



PARTY OF WEST VIRGINIA

# Bylaws

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## BYLAWS OF THE LIBERTARIAN PARTY OF WEST VIRGINIA As Adopted at the 2023 Annual Meeting April 15, 2023

### **ARTICLE I Name:**

The name of this state affiliate of the Libertarian Party shall be “The Libertarian Party of West Virginia,” hereinafter referred to as “the LPWV.”

### **ARTICLE II Object:**

The object of this state affiliate shall be to promote libertarian political ideals consistent with the Libertarian Party Statement of Principles by:

- i. educational outreach;
- ii. nomination and promotion of candidates for local, state, and national public office;
- iii. supporting and promoting liberty-oriented organizations at all levels throughout the state and,
- iv. election of delegates to represent the LPWV at Libertarian Party national conventions.

## **ARTICLE III Members:**

Section 1. Membership Eligibility. Members of the LPWV shall be those persons who have affirmed in writing (via physical or electronic means) the Libertarian Party Non-Aggression Principle. Voting Members of the LPWV shall be Members whose dues are current and are registered as a voter with the West Virginia Secretary of State with the designation of Libertarian, at least 60 days in advance of any Annual Meeting, Nominating Convention or Special Meeting (as provided in these ByLaws, Article 5) on the voters roll kept by the West Virginia Secretary Of State. Once the report of the credentials chair of an annual meeting, nominating convention, or special meeting has been adopted attesting the duly qualified voting members of the LPWV in attendance at the assembly, the duly qualified members in attendance may vote to allow registration and voting participation at the same assembly of those who have signed the Non-Aggression Principle but whose voter registration as Libertarian was made subsequent to the 60-day requirement otherwise stated in these By-Laws. New Members may be added at any time.

Note: The Libertarian Non-Aggression Principle states: "I hereby pledge that I do not believe in nor advocate the initiation of force or fraud as a means of achieving political or social goals."

Section 2. Dues. The Executive Committee shall set the annual dues. A membership is effective from the date that the LPWV receives the dues payment. Memberships are valid for one year from that date. The Treasurer shall send renewal notices to voting members no less than two weeks prior to the expiration of their membership, if in such case it has not yet been renewed by that date.

Section 3. Open Meetings. All LPWV meetings shall be open to the public.

Section 4. Membership Privacy. Information related to members and membership shall not be shared outside of the LPWV with the exceptions of the national Libertarian Party. Excluding the LPWV Executive Committee, only individuals authorized by the LPWV Executive Committee, having signed non-disclosure agreements, may be granted access to personal information related to the

membership of the LPWV. Only data pertinent to the race in question shall be shared with candidates for public office. Any data related to membership shall be considered confidential information.

Section 5. Resignation from Membership. Any member desiring to resign from the LPWV shall submit his or her resignation in writing to the Treasurer. Upon receipt of this resignation by the Treasurer, the member shall no longer be a member of the LPWV.

## **ARTICLE IV Local and Regional Affiliates**

The Libertarian Party of West Virginia encourages the formation of local affiliates to provide a resource to local communities for outreach and development of the Libertarian Party.

Section 1. The following are requirements to be considered for a county or regional affiliate.

- i. No fewer than three (3) members expressing interest in the formation of an affiliate
- ii. A set of bylaws or constitution that spells out the rights and responsibilities of membership and the board of the affiliate.
- iii. The affiliate may represent a single county or a group of contiguous counties.
- iv. An application packet to include the governing documents and a signed request for affiliate membership by no fewer than 3 members of the proposed affiliate.

Section 2. Responsibilities of the LPWV:

- i. The LPWV executive board will vote on the affiliate application at its next board meeting, annual meeting or nominating convention, whichever is soonest;

- ii. The board may also consider an affiliate application through an email ballot between meetings.
- iii. The board may vote to accept the application, reject the application, or grant provisional status if the board feels that the overall application is good, but needs further information.
- iv. Approval is by a majority vote of the LPWV executive board.
- v. Provisional affiliates must address concerns by the next regular LPWV board meeting or the application will be considered rejected and the affiliate will lose provisional status.
- vi. The Libertarian Party of West Virginia retains the sole arbiter of the use of the term Libertarian Party for affiliates within the state of West Virginia.
- vii. Provisional Affiliates may use the term Libertarian Party during their provisional status unless instructed not to by the LPWV Board.
- viii. Rejected affiliates will not use Libertarian Party in their name, literature or advertisement.
- ix. The affiliate must comply with all state and federal campaign finance regulations.
- x. Local affiliates may form Political Action Committees provided they comply with applicable local, state and federal law.

### Section 3. Rescinding an affiliate

- i. If the affiliate is in violation of LPWV or its own bylaws, or violates state or federal law with regards to campaign finance, the LPWV may rescind affiliate status by majority vote of the LPWV board.

ii. The affiliate has until the next board meeting, following the vote to rescind, to appeal the decision, once the following board meeting is adjourned, the decision becomes final.

## **ARTICLE V Officers:**

Section 1. Offices and Duties. The officers of the LPWV shall be a Chair (President for the purpose of business with the Secretary of State), a Vice-Chair (Vice President for the purpose of business with the Secretary of State), a Secretary, and a Treasurer. These officers shall be Members of the LPWV, elected with a majority vote by ballot at the Annual Meeting (odd years), and shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the LPWV. No member may hold more than one office at a time. Officers may delegate responsibilities, except that any such delegation may be countermanded by a majority of the Executive Committee.

Section 2. Nomination Procedure, Time and Method of Elections, Term of Office. At the Annual Meeting of odd-numbered years, nominations for LPWV officers will be accepted from the floor. At this meeting, the officers shall be elected by ballot to serve, beginning at the end of the meeting at which they are elected, for two years or until the end of the meeting at which their successors are elected. No member may be elected to office who is not present at the election.

i. The Treasurer may appoint an Assistant Treasurer, who shall serve at the discretion of the Treasurer. Any individual to be appointed to the post of Assistant Treasurer must be a Member of the LPWV. The Assistant Treasurer shall be authorized to act on behalf of the Treasurer in any capacity necessary for the performance of the duties of the office of the Treasurer and in full compliance with any applicable law or regulation in such case as the Treasurer is unable to do so. The Assistant Treasurer shall be granted access to any information or accounts necessary for the performance of duties. The Assistant Treasurer shall not be considered a Voting Member of the Executive Committee under any circumstance; however, the Assistant Treasurer may attend meetings of the Executive Committee at the request of the Treasurer. The Assistant Treasurer may also be removed from

office by 2/3rds vote of the Executive Committee, at which time the Treasurer may appoint a new Assistant Treasurer.

## **ARTICLE VI Meetings:**

Section 1. Annual Meetings. Annual Meetings shall be held during odd numbered years, and shall be for the purpose of electing officers, electing At-Large Representatives, for receiving reports of officers and committees, for amending bylaws, for amending platforms, and for any other business that may arise.

Section 2. Nominating Conventions. Nominating Conventions shall commence in March, April, May, or June, during even numbered years, and shall be held for the purpose of nominating candidates for public office (if pertinent), nominating delegates, providing education and training, and conducting all additional business of the Nominating Convention.

i. In the event that during the opening day of the convention no candidate is nominated for an office appearing on the General Election Ballot, the Executive Committee, by majority vote, shall have the power to reconvene the Nominating Convention for the purpose of nominating candidates for the General Election. These candidates shall be nominated by a majority vote of the Executive Committee and shall represent the Libertarian Party of West Virginia in the General Election as if they were nominated on the convention floor by the Voting Members.

ii. Ballot options. All ballots for one or more political candidates must include as the last selection the option, "None of the Above" (NOTA). If NOTA receives a majority of votes, an entirely new slate of candidates may be offered and a new vote taken, or that position shall go unfilled. Any Voting Member may choose a write-in candidate for any political office, LPWV office, delegation, or representative.

iii. Voting rights. In order to vote at the Convention, a Party member must be a Voting member as defined in Article III Section 1.

Section 3. The nomination of the LPWV candidate for Governor of the State of West Virginia may be made the Annual Meeting (Section VI.1), the Nominating Convention (Section VI.2); or a Special Meeting (Section IV.4) in acknowledgement of the special character of the LPWV candidates need to secure and/or retain "Official Political Party" status under WV state law; and in recognition of the necessity for the LPWV Gubernatorial Candidate to have sufficient advance time to secure support and resources necessary to meet that mandate for the LPWV during the candidates campaign.

Section 4. Special Meetings. Special meetings may be called by the Chair or by the Executive Committee and shall be called upon the written request of twenty percent (20%) of the Voting Membership of the LPWV. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least seven days notice shall be given.

Section 5. Quorum for Annual Meetings and Conventions. A quorum shall be 25% of those Voting Members who registered in attendance.

## **ARTICLE VII The Executive Committee:**

Section 1. Committee Composition. The officers of the LPWV and three (3) Representatives elected at-large shall constitute the Executive Committee. A quorum of the Executive Committee shall be 50% of the positions filled.

Section 2. Representatives.

i. Terms. Each Representative shall be elected at the Annual Meeting and will serve for a term beginning at the close of the Annual Meeting at which he or she is elected, and until the end of the meeting at which his or her successor is elected.

ii. Vacancies. The Executive Committee shall appoint new Representatives if vacancies occur, such appointees to complete the term of the office vacated.

iii. Duties. The duties of Representatives shall be to assist the Officers in administering the affairs of the LPWV and to raise revenue for the LPWV.

Section 3. Committee's Duties and Powers. The Executive Committee shall have general supervision of the affairs of the LPWV between its business meetings, fix the hour and place of meetings, make recommendations to the LPWV, and perform such other duties as are specified in these bylaws. The Committee shall be subject to the orders of the LPWV, and none of its acts shall conflict with action taken by the LPWV.

#### Section 4. Financial Commitments.

i. Debts. The Executive Committee shall operate on the basis of cash on hand, and shall not operate on the basis of anticipated funds. Individual members who incur debt on behalf of the LPWV are individually and solely responsible for such debt.

ii. Contracts. The LPWV shall not enter into any contract lasting more than three (3) months, incur any expense in a non-budgeted category, or incur any expense in a budgeted category by more than twenty percent (20%) without a two-thirds vote of the entire Executive Committee. Anyone who incurs such liability without such approval shall be personally liable.

#### Section 5. Assumptions of Liability.

The Executive Committee may approve any action that would result in the assumption of contractual obligations by the LPWV by 2/3rds vote. Any contracts that would cause the LPWV to assume, or to potentially assume more than \$1000 in liability must be signed by the Chair and Treasurer of the LPWV. The LPWV shall not enter into any binding contract outside the scope of an approved action without 2/3rds vote for approval of the entire Executive Committee. Any contracts entered into or liabilities assumed on behalf of the LPWV that do not adhere to the bylaws of the LPWV shall result in the entirety of liability for such obligations resting solely with any individual(s) who entered into such contract.

Section 6. Committee meetings. Unless otherwise ordered by the Committee, regular meetings of the Executive Committee shall be held in conjunction with the Regular Meetings of the LPWV. Special meetings of the Committee may be called



by the Chair and shall be called upon the written request of two members of the Committee.

Section 7. Attendance. Any Committee member who fails to attend three consecutive LPWV meetings, including Committee meetings, regular meetings, conventions, and annual meetings, but excluding special meetings, may forfeit that office. The rest of the Committee may, at the third missed meeting, elect a replacement, who will complete the term of the office vacated.

### **ARTICLE VIII Committees:**

Standing or special committees shall be appointed by the Chair (except a Nominating Committee, which shall be elected by the membership) as the LPWV or the Executive Committee may deem necessary to carry on the work of the LPWV. The Chair shall be ex officio a member of all committees, except a Nominating Committee.

### **ARTICLE IX Candidates:**

Section 1. Candidates for public office shall be chosen by: (1) majority vote at the LPWV Nominating Convention from among those nominated there. An LPWV candidate for public office must be a Voting Member of the LPWV, legally eligible to serve in the office, and willing to accept the nomination; or (2) by primary per determination by the Executive Committee.

Section 2. In cases such as the death, resignation, disqualification, or suspension of an LPWV nominee, offices for which no candidate is chosen at the convention or at the primary as pertinent, and circumstances such as special elections, redistricting, etc., requiring new candidates to be put forward, the Executive Committee shall be responsible for the selection of LPWV candidates.

Section 3. A candidate nominated at the convention may have that nomination withdrawn for cause by 2/3 vote of the entire Executive Committee.

**ARTICLE X Dissolution Clause:** In the event that the LPWV is dissolved, all tangible net assets shall be donated to the Libertarian Party.

## **ARTICLE XI Delegates to the Libertarian National Convention.**

Section 1. Eligibility. LPWV delegates to the Libertarian National Convention must be Voting Members of the LPWV and Sustaining Members of the (national) Libertarian Party.

Section 2. Election. LPWV delegates to the Libertarian National Convention shall be elected by ballot at the Nominating Convention of the LPWV.

In cases such as the death, resignation, disqualification, or suspension of an LPWV nominee, if no delegate is chosen for an open seat at the convention, or to select alternate delegates, the Executive Committee or Delegation Chair shall be responsible for the selection of LPWV delegates to the National Convention.

## **ARTICLE XII Parliamentary Authority:**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the LPWV 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 LPWV may adopt.

## **ARTICLE XIII Amendment of Bylaws:**

These bylaws may be amended at any Annual Meeting or Nominating Convention of the LPWV by a two-thirds vote, provided at least 7 days notice of the topic of the bylaw has been provided to the Chair, and Executive Committee and posted on the LPWV website and/or the party's principal social media forum.



## PARTY OF WEST VIRGINIA

Like Peace Prosperity And Freedom?

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The Libertarian Party is committed to America’s heritage of freedom: individual liberty and personal responsibility, a free-market economy of abundance and prosperity, a foreign policy of non-intervention, peace and free trade.

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Libertarian Party of West Virginia | P.O. Box 2506 Parkersburg, WV 26102

