

# Rules of the Libertarian Party

*As adopted at the Organization Meeting of the State Committee held on September 26 and 27, 2020.*

## Article 1. Name

The name of this party shall be the Libertarian Party.

## Article 2. Symbol

The symbol for the Libertarian Party shall be:



## Article 3. Jurisdiction

The jurisdiction of the Libertarian Party shall be the State of New York.

## Article 4. Principles and Objectives

4.1. The Libertarian Party is a political party which has as its primary objective the extension of individual liberty to its furthest limits. To that end the party affirms the following principles as embodied in the party platform.

4.1.1. Each individual possesses the inalienable right to life, liberty and justly acquired property.

4.1.2. No person or institution, public or private has the right to initiate the use of force or fraud against another.

4.1.3. Individuals are entitled to choose their own lifestyles so long as they do not forcibly interfere with the lives of others.

4.1.4. The only moral purpose of government is the preservation of individual rights.

4.1.5. The voluntary exchange of goods and services is essential for a free and prosperous society of diverse beliefs.

4.2. In recognition of the fact that the initiation of force by government has been the chief instrument for the expropriation of individual rights and freedom, the Libertarian Party enters the political arena for the avowed purpose of eliminating the intervention of government in moral, social and economic affairs by functioning as a libertarian political entity separate and distinct from all other political parties or movements and moving public policy in a libertarian direction as a political party that elects Libertarians to office.

## Article 5. Membership

Members in the Libertarian Party shall consist of registered voters who have enrolled in the Libertarian Party as provided by statute.

## Article 6. State Committee

6.1. **AUTHORITY.** The State Committee shall be the highest governing body of the Libertarian Party in the State of New York. It shall have full authority to set policies and goals for the Libertarian Party, establish committees, raise and allocate financial resources, and hire staff.

**6.2. UNIT OF REPRESENTATION.** The unit of representation for the State Committee shall be the New York State Judicial District.

**6.3. REPRESENTATION.** Each Judicial District shall be entitled to two voting members on the State Committee, plus one additional voting member for every four-hundred active enrolled Libertarians in the district, up to a maximum of five (5) members, and one additional voting member for every four thousand votes for the most recent Libertarian Gubernatorial candidate in the district, up to a maximum of five (5) members. The maximum number of State Committee members from a Judicial District shall be twelve (12) voting members.

**6.4. ELECTIONS.** Members of the State Committee shall be elected by enrolled Libertarians at the primary elections in even numbered years. Members must reside in the Judicial District that they represent and shall be elected At-Large within that Judicial District.

#### **6.5. ELECTION OF STATE COMMITTEE OTHER THAN PRIMARY**

**6.5.1.** If at any time the Libertarian Party is unable to hold a primary election for the purpose of electing a new State Committee, the current State Committee shall serve until a new State Committee is duly elected in the succeeding even-numbered year. In this case, the representation and manner of election of the State Committee shall be conducted in accordance with Article 6.5.2. instead of Article 6.3. and Article 6.4. The representatives must be registered voters enrolled in the Libertarian Party residing in the county for which they represent.

**6.5.2.** The State Committee shall consist of two representatives from each County Affiliate elected as provided in Article 6.5.3. This appointment shall be provided in writing to the Executive Committee no later than thirty (30) days prior to the convention in order to be credentialed to vote at the convention.

**6.5.3.** Each county shall elect two representatives at a convention open to all enrolled Libertarians in their county.

#### **6.6. OFFICERS**

**6.6.1. TITLES.** The State Committee shall elect a Chair, a 1st Vice Chair, a 2nd Vice Chair, a Secretary, and a Treasurer at their first meeting. All officers shall be considered ex-officio members of the State Committee.

##### **6.6.2. DUTIES.**

**6.6.2.1. CHAIR.** The Chair shall preside at all meetings of the State Committee. The Chair shall perform such duties as usually pertain to the office of Chair and shall perform such other duties as are assigned to the Chair by the State Committee.

**6.6.2.2. VICE-CHAIRS.** The 1st and 2nd Vice-Chairs shall act as assistants to the Chair. The 1st Vice-Chair shall preside in the absence of the Chair and shall assume all the duties of the Chair in the event the Chair is unable to execute the duties of the Chair. The 2nd Vice-Chair shall assume such duties in the event that the 1st Vice-Chair is unable to execute such duties.

**6.6.2.3. SECRETARY.** The Secretary shall keep an accurate and complete record of the proceedings of all meetings of the State Committee and shall keep these records up-to-date and in order in the master book containing the official minutes of the **Libertarian Party**. At meetings of the State Committee and the Executive Committee, the Secretary shall present the minutes of the previous respective meeting for

approval. In all elections and roll call votes, the Secretary shall call the roll of the **voting** members and shall keep an accurate tally of such votes. The Secretary with unanimous consent may dispense with a roll call vote. The Secretary may appoint assistants for this purpose and, in contested elections, with the consent of a majority of the members of the State Committee present and voting shall appoint an Elections Board which shall include one representative of each contestant in question plus one additional member, so that the Board shall consist of an odd number of persons.

6.6.2.4. **TREASURER.** The Treasurer, or the Treasurer's designated agent, shall receive and give receipts for all monies paid to the LPNY and shall deposit the same in such bank or banks as shall have been designated by the State Committee. The Treasurer shall present a written report at each meeting of the State Committee or at any other time when so requested by the State Committee. The Treasurer shall, at the discretion of the State Committee, present the financial records of the **Libertarian Party** for audit by such auditor(s) as the State Committee shall specify. Expenditures of funds shall be made only in accordance with regulations established by the State Committee.

6.6.3. **NONE OF THE ABOVE.** In all elections of the Libertarian Party, the choice of “None of the Above” (NOTA) is automatically recognized as included and valid. This option is to be explicitly mentioned as valid when listing the candidates for the election. If NOTA receives a majority of the votes, there will be new nominations and a new election, in which all of the candidates who were out-pollled by NOTA are ineligible. On ballots with the ability to vote for two or more candidates, where one or more candidates are supported, the designation of NOTA on the ballot will be ignored.

6.7. **VACANCIES.** If a vacancy occurs on the Executive Committee or the State Committee, the position shall be filled in accordance with this section. Vacancies occur by death, resignation, removal, relocation out of state, or change of party enrollment to a choice other than Libertarian.

6.7.1. **CHAIR.** Should a vacancy exist in the office of Chair, the 1st Vice-Chair shall serve as Acting Chair until the election of a new Chair at the next meeting of the full State Committee. If the 1st Vice-Chair declines to serve as Acting Chair, the 2nd Vice-Chair shall serve as Acting Chair until the election of a new Chair at the next meeting of the full State Committee. If the 2nd Vice-Chair declines to serve as Acting Chair, the State Committee shall elect a new Chair at its next meeting and the 1st Vice-Chair shall serve as Acting Chair until the new Chair is elected.

6.7.2. **1ST VICE CHAIR.** Should a vacancy exist in the office of 1st Vice-Chair, the 2nd Vice-Chair shall serve as the 1st Vice-Chair for the remainder of the term.

6.7.3. **OTHER OFFICERS.** Should a vacancy exist in the office of 2nd Vice-Chair, Secretary, or Treasurer, the Executive Committee shall fill the vacancy, subject to ratification by a vote of the State Committee. The individual selected shall serve for the remainder of the term of the office vacated. If the ratification fails, the State Committee shall fill the vacancy.

6.7.4. **AT-LARGE EXECUTIVE COMMITTEE MEMBERS.** Should a vacancy exist in an At-Large Executive Committee Member position, the position shall be vacant until filled by a majority vote of the State Committee at their next scheduled meeting.

6.7.5. **STATE COMMITTEE MEMBER.** Should a vacancy exist on the State Committee, the position shall be vacant until filled by a majority vote of the State Committee. Nominations for filling any vacancy may be submitted to the Secretary at least seven (7) days in advance of the meeting in which the filling of the vacancy shall be considered. Once the filling of vacancies begins, the Secretary shall present the nominations received. Subsequent nominations may be made on the floor prior to the election to fill such vacancies. The Chair shall request that each nominee is qualified to fill the vacancy and accepts the nomination in order to be entered into nomination to fill the vacancy they seek.

6.8. **TERM.** All State Committee members shall serve until the conclusion of the Organizational Meeting following the primary election at which their successors are elected. State Committee members who move their residence out of their Judicial District but within the State of New York may keep their offices until the end of their term.

6.8.1. **OFFICER TERMS.** Officer terms expire upon the conclusion of the next Organization Meeting held following the Organization Meeting in which they were elected.

6.9. **SUSPENSION AND TERMINATION.** A member or officer of the State Committee may be removed from the State Committee by a two-thirds (2/3) vote of the State Committee for disloyalty to the party or corruption in office, after notice and hearing upon written charges, to be heard by the State Committee.

6.10. **QUALIFICATIONS.** To be eligible for election or appointment to the State Committee, each candidate must be an enrolled member of the Libertarian Party residing within the jurisdiction from which such member is elected or appointed.

6.11. **MEETINGS.**

6.11.1. **ORGANIZATION MEETING.** This section outlines the procedures for the organization meeting as required in 2-112 of Election Law.

6.11.1.1. **MEETING TO BE HELD IN PERSON.**

6.11.1.1.1. The first meeting of each newly elected State Committee must be held in person with a provision for limited remote participation as described in Article 6.11.5.2.

6.11.1.1.2. If, as a result of *force majeure*, no member of the State Committee is able to attend at the time and location the meeting is called, remote participation with full parliamentary privileges shall be permitted and Article 6.11.5.2. shall be ignored.

6.11.1.1.3. If an individual member of the State Committee is unable to attend at the time and location the meeting is called due to a government mandate, remote participation with full parliamentary privileges shall be permitted and Article 7.11.5.2 shall be ignored.

6.11.1.2. **VOTING MEMBERS.** The State Committee elected at the preceding primary election shall be the voting members of the Organization Meeting.

6.11.1.3. **CONVENTION COMMITTEE.** The State Committee shall appoint a special Convention Committee to plan and execute the Organization Meeting. The Convention Committee shall also appoint the following special subcommittees: Convention Arrangements Subcommittee, Program Subcommittee, Rules Subcommittee, Credentials Subcommittee, and Resolutions Subcommittee. The Convention Committee and each subcommittee may appoint assistants for the facilitation of their responsibilities. The Convention Committee and its subcommittees shall cease to exist upon the adjournment of the organization meeting.

6.11.1.4. **FILLING OF VACANCIES.** Any member of the newly elected State Committee may submit nominations for filling any vacancies on the State Committee. If such nominations are received by the Credentials Subcommittee at least seven (7) days in advance of the organization meeting, the Credentials Subcommittee shall distribute the names of the nominees and any statement regarding their candidacy of

no more than two hundred words to all members of the newly elected State Committee at least five (5) days in advance of the organization meeting. Once the filling of vacancies begins, the Credentials Subcommittee shall present the nominations they received. Subsequent nominations may be made on the floor of the Organization Meeting, prior to the election to fill such vacancies. The Chair shall request that each nominee confirm that they are registered for the Organization Meeting, are qualified to fill the vacancy, and accept the nomination in order to be entered into nomination to fill the vacancy they seek.

**6.11.1.5. AMENDMENT OF RULES.** Any member of the newly elected State Committee may submit amendments to the Rules of the Libertarian Party. Such amendments must be received by the Rules Subcommittee at least seven (7) days in advance of the organization meeting. The Rules Subcommittee must distribute the full text of any proposed amendment to all members of the newly elected State Committee at least five (5) days in advance of the organization meeting.

**6.11.1.6. AGENDA.** The order of business shall be as follows:

- (a) The current Chair shall call the meeting to order.
- (b) The Chair shall call the roll to identify the elected State Committee members present.
- (c) The Chair shall serve as the Presiding Officer and Secretary shall serve as the Recording Secretary, respectively, of the Organization Meeting, unless they decline or are unable to serve, at which point a Temporary Chair and/or Temporary Secretary shall be elected for the duration of the meeting.
- (d) Report of Rules Subcommittee and adoption of the Special Rules of Order of the Organization Meeting.
- (e) Filling of vacancies on the State Committee.
- (f) Supplemental report of the Credentials Subcommittee.
- (g) Report of Rules Subcommittee and adoption of the Rules of the Libertarian Party.
- (h) Election of the officers and five Members-At-Large of the Executive Committee.
- (i) Discussion and consideration of Platform amendments.
- (j) Report of Resolutions Subcommittee.
- (k) Adjournment.

**6.11.2. OTHER MEETINGS.** The State Committee shall meet in person or by teleconference at least quarterly, with two (2) meetings to be held in person per year, excepting *force majeure*. In even numbered years, an early convention to nominate statewide candidates, and an in-person organizational meeting in September fulfill the in-person meeting requirement. Meetings held in person must be held within the State of New York.

**6.11.3. CALLING OF MEETINGS.** In addition to regularly scheduled meetings, meetings of the state committee may be called by one of the following:

6.11.3.1. The Chair.

6.11.3.2. Majority vote of the Executive Committee.

6.11.3.3. A request in writing signed by one third (1/3) of the State Committee members, given to the Chair or Secretary. The request may be in email form, sent to the originator, the Chair, and the Secretary, indicating support of the call for a meeting.

**6.11.4. NOTIFICATION**

6.11.4.1. Seven calendar days notice shall be given. A waiver of notice whether signed before or after a meeting, or attendance without protesting a lack of notice, shall preclude any objection on this ground.

6.11.4.2. Email notice will be sufficient if sent to the email address provided to the Secretary for this purpose. If consent is given, notice by telephone only may be given in-person and cannot be given by leaving a message. Alternatively, notice given by a text message will be sufficient if acknowledged as having been received.

6.11.4.3. When notice is given, and documents need to be transmitted with the notice, such documents can be made available online, in any fashion agreed to, for those members who agreed to receive notices by email, text, or telephone.

6.11.4.4. The time and place for all meetings of the Libertarian Party of New York shall be publicized in such manner as to assure timely notice to all interested parties. This notice shall be provided by the Chair or the Chair's designee.

6.11.4.5. Any place in these Rules where written notice of a meeting is required, providing notice via electronic means is sufficient to satisfy the notice requirement. If anyone would prefer to receive such notices via the U.S. mail, they must contact the Chair to request their preference be honored, and such notice may be provided as a courtesy, at the discretion of the Chair.

#### **6.11.5. MEETINGS HELD IN-PERSON**

6.11.5.1. Only the State Committee may approve meetings to be held in-person at dates, times, and locations to be determined by the State Committee.

6.11.5.2. At all meetings of the State Committee, teleconferencing is permitted; teleconferencing members shall have the same rights and privileges as those attending in-person, with the following clarifications and exceptions:

6.11.5.2.1. Teleconferencing members shall be counted towards quorum.

6.11.5.2.2. Teleconferencing members shall be allowed a vote on all main motions and amendments to main motions, as well as elections for any officer(s) whose term extends beyond the end of that particular meeting.

6.11.5.2.3. Teleconferencing members shall be allowed to speak on all main motions and amendments to main motions, with the exception that they may not make main motions unless these have been communicated to the Secretary via email at least 24 hours prior to the meeting.

6.11.5.2.4. Teleconferencing members may nominate and accept nominations and speak on nominations for all non-temporary officers and At-Large Executive Committee members on whose election they are entitled to vote.

6.11.5.2.5. Teleconferencing members may interrupt to make a point of order that quorum is not present, to request a roll call vote on any main motion or any amendment thereto, but not on any other type of motion.

6.11.5.2.6. Teleconferencing members may not make any other interrupting motions or points of privilege or order; or request information, make a parliamentary inquiry, or call for the orders of the day; and may specifically not make any of the following procedural motions: to adjourn or recess; to set a time for adjournment or recess; to amend the agenda; to postpone a matter, lay it on the table or take it from the table; or amend the Rules; to suspend or amend the rules; to appeal the decision of the Chair; to divide a question; to call the question; to extend or limit debate; to reconsider a question; to rescind or amend

something previously adopted. All votes on these motions must be from the floor, unless a roll-call vote is called from the floor.

6.11.5.2.7. Teleconferencing members may not nominate, speak for or against, or take part in the election of a Temporary Chair, Temporary Secretary, or any other officer whose duties extend only for the duration of a convention or other in-person meeting.

6.12. **QUORUM.** A quorum for all State Committee decisions shall consist of a majority of State Committee members.

## **Article 7. Executive Committee**

7.1. **AUTHORITY.** The Executive Committee shall carry on the duties and exercise the powers of the State Committee when it is not in session or stands in recess. The Executive Committee shall, in any county where no County Affiliate has been organized pursuant to these rules and the Election Law, exercise and discharge within such counties all of the powers, functions, and duties of a County Affiliate as permitted by these rules or by law. Any action of the Executive Committee may be overruled by a two-thirds (2/3) vote of the State Committee.

7.2. **MEMBERSHIP.** The Executive Committee shall consist of the officers of the State Committee as defined in Article 7.6 and five (5) Members-At-Large elected by the State Committee at the first meeting of each newly elected State Committee. There shall be no more than one (1) Member-At-Large from a single Judicial District. Within three days after election a certificate stating the names and post office addresses of such officers shall be filed with the New York State Board of Elections as required by law.

7.3. **PRESIDING OFFICER.** The Chair shall be the Presiding Officer for the purpose of signing and filing documents as provided by law.

7.4. **TERM.** All Executive Committee members shall be elected at the first State Committee meeting following the primary election in even numbered years and shall serve a term of two (2) years or until their successors are duly elected as provided herein or by statute. Executive Committee members who move out of their State Committee district but within the State of New York may keep their offices until the end of their term.

7.5. **MEETINGS.** Meetings of the Executive Committee shall be held in-person or by teleconference and shall be open to observation by all members of the State Committee, with the exception of Executive Session.

### **7.6. EXECUTIVE SESSION.**

7.6.1. The Executive Committee shall conduct all votes and actions in open session. The reasons for moving to Executive Session must be stated in the minutes of the Executive Committee.

7.6.2. Executive Session may only be used for discussion of personnel matters, contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality, specifically excluding discussions of qualifications of candidates.

7.7. **VOTING.** Each member of the Executive Committee shall have one vote. There shall be no proxy voting. Voting on any issue before the Executive Committee may be conducted through electronic means or written ballot.

7.8. **QUORUM.** Quorum at meetings of the Executive Committee shall consist of a majority of the members of the Executive Committee. A quorum for online voting or for special meetings called shall consist of two thirds (2/3) of the Executive Committee members.

## **Article 8. Committees**

8.1. **GENERAL.** The State Committee and Executive Committee may create standing or special committees and appoint their members and chair, as it sees fit. The chair of each committee shall serve until the end of the first Executive Committee meeting following the next organization meeting, or until their resignation, removal, or reappointment as chair.

## **Article 9. County Affiliates**

9.1. **GENERAL PROVISIONS.** No more than one (1) County Affiliate shall be recognized by and affiliated with the Libertarian Party for each county. The Affiliate will officially represent the registered voters enrolled in the Libertarian Party in the county and shall exercise all of the powers of the County Committees as set forth herein and not prohibited by applicable law. The County Affiliate shall be organized as either a County Organization as outlined in Article 9.2. or as a Constituted County Committee as outlined in Article 9.5.

9.1.1. All preexisting County Affiliates shall continue to be recognized. In those counties where an insufficient number of Election District delegates were elected at primary, or where no election district delegates to the County Committee were elected at primary, the County Organization shall adopt Rules and elect officers and meet the requirements set forth in Articles 9.3.2. and 9.3.3. in these rules for the formation of a County Organization, otherwise they shall cease to exist on March 1, 2021. A quorum of the Executive Committee shall certify by a majority vote that such requirements have been met.

### **9.2. COUNTY ORGANIZATIONS**

9.2.1. In any county where an insufficient number of Election District delegates were elected to form a County Committee, a County Organization may be formed and affiliated in those counties when a convention is held to adopt county rules consistent with Article 10.2 and elect officers. Quorum at the convention shall be 3% of the enrolled Libertarians residing in the county or nine (9), whichever is less, but no convention shall be considered valid unless at least four (4) enrolled Libertarians residing in the county are present.

9.2.1.1. **COUNTY CONTACTS.** The State Committee may appoint a County Contact for the purpose of establishing a point person to organize a County Organization. The County Contact shall have a term of six (6) months, subject to renewal by the State Committee. Upon establishment of a County Organization, the duly elected Chair shall replace the County Contact as the State Committee's point person in a given county.

9.2.2. Upon a majority vote of the Executive Committee of the State Committee, the group that met the criteria in Article 10.3 shall become an affiliated County Organization.

9.3. **AFFILIATION CRITERIA.** To qualify to be an affiliated County Organization, a County Organization must provide documentation to the Executive Committee of the following:



9.3.1. A convention held in accordance with Article 9.2.1. at which county rules consistent with these Rules were adopted and the county officers and any Election District delegates were elected. The convention may be held in-person, by video conference, or a combination thereof.

9.3.2. An election of officers elected through single non-transferable votes and a provision in their rules to hold a convention or special meeting to elect officers no less than once every two years.

9.3.3. A provision in the county rules for membership meetings to be held no less often than once per quarter, open to all county members and announced as provided in Article 6.11. of these rules.

9.3.4. **NOTIFICATION.** Notice of the convention must be made to all enrolled Libertarians in the county by one or more of the following options.

9.3.4.1. The first notice is to be sent to the mailing address, email address, and/or telephone number on record at the County Board of Elections. The expense of mailing can be reduced by sending a notice by telephone but cannot be given by leaving a message. Any notice given by a text message should be acknowledged as having been received. The first notice must also include a clear statement of how notice of subsequent meetings will be provided.

9.3.4.2. Subsequent notification shall be sufficient if it is posted on the County Organization's Facebook page.

#### 9.4. RULES GOVERNING COUNTY ORGANIZATIONS.

9.4.1. **MEMBERS.** Voting members of the County Organizations shall be members of the Libertarian Party as defined in Article 5, who are appointed Election District delegates under Article 10.4.5. and are present at a given meeting of the affiliated County Organization. Officers are voting members of the County Organization by virtue of their office, but no individual may cast more than one vote.

9.4.2. **OFFICERS.** Each County Organization shall elect a Chair, a Vice Chair, a Secretary, and a Treasurer.

#### 9.4.3. VACANCIES

9.4.3.1. In the event of a vacancy in the office of Chair, the Vice Chair shall succeed as the Chair of the County Organization.

9.4.3.2. All other vacancies on the County Organization shall be filled by a majority vote of the County Organization in a manner determined solely by the County Organization.

9.4.4. **AUTHORITY.** Until a County Committee is elected in a given county by the enrolled voters of the Libertarian Party in accordance with the Election Law, a County Organization shall exercise all of the powers of a County Committee in their respective county as set forth herein and not prohibited by applicable law.

9.4.5. **ELECTION DISTRICT DELEGATES.** The County Organization shall appoint no more than two (2) enrolled members of the Libertarian Party to represent each Election District in their county. Any enrolled member of the Libertarian Party shall be appointed as an Election District delegate as long as there is a vacancy. An election shall be held if there are more candidates than Election District delegate positions. County Organizations shall determine the manner in which Election District delegates are appointed. Such appointment is not intended to be subject to Election Law 2-104.

## 9.5. CONSTITUTED COUNTY COMMITTEES

9.5.1. When the number of Election District delegates elected at primary is sufficient to meet Election Law requirements, and an organizational meeting is held, the County Affiliate shall be referred to as a Libertarian County Committee. No County Committee shall be recognized unless elected, organized, and constituted in accordance with the Election Law.

9.5.2. County Committee Rules. County Committees shall adopt rules that are consistent with these Rules and Election Law.

## Article 10. Judicial Committee

10.1. **ORGANIZATION.** The purpose of the Judicial Committee is to adjudicate disputes within the Libertarian Party and hear appeals of disciplinary decisions.

10.1.1. **COMPOSITION.** The Judicial Committee shall be composed of nine (9) members elected by the State Committee at the first meeting of the full State Committee following the organization meeting for a term of two (2) years. Each member must receive at least two-thirds (2/3) of the vote to be elected.

10.1.2. **ELIGIBILITY.** Members of the Judicial Committee must be enrolled Libertarians who are not members of the Executive Committee.

10.1.3. **OFFICERS.** The members of the Judicial Committee present at the first meeting of the State Committee subsequent to its election shall meet to elect a Chair, a Vice-Chair, and a Secretary.

### 10.2. MEETINGS.

10.2.1. Meetings may be called by the State Committee for the purpose of conducting a hearing as described in Article 12.

10.2.2. Meetings may also be called for the purpose of issuing an opinion on a matter in dispute, by the Executive Committee or by a petition declaring the issue in dispute signed by at least twenty-five percent (25%) of the State Committee submitted to the Secretary or Chair of the Judicial Committee; the Chair of the Judicial Committee shall set the hour and location of any such meeting, which shall be held within thirty (30) days and may be held by teleconference, and the Secretary shall issue to the members the call of the meeting at least five (5) days in advance.

10.3. **QUORUM.** Quorum shall consist of five (5) members.

10.4. **VOTING.** The votes of the members of the Judicial Committee shall count equally. Opinions, dissents and concurrences issued by the Judicial Committee shall be signed by the members who support them.

10.5. **VACANCIES.** Vacancies on the Judicial Committee shall be filled by the State Committee. In the event that the Chair is not present or otherwise relinquishes the chair at a meeting, the Vice-Chair of the Judicial Committee shall preside. If neither the Chair nor the Vice-Chair is available, the Secretary shall preside. If neither the Chair nor the Vice Chair nor the Secretary is available, the members present shall select a chair pro tem to preside.

10.6. **REMOVAL OF MEMBERS.** Members of the Judicial Committee may be removed as outlined in the provisions of Article 12 by the full State Committee.

## **Article 11. Removal of Officers and Affiliation**

### **11.1. GENERAL.**

11.1.1. Affiliation with a County Organization may be revoked in accordance with this article.

11.1.2. Any officer of a County Organization, member of the State Committee, or member of the Executive Committee may be removed from office in accordance with this article and Article 2-116 of Election Law.

### **11.2. PROCEDURE**

11.2.1. With a two-thirds (2/3) vote, the State Executive Committee may request a hearing be held by the State Committee for the purpose of removing an officer of a County Organization or an officer or member of the State Committee, or revoking the affiliation of a County Organization.

11.2.2. Upon review of the request for a hearing, a majority vote of the State Committee shall be required to approve a hearing.

11.2.3. Following a hearing as approved in Article 11.2.2, a two-thirds (2/3) vote of the State Committee is required to remove a State Committee officer or member, a county officer, or to revoke a county affiliation.

11.3. **CAUSE FOR REMOVAL.** In general, disloyalty to the party and corruption in office are grounds for removal of any officer of a County Affiliate. The following are some specific grounds upon which a hearing should be called, and if substantiated, are grounds for removal of the officer or officers involved:

11.3.1. The failure to adopt county rules consistent with Article 10.

11.3.2. Failure to appoint an enrolled Libertarian as an Election District Delegate who volunteered for an open position as a member of the County Organization, with the exception that an enrolled Libertarian who was previously removed from the County Organization for cause.

11.3.3. The failure to hold timely meetings open to all voters enrolled in the Libertarian Party.

11.3.4. The creation, and/or submission of fraudulent documents to anyone, which misrepresents the individual's identity, party position, office, or authority.

11.3.5. Using the party's financial resources in support of a candidate not enrolled in the Libertarian Party and not elected at the primary.

11.3.6. Using party resources and/or official titles in support of a candidate not enrolled in the Libertarian Party for which a fraudulent certificate of authorization was filed.

11.3.7. Using party resources and/or official titles in support of a candidate not enrolled in the Libertarian Party for which an enrolled Libertarian is running for the same office.

11.3.8. acts of libel or slander

11.3.9. engaging in conduct or speech that reflects egregiously negative on the Libertarian Party.

11.3.10. failure to remain continuous enrollment in the Libertarian Party.

11.3.11. any failure to convene under Article 14 occurs.

11.4. **ABANDONMENT OF POSITION.** Any member of the State Committee who has previously failed to attend or participate in two (2) consecutive properly called meetings and has evinced no other

intent to continue in office may be removed following a hearing by the State Committee for having abandoned the position; for this vote, the member or members in question need not be counted for quorum purposes.

11.5. The list provided in 11.4. is non-exhaustive.

## **Article 12. Delegates to Libertarian National Conventions**

12.1. **AUTHORITY.** The selection of delegates to the Libertarian Party National Convention shall be governed by the rules of the National Libertarian Party, the rules of the Libertarian Party, and the New York State Election Law. The State Committee shall have the authority **to** decide in a timely manner a process to implement the selection of delegates to the Libertarian National Convention.

12.2. **ELIGIBILITY.** Delegates to Libertarian National Conventions must be enrolled in the Libertarian Party, a Bylaws Sustaining Member (BSM) of the National Libertarian Party, and a resident in the State of New York.

12.3. **QUALIFICATION OF AT-LARGE DELEGATES.** To be elected as an At-Large delegate to the National Convention prior to the January 1 of the year of the convention, the individual must:

- (a) be a registered voter enrolled in the Libertarian Party for previous two years, and
- (b) be a bylaws Sustaining Member of the national party for the previous two years, and
- (c) be an Officer or Member of the State Committee or an Officer or Election District delegate of a County Affiliate.

12.4. All delegates shall be free to vote their conscience.

### **12.5. PRESIDENTIAL NOMINATING CONVENTIONS.**

12.5.1. **CONGRESSIONAL DISTRICT DELEGATES.** At least one (1) delegate from each New York State Congressional District is to be elected at the Presidential Primary in any year when such a primary takes place. All remaining delegates are to be elected At-Large by the State Committee one month before petitions for the Presidential Primary begins. Vacancies shall be filled thereafter in accordance with these Rules.

12.5.2. **DELEGATE SLATES.** All Presidential candidates filing petitions of nomination must choose and submit a slate of delegates to the Board of Elections in a timely manner. An enrolled Libertarian may appear on the slate of delegates of more than one Presidential candidate. No person shall be listed on a slate of delegates without the person's permission.

12.5.3. Should an individual selected by the State Committee to be an At-Large delegate to the National Convention then become a New York State Congressional District Delegate elected at the Presidential primary, the newly elected New York State Congressional District Delegate shall cease to be an At-Large delegate and the State Committee shall elect another individual to be the At-Large delegate.

12.5.4. If the State Board of Elections has not certified the winner of a Presidential Primary and a corresponding slate of Congressional Delegates at least 30 days prior to the scheduled National Convention, the State Committee shall have the authority to select all delegates in a manner it determines is appropriate.

12.6. **NON-PRESIDENTIAL NOMINATING CONVENTIONS.** The State Committee shall have the authority to select all delegates in a manner it determines is appropriate no later than three (3) months before the National Convention.

## **Article 13. Nominations of Enrolled Libertarians for Public Office**

13.1. **PRIME DIRECTIVE.** It shall be the highest responsibility for the State Committee and all County Affiliates to notify all enrolled Libertarians about the offices up for election and to identify and cultivate enrolled Libertarian candidates.

13.2. **CANDIDATE QUALIFICATIONS.** Libertarian Party candidates will be limited to those people who are enrolled members of the Libertarian Party except as provided in Article 15.

### **13.3. STATEWIDE CANDIDATES.**

13.3.1. Candidates for statewide office shall be nominated at a special open meeting of the State Committee in accordance with these Rules and Election Law This meeting shall be held no earlier than 21 days and no later than four (4) days before petitioning for the statewide office starts.

13.3.2. When multiple candidates are vying for nomination for a single position, voting shall continue in the usual manner until one individual receives a majority of the votes cast. Subsequently, a runoff vote of that candidate versus “None of the Above” shall be held.

13.3.3. It shall take a majority of those voting to nominate.

13.3.4. The State Committee shall notify any candidate receiving more than 25% of the vote of their right to be placed on the primary ballot as per Election Law 6-104-2. To secure this right, the candidate must contact the Board of Elections no later than seven (7) days after such meeting and may be withdrawn in the same manner within fourteen (14) days after such meeting.

13.3.5. The Executive Committee of the State Committee shall constitute the committee to fill any vacancy in such designations that may occur after the State Committee has adjourned. Only enrolled Libertarians shall be eligible to fill such vacancies.

13.4. **NEW YORK CITY CANDIDATES.** Nominations for offices in New York City to be filled at an election for all the voters of New York City shall be made as per Election Law 6-120-3. When such designation or nomination is for an office to be filled by all the voters of the City of New York, such authorization must be by a majority vote of those present at a joint meeting of the executive committees of each of the County Affiliates of the party within the City of New York, provided a quorum is present at such meeting, unless such a convention passes by two-thirds (2/3) an enabling resolution consistent with these Rules authorizing some person or group other than such convention to make such nominations on behalf of the party.

13.5. **CANDIDATES IN UNORGANIZED COUNTIES.** All nominations for public office where the geographic boundaries for such office lie wholly within a county or counties in which there is no County Affiliate, shall be made by the State Committee.

13.6. **CANDIDATES IN MULTI-COUNTY DISTRICTS.** The authority of the State Committee whether directly or by enabling resolution, shall not extend to selecting any candidates for public office where a portion of the geographic boundaries lie within a county where there is already a

County Affiliate, with the exception that candidates for public offices which encompass the entire state or entirely in New York City shall be nominated as detailed earlier in this article.

**13.7. CANDIDATES WITHIN ORGANIZED COUNTIES.** Where a political district overlaps only one County Affiliate, selection of candidates shall be made by that County Affiliate.

**13.8. ENROLLED LIBERTARIAN CANDIDATES IN MULTI-COUNTY DISTRICTS WITH TWO OR MORE COUNTY AFFILIATES.** Where the geographic boundary of a public office other than statewide or New York City-wide cross into counties where there is more than one County Affiliate in existence, then selection of an enrolled Libertarian to be a candidate for that office shall be made by a majority weighted vote of the affected County Affiliates.

13.8.1. The weighted vote shall be defined as the number of votes received by the Libertarian Party's Candidate for Governor on the Libertarian Party line, in the previous election for the office of Governor of the State of New York. Each County Affiliate will receive a weighting based on the number of votes received for the Libertarian Party gubernatorial candidate within its portion of the political division.

13.8.2. The approvals must be separately communicated by each County Affiliate to the State Committee.

**13.9. SUPREME COURT NOMINATIONS.** Party nominations for the office of Justice of the Supreme Court shall be made by the Judicial District Convention, as per Election Law 6-106.

**13.10. JUDICIAL DISTRICT CONVENTION.**

13.10.1. **JUDICIAL DISTRICT DELEGATES.** Each Judicial District shall be entitled to a number of Judicial District Delegates and an equal number of Judicial District alternates equivalent to the number of Judicial District State Committee members per Judicial District as stated in Article ~~7-3~~ **6.3** of these Rules.

13.10.2. **CRITERIA.** Delegates to the Judicial District Convention and alternate members of the Judicial District Convention shall be elected by enrolled Libertarians at the primary elections in even numbered years. Members and alternates must reside in the Judicial District that they represent and shall be elected At Large within that Judicial District.

13.10.3. **VOTING BODY.** The duly elected Judicial District Delegates must attend the Judicial District conventions and the Judicial District alternates must be invited to attend. When a duly elected delegate is not present at the opening of the convention, immediately after the convening of the convention the Judicial District Delegate's position shall be assigned by the convention to one of the alternates. Alternates shall be selected in this order: The district alternate with the largest number of votes received and if equal then by lot, or if no alternate exists for the district, substitution with an alternates from another district can be made in an ordered declining sequence of the number of votes received. Once the substitution is made, the Judicial District Delegate from that district must appeal to the convention to have the alternate dismissed in order to be reinstated.

**13.11. ELECTORS FOR PRESIDENT AND VICE PRESIDENT.** Party nominations of candidates for the office of elector of president and vice president of the United States, one for each congressional district and two at large, shall be made by the State Committee, as is required in Election Law 6-102.

**13.12. CERTIFICATES OF NOMINATION.** The State Committee has the sole authority to issue certificates of nomination when such are allowed by Election Law. That authority may not be transferred. The State Committee shall issue certificates of nomination for all candidates selected in accordance with

these Rules within 15 days of notification of the selection of the candidate. A certificate of nomination may only be issued to an enrolled member of the Libertarian Party.

**13.13. SPECIAL ELECTIONS.** Article 13 shall govern special elections in any political subdivision. Any vacancy in such nominations shall be filled by the making and a filing of a certificate of nomination issued by the State Committee.

## **Article 14. Nominations of Non-Libertarians for Public Office**

### **14.1. NON-LIBERTARIAN CANDIDATES.**

14.1.1. Anyone seeking to be the Libertarian Party's candidate in any subdivision in New York State who is not an enrolled member of the Libertarian Party must make a request for a Certificate of Authorization and will be subject to approval, as provided by these Rules and Election Law.

14.1.2. Candidates not enrolled in the Libertarian Party shall never be given authorization or nomination to run for a statewide office.

**14.2. NON-LIBERTARIAN CANDIDATES IN UNORGANIZED COUNTIES.** The State Committee shall determine by majority vote whether to issue a Certificate of Authorization for any candidate in a district with no overlapping County Affiliates.

14.2.1. Non-Libertarian candidates in such districts must make the request to the Secretary of the State Committee at least seven (7) days prior to the start of the petitioning period.

14.2.2. If the State Committee is notified that an enrolled Libertarian is running for the same office within the first seven (7) days of petitioning, no Certificate of Authorization shall be given to a non-Libertarian candidate without a two-thirds (2/3) vote of the State Committee.

14.2.3. An initial vote on authorizations must be held prior to the 14th day of the petitioning period.

**14.3. NON-LIBERTARIAN CANDIDATES WITHIN ORGANIZED COUNTIES.** Non-Libertarian Candidates for an office whose geographical boundaries are wholly in a single organized county may approve candidates per their rules with the exception as outlined in Article 14.3.1. Constituted county committees shall be exempt from Article 14.3.1.

14.3.1. If the County Affiliate is notified that an enrolled Libertarian is running for the same office within the first seven (7) days of petitioning, no approval to issue a Certificate of Authorization shall be given to a non-Libertarian candidate without a two-thirds (2/3) vote of the voting members of the County Affiliate as defined in their rules.

14.3.2. An initial vote on approving authorizations must be held prior to the 14th day of the petitioning period.

14.3.3. If the approval is made by a recognized County Affiliate and not by a constituted County Committees, upon objection by a State Committee member who represents the Judicial District in which the county affiliate is located, the State committee may vote to override and cancel said nomination by two-thirds (2/3) vote of the State committee.

14.3.4. The approval of a candidate for a Certificate of Authorization must be submitted to the State Committee prior to the 14th day of the petitioning period.

**14.4. NON-LIBERTARIAN CANDIDATES IN MULTI-COUNTY DISTRICTS.** Where the geographic boundary of a public office other than statewide or New York City-wide cross into counties where there is more than one County Affiliate in existence, then nominations selection of a non-enrolled libertarian to be a candidate for a that office shall be made by a majority weighted vote of the affected County Affiliates.

14.4.1. The weighted vote shall be defined as the number of votes received by the Libertarian Party's Candidate for Governor on the Libertarian Party line; in the previous election for the office of Governor of the State of New York. Each County Affiliate will receive a weighting based on the number of votes received for the Libertarian Party Gubernatorial candidate within its portion of the political division.

14.4.2. If any County Affiliate is notified that an enrolled Libertarian is running for the same office within the first seven (7) days of petitioning, or prior to the meeting, no approval shall be given to a non-Libertarian candidate without a two-thirds (2/3) majority of weighted vote for the given election district.

14.4.3. The approvals must be separately communicated by each County Affiliate to the State Committee, along with a statement from each County Chair to the effect that they know of no enrolled Libertarian interested in and eligible for the position. Such notification must be received by the Secretary of the State Committee by the Friday prior to the vote by the State Committee on whether to issue the Certificate of Authorization.

14.4.4. Notification Requirements. Any interested non-Libertarian Candidates must notify a recognized county organization or constituted county committee chair at least 7 days prior to the start of the petitioning period to be considered for authorization. Once notified of the interested candidate, the county chair must notify, within 3 days, the state committee secretary and the other county organization chairs or county committee chairs who's county is wholly or in part contained within the geographical boundaries of the office of the interested candidate.

14.4.5. If the approval is made by recognized county organizations and not solely by constituted committees, upon objection by a state committee member who represents the Judicial District in which the office is located, the state committee may vote to override and cancel said authorization by two-thirds vote of the state committee. Otherwise, the state committee shall issue such authorization as approved by the joint meeting.

14.5. Multiple Certificates of Authorization may be issued by the State Committee for the same office.

## **Article 15. Party Funds in Primary Elections**

The Libertarian Party and County Affiliates are prohibited from expending funds in support of a specific candidate in a primary election, except when the primary involves a candidate not enrolled in the Libertarian Party, in which funds may be expended for the purpose of supporting the enrolled Libertarian Party candidate.



## **Article 16. Platform**

Considerations of any proposed platform amendment shall be as follows:

16.1. Any amendment, addition, or deletion to the platform shall be considered separately, plank by plank. Any such amendment must be approved by a two-thirds (2/3) vote of the State Committee members.

16.2. All those planks which have been approved individually and only such planks shall then constitute the platform which shall take effect as the Libertarian Party platform when approved as a whole, by two-thirds (2/3) vote of the State Committee members.

16.3. Amendments to the Platform shall be placed on the agenda of the full State Committee at least twice per year.

## **Article 17. Resolutions**

To provide the Libertarian Party with a means of expressing its opinion on issues of public concern, resolutions may be passed by two thirds (2/3) vote of the State Committee.

## **Article 18. Loans**

No loans may be made by the Libertarian Party to any member of the State Committee or to any officer thereof.

## **Article 19. Parliamentary Authority**

Robert's Rules of Order (11th edition) shall govern all meetings of the State Committee and Executive Committee in so far as they are applicable and not inconsistent with these rules.

## **Article 20. Amendments**

20.1. These rules may be amended by a majority vote of the full State Committee. An advanced notice of any proposed rules amendment, as specified by Election Law 2-114, is required.

20.2. Amendments to these Rules must be submitted in writing to the Secretary at least five (5) days in advance of the meeting in which the amendments shall be voted upon.

## **Article 21. Exclusivity**

21.1. These rules shall be the exclusive rules of the State Committee of the Libertarian Party.

21.2. These rules supersede and replace any document previously filed by the Party, and shall remain in effect until such time that the State Committee of the Libertarian Party adopts new or amended Rules and files such Rules with the New York State Board of Elections. No other rules shall be effective unless approved in writing by the State Committee.

## **Article 22. Severability**

Any provision of these rules that is adjudged to be invalid or otherwise rendered inoperative by a court or competent jurisdiction shall not affect the validity of any other provision of these rules.