

What follows is a response that I, Randy Stufflebeam, wrote in response to a letter that was written by the Constitution Party National Chairman, Frank Fluckiger to the Constitution Party of South Dakota State Chairman, Lori Stacey. The letter was received by Lori Stacey via email on July 13, 2018 @ around 8pm; which was the night before the convention was being held the next morning.

The thing that is most disturbing about this letter is that the Constitution of the Constitution Party forbids direct involvement by the national party into state party matters.

“Nothing in this Constitution or the bylaws of the Constitution Party shall confer upon the national party any authority to direct the internal affairs of any state affiliate.”

~~Constitution Party Constitution, Article 3, Claus 3:

The letter from the National Chairman to Lori Stacey cannot be considered anything but a directive. The Chairman filed unsubstantiated allegations against Lori Stacey and directed that she steps down as chairman.

Due to the National Party’s directing the internal affairs of the state affiliate of South Dakota, as of November 7, 2018, they no longer have the ballot access that was won through the courts due to the fact they didn’t have any candidates listed on the ballot, due to the confusion and chaos that was created.

July 13, 2018

To Lori Stacey,

We the duly elected Chair and Vice chair of the SD State Constitution Party along with Frank Fluckiger Chair of the National Party are writing you this letter in hopes of avoiding a public display of discord within the party at this critical time.

Let’s be clear about who Frank Fluckiger considered to be the “duly elected” chair and vice chair were. When this letter was written, the National Chairman considered Lora Hubble to be the Chairman and that Joel Bergan was the Vice Chairman and he based that on the supposition that Lora Hubbel didn’t really resign, but only expressed a desire to.

We want you to know that we acknowledge and are grateful for the positive things you have done for the party and thank you for your service.

What is that service?

Let’s start with the fact that both Lora Hubble and Joel Bergan abdicated their roles as Chairman/Vice-Chairman; Hubbel went back to the Republican Party and Bergan was an over the road truck driver. Lori Stacey almost single-handedly held the party together for two years in the absence of Hubbel and Bergan.

Additionally, Lori Stacey, participated for three years in the lawsuit that won the Constitution Party of South Dakota a place on the ballot. Which, thanks to the National Party’s involvement may now be lost.

After careful consultation with the National Officers and their Parliamentary Consultant, it has come to our attention that, you can no longer function as Chair of the State Party, for several reasons which we will site below.

To be clear, those “National Officers” were, at a minimum, the National Chairman, **Frank Fluckiger**, and National Vice-Chairman, **Doug Aden** (though the national Secretary may also have been involved). It was discovered some time afterward that the Parliamentarian Consultant was Marilee Roose, who functioned as the Parliamentarian for the 2016 CP Convention).

Again, note the directive given that Lori can no longer function as chairman of the state party.

1. You don’t currently have residency in SD, although you are a registered voter. To serve as Chair without residency is in violation of SD code and the spirit of the Party bylaws.

What state in these United States of America allows anyone that is not a resident of their state to be a registered voter??? If this were a legitimate allegation, they should have notified the Secretary of State that Lori Stacey had changed her state of residency.

Residency Qualifications for Registering to Vote (See **Exhibit 01**)

From the SD Secretary of State Website:

For the purposes of this title (Title 12), the term, residence, means the place in which a person has fixed his or her habitation and to which the person, whenever absent, intends to return.

A person who has left home and gone into another state or territory or county of this state for a temporary purpose only has not changed his or her residence.

A person is considered to have gained a residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving.

If a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in this state.

As anyone who goes to other states to collect signatures, Lori Stacey did leave the state of South Dakota. However, she in fact did intend to return to the state of South Dakota and did in fact return. The allegation stems from Lori using the address of a residence that she expected to reside in when she was done with the petitions. It just so happens that the house that she was intending on residing in was being remodeled and was own by Lora Hubbel, who had been in communications with the National Chairman as mentioned by the national chairman himself in the executive committee conference call. However, that house deal fell through (as can be well imagined). Be that as it may, Lori Stacey did in fact return to South Dakota. And thus maintains her South Dakota Residency. Lori Stacey still maintains a SD driver’s license and has never provided any intent to become a resident of another state, which intent is part of the definition of becoming a non-resident. Just because she currently may or may not be in a permanent residence does NOT invalidate her state of residence.

2. You did not have a treasurer, Under SD code and Roberts Rules you cannot be Chair, Secretary, and Treasurer at the same time. There is some concern that there may have been mis-use of funds.
 1. During the period following the 2016 elections, Lori Stacey was never elected or assumed the role as Secretary.
 2. As noted in the Statements of Organization, Lori did assume the role as Chairman and because the Treasurer quit, as happens all across this nation, the Chairman is left holding the bag and reports had to be made, which Lori is the only one to have been making them.
 - a. It is interesting that Lora Hubbel, herself was Chairman and Treasurer of her own campaign committee and submitted reports accordingly, just as Lori Stacy did with the Constitution Party. (see **Exhibit 07**)
 - b.

3. **“MIS-USE OF FUNDS”** This is an horribly unsubstantiated allegation. If there was any validity to this allegation, it should have been made known to the Secretary of State who could have initiated an investigation into the mis-use of state party funds. As can be seen in **Exhibits 02-06**, Lori submitted the requisite reports to the Secretary of State. These aren't the only requisite reports. Several others were filed in a timely manner as well. There is absolutely no excuse to accuse someone of criminal actions without any substantive proof.
3. You have not performed your duties as per the bylaws. Specifically appointing officers, calling meetings, keeping minutes, and fulfilling national commitments.
 1. **WHAT NATIONAL COMITMENTS??** What “national commitments” How many chairmen across this nation are not fulfilling national commitments, yet this allegation to remove them from the chairman of their state has never been levied as far as I know.
 2. Lori Stacey is the one who called for the State Convention. There is also evidence that Lori did in face call for State Committee Meetings (and as most of us state chairman know, we're lucking to get officers to attend, let alone members at large).
 3. Lori Stacey appointed James Bialota as Secretary and as anyone who has ever been chairman know, it is hard to find a treasurer.
 4. Unlike the state of Illinois and the National CP bylaws, there's no mandate as to how many and when the State Central Committee is required to meet.
4. You filed amendments with the state that were not voted on properly.

In a state committee meeting that was called, these bylaw amendments were agreed to and signed by the recognized Chairman, Lori Stacey, the recognized Vice-Chairman, Joel Began, and the recognized Secretary. Please note the order of the dates of the signatures.

Lori Stacey, Chairman – July 5, 2018
James Bialota, Secretary – July 10, 2018
Joel Bergan, Vice Chairman – July 11, 2018

See Exhibit 8 – Bylaws Amendment and Signatures

5. Filed documents with the state clearly show Lora Hubbel as Chair and Joel Bergan as Vice-chair. You are currently the Secretary/Treasurer.

There is NOT ONE SINGLE DOCUMENT on the Secretary of State's website anywhere that “*clearly shows*” that Lora Hubbel or Joel Bergan were ever listed as either chairman or vice-chairman. There is none filed by Joel Bergan and none filed by Lora Hubbel. HOWEVER, there are two Statements of Organization that ARE ON FILE. One dated, October 26, 2012 and the other dated February 6, 2017; that CLEARLY SHOWS Lori Stacey to be the Chairman.

See Exhibit 8 – Bylaws Amendments and Signatures
See Exhibits 9 & 10 – Statements of Organization

In 2016 you were relieved of your duties, honorably, when new officers were elected at Convention.

There is nothing in our bylaws about how to resign from office so Roberts rules step in, and anything in the SD code that might apply. Although Lora did express her desire to step down, this did not give you the authority to regain the chair. Under the bylaws, Joel Bergan, the Vice Chair elect, would fill the position. If he also expressed a desire to resign the Executive Committee would have had to decide who would fill the position. The State of SD has no record of a change of officers by resignation or election back to you. The 2016 Election is official.

As far as I know, there is no requirement by the State of SD to record any change of officers by resignation or election. HOWEVER, Lori did file new statements of organization which in fact did provide the name of the chairman filing such document.

“If he also expressed a desire to resign the Executive Committee would have had to decide who would fill the position.” NOT NECESSARILY SO. Once the Vice Chairman became the Chairman he could appoint the New Vice Chairman. Then the Chairman could resign leaving the new Vice Chairman to assume the Chairman’s seat. Then the New Chairman could appoint a new Vice-Chairman, which could be Joel Bergan.

There is an accusation that this is exactly what is believed will happen. It is believed that Joel will appoint Howie as the New Vice Chairman and then Joel will resign, leaving Howie the new Chairman.

See Exhibit 11 – Lora Hubbel Resignation

See Exhibit 12 – Lora Hubbel Registration to Constitution Party

Although you have been doing some things a chair would do, at this time, you have no authority to act as Chair and will need to cease and desist. The Convention will be chaired by Lora, Joel, or a Duly elected, by the delegates, Protem Chair. Because of the 2016 election where you were elected to the position of Secretary/Treasurer. You will need to take minutes at convention and produce a detailed Treasurer’s Report for the membership that day.

First, again, with directing the internal affairs of a state party. A CLEAR VIOLATION of the Constitution of the National Constitution Party

Second, both Lora Hubbel and Joel Bergan abdicated their role of leadership within the Constitution Party of South Dakota.

We are asking you to let the Convention proceed without conflict with Lora or Joel as Chair, or with a duly elected Protem Chair, elected by the delegates at Convention. If you care about the party and the process of representative government, you will see that this is in everyone’s best interest. We would ask you to perform your duties as the Secretary/Treasurer or let us have the body elect a Protem Secretary in your place. Please let us know of your intentions in this matter so that we will know how to proceed. We know this is hard for you and hope you will take the high road for the Party’s sake.

Thank You for your help with this and everything,
The South Dakota Constitution Party State Chair and Vice-chair Lora Hubbel and Joel Bergan,
National Chair Frank Fluckiger

Frank Fluckiger