

Report of the 2008 Libertarian Party Bylaws Committee

Adopted 15 February 2008
Amended by Unanimous Consent 13 May 2008

Members:

M Carling (NY), Chairman, Registered Parliamentarian, National Association of Parliamentarians
Seth Cohn (NH)
Dan Karlan (NJ), Member, National Association of Parliamentarians
Rob Latham (UT)
Frank Manske (CA)
Rob Oates (ID)
Heather Scott (TN)
Aaron Starr (CA), Member, National Association of Parliamentarians
Blay Tarnoff (NY), Member, National Association of Parliamentarians
Alfredo Torrejon (OR)

Alternate:

Tim Lucey (HI)

The Bylaws Committee was elected in August 2007. We set to work immediately. Most of these proposals were drafted and published for public comment on the committee's blog within six weeks. Most of them have evolved in response to the many helpful comments we received.

~~Red strikethrough indicates text to be deleted.~~ Blue underlining indicates text to be added. After we adopted our Report at the State Chairs' Conference in Las Vegas, we published a survey asking for feedback on the proposals. We are very grateful to those who participated in the survey. The comments we received provided an opportunity to improve the quality of the proposals and we have made some late amendments to some of our proposals. Because many delegates read our report as originally adopted, we wanted to make our late amendments very clear. For the sake of clarity, additions that were not part of the proposal as originally adopted in February are double underlined, and ~~deletions that were not part of the original proposal are indicated by double strikethrough.~~

Parliamentary Authority

Recommended 8-0
Survey Support 97.1%

Problem:

The language by which our Bylaws currently adopt Robert's Rules of Order, Newly Revised as our parliamentary authority is awkward and does not conform to normal practice.

Solution:

Bring the language into conformance with the suggestion in RONR.

Footnotes:

“The term rules of order refers to written rules of parliamentary procedure formally adopted by an assembly or an organization.” (RONR p. 15)

“The usual method by which an ordinary society now provides itself with suitable rules of order is therefore to include in its bylaws a provision providing that the current edition of a specified and generally accepted manual of parliamentary law shall be the organization's parliamentary authority, and then to adopt only such special rules of order as it finds needed to supplement or modify rules contained in that manual.” (RONR p. 15)

“The rules contained in the current edition of ... [specifying a standard manual of parliamentary practice, such as this book] shall govern the Society in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Society may adopt.” (RONR pp. 561-62)

ARTICLE 13: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with ~~other rules~~ [these bylaws and any special rules of order](#) adopted by the Party.

Rule 1 and 3 Clean-up

Recommended 8-0
Survey Support 95.9%

Problem:

The 2006 convention changed the procedure for platform retention voting but left in place two artifacts in the agenda. This results in a conflict between Rule 1 and Rule 7.

Solution:

Delete the artifact, since platform retention voting now takes place as part of the agenda item for the Platform Committee report.

RULE 1: ORDER OF BUSINESS

1. Call to order
2. Credentials Committee report
3. Adoption of agenda
- ~~4. Deletion of planks from the previous platform~~
5. Treasurer's report
6. Bylaws and Rules Committee report
7. Platform Committee report
8. Nomination of Party candidates for President and Vice-President (in appropriate years)
9. Election of Party Officers and at-large members of the National Committee
10. Election of Judicial Committee
11. Resolutions
12. Other business

RULE 3: VOTING PROCEDURE AND MOTIONS

1. On all matters, except the retention ~~and final retention~~ of platform planks, the election of Party Officers and at-large members of the National Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by voice vote.

RULE 7: DEBATING AND VOTING -- PLATFORM

2. After the adoption of the convention agenda, the convention will vote whether to delete planks from the existing platform. This will be accomplished as follows:
 - a. The Credentials Committee shall issue five signature tokens to each delegate.
 - b. Tokens shall only be issued to delegates. Delegates are responsible for transferring possession of unused tokens to their alternates if necessary.
 - c. Each delegate may cast each token as a recommendation for deletion of one plank by noting on the token the plank to be deleted and signing the token.
 - d. A delegate may cumulate recommendations by casting any number of tokens for deletion of the same plank.
 - e. Delegates will be given until one hour prior to the scheduled start of the platform report to mark their tokens and deliver them to the Secretary.
 - f. Prior to the scheduled start of the platform report, the Secretary shall review the tokens received and tabulate and report the tokens submitted for deletion of each plank.
 - g. As its first item of platform business, the convention shall vote whether to delete each of those planks that received a number of tokens for deletion equal to 20% or more of the number of credentialed delegates. Such votes shall be cast without amendment or debate.

Judicial Committee Appeals

Recommended 8-0
Survey Support 95.6%

Problem:

The last time the Judicial Committee held a hearing was 1977. They threw out a platform plank that violated our Statement of Principles. The author of that platform plank then pushed through a bylaws change to make it virtually impossible for the Judicial Committee to ever have another hearing. Then he pushed the same illegal platform plank through again. The plank has since been repealed.

Solution:

Set the threshold to hear a case at an achievable level.

Benefit:

Making it possible to appeal a National Committee decision to the Judicial Committee reduces the likelihood that a future National Committee will run afoul of our bylaws.

ARTICLE 8: NATIONAL COMMITTEE

11. Upon appeal by [ten percent of the delegates credentialed at the most recent Regular Convention or](#) three percent of the Party sustaining members, the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the Bylaws.

Rule 9 Clean-up

Recommended 8-0
Survey Support 95.0%

Problem:

The sections of this rule are not in chronological order. The rule was cobbled together over time with insufficient attention to the clarity of the rule. The rule also creates two classes of nominees -- those with enough support to speak on national television and those without.

Solution:

Reorder, simplify, and clarify the rule. Treat all nominees equally.

Benefits:

- *Clarity and simplicity are obviously beneficial.*
- *Delegates would remain free to vote for any candidate (qualified under Article 12, Section 2 of the Bylaws) they like, whether nominated or not (RONR pp. 416-17), and all votes must be counted.*

RULE 9: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

~~14. Nominations for President and Vice-President shall be submitted to the Chair in writing before nominations are announced from the Convention floor and before any nominating and seconding speeches are given. No person shall be nominated~~ for President or Vice-President ~~shall be allocated time for nominating and seconding speeches~~ unless at least 30 registered delegates join in the nomination in writing submitted to the Chair. No delegate may join in nominating more than one candidate for each office. The affixing of signatures to a nominating petition per this requirement shall be effected by a transfer of signature tokens issued by the Credentials Committee.

2. The Party's nominee for President shall be chosen by majority vote. If no candidate has attained a majority, the candidate with the fewest votes and any candidates polling less than 5% shall be struck from subsequent ballots. This procedure shall be repeated after every ballot in which no candidate has received a majority vote, until one candidate attains a majority.

~~31. Presidential and Vice-Presidential nominations shall be from the floor.~~ Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all the delegations have submitted their votes, the Secretary shall declare the voting closed. At this point, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation.

~~43.~~ The Party's nominee for Vice-President shall be chosen by the same procedure as for the Presidential nominee except that the Presidential nominee shall have the privilege of addressing the Convention for 5 minutes, after nominations have been made but before voting has begun, for the purpose of endorsing or objecting to any of the Vice-Presidential nominees. Nominations for Vice-President shall close after selection of the Presidential nominee.

Nominating and seconding speeches shall be limited in duration as follows:

- o President: Total of 16 minutes;
- o Vice-President: Total of 11 minutes.

Rule 10 Clean-up

Recommended 8-0
Survey Support 94.0%

Problem:

The clause proposed for deletion is in the nature of a bylaw, not a convention rule, because it deals with the substance of what is allowed rather than the procedure by which it is allowed (RONR pp. 12-17). A slightly stricter rule is also already provided for in the bylaws (Article 7, Section 1 and Article 8, Section 4), so it is redundant and conflicting here.

Solution:

Delete misplaced, redundant, and conflicting language. Maintain the status quo.

ARTICLE 7: OFFICERS

1. ... No person shall serve as an officer who is not a sustaining member of the Party.

ARTICLE 8: NATIONAL COMMITTEE

4. A National Committee member shall be a sustaining member of the Party, and shall not be the candidate of any party except the Party or an affiliate.

RULE 10: ELECTION OF OFFICERS AND NATIONAL COMMITTEE

1. Nominations for Party Officers shall be from the floor, ~~with any national or affiliate voting party member eligible to run for any office.~~
2. Nominations for the at-large members of the National Committee shall be from the floor, ~~with all national or affiliate party members eligible for nomination.~~

Permit County Parties

Recommended 8-0
Survey Support 93.8%

Problem:

According to LP General Counsel, Bill Hall, Article 6, Section 3 currently prohibits affiliate county parties.

Solution:

Permit county parties.

ARTICLE 6: AFFILIATE PARTIES

1. No person, group or organization may use the name "Libertarian Party" or any confusingly similar designation except [the Party](#) or an organization to which the Party grants affiliate party status [or as otherwise provided in these bylaws](#).

2. The National Committee shall charter [state-level](#) affiliate parties from any qualifying organization requesting such status in each state, territory and the District of Columbia (hereinafter, state). Organizations which wish to become [state-level](#) affiliate parties shall apply for such status on a standard petition form as adopted by the National Committee, which petition shall be signed by no fewer than ten members of the Party residing in the appropriate state. Affiliate status shall be granted only to those organizations which adopt the Statement of Principles and file a copy of their Constitution and/or Bylaws with the Party Secretary.

3. There shall be no more than one [state-level](#) affiliate party in any one state. Each [state-level](#) affiliate party shall, in accordance with its own Bylaws and these Bylaws, determine who shall be its delegates to all Regular Conventions. [A state-level affiliate party may charter sub-affiliate parties within the state, which will entitle such sub-affiliates to use the name "Libertarian Party."](#)

4. No affiliate [or sub-affiliate](#) party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate [or sub-affiliate](#) party shall take any action inconsistent with the Statement of Principles or these Bylaws.

5. The autonomy of the affiliate [and sub-affiliate](#) parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these Bylaws.

6. The National Committee shall have the power to revoke the status of any affiliate [or sub-affiliate](#) party, for cause, by a vote of 3/4 of the entire National Committee. A motion to revoke the status of an affiliate [or sub-affiliate](#) party for cause must specify the nature of the cause for revocation. The affiliate [or sub-affiliate](#) party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation. Failure to appeal within 30 days shall confirm the revocation and bar any later challenge or appeal. The National Committee shall not revoke the status of any [state-level](#) affiliate party within six months prior to a Regular Convention. The Judicial Committee shall set a date for hearing the appeal within 20 to 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and submit evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's revocation of affiliate [or sub-affiliate](#) party status or order reinstatement of the affiliate [or sub-affiliate](#) party. The Judicial Committee shall issue its ruling within 30 days of the hearing and in no case later than 90 days prior to a Regular Convention. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's revocation of affiliate [or sub-affiliate](#) party status except when the last day of the 30 day period falls within 90 days prior to a Regular Convention, in which case the Judicial Committee's non-action shall result in reinstatement of affiliate [or sub-affiliate](#) party status.

Make Dates Relative to Conventions

Recommended 8-0
Survey Support 93.6%

Problem:

Fixed dates for delegate allocation and notification are not reasonably compatible with the range of permissible convention dates. Article 11, Section 5 also conflicts with Article 11, Sections 7.b and 7.c.

Solution:

Make the dates relative to the convention.

ARTICLE 11: CONVENTIONS

5. Delegate Allocation:

In order to be counted for delegate allocation, sustaining membership applications must be sent to the National Headquarters by either the individual member or the affiliate party and received or postmarked no later than ~~December 31~~ the last day of the seventh month prior to the Regular Convention. The Secretary shall make a count of the sustaining members qualified under the requirements set forth here and shall compute the delegate allocations for the affiliate parties. Notification of the sustaining membership totals and allocation totals shall be sent by the Secretary to the Chair of each affiliate party no later than ~~January 31~~ the last day of the sixth month prior to a Regular Convention.

National Committee Resolutions

Recommended 8-0
Survey Support 92.8%

Problem:

Enactment of public policy resolutions is properly the business of the delegates assembled in convention. It is absurd that a smaller majority of National Committee members can enact a public policy resolution than the 2/3 majority of convention delegates needed.

Solution:

Require a greater majority of National Committee members than convention delegates to pass a public policy resolution.

Benefits:

- Keep the National Committee focused on its proper roles of fundraising and overseeing the business of the Party.*
- Ensure that public policy matters remain the domain of the convention delegates.*
- Ensure that state party leaders are aware of any public policy resolutions coming up for consideration by the National Committee.*

Footnote:

The exact meaning of and requirements for previous notice are defined on pp. 116-18 of RONR (10th ed.). One common method of meeting the previous notice requirement is to announce it at the previous meeting.

ARTICLE 8: NATIONAL COMMITTEE

[12. The National Committee may adopt public policy resolutions by a 3/4 vote with previous notice or by unanimous consent without previous notice.](#)

Permit Suspension of Convention Rules

Recommended 8-0
Survey Support 91.9%

Problems:

- Because Bylaws cannot be suspended, even by unanimous vote, Article 11, Section 9 has no effect other than to prohibit suspension of the convention rules.
- We need to clarify whether our Convention Rules are in the nature of Special Rules of Order (which are perpetual) or Convention Standing Rules (which must be adopted anew for each convention).

Solution:

Clean up the language to conform to the usage in Robert's Rules of Order.

Note:

Special Rules of Order are fully explained on pages 15-17 of Robert's Rules of Order, Newly Revised (10th ed.). The requirement to amend is a) a 2/3 vote, b) a majority vote of all registered delegates, or c) a simple majority with previous notice (as defined and explained on pages 116-18).

Footnote:

"RULES THAT CANNOT BE SUSPENDED. Rules contained in the bylaws (or constitution) cannot be suspended -- no matter how large the vote in favor of doing so or how inconvenient the rule in question may be -- unless the particular rule provides for its own suspension, or unless the rule properly is in the nature of a rule of order as described on page 17, lines 22-24." -- RONR (10th ed.) p. 254

ARTICLE 11: CONVENTIONS

9. Convention Rules:

The Party's Convention Rules are special rules of order and may be amended only by a Regular Convention.
~~Conventions of the Party shall be conducted in accordance with the current Bylaws and Convention Rules, unless otherwise amended at a Regular Convention.~~

~~RULE 12: AMENDMENTS TO THE RULES~~

~~The Convention Rules may be amended by a 2/3 vote at a Regular Convention.~~

LNC Attendance Requirement

Recommended 8-0
Survey Support 91.1%

Problem:

The National Committee meets three or four times per year. All National Committee members are expected to attend every meeting, but not all do. Those who do not attend and participate place a burden on the remainder of the committee.

Today, officers and at-large members are automatically removed upon missing three consecutive meetings, effectively being AWOL for nearly a year. Regional Representatives who fail to appear and have effectively vacated their posts cannot currently be removed by the National Committee under any circumstance.

Solution:

Treat any member of the National Committee who has missed two meetings in a row as having vacated the position. Make explicit that a member who has vacated his or her position is not barred from being reappointed to the same post.

Benefits:

- Sets the expectation that attendance is required of all at National Committee meetings.
- Avoids the embarrassment of having to take action to remove a National Committee member who fails to perform his or her duties.
- Preserves the right of Representative Regions to re-appoint even those National Committee representatives who fail to appear.

ARTICLE 8: NATIONAL COMMITTEE

5. The National Committee may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee. The suspended member-at-large may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension. Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal.

[appeal process]

~~An officer or member-at-large who fails to attend two consecutive regular meetings of the National Committee shall be automatically removed from his position upon the Credentials report of the Secretary if not present at the opening of the third consecutive meeting. The affected member shall have until the opening of the next regular meeting of the National Committee to appeal this action to the Judicial Committee; once the Credentials report of the Secretary at this meeting has been issued, the suspension shall be final unless the Judicial Committee rules to re-instate the suspended member.~~

A National Committee member who fails to attend two consecutive regular meetings of the National Committee shall be deemed to have vacated his or her seat. The appointing body shall be free to reappoint the member who vacated the seat.

~~6. The National Committee shall appoint new officers and members-at-large if vacancies occur, such officers and members-at-large to complete the term of the office vacated.~~

Judicial Committee Terms

Recommended 8-0
Survey Support 89.7%

Problem:

The complete turnover of the Judicial Committee at each convention impedes stability and institutional memory while facilitating a hostile takeover of the Party.

Solution:

Stagger the terms of Judicial Committee members.

Benefits:

- *Defends the Judicial Committee against a hostile takeover of the Party, thereby helping to discourage anyone from attempting a hostile takeover.*
- *Provides the Judicial Committee with institutional memory.*

ARTICLE 9: JUDICIAL COMMITTEE

1. The Judicial Committee shall be composed of seven Party members elected to staggered terms, one at each Regular Convention, and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. Any Judicial Committee member who fails to register as a delegate to a Regular Convention by the close of registration on the day preceding the election of Judicial Committee members or whose Party membership lapses shall be deemed to have vacated his or her seat.

At each Regular Convention, the nominee receiving the greatest number of votes shall be elected to a full term and any vacancies shall be filled by the nominees receiving the next greatest number of votes with longer terms to be filled before shorter terms. The Newly elected members of the Judicial Committee shall take office immediately upon the close of the Regular Convention at which elected and shall serve until the final adjournment of the next seventh subsequent Regular Convention or until the vacated term has been completed. The remaining members of the Judicial Committee shall appoint new members if vacancies occur, such appointments to serve until the final adjournment of the next Regular Convention.

ARTICLE 11: CONVENTIONS

5. Ex Officio Delegates:

Each member of the Judicial Committee shall be an ex officio delegate.

Proviso: At the convention at which this amendment is adopted, there will be an election for all seven members of the Judicial Committee. The nominee receiving the greatest number of votes shall serve a fourteen year term, the nominee receiving the second greatest number of votes shall serve a twelve year term, and so on, and the nominee receiving the seventh greatest number of votes shall serve a two year term. Any ties shall be resolved randomly.

Elected Libertarian Delegates

Recommended 8-0
Survey Support 89.6%

Problem:

We don't do enough to honor our elected Libertarians or to encourage them to attend our conventions. We also don't do anything to reward state affiliates that make the effort to elect Libertarians to public office.

Solution:

Reward Libertarians who get themselves elected to public office. Reward state affiliates which get Libertarians elected to public office (by effectively increasing the delegate allocation). Shift focus from being a philosophical debating society to being a political party.

ARTICLE 11: CONVENTIONS

5. Ex Officio Delegates:

Each holder of public office shall be an ex officio delegate, provided he or she meets all of the following requirements:

a. a member of the Party,

b. enrolled as a registrant of an affiliate of the Libertarian Party, if eligible,

c. not enrolled as a registrant of any other political party, and

d. subject to general election by all voters or property owners of the district.

Staff Support for Presidential Candidates

Recommended 8-0
Survey Support 89.4%

Problems:

- *The word "all" makes no sense in Article 12, Section 4, unless it applies to all sustaining members seeking our nomination. However, that doesn't fit with the clear meaning in the first part of the sentence.*
- *We now rely upon a standing rule of the National Committee to ensure that sustaining members seeking our nomination are treated fairly. That rule, like all standing rules, can be suspended by a simple majority vote. Requiring staff to treat the handful of frivolous and wacky people who seek our nomination each election cycle the same as serious presidential candidates has the effect of treating our serious presidential candidates the same as frivolous and wacky people.*

Solutions:

- *Clarify the existing language in Section 4.*
- *Require that the National Committee and staff provide fair and equal treatment to all those seeking our nomination and enjoying a modicum of support.*

Benefits:

- *Encourages serious candidates to actually meet with Libertarians to raise the money, and recruit the volunteers needed to run a campaign that has the potential to be noticed after the nomination.*
- *Reduces the likelihood that we will be associated with non-serious or even wacky candidates.*

ARTICLE 12: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

4. The National Committee shall respect the vote of the delegates at Nominating Conventions and provide full support for ~~all~~ [the Party's](#) nominees for President and Vice-President as long as their campaigns are conducted in accordance with the Platform of the Party.

[Neither the National Committee nor Party staff shall be required to recognize any person seeking our nomination for President who has not either a\) sustained the endorsement of the current Chairs of five state-level affiliate parties, b\) been elected to public office, or c\) raised at least \\$5000 in contributions \(other than in-kind contributions or loans\) from other than the candidate.](#)

Affiliate Party Endorsements

Recommended 8-0
Survey Support 89.4%

Problem:

Article 6, Section 4 prohibits fusion candidacies and prohibits, for example, the Libertarian Party of Texas from endorsing Libertarian Party member in good standing Ron Paul in his congressional races.

Solution:

Free affiliate parties to endorse Libertarian Party members who also have ties with other parties.

Note:

Affiliates would still be free to endorse anyone they choose in non-partisan races.

ARTICLE 6: AFFILIATE PARTIES

4. No affiliate party shall endorse any candidate who is not a member of ~~another party~~ either the Libertarian Party or the affiliate party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these Bylaws.

Threshold for Presidential Speeches

Recommended 8-0
Survey Support 88.8%

Problem:

The number of signatures a presidential candidate needs to get television time is too low. At our 2004 convention, for example, one frivolous candidate spent 16 minutes on national television vilifying the Libertarian Party.

Solution:

Raise the bar a bit for presidential hopefuls to be able to make speeches at our convention -- which are broadcast on C-SPAN.

Note:

In Atlanta, there were 814 registered delegates, which would make the current requirement 82 signatures. In Atlanta, the six candidates collected 107, 89, 72, 72, 63, and 39 signatures. No candidate failed to collect the 30 required. Probably five and perhaps all six of them could have collected 82 had that been the requirement at the time. The candidates in 2008 would have until Sunday to collect signatures. The proposed requirement is based on the previous convention so that everyone knows from the beginning what the threshold will be.

RULE 9: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

4. Nominations for President and Vice-President shall be submitted to the Chair in writing before nominations are announced from the Convention floor and before any nominating and seconding speeches are given. No nominee for President or Vice-President shall be allocated time for nominating and seconding speeches unless [delegates numbering](#) at least ~~30~~ [10% of the number of](#) registered delegates [at the previous Regular Convention immediately preceding a Presidential election](#) join in the nomination in writing submitted to the Chair. No delegate may join in nominating more than one candidate for each office. The affixing of signatures to a nominating petition per this requirement shall be effected by a transfer of signature tokens issued by the Credentials Committee. [Nominees receiving more nominations shall have choice of speaking slots in preference to nominees receiving fewer nominations.](#)

Seconding Procedure

Recommended 8-0
Survey Support 87.4%

Problem:

In groups of 12 to 50 or so, requiring a single second is usually effective to prevent frivolous motions from wasting everyone's time. However, in a group of 500 to 1000, one person invariably seconds every frivolous motion -- no matter how absurd.

Solution:

Require a small minority of the body to second a motion.

Benefits:

Saves everyone time at each convention.

Footnote:

"The requirement for a second is for the chair's guidance as to whether he should state the question on the motion, thus placing it before the assembly. Its purpose is to prevent time from being consumed by the assembly's having to dispose of a motion that only one person wants to see introduced." -- RONR (10th ed.) p. 35.

RULE 3: VOTING PROCEDURE AND MOTIONS

1. On all matters, except the retention and final retention of platform planks, the election of Party Officers and at-large members of the National Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by voice vote. If 20 or more delegates object to the Chair's ruling on the outcome of a voice vote, a counted vote will be held.
2. [Any motion from the floor shall be considered seconded only if five percent of the registered delegates rise to second the motion.](#)
3. The Chair may require any motion offered from the Convention floor to be in writing, signed by the mover and submitted to the Secretary.

Defense Against Taxpayer Funded Presidential Campaigns

Recommended 8-0
Survey Support 80.9%

Problem:

If a Libertarian Party candidate for President were to win 5% of the vote (under present rules), that would qualify the next Libertarian Party candidate for President for millions of dollars in taxpayer money and lead to many DC organizations weighing the chances of success and cost to takeover our Party.

Solution:

Raise the cost and reduce the chances of success of a hostile takeover attempt so that no one even tries.

Benefits:

This does not limit the choices that delegates can make, and is invoked only when needed.

ARTICLE 11: CONVENTIONS

1. Regular Conventions:

The Party shall hold a Regular Convention every two years, at a time and place selected by the National Committee. Regular Conventions shall be held sometime during the period of July of an odd-numbered year through August of an even-numbered year. All business required to be conducted at Regular Conventions shall be conducted at Regular Conventions only.

2. Non-Regular Conventions:

In any year which does not include a Regular Convention, a non-regular convention may be held at the discretion of the National Committee.

3. Delegates:

a. Delegates shall be required to be members of either the Party or an affiliate party. At all Regular Conventions delegates shall be those so accredited who have registered at the Convention. At all Non-Regular Conventions, any person who wishes to attend may do so.

b. Any federal or state law to the contrary notwithstanding, delegates to a Regular Convention shall be selected by a method adopted by each affiliate party; provided however, that only members of the Party as defined in these Bylaws, or members of the affiliate party as defined in the constitution or bylaws of such affiliate party, shall be eligible to vote for the selection of delegates to a Regular Convention.

c. If the previous Party candidate for President received enough votes to qualify the next Party candidate for President for any taxpayer-funded subsidy, then only those delegates who have been members of the Party prior to the previous Presidential general election shall be eligible to vote on proposed amendments to the Bylaws and for Presidential nominees. All delegates, including delegates who first became members after the previous Presidential general election, shall be eligible to vote on all other matters, including platform proposals, elections for party office, and resolutions.

Judicial Committee Vacancies

Recommended 7-0
Survey Support 94.4%

Problem:

There is currently no method for filling vacancies on the Judicial Committee. If three vacancies were to occur, it would be impossible for the Judicial Committee to achieve quorum.

Solution:

Provide a method for filling Judicial Committee vacancies.

Footnote:

“VACANCIES IN A COMMITTEE. The power to appoint a committee includes the power to fill any vacancy that may arise in it. Unless the bylaws provide otherwise (see pp.479-80, 642), the appointing authority has the power to remove or replace members of the committee. If a single person, such as the president, has the power of appointment, he has the power to remove or replace a member so appointed; but if the assembly has the power of selection, removal or replacement can take place only under the rules applicable to the motions to Rescind or Amend Something Previously Adopted (see p. 480). Committee members are presumed to serve until their successors are appointed.” -- RONR (10th ed.) pp. 169-70.

ARTICLE 9: JUDICIAL COMMITTEE

1. The Judicial Committee shall be composed of seven Party members elected at each Regular Convention, and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. The Judicial Committee shall take office immediately upon the close of the Regular Convention at which elected and shall serve until the final adjournment of the next Regular Convention. [The remaining members of the Judicial Committee shall appoint new members if vacancies occur, such appointees to serve until the final adjournment of the next regular convention.](#)

Regional Stability

Recommended 7-0

Survey Support 93.4%

Problem:

Sometimes regional realignment is forced by a region falling just a few members short of the number required, leading to constantly shifting regions.

Solution:

Allow a small margin so that regional associations can be more stable.

ARTICLE 8: NATIONAL COMMITTEE

2. The National Committee shall be composed of the following members:

c. any additional members as specified below:

Any affiliate party with 10% or more of the total national party sustaining membership within affiliate parties (as determined for delegate allocation) shall be entitled to one National Committee representative and one alternate for each 10% of national sustaining membership. Affiliate parties may, by mutual consent, band together to form "representative regions," and each such "region" with an aggregate national party sustaining membership of 10% or more shall be entitled to one National Committee representative and one alternate for each 10% of national party sustaining membership. Any existing region whose total membership is less than the threshold for new region formation may nevertheless persist as a region unchanged in affiliate composition provided the shortfall does not exceed 0.5% of national sustaining membership. "Representative regions" may be formed or dissolved once every two years during a period beginning 90 days before the beginning of and ending on the second day of the National Convention, and notice of new formations or dissolutions must be given in writing to the national Secretary prior to the close of the Convention at which they take place.

LNC Alternates

Recommended 7-0
Survey Support 92.5%

Problem:

An unintended consequence of Bylaw Article 8 is that it encourages Regional Representatives and Alternates to take their duties less seriously because each knows there is a backup to attend National Committee meetings in the other's absence. And yet, no one would seriously suggest that we elect an alternate Secretary or alternate Treasurer. We do not have alternate at-large members.

Solution:

Define the role of a Regional Alternate as the permanent replacement for a Regional Representative who resigns or otherwise vacates his seat.

Benefit:

Sets the expectation that attendance is required of all at National Committee meetings.

ARTICLE 8: NATIONAL COMMITTEE

6. The National Committee shall appoint new officers and members-at-large if vacancies occur, such officers and members-at-large to complete the term of the office vacated.

7. [A National Committee Regional Alternate shall fill the remaining term of the corresponding National Committee Regional Representative who vacates his or her office.](#) A National Committee Regional Representative may be removed and replaced only by the act of the affiliate parties which constitute the subject region. The voting procedure for the removal and replacement of regional representatives shall be determined by the regions. In the absence of any such procedures, a majority vote of the state chairs shall prevail.

8. The National Committee shall meet at such times and places as may be determined by:

- o action of the Committee,
- o call of the Chair, or
- o written request of 1/3 or more of its members.

9. The National Committee may, without meeting together, transact business by mail. The Secretary shall send out mail ballots on any question submitted by the Chair or by at least 1/5 of the members of the Committee. Fifteen days shall be allowed for the return of the votes cast, by mail, to the Secretary. The Secretary shall establish procedures for identifying voters in a mail ballot, and may accept votes through any mail system, including facsimile and electronic mail, for which such procedures have been established. ~~Votes from alternate regional representatives will be counted, in accordance with the ranking procedure of the region, only if the regional representative fails to respond to the ballot.~~ If, at the expiration of the applicable period, a quorum of the Committee have not returned their votes, the measure being voted upon shall be deemed to have failed; in all other cases, a majority of the votes returned shall carry the measure, except where a higher vote is required by the Bylaws. The Secretary shall preserve all such votes until the next meeting of the National Committee, at which meeting the Committee shall order the disposition of such votes.

Ranked Choice Voting for Officers

Recommended 7-0
Survey Support 89.3%

Problem:

The current procedure is time-consuming and misses an opportunity to demonstrate ranked choice voting to our television viewers.

Solution:

Elect Party officers using ranked choice voting.

Benefits:

- Saves time at conventions
- Demonstrates the practicality and benefits of ranked choice voting

RULE 10: ELECTION OF OFFICERS AND NATIONAL COMMITTEE

1. Nominations for Party Officers shall be from the floor, with any national or affiliate party member eligible to run for any office. The election shall be conducted in the following manner:

~~a. For each office, a majority vote will be necessary for election.~~

~~b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed.~~

~~c. For the first round of voting for Chair, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation. Subsequent announcements of each delegation's totals shall be made by the Secretary.~~

~~d. In cases where no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.~~

Elections shall be conducted using Ranked Choice Voting. For each office, a majority vote of all the ballots cast shall be necessary and sufficient for election. Ballots shall allow delegates to rank their choices of candidates in order of preference, such as First Choice, Second Choice, Third Choice, etc. All individual ballots shall be turned in to the Secretary along with the tabulations by affiliate of the First Choice votes. In cases in which no candidate receives a majority of First Choice votes, the candidate with the fewest votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots. The ballots shall then be recounted. If no candidate has a majority of votes, the process of eliminating the candidate with the fewest votes, redistributing according to the next choice on those ballots, and then recounting shall be repeated until one candidate has a majority.

Four Year Terms

Recommended 7-0
Survey Support 86.8%

Problem:

In attempting to network with other libertarian groups, we've received repeated feedback that our two year cycle turnover makes it hard to build stable alliances and thus establish longer term projects and mutual aid.

Solution:

Elect some members of the National Committee to four year terms.

Benefits:

Electing our officers to longer terms enables building more effective partnerships with these organizations, and the staggered cycles will enable the LP to have a smoother transition when changes do happen, by enabling the more experienced to help the less experienced get up to speed.

Note:

In 2008, we would elect officers and at large members to two year terms. In 2010, we would elect officers to four year terms and at large members to two year terms. In 2012, we would elect at large members to four year terms. In 2014, we would elect officers to four year terms. And so on. Regional Representatives would continue to be elected to two year terms at each convention.

ARTICLE 7: OFFICERS

1. All of these officers shall be elected by ~~a~~ each Regular Convention of the Party that immediately follows a Presidential election, shall take office immediately upon the close of the Convention, and shall serve thereafter until the final adjournment of the next Regular Convention that immediately follows a Presidential election. No person shall serve as an officer who is not a sustaining member of the Party.

~~9. The National Committee shall appoint new officers if vacancies occur, such officers to complete the term of the office vacated.~~

ARTICLE 8: NATIONAL COMMITTEE

2.b. five members elected at large by the delegates at a Regular Convention that immediately precedes a Presidential election, who shall take office immediately upon the final adjournment of the Convention and shall serve thereafter until the final adjournment of the next Regular Convention that immediately precedes a Presidential election; and

~~3. The National Committee shall take office immediately upon the close of the Regular Convention at which they are selected, and serve until the final adjournment of the next Regular Convention.~~

6. The National Committee shall appoint new officers, including the Chair, and members-at-large, if vacancies occur, to serve until the final adjournment of the next Regular Convention, which shall hold an election if necessary ~~such officers and members-at-large~~ to complete the term of the office vacated.

RULE 1: ORDER OF BUSINESS

The standing order of business for a Regular Convention shall be as follows:

9. Election of Party Officers ~~and~~ or at-large members of the National Committee

Proviso: This amendment shall take effect upon the close of the convention at which it is adopted.

Membership Definition

Recommended 7-0

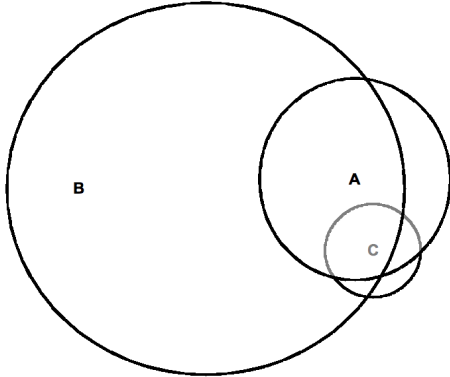
84.5%

Problem:

Currently, one must sign the “pledge” (certification) to carry a membership card which doesn't grant any voting rights in the Party. One need not sign the “pledge” (certification) to be a national convention delegate or serve on the Platform Committee. This is backwards.

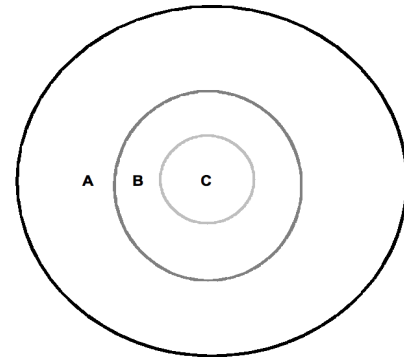
People who want us to succeed contribute money; people who substantially agree with us may sign the “pledge” (certification). The current membership structure requires first that one substantially agree with us before considering whether or not one wants to help us succeed. In fact, then, someone can trivially sign the “pledge” (certification) i.e. substantially agree with us but by not contributing dues, declare that he doesn't care whether or not we actually succeed. That is silly.

Current Membership to Delegate Relationship



B – Members (sign pledge)
A – Donors
A intersection B – Sustaining Members (pay dues and sign pledge)
C – Delegates

Proposed Membership to Delegate Relationship



Solution:

Ensure that national convention delegates

and Platform Committee members have signed the “pledge” (certification) without encumbering the vast majority of members who never attend LP events but who just want to send us money for a membership card and the feeling of belonging.

ARTICLE 5: MEMBERSHIP

Members. Any person shall be eligible for membership who has completed the requirements for membership:

Sustaining Members. A Sustaining Member is an individual who is either a Life Member or has paid dues of \$25 in the preceding twelve months. The National Committee may create other levels of memberships with higher dues or contribution requirements, which shall have all the rights of Sustaining Membership.

Voting Members. A Voting Member is a Sustaining Member who has also certified in writing that the Member opposes the initiation of force to achieve political or social goals.

Life Members. A Life Member is an individual who has paid life membership dues as set by the National Committee. Existing life memberships shall continue in force notwithstanding any increase in life membership dues.

- ~~1. Members of the Party shall be those persons who have certified in writing that they oppose the initiation of force to achieve political or social goals.~~
- ~~2. The National Committee may offer life memberships, and must honor all prior and future life memberships.~~
- ~~3. “Sustaining member” is any Party member who has given at least \$25 to the Party in the prior twelve months.~~

A – Members (pay dues) – Supporter
B – Voting Members (pay dues and sign pledge) – Higher Level of Commitment
C – Delegates – Highest Level of Commitment

~~or who is a life member.~~

~~4. The National Committee may create other levels of membership and shall determine the contribution or dues levels for such memberships.~~

~~5. Higher levels of contribution by or on behalf of a Party member qualify as sustaining member status for any provision of these Bylaws.~~

~~6. Only sustaining members shall be counted for delegate apportionment and National Committee representation. Only sustaining members shall be eligible to hold National Party office or be a candidate for President or Vice-President.~~

ARTICLE 7: OFFICERS

1. The officers of the Party shall be:

Chair,
Vice-Chair,
Secretary, and
Treasurer.

All of these officers shall be elected by a Regular Convention of the Party, shall take office immediately upon the close of the Convention and shall serve thereafter until the final adjournment of the next Regular Convention. No person shall serve as an officer who is not a [sustaining voting](#) member of the Party.

ARTICLE 8: NATIONAL COMMITTEE

4. A National Committee member shall be a [sustaining voting](#) member of the Party, and shall not be the candidate of any party except the Party or an affiliate.

11. Upon appeal by three percent of the Party [sustaining voting](#) members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the Bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void. The National Committee shall use roll call voting on all substantive motions. Additionally, the National committee must have a roll call vote upon request of any single Committee member present on any motion. On all roll call votes, the vote of each individual Committee member shall be recorded in the minutes.

ARTICLE 9: JUDICIAL COMMITTEE

1. The Judicial Committee shall be composed of seven Party [voting](#) members elected at each Regular Convention, and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. The Judicial Committee shall take office immediately upon the close of the Regular Convention at which elected and shall serve until the final adjournment of the next Regular Convention.

3. Within 90 days following the Regular Convention at which elected, the Judicial Committee shall establish Rules of Appellate Procedure to govern its consideration of matters within the scope of its jurisdiction. The existing Rules shall remain in effect until and unless the Judicial Committee submits new proposed rules to the National Committee for approval, which approval shall be deemed given unless denied by a 2/3 vote of the National Committee within 60 days of submission. A copy of the current Rules of Appellate Procedure shall be maintained by the Secretary at the Party Headquarters and shall be available to any [voting](#) member at cost.

ARTICLE 11: CONVENTIONS

3. Delegates:

a. Delegates shall be required to be [voting](#) members of ~~either the Party or an affiliate party~~. At all Regular Conventions delegates shall be those so accredited who have registered at the Convention. At all Non-Regular Conventions, any person who wishes to attend may do so.

6. Delegate List:

Any Party [voting](#) member shall be provided, upon request and payment of copying and mailing costs, a list of the names and addresses of all elected delegates/alternates to a Convention.

7. Convention Committees:

There shall be a Platform Committee, a Bylaws and Rules Committee and a Credentials Committee for each Regular Convention. The National Committee shall appoint a temporary chair of each committee to serve until each committee selects its own chair.

a. The Bylaws and Rules Committee shall consist of ten Party [voting](#) members appointed by the National Committee no later than three months before a Regular Convention. No more than five of these members shall be members of the current National Committee.

b. The Platform Committee shall consist of 20 [Party voting](#) members selected as follows:

c. The Credentials Committee, composed of ten [Party voting](#) members, shall be selected as follows:

ARTICLE 12: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

2. No candidate may be nominated for President or Vice-President who is ineligible under the United States Constitution, who has not expressed a willingness to accept the nomination of the Party, or who is not a [voting](#) member of the Party.

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Convention Resolutions

Recommended 7-1
Survey Support 87.0%

Problem:

We often spend considerable floor time massaging the wording of hastily drafted proposed resolutions. We also often spend floor time debating resolutions that have no hope of passing.

Solution:

Ensure that proposed resolutions are well written and more likely to pass by requiring they be submitted in advance to Platform Committee members to both endorse the language and recommend changes. Proposed resolutions enjoying the most support of Platform Committee members shall be considered first by delegates. Platform Committee members shall be playing only an advisory role in this process. Proposed resolutions not enjoying the support of any Platform Committee members will still be placed in the queue for consideration by the delegates.

Benefits:

- *Better crafted resolutions.*
- *Save time of the delegates.*
- *Ensure that the proposed resolutions with the best chance of passing are considered first.*
- *Resolutions dealing with an urgent matter that was unknown 30 days before the convention can still be introduced via a suspension of the rules with a 2/3 vote, the same as required to enact a resolution.*

RULE 8: RESOLUTIONS

1. Resolutions must be approved by a 2/3 vote.
2. Proposed resolutions must be submitted in writing to the Secretary. The Secretary shall promptly distribute all proposed resolutions to the Platform Committee if received prior to the start of the convention. The Platform Committee may amend any proposed resolution with the permission of the resolution's author. Proposed resolutions endorsed by more members of the Platform Committee shall be considered before those endorsed by fewer members.

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Party Purpose

Recommended 7-1
Survey Support 83.9%

Problem:

The Libertarian Party is no longer the whole libertarian movement. Unlike other organizations in the libertarian movement, we suffer from campaign finance laws and do not benefit from tax deductibility.

Solution:

Focus on being a political party and leave other tasks to be more effectively performed by the many other organizations within the libertarian movement.

Benefit:

This would not prohibit the Party from engaging in any other activity; it would just give us focus.

ARTICLE 3: PURPOSES

[The Party's purpose is to expand individual liberty by increasing the number of Libertarians holding elected public office in the United States.](#)

~~The Party is organized to implement and give voice to the principles embodied in the Statement of Principles by functioning as a libertarian political entity separate and distinct from all other political parties or movements; moving public policy in a libertarian direction by building a political party that elects Libertarians to public office; chartering affiliate parties throughout the United States and promoting their growth and activities; nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for political office; and, entering into public information activities.~~

Region Formation

Recommended 6-0
Survey Support 92.5%

Problem:

Currently, party leaders spend considerable energy at each convention trying to form representative LNC regions. This time could be better spent on other business. There is no reason why state chairs should not form their regions well before the start of each convention.

Solution:

Close the period for region formation before the convention.

ARTICLE 8: NATIONAL COMMITTEE

2.c "Representative regions" may be formed or dissolved once every two years during a period beginning 90 days prior to the beginning of and ending ~~on the second day~~ 30 days before the beginning of the National Convention, and notice of new formations or dissolutions must be given in writing to the national Secretary 20 days prior to the ~~close~~ beginning of the Convention at which they take place.

Proviso: This amendment shall take effect upon the close of the convention at which it is adopted.

Cap Registration Fee

Recommended 6-2
Survey Support 86.1%

Problem:

Registration fees (permitted by p. 593 of RONR) could potentially be used to bias the demographic of the convention.

Solution:

Place an upper limit on the convention registration fee based on the best estimate of the actual cost.

Benefits:

- Ensure a broad and representative demographic of delegates.*
- Prohibit future convention organizers or National Committees from charging exorbitant registration fees.*

ARTICLE 11: CONVENTIONS

3. Delegates:

c. The convention registration fee may not exceed the estimated pro forma pro rata unsubsidized cost of the meeting facilities based on a number of delegates equal to those registered at the penultimate Regular Convention. The convention registration fee must be approved by the National Committee.