and at meetings of the entire State Committee.

e) Treasurer: The State Treasurer of the Party and State Committee is the Chief Financial Officer of the Party and State Committee. The Treasurer shall receive all funds and maintain complete and current financial records for the Party and State Committee. The Treasurer shall maintain all appropriate legal financial documentation for the Party and State Committee and shall file all appropriate State of Arizona and Federal documents. As pursuant to Title 16 (16-904) of the Arizona Revised Statutes, no expenditure may be made on behalf of the State Committee without the authorization of the Treasurer or his designated agent. Should the Board of Directors choose to make the State Committee a Federal political committee, the name and address of the Treasurer shall appear on the Federal Statement of Organization form.

f) Assistant Treasurer: The State Assistant Treasurer of the Party and State Committee shall aid and assist the State Treasurer of the Party and State Committee in his duties as Chief Financial Officer of the Party and State Committee.

At the discretion of the Treasurer, the Assistant Treasurer shall maintain copies of financial records of the Party and State Committee. Pursuant to Title 16 (16-904) of the Arizona Revised Statutes, the Assistant Treasurer is the designated agent of the Treasurer. In the absence of the Treasurer, the Assistant Treasurer may receive funds, make expenditures, and file all appropriate State of Arizona and Federal documents on behalf of the Party and State Committee. Should the Board of Directors choose to make the State Committee a Federal political committee, the name and address of the Assistant Treasurer shall appear on the Federal Statement of Organization form.

7. Veto and Modifying Power of the Board of Directors: By a two-thirds vote at a meeting of the Board of Directors, the Board of Directors may veto or modify any decision that any statutory or nonstatutory officer, appointee, committee, employee, consultant, or vendor has made on behalf of the Party or the State Committee.

8. Removal of Appointees: By a two-thirds vote at a meeting of the Board of Directors, the Board of Directors may remove from his or her position any appointee, including the statutory agent, and also including any appointed member of a committee, employee, consultant, or vendor. With the exception of the statutory agent who is only appointed or dismissed by the Board of Directors, all appointees shall remain subject to dismissal at any time and for any reason by their respective committee chairperson, if one exists, or by the State Chairman or acting State Chairman of the Party and State Committee.

9. Acting Chairman: If the State Chairman of the Party and State Committee is temporarily absent, the State First Vice-Chairman (followed, if necessary, by the State Second Vice-Chairman, State Secretary, State Assistant Secretary, State Treasurer, and State Assistant Treasurer in that order) shall assume, as acting State Chairman, the powers and duties of State Chairman of the Party and State Committee. While exercising the powers and duties of acting State Chairman, an officer shall not exercise the powers and duties of the office that he or she originally held. Upon return from any temporary absence, the State Chairman of the Party and State Committee shall automatically reassume the powers and duties of State Chairman.

10. Succession to the Statutory Officers: If the position of State Chairman is not filled or becomes permanently vacant by reason of death, resignation, or otherwise, the State First Vice-Chairman shall resign his or her position as State First Vice-Chairman and shall assume the position of State Chairman of the Party and State Committee and shall serve in that position until a new State Chairman can be elected at the next annual meeting of the State Committee. If the positions of State Chairman and State First Vice-Chairman are simultaneously not filled or become simultaneously permanently vacant by reason of death, resignation, or otherwise, the State Second Vice-Chairman shall resign his or her position as State Second Vice-Chairman and shall assume the position of State Chairman of the Party and State Committee and shall serve in that position until a new State Chairman can be elected at the next annual meeting of the State Committee.

If the position of State Secretary is not filled or becomes permanently vacant by reason of death, resignation, or otherwise, the State Assistant Secretary shall resign his or her position as State Assistant Secretary and shall assume the position of State Secretary of the Party and State Committee and shall serve in that position until a new State Secretary can be elected at the next annual meeting of the State Committee.

If the position of State Treasurer is not filled or becomes permanently vacant by reason of death, resignation, or otherwise, the State Assistant Treasurer shall resign his or her position as State Assistant Treasurer and shall assume the position of State Treasurer of the Party and State Committee and shall serve in that position until a new State Treasurer can be elected at the next annual meeting of the State Committee.

11. Vacancies on the Board of Directors: In the event that any position of a statutory officer is not filled or becomes permanently vacant by reason of death, resignation, or otherwise, Bylaw 10 above shall first be implemented. Afterwards, the remaining Board of Directors shall appoint, by majority vote, members of the State Committee in good standing to the remaining vacated offices on the Board of Directors, and those members shall serve in those offices until their successors can be elected at the next annual meeting of the State Committee.

In the event that any position of a nonstatutory officer is not filled or becomes permanently vacant by reason of death, resignation, or otherwise, the remaining Board of Directors shall appoint, by majority vote, members of the State Committee in good standing to the vacated offices on the Board of Directors, and those members shall serve in those offices until their successors can be elected at the next annual meeting of the State Committee.

If by reason of death, resignation, or otherwise, the Party and State Committee have no directors at all in office, any member of the State Committee may call a special, or if the time restrictions under Bylaw 20 allows, annual meeting of the State Committee for the purpose of electing all the officers on the Board of Directors.

Under the provisions of Bylaws 10 and 11, if a new replacement statutory or nonstatutory officer is elected at an annual or special meeting of the State Committee, that officer shall take office immediately upon election, shall hold office until the next biennial statutory organizing meeting of the State Committee, and shall hold office until his or her successor is elected or qualified.

12. Voting Method: When the State Committee votes to elect statutory and nonstatutory officers, this vote shall be by secret ballot unless, by unanimous consent, the State Committee agrees to some other voting method. When the State Committee votes to elect the elected members of the Executive Committee, this vote shall also be by secret ballot unless, by unanimous consent, the State Committee agrees to some other voting method.

13. Voting Absentee: In any matter upon which the Board of Directors is entitled to vote, anyone eligible to vote may vote absentee prior to or at the meeting at which voting is to occur. An absentee vote may be written or made by telephone or other suitable communication device, subject to such authentication procedures as are deemed necessary by the State Secretary to verify the identity of the person voting.

14. Proxy Voting: Proxy voting is not allowed by members of the State Committee when voting to amend the Constitution, when voting to amend the Bylaws, when voting by written consent under Arizona Revised Statute 10-3704, or when voting by written ballot under Arizona Revised Statute 10-3708. For votes on all other matters, proxy voting is allowed at meetings of the State Committee. Proxy votes shall meet the following requirements which exceed the requirements listed in Arizona Revised Statute 16-828 and which replace the requirements listed in Arizona Revised Statute 10-3724: 1) Only a registered Libertarian residing within the county of a state committeeman may act as a proxy voter for that state committeeman. 2) A proxy is only valid for a specific meeting of the State Committee, and that proxy is not valid for any future meetings of the State Committee. 3) Every proxy shall be attested by a notary public or two witnesses. Proxy voting is also not allowed at meetings of the Board of Directors and at meetings of the Executive Committee.

15. Voting for None of the Above "NOTA": "None of the Above" also known as "NOTA" shall always be a voting option in elections for the nonstatutory officers who serve on the Board of Directors and in elections for the elected members of the Executive Committee. No candidate, including "NOTA", may receive more than one vote for an office on a single ballot, regardless of the number of positions being filled for that office. No candidate shall be elected to office who receives the same or fewer votes than "NOTA". Such offices are considered held by "NOTA", are considered vacant, and can only be filled by a new election.

16. Executive Committee: Identity, Purposes and Election:

a) Identity: As mandated by Arizona Revised Statute 16-827, the Executive Committee of the State Committee shall consist of the statutory and nonstatutory officers of the Party and State Committee, and, when they exist, members of the National Committee of the national Libertarian Party who reside in Arizona or who represent Arizona as regional representatives to the National Committee, the county chairman and first and second county vice-chairmen from each recognized county affiliate of the Party as those county affiliates are defined in the Constitution of the Party, and three State Committee members at large from each congressional district. The State Chairman of the Party and State Committee shall be ex officio chairman of the Executive Committee.

b) Purposes: The main purpose of the Executive Committee shall be to fulfill the requirements of Arizona Revised Statute 16-343 which shall be: In the case of vacancy occurring due to death, mental incapacity or voluntary withdrawal of a candidate for United States senator or other statewide candidate after the close of petition filing but prior to a primary or general election, the Executive Committee shall nominate a candidate to fill the vacancy and shall file a nomination paper and affidavit complying with the requirements for candidates as stated in Arizona Revised Statute 16-311 in order to fill the vacancy.

c) Election: The elected members of the Executive Committee shall be the three State Committee members at large from each congressional district. At the biennial statutory organizing meeting of the State Committee, members of the State Committee from each congressional district shall assemble as a group and elect their three members at large from their congressional district. If there are three members of the State Committee or less from a given congressional district, then those three members or less are automatically elected to the Executive Committee. All elected members of the Executive Committee shall be elected for a two year term, shall take office immediately upon election, and shall hold office until their successors are elected or qualified.

If after the biennial statutory organizing meeting of the State Committee, vacancies occur among the elected members of the Executive Committee, the Board of Directors may fill those vacancies with state committeemen from the same congressional district, and those state committeemen shall hold office on the Executive Committee until the next biennial statutory organizing meeting of the State Committee and until their successors are elected or qualified.

17. Delegates to the National Convention of the National Libertarian Party: At the annual meeting or at a special meeting of the State Committee that immediately precedes the convening of a national convention of the national Libertarian Party, the Board of Directors shall present to the State Committee a plan for selecting delegates who shall be eligible to attend this national convention. At this meeting of the State Committee, members of the State Committee may propose any amendments they wish to this plan. After considering amendments, members of the State Committee at this meeting shall vote on this plan. If the plan passes, delegate selection to the national convention shall proceed. If

the plan fails to pass, the State Committee shall modify the plan and continue to vote on the plan until it passes in which case delegate selection to the national convention shall finally proceed. If the State Committee finds it impossible to pass a plan for delegate selection, then the Party and State Committee shall send no delegates to the national convention.

18. Presidential and Vice-Presidential Nominees of the Party and State Committee:

a) **The Nominees:** Upon the nomination by the national convention of the national Libertarian Party of the national Libertarian Party's candidates for the offices of President and Vice-President of the United States, those candidates shall immediately become, for the next Arizona general election ballot, the Libertarian candidates, within the State of Arizona, of the Party and State Committee for the offices of President and Vice-President of the United States. Furthermore, those candidates shall remain the candidates of the Party and State Committee for the offices of President and Vice-President until the official results of the next Arizona general election ballot are known and until the next President and Vice-President of the United States are actually elected.

b) **Letter to the Arizona Secretary of State:** After the adjournment of a national convention of the national Libertarian Party but before the Arizona general election ballots are printed, the State Chairman of the Party and State Committee shall send a letter, signed by the State Chairman, to the Arizona Secretary of State directing the Secretary of State to place on the ballot next to the Libertarian candidates for the office of Presidential elector the surname of the nominee, for the office of President of the United States, of the national Libertarian Party. Pursuant to Arizona Revised Statute 16- 507, this surname shall be the name of the Libertarian Presidential candidate represented on the next Arizona general election ballot.

19. Quorums: A quorum to do business for the Board of Directors shall consist of a simple majority of the number of such directors currently serving. A normal quorum for any matter upon which all members of the State Committee may vote is defined as a majority or more of all currently serving Libertarian state committeemen residing within the State of Arizona. However, a normal quorum shall not apply when the State Committee votes on amending the Constitution of the Party. In this case, the Constitution of the Party shall specify the quorum required to amend the Constitution.

Further quorum requirements shall apply to the State Committee in the following manner: 1) a quorum for the express purpose of electing the statutory and nonstatutory officers of the Party and State Committee, at a properly called annual or special meeting shall be the state committeemen attending such a meeting, and no election of the statutory and nonstatutory officers may occur by means of written consent as defined by Arizona Revised Statute 10-3704 or by means of written ballot as defined by Arizona Revised Statute 10-3708, and; 2) a normal quorum shall apply for all other items of business by and on which the State Committee may vote, such as votes by written consent (defined by A.R.S. 10-3704) or by written ballot (defined by A.R.S. 10-3708), votes on the adoption of any written resolutions or standing rules, votes on the adoption of a State Party Platform, votes on the election of the members at large of the Executive Committee, votes on a plan for delegate selection to a national convention of the national Libertarian Party,, and votes on the removal of a member of the Board of Directors from office.

When the Constitution or Bylaws of the Party and State Committee allow proxy voting, proxy votes may be counted towards a quorum. Otherwise, when the Constitution or Bylaws prohibit proxy voting, proxy votes may not be counted towards a quorum. Finally, the only permitted quorum for the Executive Committee shall be those members who attend a meeting of the Executive Committee that is properly called under the provisions of Arizona Revised Statute 16-343.

20. Meetings:

a) **Board of Directors Meetings:** The State Chairman or acting State Chairman may convene a meeting of the Board of Directors at any time the State Chairman or acting State Chairman so desires. A majority of the members serving on the Board of Directors may also convene a meeting of the Board of Directors.

b) State Committee Meetings:

i) **Special Meetings:** The State Chairman or acting State Chairman may convene a special meeting of the State Committee at a date, time, and place within Arizona at his or her discretion or may convene a special meeting of the State Committee at the next Libertarian National Convention upon 10 days notice to all state committeemen. The State Chairman or acting State Chairman must cause a special meeting of the State Committee to be convened, within 30 days, at a date, time, and place within Arizona at his or her discretion or must cause a special meeting of the State Committee to be convened at the next Libertarian National Convention upon the request of a majority of the members serving on the Board of Directors or upon the written request of 10 percent or more of all serving Libertarian state com residing within the State of Arizona. Notice of special meetings shall meet the requirements of Arizona Revised Statute 10-3705, but a member of the State Committee may waive his right to any notice under Arizona Revised Statute 10-3706.

ii) Annual Meetings: The State Committee of the Arizona Libertarian Party, Inc. shall hold an annual meeting each January. As specified in Arizona Revised Statute 16-826, in each January following a general election, an annual meeting of the State Committee shall be held no earlier than ten days after the second Saturday in January and in any event no later than the fourth Saturday in January. An annual meeting held in each January following a general election shall be the biennial statutory organizing meeting of the State Committee, and this meeting shall be held in the city where the state capitol is located. An annual meeting of the State Committee held in each January not following a general election shall be held in the city of Tucson, Arizona. Upon passage of a motion to fix the time to which to adjourn, an annual meeting may be adjourned to a future date, time, and place within Arizona or may be adjourned to the next Libertarian National Convention. The adjourned meeting shall be considered a continuation of the annual meeting. Notice of annual meetings shall meet the requirements of Arizona Revised Statute 10-3705, but a member of the State Committee may waive his right to any notice under Arizona Revised Statute 10-3706.

21. Special, Select, or Standing Committees: The State Chairman or acting State Chairman of the Party and State Committee shall have the authority to create, to abolish, and to make appointments to special, select, or standing committees consisting of Libertarian state committeemen. Such special, select, or standing committees shall serve at the discretion of the State Chairman or acting State Chairman.

22. Motions, Resolutions, and the State Party Platform: The State Committee, on behalf of the entire Party, shall have the power to adopt or amend any motion or any resolution and shall have the power to adopt or amend a State Platform for the Party. Furthermore, at any annual or special meeting of the State Committee, the Board of Directors, the officers, or any state committeeman may propose any motion or any resolution, may propose a State Platform for the Party, and may propose any amendments to these items.

23. Amendments to the Bylaws: From time to time, the Board of Directors may adopt limited technical amendments to these Bylaws to correct minor ambiguities or minor errors that may occur in these Bylaws or to revise or renumber, when necessary, any references in these Bylaws to the Arizona Revised Statutes. Otherwise, the Board of Directors or any state committeeman may propose amendments to these Bylaws that shall be voted on at any annual or special meeting of the State Committee. Arizona Revised Statute 10-11003 shall govern the procedure for calling a meeting of state committeemen to vote on a proposed amendment to these Bylaws, and under Arizona Revised Statute 10-3705, the State Chairman or acting State Chairman of the State Secretary shall provide notice of this meeting to all state committeemen. Under Arizona Revised Statute 10-3706, a state committeeman may waive his rights to notice of this meeting.

State committeemen may also vote on a proposed amendment to these Bylaws by written consent as defined by Arizona Revised Statute 10-3704 or by written ballot as defined by Arizona Revised Statute 10-3708, in which case Article V of the Constitution of the Party shall govern voting procedure. Under Article V of the Constitution, the State Chairman or acting State Chairman or the State Secretary shall provide a written ballot (defined by A.R.S. 10-3708) to every state committeeman of the Party.

With the sole exception of the limited technical amendments described above, that the Board of Directors may adopt, amendments to these Bylaws must be ratified by at least a two-thirds vote of the state committeemen voting. When state committeemen vote on a proposed amendment to these Bylaws by written consent (defined by A.R.S. 10-3704) or by written ballot (defined by A.R.S. 10-3708) or at an annual or special meeting of the State Committee, a normal quorum shall apply. Upon adoption by the Board of Directors or ratification by the State Committee of a proposed amendment, that amendment to these Bylaws shall take effect immediately unless the amendment itself specifies another time for it to take effect.

24. Rules of Order: The Party and the State Committee adopt the most recent published edition of Robert's Rules of Order, Newly Revised as the governing parliamentary authority for the Party, the State Committee, the Executive Committee, the Board of Directors, the statutory and nonstatutory officers, and any other associates of the Party. Furthermore, the rules contained in the parliamentary authority shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with the Constitution and Bylaws and any special rules of order that the State Committee may adopt.

25. Removal of Members of the Board of Directors: The State Committee shall have the sole power to remove any member of the Board of Directors from office for misfeasance, malfeasance, or nonfeasance of duty. Removing any member of the Board of Directors shall require at least a two-thirds vote of the state committeemen voting at an annual or special State Committee meeting. However, before a vote is taken to remove a member of the Board of Directors from office, the disciplinary procedures chapters of Robert's Rules of Order, Newly Revised shall be followed in order to examine whether a member of the Board of Directors of the Party and State Committee has been derelict in his duty.

26. Constitution, Bylaws, and Minutes Distribution: A copy of the Constitution of the Party, a copy of these Bylaws, or a copy of any minutes shall be provided to any state committeeman of the Arizona Libertarian Party, Inc. who requests a copy.

**AMENDED AND RESTATED ARTICLES
OF INCORPORATION AND CONSTITUTION OF
THE ARIZONA LIBERTARIAN PARTY, INC.**

**Initial Approval, as Amended and Restated Articles, Adopted by the
State Committee of the Arizona Libertarian Party, Inc. on January 23, 1999.**

**Final Approval, as Amended and Restated Articles, Adopted by the
Board of Directors of the Arizona Libertarian Party, Inc. on August 31, 1999.**

PREAMBLE

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

We, the members of the Arizona Libertarian Party, Inc., hold that the only legitimate function of government is the protection of individual liberty and individual rights.

We declare that the Arizona Libertarian Party, Inc. is a political party under and pursuant to the laws of the State of Arizona, and we pledge our Party to work by all peaceful means to eliminate the interference by government in the voluntary and contractual relationships among individuals.

To limit our liability and further protect our rights, we have this day associated ourselves together for the purpose of perpetuating the Arizona Libertarian Party, Inc. as a nonprofit corporation under and pursuant to the laws of the State of Arizona and for that purpose do hereby adopt this Constitution as the amended and restated Articles of Incorporation of our corporation, namely: **ARIZONA LIBERTARIAN PARTY, INC.**

ARTICLE I: Name and Organization.

A. Name: The name of this organization, which is a political party and a nonprofit corporation under and pursuant to the laws of the State of Arizona as they may be amended from time to time, shall be: **ARIZONA LIBERTARIAN PARTY, INC.**, hereinafter also referred to in this Constitution as "the Party".

An act by the Board of Directors of the Party shall not be sufficient to change or modify any part, including the phrase "Inc.", of the name of this organization. Only the voting Class C Members of the Party, by amending this Constitution as described in Article IX below, may change or modify the name of this organization.

B. Organization: The Arizona Libertarian Party, Inc. is a nonprofit corporation as defined by Title 10, Chapters 24 through 40, Arizona Revised Statutes. The Party is also a political party as defined by Title 16, Chapters 1 through 8, Arizona Revised Statutes and Title 19, Chapters 1 through 2, Arizona Revised Statutes.

The State Committee of the Party, as defined by Title 16, Chapter 5, Article 2, Arizona Revised Statutes is a political committee of a political party as defined by Title 16, Chapter 6, Arizona Revised Statutes. By an act of the Board of Directors of the Party, the State Committee of the Party, representing the Party as a whole, may also become a Federal political committee operating under the Federal election laws of the United States.

The affiliated county committees of the Party, as defined by Title 16, Chapter 5, Article 2, Arizona Revised Statutes are also political committees of a political party as defined by Title 16, Chapter 6, Arizona Revised Statutes.

The affiliated legislative district committees of the Party, as defined by Title 16, Chapter 5, Article 2, Arizona Revised Statutes are also political committees and political organizations as defined by Title 16, Chapter 6, Arizona Revised Statutes.

Should the above referenced Arizona Revised Statutes be amended or renumbered, the Board of Directors of the Party is authorized to amend or to restate these Articles of Incorporation with the relevant amendments or renumbering to the Arizona Revised Statutes.

ARTICLE II: Character of Affairs, Purposes, and Principles.

A. Character of Affairs and Purposes: The character of affairs of the Arizona Libertarian Party, Inc. shall be to exist as a political party and to conduct any and all related political activities. The purpose for which the Party is organized as a nonprofit corporation is to limit the liability of its members and to transact any and all lawful business for which nonprofit corporations may be incorporated under the laws of the State of Arizona, as they may be amended from time to time. Furthermore, the Party is organized for the purpose of electing Libertarians to offices within the State of Arizona and to support the general goals and principles of the national Libertarian Party.

B. Principles: The Party shall support the principles of self-ownership, individual autonomy, and personal accountability. In addition, the Party holds that all individuals have the right to exercise sole dominion over their own lives and property and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal rights of others to live in whatever manner they choose.

ARTICLE III: Powers of the State Committee of the Party.

This Constitution, under its authority as the amended and restated Articles of Incorporation of the Arizona Libertarian Party, Inc., confers to the State Committee of the Party, as defined by Title 16, Chapter 5, Article 2, Arizona Revised Statutes, the power to amend this Constitution, the power to adopt and to amend Bylaws for the Party's operation and the power to elect the Board of Directors of the Party. Furthermore, by the authority of and as defined in Title 16, Chapter 5, Article 2, Arizona Revised Statutes, the State Committee of the Party shall have the power to elect the members at large of the statutorily defined Executive Committee of the Party, and the power to elect the statutory officers of the Party who shall be: 1) the State Chairman, who is the Chief Executive Officer of the Party, 2) the State Secretary of the Party, and 3) the State Treasurer, who is the Chief Financial Officer of the Party.

ARTICLE IV: Membership of the Party and Duties of Members.

The Arizona Libertarian Party, Inc. shall have three classes of members. These three classes of members shall not be personally liable for the acts, debts, liabilities, or obligations of the Party. The three classes are:

A. Registered Libertarians: All registered Libertarians, as they are defined and provided for under Title 16, Chapter 1, Arizona Revised Statutes, shall be Class A Members of the Party.

It shall be the duty of Class A Members of the Party to elect Libertarian county precinct committeemen in those counties within the State of Arizona where the election of Libertarian county precinct committeemen is legally allowed at the primary election.

B. County Precinct Committeemen: Libertarian county precinct committeemen chosen under the procedures defined in Title 16, Chapter 5, Article 2, Arizona Revised Statutes, shall be Class B Members of the Party.

In those counties within the State of Arizona that allow for the election and appointment of Class B Members of the Party, the Class B Members shall constitute the various county committees of the Party. Furthermore, along with their officers, these county committees shall automatically be the recognized county affiliates of the Arizona Libertarian Party, Inc.

If Class B Members of the Party residing within a given legislative district choose to organize a legislative district committee, as outlined in Title 16, Chapter 5, Article 2, Arizona Revised Statutes, then along with its officers, that legislative district committee shall automatically be the recognized affiliate for its legislative district of the Arizona Libertarian Party, Inc.

It shall be the duty of Class B Members of the Party to elect the state committeemen of the Party.

C. State Committeemen: Libertarian state committeemen chosen under the procedures defined in Title 16, Chapter 5, Article 2, Arizona Revised Statutes, shall be Class C Members of the Party.

Class C Members of the Party shall constitute the State Committee of the Arizona Libertarian Party, Inc. Furthermore, Class C Members shall be the voting members of the Party and each Class C Member shall have one vote.

It shall be the right and duty of Class C Members to vote to amend this Constitution, to vote on adoption of and amendments to the Bylaws, to vote in elections for members of the Board of Directors, to vote for the members at large of the statutorily defined Executive Committee of the Party, and to vote for the statutory officers of the Party.

ARTICLE V: Action by Written Consent Equivalent to Action by Written Ballot.

As provided for in Arizona Revised Statute 10-3 704, Class C Members of the Party may approve, by written consent, any action required or permitted by Title 10, Chapters 24 through 40, Arizona Revised Statutes without a meeting of Class C Members of the Party.

Should members of the State Committee of the Party, the Board of Directors, or one of the officers of the Party ask for approval of a measure by written consent, that measure shall require for approval the same amount of voting power as required under Arizona Revised Statute 10-3708 governing actions by written ballot in the absence of an annual, regular, or special meeting of Class C Members of the Party. Furthermore, whenever possible, the procedure

for obtaining written consent from Class C Members of the Party shall be the same as the procedure for action by written ballot as outlined in Arizona Revised Statute 10-3708.

ARTICLE VI: The Board of Directors of the Party.

There shall be at least seven members but no more than twenty seven members of the Board of Directors of the Arizona Libertarian Party, Inc. Members of the Board of Directors shall be residents of the State of Arizona and shall be state committeemen of the Party. The statutory officers of the Party, as defined in Article II above, shall always be members of the Board of Directors.

The Bylaws of the Party shall specify the number and composition of members of the Board of Directors, their manner of election, their terms of office, their method of replacement due to vacancies, and their method of removal for cause.

Furthermore, the Bylaws of the Party may establish other nonstatutory elected officers of the Party who shall always be members of the Board of Directors. The Bylaws of the Party shall also establish a succession due to vacancies for the officers of the Party, and the Bylaws shall establish the general powers of the Board of Directors and the specific powers of the officers.

ARTICLE VII: Limitation of Liability and Indemnification of the Members of the Board of Directors.

To the fullest extent permitted by the laws of the State of Arizona, as they may be amended from time to time, no director shall be held liable to the Party or its members for monetary damages for breach of fiduciary duty as a director, and the Party shall indemnify each of its directors for liability to any person for any action taken, or any failure to take any action, as a director.

ARTICLE VIII: Precedence of Law.

The Arizona Libertarian Party, Inc. shall follow Title 10, Chapters 24 through 40, Title 16, Chapters 1 through 8, and Title 19, Chapters 1 through 2, Arizona Revised Statutes. In addition, the laws of the State of Arizona and of the United States of America shall take precedence over any portion of this Constitution or any portion of the Bylaws with which these laws conflict.

ARTICLE IX: Amendments to this Constitution.

The Board of Directors or any state committeeman (Class C Member) of the Party may propose amendments to this Constitution which shall be voted on at any annual, regular, or special meeting of the State Committee of the Arizona Libertarian Party, Inc. Arizona Revised Statute 10-11003 shall govern the procedure for calling a meeting for Class C Members to vote on a proposed Constitutional amendment, and under Arizona Revised Statute 10-3705, the State Chairman or acting State Chairman of the Party or the State Secretary of the Party shall provide notice of this meeting to the Class C Members of the Party. Under Arizona Revised Statute 10-3706, a Class C Member may waive his rights to notice of this meeting.

The state committeemen (Class C Members) of the Party may also vote on a proposed Constitutional amendment by written consent or written ballot, in which case Article V of this Constitution shall govern voting procedure. Under Article V, the State Chairman or acting State Chairman of the Party or the State Secretary of the Party shall provide a written ballot to every Class C Member entitled to vote on the amendment.

Except for the permitted amendments specified in this Constitution and specified in Arizona Revised Statute 10-11002 which shall allow the Board of Directors to adopt only limited technical amendments to this Constitution, the enduring importance of this Constitution requires that it may be amended only by a vote of three-quarters (3 /4) of the state committeemen (Class C Members) of the Arizona Libertarian Party, Inc. voting, and when this vote is taken, a special quorum shall be in effect which requires two-thirds (2/3) of all state committeemen serving on the State Committee of the Party to cast ballots on any proposed amendment. When voting to amend this Constitution, proxy voting is not allowed by members of the State Committee of the Party.

Upon ratification of a proposed amendment, that amendment to this Constitution shall take effect immediately.

Finally, should the members of the State Committee of the Party vote to approve an amendment to this Constitution, the Board of Directors of the Party shall file that amendment as amended or restated Articles of Incorporation of the Party where the Board of Directors shall follow the procedures outlined in Arizona Revised Statutes 10- 11006 and 10-11007.



LIBERTARIAN NATIONAL COMMITTEE, INC. - ROBERT S. KRAUS - OPERATIONS@L.P.ORG
2600 VIRGINIA AVE NW - THE WATERGATE, SUITE #200 - WASHINGTON, DC 20037
PHONE: 202.338.0008 x231 - FAX: 703.935.8015

To: Whom it may concern at the FEC
Fr: Robert S. Kraus - Director of Operations
Re: LP Affiliate

Please note:

Per our Bylaws, the Libertarian National Committee (FEC Committee ID: C000255695) recognizes the following as our sole affiliate for the State of Arizona:

ARIZONA LIBERTARIAN PARTY INC. (LPAZ)
Fec Committee # C00130264
4802 E. Ray Road #23-255
PO Box 50777
Phoenix, AZ 85044-0777

This affiliate has been recognized by our Secretary as our sole qualifying organization in Arizona. Our Secretary has certified that they have adopted the Statement of Principles and filed a copy of their Constitution and Bylaws with our National Office.

The LPAZ is qualified and authorized per our Party Bylaws to determine who shall be its delegates to all Regular National Libertarian Party Conventions representing their state.

Please feel free to contact us if you have any questions regarding the status of the LPAZ within the LNC.

Thank you in advance,

A handwritten signature in black ink, appearing to read "Robert S. Kraus". The signature is fluid and cursive.

Robert S. Kraus
Director of Operations



Arizona Libertarian Party, Inc.
Warren Severin, Treasurer
15031 S. 21st Place
Phoenix AZ 85048-9543

|||||
Federal Election Commission
Office of General Counsel
999 E Street NW
Washington DC 20463-0002



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-1

December 8, 2006

Warren Severin, Treasurer
Arizona Libertarian Party, Inc.
PO Box 50777
Phoenix, AZ 85076

**Response Due Date:
January 9, 2007**

Identification Number: C00430264

Reference: Statement of Organization, received 11/6/06

Dear Mr. Severin:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

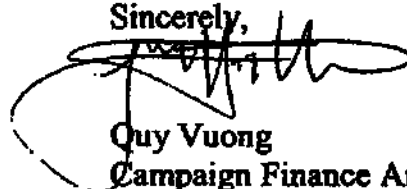
-Your Statement of Organization indicates in Line 5(d) that you are a state committee for the Libertarian Party. A state committee is defined as the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the state level, as determined by the Commission. 2 U.S.C. §431(15)

Please be advised that before using the contribution limits and/or statutes applicable for state parties, your committee must petition the Commission in the form of an advisory opinion to determine if it satisfies the criteria for state party status. (See Advisory Opinion 2002-10 on the FEC website at <http://www.fec.gov>)

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1148.

Sincerely,

A handwritten signature in black ink, appearing to read 'Quy Vuong', written over a horizontal line.

**Quy Vuong
Campaign Finance Analyst
Reports Analysis Division**