

December 20, 1996

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Mm



Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

DEC 30 10 00 AM '96

**RE: CONSTITUTIONAL PARTY OF PENNSYLVANIA
Identification Number C00324350**

**Constitutional Party
of Pennsylvania**

P.O. Box 1766
Lancaster, PA 17608
Phone 717-299-6285
Fax 717-299-5115

Executive Committee

Peg Luksik
State Chairman

Janet Serene
Vice Chairman

David Slaughterback
Secretary

James N. Clymer
Treasurer

Phillip Beachey

Kathy Coll

Cathy Little

Richard Miller

John Mumma

Tom Radomski

Len Ritchey

George Stryker

Dear Madam/Sir:

Please consider this letter request for a determination by the Federal Election Commission that the Constitutional Party of Pennsylvania is a "State Committee" under 2 U.S.C. §431(15). I am enclosing a copy of the By-Laws of the Party for your review.

By way of further information, to assist in your determination, the Constitutional Party of Pennsylvania is affiliated with the U.S. Taxpayers Party and is the only state affiliate in Pennsylvania of that national party. The party circulated Nomination Papers to acquire ballot access for the 1996 General Election and a copy of the Nomination Paper that was circulated is also enclosed for your information. You will note that the ballot access effort included not only Howard Phillips (the national candidate for the U.S. Taxpayers Party) but also state office candidates for the State of Pennsylvania. There was also a state candidate for a State legislative office in one of the legislative districts in Pennsylvania.

The Constitutional Party of Pennsylvania was certified as a minor political party by the Pennsylvania Election Bureau following an independent campaign for Governor in 1994. Since its organization, the Constitutional Party of Pennsylvania has been the sole entity representing this party in Pennsylvania. It is clearly responsible for the day to day operation of the political party at the state level as there is no other affiliated state organization.

If you need further information or have any questions, please feel free to call

Very truly yours,


James N. Clymer,
Treasurer

JNC:JF
Enclosures

DEC 30 10 00 AM '36

**BY-LAWS
OF THE CONSTITUTIONAL PARTY OF PENNSYLVANIA**

**ARTICLE I
NAME**

The name of this organization shall be the "Constitutional Party of Pennsylvania", which in common usage will be referred to solely as **Constitutional Party** and may be hereinafter referred to as the "**Party**".

**ARTICLE II
PURPOSE**

The purpose of the Party is to develop an informed, energetic and effective statewide political organization to support the principles, goals and platforms of this Party as may be adopted from time to time by its Convention and to secure the election of all duly nominated candidates and electors thereof.

**ARTICLE III
POLICY**

All applicable provisions of the Pennsylvania Election Code shall be part of these by-laws.

**ARTICLE IV
MEMBERSHIP**

Membership of the Party shall consist of all persons who are registered voters under the Laws of the Commonwealth of Pennsylvania who have declared on their registration their affiliation with the Party or have made application with the Party and paid such dues as are

prescribed by the State Committee. The State Committee or Executive Committee may, by resolution impose such other requirements as it may from time to time deem appropriate for membership in the Party.

ARTICLE V STATE COMMITTEE

Section A: Membership

The membership of the State Committee shall be composed of the following:

1. State Chairman, State Vice Chairman, State Secretary and State Treasurer;
2. Regional Caucus Chairmen, to be appointed initially by the Ad Hoc Committee and ratified by the Convention and thereafter by the County Chairmen.
3. The Chairman of each of the County Committees (if organized);
4. For organizational purposes, at-large members from each county through the end of 1997 and to be determined by the Executive Committee.

All members of the State Committee shall be registered voters with a declared affiliation with the Constitutional Party of Pennsylvania.

Membership in the State Committee may be revoked upon the vote of three-fourths of the members present in person or by proxy at any duly convened meeting of the State Committee.

Section B: Election and Terms

1. The State Chairman, State Vice Chairman, State Secretary, State Treasurer and National Committee members (if affiliated with a National Party) shall be elected by the State

Convention for a term of four years or until such later time that a successor is elected.

2. The Chairman, Vice Chairman and Secretary of each organized County Committee shall be elected in accordance with the rules and by-laws of the respective County organizations.

Section C: Executive Committee

1. The Executive Committee shall consist of the State Chairman, State Vice Chairman, State Secretary, State Treasurer and up to eight (8) other members at-large elected by the State Committee. At-large members shall be regionally balanced.

2. Membership in the Executive Committee may be revoked upon the vote of three-fourths of the members present in person or by proxy at any duly convened meeting of the Executive Committee.

3. The Executive Committee shall act in the place of the State Committee in areas where the State Committee shall specifically authorize, shall have such powers and duties as are otherwise prescribed in these by-laws and shall be available for advice and consent to the State Chairman.

Section D: Vacancies

1. A vacancy in the office of State Chairman shall be filled by the Vice Chairman who shall serve until the next State Convention.

2. A vacancy in the office of State Vice Chairman shall be filled by appointment by the State Chairman. The nominee shall serve the remaining unexpired term of the vacating State Vice Chairman.

3. If the offices of both the State Chairman and State Vice Chairman become vacant, a meeting of the Executive Committee shall be called by the next ranking officer to elect successors.

4. A vacancy in the office of State Secretary shall be filled by appointment by the State Chairman and shall serve the unexpired term of the vacating Secretary.

5. A vacancy in the office of State Treasurer shall be filled by appointment by the State Chairman and shall serve the unexpired term of the vacating Treasurer.

Section E: Duties

1. State Committee

a. The State Committee shall be responsible for the control and management of all the affairs, properties and funds of the Party consistent with the Articles of Incorporation, the By-Laws and any resolutions which may be adopted in Convention.

b. The State Committee shall formulate and provide for the execution of such policies, plans and measures as it may deem conducive to the best interest of the Party, and in conformity with the State Party By-laws.

c. It shall call all regular and special State Conventions and make arrangements therefor, including the basis of representation, the time and place.

d. The State Committee shall meet at least two times per year, one meeting of which shall be immediately before or concurrent with the State Convention and the other meeting shall be as may be called by the State Committee at its last meeting or in the absence thereof, by the Executive Committee or the State Chairman. Notice of State Committee

meetings shall be deemed sufficient if sent by regular mail, postage prepaid at the last address of the State Committee member as submitted by the member, or otherwise on the Party's records, at least thirty days prior to such meeting.

e. The State Committee may promulgate rules, not inconsistent with these by-laws, to regulate any of the functions or activities provided for herein or as may be necessary to comply with State or Federal election laws.

2. Executive Committee

a. The Executive Committee shall, in addition to the duties otherwise prescribed herein, shall meet at least bi-annually to make proposals for submission to the State Committee and/or the State Convention and to fulfill any other duties that may come before it. The meetings may be conducted by telephone conference calls.

b. The Executive Committee shall approve all appointments of the State Chairman unless that power is specifically granted to another body in these by-laws.

c. The Executive Committee shall be empowered to meet and act on an emergency basis, do anything that the State Committee is empowered to do provided that any such emergency action by the Executive Committee may be revoked upon the three-fifths majority vote of the State Committee at the next duly convened State Committee meeting.

d. The Executive Committee shall act as a nominating committee and submit candidates for the officers of the Party to the Convention or to the State Committee as may be applicable.

3. State Chairman

- a. **The State Chairman shall be the chief executive officer of the Party and Chairman of the State Committee.**
- b. **The State Chairman shall issue the call of all general meetings of the Party and the State Committee and shall preside, if present, at all such meetings and at Executive Committee meetings**
- c. **The State Chairman shall observe and enforce the by-laws and rules of the Party.**
- d. **The State Chairman shall appoint necessary staff members and all standing and special committees.**
- e. **The State Chairman shall be *ex officio* a member of all committees.**
- f. **The State Chairman shall act as necessary to promote the functions of the Party.**

4. State Vice Chairman

- a. **The State Vice Chairman shall become the State Chairman in the event of a vacancy in that office.**
- b. **The State Vice Chairman shall act as the State Chairman in the event of absence of the State Chairman at any State Party function.**
- c. **The State Vice Chairman shall perform other duties the State Chairman may prescribe.**

5. State Secretary

- a. **The State Secretary shall be the chief clerical officer of the Party.**

b. The State Secretary shall record all proceedings of the State Committee and the State Convention , which shall be the property of the committee.

c. The State Secretary shall perform other duties the State Chairman may prescribe.

6. State Treasurer

a. The State Treasurer shall keep the financial records of the Party.

b. The State Treasurer shall be responsible for fulfilling federal, state and local financial disclosure requirements, if applicable.

c. The State Treasurer shall, at the direction of the State Chairman, issue all checks in payment of Party obligations.

**ARTICLE VI
VOTING**

Voting, for election of officers, Party nomination or endorsements and adopting or amending the Platform shall be by secret ballot. Other votes shall be by show of hand unless any member of the Committee shall call for secret ballot. A person holding multiple offices shall not be entitled to more than one vote. Any voting member who wants to vote in absentia shall designate his vote on a written form which shall be dated and signed.

**ARTICLE VII
STATE CONVENTION**

1. The Party shall hold an annual Convention to conduct such business as may properly come before it in March of each year at a time and place to be determined at the preceding Convention or as otherwise herein provided. The Call for the first State

Convention shall be issued by the Chairman of the State Committee, *Pro Tem*, for 1996.

2. Robert's Rules of Order Newly Revised shall govern the proceedings of the State Convention and the rulings of the Chairman of the State Convention shall be the decision on the question before the body. The Chairman shall appoint a Parliamentarian for the Convention for deciding questions of parliamentary procedure.

3. Nominees for state office will be chosen by majority vote of the delegates voting at the State Convention.

4. The affirmative vote of the majority of the delegates present and voting at the State Convention shall be the act of the Convention.

5. The Chairman of the State Committee, *Pro Tem*, shall preside at the opening of the State Convention until a State Chairman is elected.

6. Every member in good standing of the Party, as of sixty days before the Convention, and remaining in good standing throughout the Convention, shall be entitled to be a delegate at the State Convention by attending in person, provided that the State Committee may prescribe registration fees to be registered as a delegate.

ARTICLE VIII SELECTION OF DELEGATES TO NATIONAL CONVENTIONS

1. Delegates to national conventions of the Party shall be elected by the State Committee, subject to confirmation by majority vote of the Executive Committee.

2. Electors for candidates in the Presidential election shall be chosen by the State Chairman, subject to confirmation by majority vote of the Executive Committee. If the

Chairman or any successive officer shall fail to act, the next ranking officer shall fulfill the responsibility.

ARTICLE IX NOMINATION OF CANDIDATES FOR OFFICE

1. Nominations - Only the State Committee shall have the power to officially nominate candidates for Federal and State elective offices (which includes all statewide offices, State Senate, and Pennsylvania and U.S. House of Representatives) under the "Constitutional Party" label which nominations shall be submitted to the Convention, for its approval by majority vote, to the extent candidates are available at that time. Candidates for county and local office shall be nominated by recognized county committees in good standing. In the absence of a recognized county committee, the State Committee shall have the power to nominate candidates for county and local office. The State Committee shall have the power to nominate candidates for special elections and nominate substitute candidates as provided in the Pennsylvania Election Code.

2. Candidates for November general elections who are nominated by the State Committee shall be approved or confirmed at the Party Convention and shall be entitled to be listed as the candidate for the Constitutional Party on the Ballot Access Petition (otherwise known as Nomination Paper). Candidates for Commonwealth offices may also be nominated from the floor at the State Convention. Confirmation of Nomination shall be by majority vote of all duly qualified and registered delegates to the Convention. As to any elective offices for which candidates have not been nominated at the Party convention, candidates may

be nominated by the State Committee subsequent to the State Convention by the affirmative vote of three-fourths of the State Committee. The State Committee, acting pursuant to a vote of three fourths of all of its members, may withdraw the nomination or endorsement given previously to any candidate, and may take all actions which it deems necessary to effectuate such withdrawal, including publicity and legal action. No candidate who has not been nominated by either the State Convention or the State Committee shall be permitted to use the name "Constitutional" on the Nomination Paper or otherwise in such a way that would imply affiliation with the Constitutional Party, in any election materials.

ARTICLE X RULES FOR COUNTIES

Counties and districts may adopt their own rules and by-laws, subject to approval by the State Committee. County Committees meeting the criteria established by the State Committee shall be recognized as the official County Committee of the Party, but there shall not be more than one official committee for each county. In the absence of such by-laws, these by-laws shall govern.

ARTICLE XI USE OF THE PARTY NAME

No person, group of persons, or organization shall use the name, address, or emblem of the Party in any manner, unless the State Chairman grants permission.

ARTICLE XII PARLIAMENTARY AUTHORITY

The then current edition of Robert's Rules of Order shall govern the Party whenever they are applicable and not inconsistent with these by-laws and the Pennsylvania Election

Laws.

**ARTICLE XIII
INITIAL ORGANIZATION OF THE PARTY**

An ad hoc organizing committee shall be appointed by the candidates of the Party in the 1994 election. This committee shall elect the State Chairman, *Pro Tem*, and such other officers, *Pro Tem*, to serve until the offices can be filled by duly elected officers as provided in these by-laws, and shall adopt these by-laws.

Due to the necessities of organization, the State Chairman, *Pro Tem*, shall have broad powers to appoint members to the State Committee and act in the interest of the Party to comply with the laws of the United States and the Commonwealth of Pennsylvania. At such time as these broad powers are no longer needed, they shall be rescinded by majority vote of the State Committee.

**ARTICLE XIV
THE VOTES**

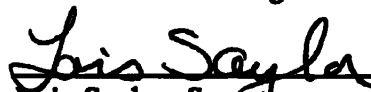
Votes that end in equal numbers shall be decided by vote of the State Chairman or senior member of that unit.

**ARTICLE XV
AMENDMENT OF BY-LAWS**

These by-laws may be amended at any meeting by a two-thirds vote of the State Committee or by a two-thirds vote of the State Convention.

Adopted by the organizing committee of the Constitutional Party of Pennsylvania on August 26, 1995.

As Amended by the organizing committee at its meeting on March 2, 1996.


Lois Saylor, Secretary

NOTE: 1. Read General Instructions on slide 4 carefully.
 2. All information regarding A & B below, must be completed prior to circulation.

A. PREAMBLE:
TO THE SECRETARY OF THE COMMONWEALTH:
 We, the undersigned, all of whom are qualified electors of Pennsylvania, of the County, and of the electoral district(s) designated below, hereby nominate the persons designated in 'B' below as candidates representing the minor political party named herein.
 1. Name of Minor Political Party Constitutional Party
 2. County of Signers _____

B. CANDIDATE INFORMATION:

OFFICE TITLE	DISTRICT	NAME OF CANDIDATE	PLACE OF RESIDENCE <small>House Number Street or Road City, State or Zip</small>	OCCUPATION <small>Profession or Business</small>
PRESIDENT	STATEWIDE	Howard Phillips	9520 Bent Creek Ln Vienna VA	Chairman CONSERVATIVE PARTY
VICE-PRESIDENT	STATEWIDE	Albion W. Knight	542 Russell Ave Galithersburg MD	Retired
U.S. SENATOR	STATEWIDE			
ATTORNEY GENERAL	STATEWIDE	David Washington	201 W. Wayne Ave Boston PA	Attorney
AUDITOR GENERAL	STATEWIDE	Robert P. Lord	RR#1, Box 144 Youngsville PA	House Painter
STATE TREASURER	STATEWIDE	Dean L. Snyder	3977 Balm Ave York PA	USAF Retired

PRESIDENTIAL ELECTORS:

NAME OF CANDIDATE	RESIDENCE	OCCUPATION	NAME OF CANDIDATE	RESIDENCE	OCCUPATION
1. David W. Shusterback	117 S. Orion St Oscarville PA	Pastor	13. Christoffer J. Bachler	69 Dayton Rd Newell Hill PA	Teacher
2. Charles E. Hixson, Jr	60 Scotland Rd Oscarville PA	Laborer	14. Gregory R. Reed	50 Beaverly Rd Elizabeth PA	Attorney
3. Cathy R. Little	106 Cornman Dr Newville PA	Business Woman	15. Joshua A. Reed	50 Beaverly Rd Elizabeth PA	Student
4. Richard J. Miller	RR#2, Box 1060 Bert Royal PA	Retired	16. James E. Liskik	53 Womire St Jonestown PA	Teacher
5. Janet Savare	RR#1, Box 247 NewMt PA	Teacher	17. Lois D. Clymer	371 Lehart Rd Millersville PA	Accountant
6. Leonard E. Ritchey	5207 Deerfield Ave Westmanshury PA	Retired	18. Doris E. Miller	RR#2, Box 1060 Bert Royal PA	Homemaker
7. Peg Lukick	51 Womire St Jonestown PA	Private Consultant	18. Phillip S. Beachey	Route 2, Box 992 New Bloomfield PA	Systems Analyst
8. James N. Clymer	311 Lehart Rd Millersville PA	Attorney	20. Jesse C. Weyer, II	246 W. Front St Meriville PA	Retired
9. Robert K. Garrou	1107 Riverview Rd Clearfield PA	Pastor	21. Jeffrey B. Camball	6 S. Singser Ave Barnes PA	Marketing Manager
10. Max Lampenfeld, Jr	2172 Switzer Creek Rd Hummelston PA	Businessman	22. Louella Garrou	1107 Riverview Rd Clearfield PA	Homemaker
11. Gary T. Gorski	866 Leysa Dr Hummelston PA	Contractor	23. Dean L. Snyder	3977 Balm Ave York PA	Retired
12. Rita M. Hoover	RR#1, Box 310 Hummelston PA	Homemaker			

SIGNATURE OF ELECTOR	PLACE OF RESIDENCE <small>House Number Street or Road City, State or Zip</small>		OCCUPATION <small>Profession or Business</small>	DATE OF SIGNING
	House Number	City, State or Zip		
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FEDERAL ELECTION COMMISSION
Washington, DC 20463

January 10, 1997

James N. Clymer, Treasurer
Constitutional Party of Pennsylvania
PO Box 1766
Lancaster, PA 17608

Dear Mr. Clymer:

This refers to your letter dated December 20, 1996, which requests advice concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the possible status of the Constitutional Party of Pennsylvania ("the Constitutional Party") as a State Party committee of the U.S. Taxpayers Party ("the Taxpayers Party").

As evidence of your possible status you submit a copy of the bylaws of the Constitutional Party. You also present evidence, which is substantiated by publicly available sources, of the success of the Constitutional Party in obtaining state ballot access in 1996 (in Pennsylvania) for Mr. Howard Phillips, the 1996 Presidential candidate of the Taxpayers Party.

The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c).

Your inquiry requires a more complete description of the facts in order to proceed with an advisory opinion. Please identify any 1996 Congressional candidates who were identified as candidates of your party on the Pennsylvania state ballot. Further, please provide official documentation from the national committee of the Taxpayers Party that confirms the Constitutional Party's affiliation with the Taxpayers Party. For illustrative purposes, enclosed with this letter is correspondence provided by the Natural Law Party of Texas, which was used to corroborate their ties to the U.S. Natural Law Party. The evidence you provide need not, however, be identical. For your information and guidance, also enclosed is a copy of Advisory Opinion 1995-49 which examined the claim of the Texas Natural Law Party to be a State Party committee as well as copies of Advisory Opinions 1996-43 and 1996-27 which granted state committee status to the New York Green Party and the Illinois Libertarian party, respectively.

After receiving the above information, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions concerning the advisory opinion process, the materials enclosed, or this letter, please contact Michael Marinelli, the staff attorney who prepared this letter. His number is 202-219-3400.

Sincerely,

**Lawrence M. Noble
General Counsel**

BY:


**N. Bradley Litchfield
Associate General Counsel**

Enclosures:

**Sample Correspondence
Advisory Opinions 1996-43, 1996-27, and 1995-49**



RECEIVED

FEB 28 1997

U.S. TAXPAYERS PARTY

February 25, 1997

***** EXECUTIVE COMMITTEE

WILLIAM K. SHEARER
California
National Chairman

MARK A. WEAVER
Virginia
National Vice Chairman

DEBBIE HOPPER
Missouri
Secretary

JANINE HANSEN
Nevada
Treasurer

JAMES N. CLYMER
Pennsylvania
Parliamentarian

PEG LUKSIK
Pennsylvania
Chairman, Eastern States

LOWELL PATTERSON
New Jersey
Co-Chairman, Eastern States

WASLEY KROGDALH
Kentucky
Chairman, Southern States

KARL FALSTER
Mississippi
Co-Chairman, Southern States

EDWARD J. FRAMI
Wisconsin
Chairman, Central States

NICHOLAS J. SUMBLES
Illinois
Co-Chairman, Central States

DANIEL HANSEN
Nevada
Chairman, Western States

TODD RICHERT
Washington
Co-Chairman, Western States

SAMUEL L. BLUMENFELD
Massachusetts

DAVID DRYE
North Carolina

STEPHEN C. GRAVES
Arkansas

ALBION W. KNIGHT, JR.
Maryland

ROBERT J. MEUCCI
Mississippi

HOWARD PHILLIPS
Virginia

ROBERT TISCH
Michigan

HERBERT W. TITUS
Virginia

JOSEPH A. ZDONCZYK
Connecticut

TED C. ADAMS
South Carolina
Immediate Past Chairman

James N. Clymer, Esq.
Treasurer
Constitutional Party of Pennsylvania
P. O. Box 1766
Lancaster, PA 17608

Dear Mr. Clymer:

This letter will confirm to you that the Constitutional Party of Pennsylvania is the recognized, official Pennsylvania affiliate of the U.S. Taxpayers Party.

The Constitutional Party of Pennsylvania participated in the U.S. Taxpayers Party's 1996 national convention, placed the USTP's nominees for President and Vice President on the Pennsylvania ballot, and has continuously been recognized as Pennsylvania's participant in the USTP's National Committee. Two of the Constitutional Party's state officers serve as members of the USTP's national executive committee.

In short, the Constitutional Party of Pennsylvania has been and continues to be a valued state affiliate of the U.S. Taxpayers Party. Any inquiry in this regard may be referred to me for confirmation of this fact.

Sincerely yours,

W.K. Shearer
William K. Shearer
Chairman

WKS : gnw



**Constitutional Party
of Pennsylvania**

P.O. Box 1766
Lancaster, PA 17608
Phone 717-299-6285
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Executive Committee

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FEDERAL ELECTION COMMISSION
OFFICE

MAR 5 11 28 AM '97

March 3, 1997

AOR 1997-03

N. Bradley Litchfield,
Associate General Counsel
Federal Election Commission
Washington, DC 20463

Dear Mr. Litchfield:

In response to your request for additional information, in your letter of January 10, 1997, enclosed please find a letter from the Chairman of the U.S. Taxpayers Party National Committee officially confirming the Constitutional Party's affiliation with the U.S. Taxpayers Party.

As to your request regarding 1996 Congressional candidates, the Constitutional Party had only one Congressional candidate on the ballot in 1996. He was David A. Booth, from the 8th Congressional District.

If you need additional information, please feel free to call me.

Very truly yours,

James N. Clymer

JNC:JF
Enclosures