

**Proposal #NN**

**ADD NEW ARTICLE 8 – REMOVAL FROM OFFICE + AMEND ARTICLE 6, 7, & 8**

**Problem:** The controversy at last convention revealed there is a reasonable ambiguity in our bylaws over whether the due process provision of RONR apply to removal of officers and by extension at-large members. It is incumbent upon us to resolve that ambiguity. Libertarian principles and honoring the will of the delegates should compel us to choose the due process avenue. Even with due process, this procedure cannot allow the LNC to be able to removal a minority member because they find them “difficult” because that can be inherent in a vocal minority member that the delegates chose. This is a balance between honoring the will of the delegates and protecting the Party.

<b>Current Wording</b>	<b>Proposed Amendment</b>	<b>If Adopted, Will Read</b>
<p><b>ARTICLE 6: OFFICERS</b></p> <p>[...]</p> <p>7. The National Committee may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee, excepting the officer that is the subject of the vote who may not participate in that vote. The suspended officer 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. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present 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 suspension of the officer or order the officer's reinstatement within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the officer. At such time as the suspension is final, the office in question shall be deemed vacant.</p> <p>[...]</p>	<p><b>ARTICLE 6: OFFICERS</b></p> <p>[...]</p> <p><del>7. The National Committee may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee, excepting the officer that is the subject of the vote who may not participate in that vote. The suspended officer 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. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present 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 suspension of the officer or order the officer's reinstatement within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the officer. At such time as the suspension is final, the office in question shall be deemed vacant.</del></p>	<p><b>ARTICLE 6: OFFICERS</b></p> <p>[...]</p> <p><b>ARTICLE 7: NATIONAL COMMITTEE</b></p> <p>[...]</p> <p><b>ARTICLE 8: REMOVAL FROM OFFICE</b></p> <p>No officer or member-at-large shall be subject to removal from office except for failure to perform the duties of office or gross malfeasance. The process for removing officers and members-at-large shall be the trial procedure as outlined in the Party's parliamentary authority, with removal requiring a vote of 2/3 of the entire National Committee, excepting the member that is the subject of the vote who may not participate in that vote. The membership rights of the officer or member-at-large can be suspended by a 2/3 vote for up to sixty days while the matter is being investigated. The subject officer or member-at-large may appeal their removal in writing to the Judicial Committee within seven days of receipt of notice of removal. Failure to appeal within seven days shall confirm the removal and bar any later challenge or appeal. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal. The Judicial Committee shall notify the petitioner and identified prospective respondents of their right to appear and present evidence and argument. At the hearing the burden of</p>
<p><b>ARTICLE 7: NATIONAL COMMITTEE</b></p>	<p>[...]</p>	

[...]

5. The National Committee may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee, excepting the member that is the subject of the vote who may not participate in that vote. 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. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present 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 suspension of the member-at-large or order reinstatement of the member-at-large within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the member-at-large. At such times as the suspension is final, the office in question shall be deemed vacant.

[...]

#### ARTICLE 8: JUDICIAL COMMITTEE

[...]

2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:

- suspension of affiliate parties (Article 5, Section 6),
- suspension of officers (Article 6, Section 7),
- suspension of National Committee members-at-large (Article 7, Section 5),
- voiding of National Committee decisions (Article 7, Section 12),

#### ARTICLE 7: 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, excepting the member that is the subject of the vote who may not participate in that vote. 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. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present 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 suspension of the member-at-large or order reinstatement of the member-at-large within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the member-at-large. At such times as the suspension is final, the office in question shall be deemed vacant.~~

[...]

#### ARTICLE 8: REMOVAL FROM OFFICE

No officer or member-at-large shall be subject to removal from office except for failure to perform the duties of office or gross malfeasance. The process for removing officers and members-at-large shall be the trial procedure as outlined in the Party's parliamentary authority, with removal requiring a vote of 2/3 of the entire National Committee, excepting the member that is the subject of the vote who may not participate in that vote.

persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's removal of the officer or member-at-large or order reinstatement of the officer or member-at-large within 30 days of the hearing. Failure of the Judicial Committee to make a final decision on the appeal within 30 days shall constitute an overturning of the National Committee's removal of the subject officer or member-at-large and restoration of that individual to office. At such time as the removal is final, the office in question shall be deemed vacant.

#### ARTICLE 9: JUDICIAL COMMITTEE

[...]

2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:

- suspension of affiliate parties (Article 5, Section 6),
- removal of officers and National Committee members-at-large (Article 8)
- voiding of National Committee decisions (Article 7, Section 12),
- challenges to platform planks (Rule 5, Section 7),
- challenges to resolutions (Rule 6, Section 2), and
- suspension of Presidential and Vice-Presidential candidates (Article 14, Section 5).

[...]

- e. challenges to platform planks (Rule 5, Section 7),
- f. challenges to resolutions (Rule 6, Section 2), and
- g. suspension of Presidential and Vice-Presidential candidates (Article 14, Section 5).

[...]

The membership rights of the officer or member-at-large can be suspended by a 2/3 vote for up to sixty days while the matter is being investigated. The subject officer or member-at-large may appeal their removal in writing to the Judicial Committee within seven days of receipt of notice of removal. Failure to appeal within seven days shall confirm the removal and bar any later challenge or appeal. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal. The Judicial Committee shall notify the petitioner and identified prospective respondents of their right to appear and present 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 removal of the officer or member-at-large or order reinstatement of the officer or member-at-large within 30 days of the hearing. Failure of the Judicial Committee to make a final decision on the appeal within 30 days shall constitute an overturning of the National Committee's removal of the subject officer or member-at-large and restoration of that individual to office. At such time as the removal is final, the office in question shall be deemed vacant.

**ARTICLE 89: JUDICIAL COMMITTEE**

[...]

2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:
- a. suspension of affiliate parties (Article 5, Section 6),
  - ~~b. suspension of officers (Article 6, Section 7),~~
  - ~~c. suspension of National Committee members-at-large (Article 7, Section 5),~~
  - b. removal of officers and National Committee members-at-large (Article 8)

	<p>c. voiding of National Committee decisions (Article 7, Section 12),</p> <p>d. challenges to platform planks (Rule 5, Section 7),</p> <p>e. challenges to resolutions (Rule 6, Section 2), and</p> <p>f. suspension of Presidential and Vice-Presidential candidates (Article 14, Section 5).</p> <p>[...]</p>	
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**SPONSORS:** Harlos

**MARK-UP LEGEND**

- In replacements, deletions precede additions.
- Deletions are in ~~**red bold italic strikethrough**~~.
- Additions are in **blue bold underline**.
- Per LPUS Bylaws, Article XVII, Section 1, the bylaws require a 2/3 vote to pass.
- Per RONR t8 #13, the convention special rules of order require a 2/3 vote with notice or a majority of the entire convention membership