

Dear National Executive Committee Member,

The Constitution Party National Committee Chairman, Frank Fluckiger, has either unwittingly or knowingly helped to facilitate a coup d'etat by Republicans to replace Lori Stacey as Chairman of the Constitution Party of South Dakota in complete violation of the National Constitution Party's Constitution, Article 3, which states: "*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.*"

Additionally, it was heard on the National Executive Committee Conference Call, dated July 2, 2018, the Chairman directed Randy Stufflebeam to remove Lori Stacey as Midwestern Regional Co-Chairman, an act which would have completely violated of our national party's bylaws and well-established principles.

As promised, after some investigation, a response was provided on the next executive committee call (dated July 12) regarding Lori Stacey's residency issue. Interestingly, Chairman Fluckiger stated that the information of non-residency came from Lora Hubbel, who had a dog in the fight to get rid of Lori Stacey (unknowing to the executive committee at the time) and who was allegedly preparing a house for Lori Stacey to move into when she got back from collecting signatures.

Information was provided on the National Executive Call last week (dated July 19, 2018), in which the Chairman Fluckiger stated that he was contacted by a professional parliamentarian "out of the blue" (his exact words) and that he had never heard of this guy before. We were led to believe that this person somehow heard about the South Dakota situation and wanted to offer his professional services to ensure things were done the right way. When asked about the identity of this person, we are told by Chairman Fluckiger that he would not provide his identity, though this parliamentarian would be assisting with the Constitution Party of South Dakota's State Central Committee Meeting dated Saturday, July 21, 2018.

Who was this parliamentarian? How did this person just happen to hear about the Convention that was held on Saturday, July 14th? Why would this parliamentarian take it upon himself to travel to South Dakota (possibly at his own expense and if not, who financed his altruistic trip) to be involved in a controversy in which he had no stake in resolving? What was his motivation for undertaking this effort. Chairman Fluckiger would assure us that in just one phone call with this otherwise admittedly unknown person, whose interest and identity are not independently verifiable to fellow Executive Committeemen that there is no reason for worry and the Constitution Party of South Dakota is in good hands. Really? Never met this man. Never looked into his eyes. Especially, considering the situation of a party takeover by Republican malcontents, we must trust that this parliamentarian only wants what is best for the Constitution Party of South Dakota?

Is it not possible that this parliamentarian was only there to ensure no one could contest the complete Republican takeover of the Constitution Party of South Dakota during the meeting on July 21st?

Additionally, on that same call (July 19th), not only did Chairman Fluckiger not provide any information on the parliamentarian (so the Executive Committee could share in the vetting of this person to ascertain who he was), Chairman Fluckiger also levied yet another allegation that there was a warrant for Lori Stacey's arrest and when asked about that arrest warrant, the Chairman's response was, "We're not going there." Again, the Chairman threw out another unsubstantiated allegation that the Executive Committee is expected to buy into. Why no evidence??

Undoubtedly, once Chairman Fluckiger realized his mistake with supporting Lora Hubbel as the State Chairman because of her abdication by going back to the Republican Party, he had to ensure Joel Bergan was the State Chairman, so that Joel could then appoint Gordon Howie (who had VERY recently changed his registration from Republican Party to Constitution Party) as Vice-Chairman to fill a vacancy, so that Joel could then resign to allow Gordon Howie to assume the chair of the party. To date (July 26), there has been no word as to who Gordon Howie filled the other officer roles with.

In fact, in the letter that was addressed to Lori Stacey and signed by the National Chairman, Frank Fluckiger, in the opening sentence it stated: "*We the duly elected Chair and Vice chair of the SD State Constitution Party...*" It was posited that Lora Hubbel was the Chairman and that Joel Bergan was the Vice-Chairman. It was discovered that this was a blatantly false claim by all involved, since Lora Hubbel had provably abdicated her role as Chairman by registering as a Republican.

Chairman Fluckiger would suggest that there is no evidence that Lori Stacey had legally assumed the role of Chairman of the State Party. *HOWEVER, there is plenty of evidence that would suggest otherwise.* There are three primary pieces of evidence for your consideration.

#1 – Rightful Chairman? Making the assumption that either Lora Hubbel officially resigned as Chairman after being elected in 2016 or simply abdicated her role as Chairman by registering as a Republican to run for office in the Republican Party in 2018, Joel Bergan would have naturally ascended to the position of chairman.

Knowing that as an over-the-road truck driver, he wouldn't have the time to be able to adequately lead the party, Joel Bergan made it known to Lori Stacey that he wouldn't be able to fulfill the role as state chairman and asked Lori Stacey to take on the role. So, he called a meeting on February 2, 2017, to appoint Lori Stacey as Vice-Chairman and then resign as Chairman (the same tactic that was used in the meeting that took place on the 21st of July). Consequently, the Vice-Chairman (Lori Stacey) became the Chairman. Then as Chairman, Lori Stacey appointed Joel Bergan as the Vice-Chairman filling the vacancy that was created. Kurt Evens, at that time, became the Party Secretary.

A press release was published on the Constitution Party of South Dakota's website on February 2, 2017 announcing the resignation of Lora Hubbel as chairman, Lori Stacey as Chairman, Joel Bergan remaining as Vice-Chairman, and Kurt Evens as Party Secretary.

<http://constitutionpartysd.blogspot.com/2017/02/new-party-officers.html>

Not until hours before the convention on July 14 that Lori Stacey as Chairman had called for, had there ever been any contestation levied against Lori Stacey as being the Chairman. ALL of the allegations were levied against Lori Stacey through the letter sent to her from Chairman Fluckiger, just hours before the commencement of the convention, giving NO TIME for Lori Stacey the ability to respond to the allegations. This was a foul way of interfering in the internal affairs of a state party and is the very definition of the way a coup takes place. As a result, it appears that every action taken, since that letter was issued by Chairman Fluckiger lacks any validity to have taken place regardless of a parliamentarian's opinion that begins on false premises.

#2 – Paperwork filed: After the meeting that was called by Joel Bergan and held on February the 2nd, 2017, Lori Stacey, acting in the capacity as state Chairman, sent out a press release (as noted on the state party's website) indicating the changes that took place. She then filed a Statement of Organization with the Secretary of State on February 6, 2017 with the accepted changes in leadership of the party.

One of the allegations made against Lori Stacey in the letter signed by the Chairman Fluckiger was, *"You have not performed your duties as per the bylaws..."*. Interestingly, this particular allegation would actually be more apropos being levied against Joel Bergan. If we were to assume that he was indeed the chairman of the party following the resignation or abdication of office of chairman by Lora Hubbel, he failed to appoint officers to fill the vacancy. He failed to file the appropriate paperwork with the Secretary of State's office. He failed to call for the convention that was held on the 14th of July. So, who is it that failed to act as Chairman of the Party?

#3 – Signed Document: There is a signed document by Joel Bergan indicating that he was signing in his official capacity as Vice-Chairman. Specifically, Joel Bergan signed the Bylaws Amendments (dated July 5, 2018) as Vice-Chairman on July 11th, which followed the Signatures of Lori Stacey as Chairman on July 5th and James Bialota as Secretary on July 10th.

Who among us would sign a document indicating that they were the Vice-Chairman, knowing full well they were the rightful chairman? Let me rephrase that. Who among us being the Chairman of the party in the state in which you live would sign an official document that will be on public record with the Secretary of State's office as Vice-Chairman instead of Chairman? WHO??

Again, the Chairman Fluckiger alleges, without any substantiation of the facts, that Lori Stacey threatened him. Do not forget that Lori Stacey and Joel Bergan weren't the only ones to sign that document. James Bialota, who was filling the role as Secretary, also signed the document after Lori Stacey's signature, but before Joel Bergan signed. Again, which of us would sign an official document that would be public information in a capacity in which you were not filling?

Probably, the most ludicrous statement made by Chairman Fluckiger during the National Executive Committee phone call on the 19th of July, was that Lori Stacey was the one who had staged a coup. Lori Stacey who had been serving as chairman and other officer positions within the Constitution Party of South Dakota; Lori Stacey who had participated in the Lawsuit with the ACLU that won ballot access for both the Constitution and Libertarian parties in South Dakota; among other things such as signature collecting, etc. Lori Stacey has now been accused as the one who really executed a coup. There is actual documented proof that it was those outside the Constitution Party that conspired with the Chairman Fluckiger to depose Lori Stacey.

IN SUMMARY

The reputation of the Constitution Party is in jeopardy. Given the active challenge by the Welch faction, if this is not resolved quickly with integrity, it provides them public evidence that the leadership of the party is not acting in the best interest to build the party and is in violation of the party's own Constitution and Bylaws. This is exceedingly beyond just mud on our face as was suggested on the Executive Committee Conference Call. These are circumstances created by Chairman Fluckiger's involvement in the internal affairs of a state party without regard to the rules of our party's Constitution and without regard to the potential devastation of the hard fought-for ballot access of the Constitution Party of South Dakota. Chairman Fluckiger is expecting support of the National Executive Committee in these allegations and continued intervention into the internal affairs of the Constitution Party of South Dakota and against Lori Stacey without providing hard evidence to support his position and the continued need to violate our party's Constitution and Bylaws, despite his statement on the call on July 19th of "*lesson learned.*"

Therefore, there are four (4) things to note and a demand that needs to be met by Chairman Fluckiger and the National Executive Committee.

1. **NOTE 1:** The absolute quagmire of a situation created by the involvement of the National Committee Chairman in complete violation of our party's Constitution will probably result in the Constitution Party of South Dakota losing ballot access that was won with the heavy involvement of Lori Stacey in that Lawsuit.

In a letter from the Secretary of State's office, the Secretary of State (Republican, by the way), has accepted the calls for a convention on the 14th of August, by both Lora Hubbel and Lori Stacey. Both of those calls were made before the deadline of making such a call. To date (July 25, 2018), both of these calls are still listed on the SOS website.

HOWEVER, there is documented evidence that Chairman Fluckiger has been in communication with the South Dakota Secretary of State's office. In that communique, dated: July 20, 2018, to the Secretary of State's office, Chairman Fluckiger makes the case that neither Lora Hubbel nor Lori Stacey are/were chairmen at the time the calls for the convention were made, but that Joel Bergan was the rightful Chairman. See document labeled, "*National Chairman's follow-up Letter to SOS Office,*" provided as an attachment.

Bear these two things in mind:

- A. The South Dakota law regarding the call for a party state convention is **very clear**:

12-5-17. Biennial state convention -- Time and place -- Notice to secretary of state.

"Each political party shall hold a state convention in each even-numbered year in which they are necessary for the purposes of §12-5-21. The time and place of holding such convention shall be determined by the State

*Central Committee of each political party, the **chairman** of which shall notify the secretary of state at least **thirty days** previous to the date so chosen.”*

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=12-5-17

Note: August 14, 2018 was the deadline for conventions to be held. The call for convention had to have been made 30 days prior.

- B. There is no requirement for the SDSOS to verify the validity of the convention call, only to record that the call was made. It is up to the citizens of South Dakota to object (usually one of the opposition parties). It's much like the process in most, if not all the states in this union -- the election authority only records; in this case it is the South Dakota Secretary of States' office, in the case of Illinois, it is the Illinois Board of Elections.

Let's just take the case that happened here in Illinois (and the process is the same in most other states as well). In 2008, several parties delivered less than the requisite number of signatures to get their presidential nominee on the ballot. In fact, out of the required number of 25,000 signatures, one person only submitted one (1), his own. There were no objections filed and therefore all parties were given ballot access, despite the lack of meeting the requirements. Yet, two years later, the Constitution Party of Illinois delivered around 35,000 signatures and objections were filed and the Constitution Party of Illinois lost ballot access by 65 signatures.

The same situation is likely to prevail in South Dakota. The SDSOS office will record the calls and it will be up to the people of South Dakota to object. As far as I can interpret, there is now cause given to object to all three possible calls for a convention:

- 1) Objection to Lora Hubbel call for Convention: Not the chairman
- 2) Objection to Lori Stacey call for Convention: Not the chairman
- 3) Objection to Gordon Howie call for Convention: Past the deadline

Given that those Republican malcontents who have just infiltrated the Constitution Party of South Dakota, because they didn't get their way in the Republican Party during their past Primary Elections, are positioning themselves to be the Republican opposition through the Constitution Party of South Dakota. It stands to reason that the Republican Party attempt to eliminate the competition by objecting to the conventions of the Constitution Party of South Dakota using the ammunition provided by the National Committee Chairman, Frank Fluckiger.

On the Executive Committee Call on July 19, in response to Randy Stufflebeam making the point that with the Lori Stacey and Lora Hubbel being invalidated as chairmen, there was no call for a convention that was made that could be considered a valid call, Chairman Fluckiger assured the Executive Committee that the parliamentarian was going to fix things,

It is unconceivable how the parliamentarian could possibly overcome the clearly stated South Dakota Law and "fix" the situation so that at least one of the calls made for a convention on August 14 is going to be unobjectionable.

If all of the objections are validated, the Constitution Party of South Dakota will have lost the hard fought-for ballot access that they had been given by winning the lawsuit that Lori Stacey had participated in achieving for the Constitution Party of South Dakota; ALL because of Chairman Fluckiger's intervention in the internal affairs of the Constitution Party of South Dakota.

2. **NOTE 2:** While there have been no minutes proffered regarding the meeting on February 2, 2017, that was called in which Lori Stacey became the Chairman and Joel Bergan became the Vice-Chairman, there is far more substantive evidence beyond that to establish Lori Stacey as the rightful Chairman of South Dakota than the

unsubstantiated allegations levied against Lori Stacey as reasons for deposing her from the position of Chairman that had not been contested since that meeting on the 2nd of February, 2017.

3. **NOTE 3:** Actions were taken to summarily remove Lori Stacey as Chairman of the Constitution Party of South Dakota and severe allegations levied against Lori Stacey by the Chairman Fluckiger without once providing Lori Stacey with the due process normally afforded an accused in these United States of America. Is this not the kind of strong-man politics that the Welch faction is accusing the Executive Committee of in their manifesto?
4. **NOTE 4:** There has been a complete and utter violation of the Constitution Party's Constitution, Article 3, by the National Committee Chairman, Frank Fluckiger and in the witness of all those who were on the conference call of July 5th, directing Randy Stufflebeam, Midwestern Regional Chairman, to violate not only our bylaws, but the principles laid out in our Republican form of government, which does not allow a tyrant to override the voice of the people when electing their representative.
5. **DEMAND:** In a country, that demands that a person is innocent until proven guilty, no evidence has been proffered in support of the allegations made against Lori Stacey. When asked by Ricardo Davis on the Executive Committee Conference Call of July 19th as to whether Chairman Fluckiger ever spoke to Lori Stacey regarding these allegations, Chairman Fluckiger admitted that he never once spoke to Lori Stacey to ascertain the validity of the allegations or to get her side of the story. **Therefore, it is demanded:**
 - a. That the Chairman Fluckiger provide proof of his allegations against Lori Stacey by July 31, 2018.
 - b. That during the National Executive Committee Call on August 2, 2018, the National Executive Committee must deal with the situation as warranted in the substantiation of allegations against Lori Stacey or the lack thereof.
 - c. If substantiation of allegations are not acceptable by the National Executive Committee, then the Chairman Fluckiger MUST rescind and recant the allegations besmirching the character of Lori Stacey
 - i. If Chairman Fluckiger is unwilling to do so, the National Executive Committee MUST do so on behalf of the National Party, also acknowledging and apologizing for the Chairman's violation of the National Committee's Constitution and Bylaws.
 - ii. **Further, if the allegations are unsubstantiated, ALL the actions taken against Lori Stacey MUST BE REVERSED and an acknowledgement that Lori Stacey is in fact the rightful heir to the Chairman's seat of the Constitution Party of South Dakota. Communique must be made to the Secretary of States office that new evidence came forth officially establishing Lori Stacey as the rightful Chairman of the Constitution Party of South Dakota, so as to fend off an objection that would remove the Constitution Party of South Dakota from off the ballot.**

As noted through out this document, there is a time crunch and if there is any possibility of salvaging the ballot access of the Constitution Party of South Dakota, action on the part of the Executive Committee must take place with that urgent immediacy. There are still candidates who have spent 10's of thousand of dollars on their campaign, who still want to run as a candidate for the Constitution Party of South Dakota. We CAN NOT sit by and not do our due diligence and let their efforts come to naught.

With heavy hearts and sincere desire to see truth and right prevail
This document is respectfully submitted;

Randy Stufflebeam, J.R. Myers, Ricardo Davis, and Scott Copeland