

**THE RULES of the  
SOUTH CAROLINA  
LIBERTARIAN PARTY**

**AS ADOPTED by the South Carolina Libertarian Party State  
Convention on November 4, 2017**

**AS AMENDED by the SCLP State Convention on May 5, 2018  
AS AMENDED by the SCLP State Convention on November 2, 2019**

## **PREAMBLE**

The goal of the South Carolina Libertarian Party is to restore the supremacy of the natural rights of each individual.

In striving for liberty, the South Carolina Libertarian Party has as its main function the presentation of an argument for freedom and a defense of natural rights, using the political process as an educational forum and as a method for constraining the power of government. Specifically, the South Carolina Libertarian Party seeks to restore freedom by running candidates for public office who fully embrace libertarian principles; who eloquently and consistently put forth a principled argument for freedom during their campaigns; and who energetically attempt, when elected, to constrain government. The purpose of all these activities is to convince South Carolinians that respect for each individual's natural rights is a prerequisite for liberty, and that liberty is essential to human happiness, survival, progress, peace and creativity.

The South Carolina Libertarian Party does not believe in or advocate the initiation of force or fraud as a means of achieving political or social goals.

## **TABLE OF CONTENTS**

### **RULE 1 NAME and MEMBERSHIP**

- §1. Party Name
- §2. Membership

### **RULE 2 INTERPRETATION and APPLICATION OF RULES; AMENDMENTS; DISTRIBUTION; DEFINITIONS**

- §1. Interpretation and Application of Rules
- §2. Definitions
- §3. Duplication and Distribution
- §4. Notices

### **RULE 3 LEVELS OF ORGANIZATION**

### **RULE 4 PRECINCT ORGANIZATION [reserved]**

### **RULE 5 COUNTY ORGANIZATION**

- §1. Initial Organization
- §2. County Convention
- §3. Convention Proceedings
- §4. County Committee
- §5. Resignations and Vacancies

### **RULE 6 CONGRESSIONAL DISTRICT ORGANIZATIONS [reserved]**

### **RULE 7 STATE ORGANIZATION**

- §1. State Convention
- §2. Convention Proceedings
- §3. Delegates to National Convention

### **RULE 8 STATE COMMITTEE**

- §1. State Committee
- §2. State Officers
- §3. Resignations and Vacancies
- §4. Honors and Awards

### **RULE 9 PROXIES**

### **RULE 10 QUORUM**

### **RULE 11 APPEALS**

### **RULE 12 NOMINATION OF CANDIDATES**

- §1. Nomination of Candidates for Elective Public Office
- §2. Filings Fees

§3. Candidate Qualifications

§4. Death or Withdrawal of Nominee

**RULE 13 PRESIDENTIAL ELECTORS**

**RULE 14 FINANCES**

**RULE 15 MUNICIPAL ORGANIZATIONS**

**RULE 16 PARTY OFFICIALS AS CANDIDATES FOR PUBLIC OFFICE**

## RULE 1

### NAME and MEMBERSHIP

#### Section 1. Party Name

- a) Name. The name of this political organization shall be "The South Carolina Libertarian Party." The name of each component county organization shall be "The \_\_\_\_\_ County Libertarian Party."

#### Section 2. Membership

- a) Qualifications. The qualifications for membership in the South Carolina Libertarian Party shall be those specified in the Code of Laws of South Carolina, Title 7, Chapter 9, Section 20, as amended. In addition, each applicant for membership in the Party shall sign the following statement: *"I certify that I oppose the initiation of force to achieve political or social goals."* The county secretary or another county officer shall forward a copy of such written statement, dated and signed by the new member, to the State Secretary before the membership shall become effective. Membership in the National Libertarian Party shall automatically confer membership in the South Carolina Libertarian Party as long as all other qualifications are met.
- b) Dues. The State Committee may establish membership dues in such amount as it deems appropriate.
- c) Holding Party Office. Only a member is entitled to hold office in the Party or any County Committee; be a delegate to the State Convention; run for public office on the Libertarian Party ticket if legitimately nominated; be a member of the State Committee; or be a delegate to the Libertarian Party National Convention. With the exception of newly-organized county parties, no person may serve as an official of a county party, including as a state committeeman, or the state Party, who has not been a member of the Party for at least six months as of the date of his election. No person may serve as State Chairman or one of the State Vice-Chairmen who has not been a member of the Party for at least one year as of the date of his election.
- d) Resignation. A member may resign from the Party by submitting a letter of resignation to Secretary of his county party or to the State Secretary.
- e) Expulsion. A member may be expelled from the Party only by action of the State Committee in accordance with these Rules.
- i. Expulsion of a member may be: (x) recommended by action of a County Committee or by written petition signed by three (3) Party members, in each case showing cause for such expulsion; (y) recommended by the State Chairman; or (z) initiated by the State Committee *sua sponte*.
  - ii. Grounds for expulsion shall include taking any action (x) which is deleterious to the party or which seriously damages its reputation and public esteem; (y) which imperils its continued legal existence, its status as a registered political party in the state of South Carolina, its

- recognition by the National Party as a state affiliate, or its federal or state tax-exempt status; or (z) which, in the judgment of the State Committee, is otherwise sufficiently serious that the Party desires to permanently and publicly disassociate itself from the affected member.
- iii. Any such recommendation or petition shall receive preliminary consideration by the State Committee at its next meeting, at which time it shall determine whether to proceed with an expulsion hearing. The State Chairman may appoint a special committee to investigate the charges and report to the State Committee prior to its making of any such determination.
  - iv. In the event the State Committee shall decide to proceed with an expulsion hearing, the affected member shall be provided not less than 14 days' written notice of such hearing, along with a description of the charges made against him.
  - v. An expulsion hearing may be conducted at a regular or special meeting of the State Committee, as determined by the State Chairman. Any such hearing shall be conducted in executive session, and no person shall be permitted to attend except voting members of the State Committee, Party officers, the Party's legal counsel (if any), the affected member, and such member's representative (if any). Witnesses who are not members of the State Committee shall be called into the session only for such time as their attendance is necessary for examination or cross-examination.
  - vi. Minutes of the expulsion hearing shall be sealed and deemed confidential, but the result shall be publicly announced by the State Chairman at the conclusion of the hearing.
  - vii. The affected member shall have the opportunity to appear at the hearing, personally or by representative, and to present his defense, which may be in writing, verbal, or both. He shall be permitted to present evidence and witnesses in his defense and to cross-examine any witnesses against him.
  - viii. Expulsion shall be by two-thirds vote of the entire State Committee, which for this purpose shall not permit the use of proxies.
  - ix. If expulsion is decreed it shall be effective immediately, and there shall be no appeal. Any expelled person shall not be considered for readmission to the Party for a period of five (5) years after the date of expulsion.
  - x. If expulsion is rejected, no subsequent petition for expulsion against that same member based on the same or related charges shall be entertained by the State Committee.
  - xi. In the event a member is expelled, the State Committee and/or the State Chairman may, at its or his discretion, notify the National Party and any other state party of such expulsion, and may issue public notice thereof in such manner as it or he may determine.



## **RULE 2**

### **INTERPRETATION and APPLICATION OF RULES; AMENDMENT; DISTRIBUTION; DEFINITIONS**

#### **Section 1. Interpretation and Application of Rules**

- a) These Rules shall be interpreted and applied so as to substantially accomplish their objectives. All records and lists required by the Rules shall be in writing. The spirit and not the letter of each Rule shall be controlling. Substantial compliance with a Rule shall be sufficient.
- b) Should any conflict exist or develop between any of these Rules and South Carolina statutory election law, the latter shall govern except as to those laws which have been judicially held to be constitutionally unenforceable or which are patently unconstitutional in the judgment of the State Committee.
- c) Whenever, by reason of changes in the governing law, either by way of legislative enactment or judicial decree by a court of competent jurisdiction, it becomes impossible to comply with any provision of these Rules, the State Committee is authorized to promulgate such alternate or additional rules, procedures and guidelines as may be necessary and appropriate.
- d) In matters or areas not covered by these Rules, the Rules or Bylaws of the National Libertarian Party may be followed as a guide.
- e) The proceedings of all business, organizational, reorganizational, and committee meetings and all county and state conventions, not covered by these Rules or by enforceable provisions of South Carolina law, shall conform to the most recent edition of Robert's Rules of Order, Newly Revised.
- f) All elections to a party office at all levels of organization shall be decided by a majority vote unless otherwise directed by these Rules. All delegates shall be elected by plurality vote.
- g) These Rules may be amended only by the State Convention by a majority vote of the total number of delegates present, registered and approved for that convention or reconvened convention. Unless the Convention shall declare otherwise, by motion duly made and seconded and passed by majority vote, all Rule changes shall take effect immediately upon their approval.
- h) The State Committee or the State Chairman may cause explanatory footnotes to accompany these Rules when published or printed. Footnotes may be added, removed, supplemented, corrected or altered as the occasion requires or as the orderly utilization and implementation of the Rules may suggest. Such footnotes or explanatory comments shall not be regarded as part of these Rules or have the force of Party Rules, but shall be considered as advisory only.
- i) The State Chairman may require specific forms to be used for administrative purposes at all levels of the Party.

- j) The State Chairman may make other regulations regarding administrative practices at all levels of the Party.
- k) The State Committee, each County Committee, and each County Convention may adopt for its own purposes such rules as it may deem necessary or advisable and which are not in conflict with these Rules or with applicable and enforceable state law.
- l) Where used in these Rules, the male gender shall include the female, and the singular shall include the plural, unless the context clearly indicates otherwise.
- m) Section, paragraph or other headings or titles provided herein are for convenience of reference only, and shall not affect in any way the meaning or interpretation of these Rules.
- n) Citations herein to specific sections of the South Carolina Code of Laws refer to the Code as it exists as of the date of adoption of these Rules, and shall be deemed to refer to any relevant successor or substitute sections of the Code in the event the same shall be amended or modified at any later date or dates.

## **Section 2. Definitions**

- a) "County Chairman" shall mean the duly elected chairman of the County Committee in his county.
- b) "County Officer" shall mean any officer of the Party at the county level, duly elected or appointed.
- c) "Organized County" shall mean any county having a county party organization which is recognized as such by the State Party as of the first day of the month specified by the State Committee for the biennial county organizations pursuant to SC Code §7-9-70 and Rule 5, Section 2(a) herein.
- d) "Party" shall mean the South Carolina Libertarian Party at the state or county level, as the context shall require.
- e) "Quorum" shall have the meaning set forth in Rule 10, and shall apply to all entities at both the state and county level.
- f) "Reorganization" shall mean the biennial organization of an Organized County.
- g) "State Committeeman" shall mean the duly elected committeeman from his county to the State Committee.
- h) "State Chairman" shall mean the duly elected chairman of the State Committee.
- i) "State Officer" shall mean any officer of the Party at the state level, duly elected or appointed, other than the State Committeeman, who is a county officer.
- j) "Unorganized County" shall mean any county which is not an Organized County.

## **Section 3. Duplication and Distribution**

The Rules may be reproduced and distributed as the State Committee may direct, and shall be published and maintained on the Party's official website.

## **Section 4. Notices**

- a) For the purposes of these Rules, unless otherwise specified “written notice” shall be defined as any of the following: mail by the United States Postal Service with first class postage prepaid; electronic mail; facsimile transmission; personal delivery; or delivery by private courier service.

## **RULE 3**

### **LEVELS OF ORGANIZATION**

- a) Organization of the party shall be at two levels:
  - i. the county organization; and
  - ii. the state organization.
- b) Associations of county parties within specifically designated geographic regions, formed for the purpose of inter-county coordination and communications, may be created by agreement of the county parties participating therein, but such associations shall be informal and without any legal authority to bind any county party or the state party.
- c) Any other Libertarian organization based upon a geographical area may be established, or altered, only by the State Committee.

**RULE 4**  
**PRECINCT ORGANIZATION**

[Reserved]

## RULE 5

### COUNTY ORGANIZATION

#### Section 1. Initial Organization

Initial organization of a county organization in a county not having a county party organization which is recognized by the State Committee shall be in accordance with instructions and procedures as the State Chairman may direct.

Such counties may be organized at any time.

#### Section 2. County Convention

a) Call. In every non-general election year, a county convention must be held during a month determined by the State Committee.

i. Organized Counties. The County Committee of each Organized County shall set the date, time, and location for the county reorganization convention to be held. The date set by the County Committee for its convention must be at least thirty (30) days before the state convention. (7-9-70) A County Committee may adopt for its reorganization convention the date, time and location set by the State Committee for county conventions, or it may select a different date, time and location during the month specified by the State Committee, in which case the county party shall be responsible for strict compliance with all applicable state laws and regulations concerning the call and conduct of such conventions, including proper publication of required notices thereof. Any organized county which fails or refuses to reorganize during the month specified by the State Committee shall not be permitted delegates to the State Convention. (7-9-100)

ii. Unorganized Counties. Subject to the provisions of Rule 5, Section 1 above, the organizers of any Unorganized County may elect the date, time and location set by the State Committee for Organized County reorganizations as the date, time and location for its initial organization, or it may set a different date, time and location in which case said organizers shall be responsible for strict compliance with all applicable state laws and regulations concerning the call and conduct of such conventions, including proper publication of required notices thereof. Any previously unorganized county which becomes properly organized more than 30 days prior to the State Convention shall be permitted to send delegates to such convention.

b) Location. The date, time, and location that the county convention must be reconvened during the general election year to nominate candidates for public office to be filled in the general election must be set by County Committee.

c) Publication of Notice. Notices, both for the convention to be held for reorganization and for the reconvened convention to nominate candidates, must be published by the County Committee, once a week for two consecutive weeks, not more than three nor less than two weeks, before the actual day of

the convention, in a newspaper having general circulation in the county., unless the State Committee shall have caused such notices to be published and the County Committee shall have adopted the date, time and location set by the State Committee as the date, time and location for its organization, reorganization or reconvened convention.

- d) Roll. The list of all members of the Party who reside in that county shall constitute the temporary roll of the County Convention.

### **Section 3. Convention Proceedings**

In all county conventions, business shall be conducted as follows:

- a) Call to Order. The meeting shall be called to order by the County Chairman, or County Vice-Chairman if the Chairman is not present. (7-9-80)
- b) Temporary Officers. A temporary convention president, a temporary secretary and a committee on credentials for the purpose of organizing shall be elected. (7-9-80)
- c) Report of Credentials Committee. The credentials committee shall make its report and any appeals from the credentials committee's report shall be to the county convention (7-9-80). Further appeals there from may be made to the State Committee at its next meeting thereafter, and if necessary, to the next regular state convention meeting.
- d) Convention Officers. Once organized, a permanent convention president, secretary, and treasurer shall be elected.
- e) Election of County Officers. The convention shall then elect a County Chairman, County Vice-Chairman, and a State Committeeman, (7-9-80), each of whom shall serve for a term of two (2) years or until his successor is elected.
- f) Additional Members of County Committee. In addition to the officers listed above, the County Convention may, at its discretion, elect to the County Committee such additional voting members as it may determine. Such additional members shall not be considered county officers.
- g) State Committeeman. In the event the County Convention shall fail to elect a State Committeeman, or that position should at any time become vacant, the County Chairman shall thereupon serve as the county's State Committeeman without further action by the County Convention or the County Committee until such time as the County Committee shall appoint a successor State Committeeman as provided in Rule 5, Section 5(c).
- h) Delegates to State Convention. The County Convention shall also elect delegates to the State Convention, in number fewer than or equal to triple the number of members from the county in the State House of Representatives, plus one; provided, that at the discretion of the County Convention double that number of delegates may be elected, in which case each delegate shall have one-half vote. (7-9-80). A list of such delegates, certified by the County Secretary, shall be sent to the State Secretary not later than 30 days prior to the first day of the month in which the State Convention is to be held.
- i) Lists of Officers and Delegates. A list certified, by the convention secretary and

signed by the convention president and/or County Chairman, of all officers and delegates elected by the County Convention shall be forwarded by the County Chairman or convention secretary to the State Chairman not later than thirty (30) days following the County Convention.

- j) Recess. The County Convention shall be recessed in non-general election years and may be reconvened in the following general election year, during the month set by the State Committee, to conduct such business as it deems advisable, including nomination of candidates.

#### **Section 4. County Committee**

- a) Membership. The County Committee shall consist of:
- i. the officers of the county party elected by the County Convention;
  - ii. a County Secretary to be appointed by the County Committee;
  - iii. if desired, a County Treasurer appointed in accordance with the provisions of subsection (d) below;
  - iv. any other members elected by the County Convention; and
  - v. any additional members whom the County Committee may from time to time appoint.

All of the foregoing shall be voting members; *provided*, that the County Chairman may vote only in case of a tie vote.

- b) Duties of County Officers. The duties of county officers shall be equivalent to those of the comparable state officers as specified in Rule 8, Section 2.
- c) State Committeeman. The State Committeeman from the county shall also be an officer of the County Committee and shall be entitled to vote on any question.
- d) County Treasurer. If the County Committee wishes to appoint a County Treasurer, it may do so only with the approval of the State Committee (with the exception of counties having a County Treasurer as of the date of adoption of these Rules, each of which shall be grandfathered). The State Committee will approve the appointment of a County Treasurer only if it is satisfied that the county will be capable of properly preparing and timely filing all required state and federal election commission reports. In all other cases, all county funds shall be deposited with the State Treasurer, who will hold those funds in reserve for the benefit of that county and identify them as such in all financial reports, and who shall be responsible for filing all necessary election commission reports. The approval of any county to appoint a County Treasurer shall be automatically rescinded in the event such county fails to reorganize in accordance with state law.
- e) Term of Office. The term of office of each County Committeeman shall be until the convening of the County Convention in next succeeding non-general election year.
- f) Minutes. The Secretary of the County Committee shall keep such record of the committee's meetings as the committee may direct. Any written record that is kept shall be in duplicate, one copy for the Chairman and one copy to be

retained by the Secretary.

- g) Meetings. The County Committee shall meet at the call of the County Chairman or any two (2) committeemen, at such time and place as he or they shall appoint, but no meeting shall be held without each member of the committee having been given at least twenty-four (24) hours written notice thereof: *provided*, that the next regular meeting may be called by announcement of the County Chairman at the conclusion of the previous meeting. The County Committee may also meet and act by telephone conference upon twenty-four (24) hours written notice.
- h) Continuing Body. So long as the county remains organized in accordance with these Rules and state law, the County Committee shall be considered a continuing body, and its rules of operative procedure and organization established pursuant to these Rules, or pursuant to applicable law, shall continue in force until changed by affirmative action of the Committee in conformity with these Rules or applicable law.
- i) Dormant County Committee. In the event the County Committee of any county party shall become dormant, as defined below, the State Chairman is authorized to reconvene the county convention for the limited purpose of electing new county officers. The State Chairman or his designee shall serve as temporary convention president until the reconvened convention can be organized and a permanent convention president elected. A County Committee shall be considered "dormant" only upon a determination of the State Committee, based upon evidence provided by the State Chairman or the State Secretary, that: (x) it shall have failed or refused to meet for a period of three (3) consecutive months; or (y) a sufficient number of its officers shall have resigned or otherwise ceased to hold office, as provided in Section 5 below, that it is impossible to call a meeting as provided in Rule 4(g).

## **Section 5. Resignations and vacancies**

- a) Resignation. Resignation by any officer other than the County Chairman shall be submitted in writing to the County Chairman and the County Secretary. Resignation by the State Committeeman shall also be submitted in writing to the State Chairman and the State Secretary. Resignation of the County Chairman shall be submitted in writing to the County Vice-Chairman, the County Secretary, the State Chairman and the State Secretary.
- b) Removal. The County Committee may remove any appointed officer at any time. It may fill any vacancies among its appointed officers.
- c) Vacancy in Chairman, Vice-Chairman or State Committeeman. Should the office of the County Chairman, County Vice-Chairman or State Committeeman become vacant, the County Committee shall fill the vacancy by electing a Chairman, Vice-Chairman or State Committeeman, respectively, for the remainder of the unexpired term. Vacancy in the office of County Chairman shall not cause the Vice-Chairman to succeed to the office of Chairman unless elected thereto by the County Committee; provided, that in such instance the Vice Chairman shall serve as Interim County Chairman until the County Committee shall elect a successor Chairman, and in the event of a vacancy in

the offices of both the County Chairman and the County Vice Chairman the State Committeeman shall serve as Interim County Chairman until the election of a successor Chairman and Vice Chairman. Vacancies in any of these offices that are filled by the County Committee will not cause such officers to be considered "appointed" officers by the Committee, but shall be the same as if elected by the County Convention.

- d) Disability. If an elected officer or committeeman becomes disabled and cannot act or serve, or if he abandons his office by refusing to serve, he shall be notified in writing by the County Committee, upon concurrence of a majority of the entire County Committee, that his office will be declared vacant, effective thirty (30) days from the date of the notice, unless the person gives earlier notice of his resignation or unless, within that time, he resumes the full duties of his office or furnished a reason acceptable to the County Committee as to why his office should not be declared vacant.
- e) Removal for Cause. Additionally, the County Committee may declare vacant the office of any member of the County Committee who is absent from three (3) consecutive County Committee meetings without good cause when such committeeman has not been represented by a designated proxy in attendance in his place; provided, however, before such committeeman's office shall have been declared vacant, he shall be notified by certified mail by the County Chairman and given opportunity to show cause before the County Committee why he should not be removed from office.
- f) Endorsement of Other Party's Candidate. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Libertarian candidate, unless there is no Libertarian nominee in the relevant race, such shall immediately vacate his Libertarian Party office. The State Committee may waive this provision in statewide and multi-county elections, and the County Committee may waive this provision for its county and less-than-county elections.
- g) Moving from County. A vacancy shall occur immediately if any elected officer or County Committee member moves his residence outside the geographical area his offices encompasses, and such vacancy shall be filled in accordance with the provisions of these Rules.
- h) Other Vacancies. A vacancy shall also occur as covered under Rule 16.

#### **Section 6. Failure to Reorganize**

- a) Any organized county which fails to reorganize as required in the month designated by the State Committee (7-9-70) shall be considered unorganized and the following changes in status shall thereupon take effect:
  - i. The offices of all previously elected county party officers shall be deemed vacant.
  - ii. The county shall not have representation on the State Committee.
  - iii. The county shall not have representation at the State Convention (7-9-100).

- iv. If the county party previously held a local treasury, the last acts of the outgoing county officers shall be to: (x) pay any and all outstanding debts; (y) file all closing state and federal election commission reports; and (z) relinquish any remaining funds to the State Party's general fund in accordance with Rule 14(d). Permission for a County Treasurer is automatically revoked upon failure of the county party to reorganize.
  - v. If the county party did not previously have a local treasury, and all its funds were on deposit with the State Treasurer, the last act of the outgoing county officers will be to identify all outstanding debts, including both the amount due and the identity of the creditor, and to notify the State Treasurer of the same. After payment of such debts all remaining county funds shall be forfeited to the State Party in accordance with Rule 14(d).
  - vi. All local county party rules previously adopted are considered immediately null and void.
- b) Any county party which fails to reorganize may be organized *de novo* at a future date in accordance with Rule 5.1.

**RULE 6**  
**CONGRESSIONAL DISTRICT ORGANIZATIONS**

[Reserved]

# RULE 7

## STATE ORGANIZATION

### Section 1. State Convention

- a) Call and Location. The State Convention shall meet, at a location in South Carolina determined by the State Committee to have adequate facilities, during a thirteen-month period ending May fifteenth of every general election year, on a day and at a time fixed by the State Committee and announced publicly at least ten days before the meeting. The State Chairman shall give written notice to each member of the State Committee, each County Chairman, and each delegate of the date, time, and place of the Convention. The State Committee shall include in the call to convention information on available accommodations convenient to the convention site. (7-9-100)
- b) Delegates. The State Convention shall be composed of delegates elected by the County Conventions, each county to be entitled to one delegate for every 6,000 residents in the county or major fraction thereof, according to the latest United States Census, plus two additional delegates, unless a County Convention has elected double the number of delegates, in which event all such one-half (1/2) vote delegates shall be seated. Each county delegation to a State Convention may fill any vacancies therein prior to the Call to Order. Thereafter, delegates may be added to any county delegation only (i) upon a suspension of the rules to consider the addition of delegates; (ii) with the consent of that delegation; and (iii) with the consent of the Convention. Any county failing or refusing to organize under the provisions of these Rules and applicable state law may not have representation in the State Convention. Each county delegation to the State Convention shall have as its spokesman or chairman the County Chairman or Vice-Chairman if that person is among the elected delegates; otherwise, the delegation shall elect its own chairman or spokesman. (7-9-100)
- c) Credentials Committee. The credentials committee of the State Convention shall be comprised of the State Chairman or his designee, the State Secretary, and one (1) additional member of the State Committee selected by the State Chairman. The members of the credentials committee shall meet prior to the convening of the State Convention, and shall proceed to examine and certify or reject the credentials of each county. In case of a contest as to the election of delegates by any county, the County Chairman shall notify the State Chairman of such contest at the time the report of the County Convention is made to the State Chairman furnishing the names and addresses of all persons claiming to be delegates to the state convention. The County Chairman of the county in which the contest may arise shall notify all contestants of the time, date and place of the credentials committee meeting. The credentials committee shall hear and determine such contest or contests in such manner as it shall decide upon. It shall report its findings and recommendations to the State Convention through its chairman or secretary as soon as the temporary organization of the convention is elected. Any person aggrieved by the report of the credentials

committee may appeal to the State Convention if he is a delegate to the convention, or if he would be a delegate but for the report of the credentials committee. Any member or members of the credentials committee may make a minority report if desired unless three-fourths (3/4) of the delegates to the convention vote not to receive a minority report.

## **Section 2. Convention Proceedings**

In all State Conventions, business shall be conducted as follows:

- a) Call to Order. The meeting shall be called to order by the State Chairman or a state Vice-Chairman in order of numerical rank of office if the Chairman is not present. (7-9-100)
- b) Temporary Officers. A temporary convention president and a temporary convention secretary shall be elected. (7-9-100)
- c) Report of Credentials Committee. The credentials committee shall make its report and any appeal from the credentials committee's report shall be made to the convention. After each recess of the convention, the secretary shall submit an update to the credentials report, which must be approved by the convention. The convention, by two-thirds majority vote of the delegates included in the secretary's credential report, may approve additions to any county party's delegation. Any such persons shall thereupon possess all of the rights and powers, including voting rights, of all other delegates.
- d) Convention Officers. When organized, a permanent convention president, two secretaries, one or more vice-presidents, a treasurer, and such other convention officers as may be desired shall be elected.
- e) Election of Chairman and Vice-Chairmen. The State Convention shall elect the State Chairman and the State Vice-Chairman. The State Convention shall also elect a State Second Vice-Chairman. (7-9-90)
- f) Rules. The State Convention shall approve, in accordance with the provisions of Rule 2, Section 1(g), the party Rules or By-Laws, including any proposed amendments thereto. The majority report of the Rules Committee shall be presented first, followed by any minority reports. These proposals shall then be voted on, starting with the minority reports. Following this, proposals from the floor shall be entertained; *provided*, that no Rules changes shall be considered by the State Convention which have not received the prior approval of at least one County Convention, the State Committee, or the Rules Committee; and *provided, further*, that no proposed Rule change may be offered or considered without first having been submitted, in writing, to the Convention Secretary. This rule shall not be subject to suspension or amendment by any vote of a State Convention to permit or facilitate debate on any resolution during that Convention.
- g) Platform. The State Convention shall approve the state platform. The majority report of the Platform Committee shall be presented first, followed by any minority reports. These proposals shall then be voted on, starting with the minority reports. Following this, proposals from the floor will be entertained;

*provided*, that no proposed Platform change may be offered or considered without first having been submitted, in writing, to the Convention Secretary.

- h) Method of Selecting Candidates. The State Convention shall decide, by majority vote, whether to nominate candidates in the next general election by convention. (7-11-30(D))
- i. If the delegates choose to nominate candidates by convention, a date for the nominating session shall be set prior to recessing the State Convention. Upon reconvening, the delegates will then nominate Libertarian Party candidates for state and national offices to run in the general election. A nominee must be a Party member. All votes shall be by secret ballot. A candidate receives the Party's nomination by a majority vote of the State Convention delegates. In case of a tie, the convention chairman shall cast an additional vote. "None of the above" shall always be considered as a candidate in all votes. In the event no nominee receives a majority of the votes cast, the nominee receiving the fewest votes (excluding "None of the above") shall be removed from the ballot and a new vote taken, which process shall be repeated as often as necessary until a nominee (or "None of the above") has received a majority of the votes cast. If "None of the above" receives a majority of the votes cast, the Party shall offer no candidate in the relevant election.
- ii. If the delegates choose to nominate candidates by the Primary Election method, the State of South Carolina, the State Election Commission, and any County Election Commissions, their agents and employees, charged with conducting a primary for the Libertarian Party, shall comply with all Libertarian Party rules regarding qualifications to vote in a Libertarian Party primary, as required by law (SC Code §7-11-20), as follows: An elector is not eligible to vote in the Libertarian Party primary if that person voted, in the State of South Carolina, in the previous (last election cycle) primary (or run-off primary) conducted by the State Election Commission and/or County Election Commissions on behalf of the Republican Party, the Democratic Party, or any other rival political party. The records of the State Election Commission and County Election Commissions as to who voted in the primaries (or run-off primaries) shall be the basis and standard used by the State Election Commission and County Election Commissions for determining if a person voted in the primaries and if the person is eligible to vote in the Libertarian Party primary.
- i) Candidates Addressing the Convention. Time permitting, space shall be provided on the agenda for previously announced and qualified candidates who are seeking election to the Libertarian National Committee, or who seek the National Party's nomination for President, to address the Convention. The availability of such time, and the amount of time allocated to each such candidate, shall be determined by the Convention President in his sole discretion, based upon the number of such candidates present and the time available in the agenda.
- j) Delegates to the National Convention. Delegates to the Libertarian Party

National Convention shall be elected in the manner provided in Section 3 below.

- k) Resolutions. Resolutions may be proposed to and considered by the Convention under the following conditions and in the order specified.
- i. Submissions With Advance Notice. Any proposed resolution which is submitted electronically to the Secretary not less than two weeks in advance of the date of the convention will appear on the convention agenda, and the Secretary shall use his best efforts to provide notice of the proposed resolution to all listed delegates prior to the Convention. Not less than 7 days before the convention date the Secretary shall notify the proponent(s) of each such a resolution of the total number of delegates submitted by the counties. Copies of each such resolution, together with supporting materials if desired, must be brought to the convention floor by its proponent and delivered to the Convention Secretary prior to the opening of registration on the day of the convention, in an amount equal to the total number of delegates as provided by the Secretary plus not less than 10% of that number. Such resolutions shall be considered in the order in which they were received by the Secretary, time permitting, following all other business and prior to recess of the convention, but any or all may be reordered to any point in the agenda as proposed by the Convention President if done without objection. Passage of such resolutions shall require a majority of the credentialed delegates present and voting.
  - ii. Submissions Without Advance Notice. Proposed resolutions may be offered to the convention at any time prior to its recess, but if submitted less than two weeks before the date of the convention they will not appear in the agenda nor will advance notice of them be provided to delegates. Any such proposed resolutions will be considered only if time permits, in the judgment of the Convention President. Copies of each such resolution, together with supporting materials if desired, shall be provided to the Convention Secretary in an amount equal to the number of delegates present, credentialed and voting at the time of submission (or, if submitted prior to the Call to Order, the total number of delegates submitted to the Secretary by the county parties) plus, in either case, additional copies in an amount of not less than 10% of that number. Such resolutions will be considered in the order received by the Secretary or the Convention Secretary, as applicable. In the event all resolutions for which advance notice was given have been addressed by the Convention, resolutions without advance notice may be reordered to any point in the agenda as proposed by the Convention President if done without objection. Passage of such resolutions shall require the affirmative vote of not less than two-thirds (2/3) of the credentialed delegates present and voting.
- l) Recess. The State Convention shall be recessed in non-general election years and may be reconvened in the following general election year at the time and place set by the State Committee to conduct such business as it deems

advisable, including the nomination of candidates.

### **Section 3. Delegates to National Convention**

- a) Number of Delegates. The National Party shall determine the number of delegates and alternates allowed at the National Convention.
- b) Instructions. The State Convention may instruct its delegates and alternates to a National Convention as to any matters it deems necessary.
- c) Qualifications. No person shall be allowed to serve as a delegate-at-large or alternate-at-large to the National Convention who is not a member of the Party.
- d) Manner of Election.
  - i. The State Chairman shall automatically be a member of the state's delegation to the National Convention.
  - ii. All proposed delegates to the national convention from organized counties shall be nominated by their respective counties, which nominations shall be submitted to the State Secretary not less than thirty (30) days prior to the opening date of the state convention. No nominations for delegates to the national convention shall be accepted on the state convention floor except for prospective delegates from unorganized counties.
  - iii. The election of all other delegates-at-large and alternates-at-large shall be made by vote of the State Convention by ballot upon which shall be listed all such candidates for the office of delegate-at-large.
  - iv. Each delegate to the State Convention may vote for a number of such candidates not exceeding twice the number of such delegates-at-large to be elected by the State Convention. Those candidates receiving the most votes (up to the maximum permissible number) shall be elected delegates-at-large, and those candidates receiving next highest number of votes shall be elected alternates-at-large.
  - v. A record of the vote at the convention shall be retained by the State Secretary. Such record shall consist of a list of the candidates arranged in the order of the number of votes received by them, with the candidate receiving the greatest number ranked first, and candidates with fewer votes ranked in descending order of the number of votes received by each in succession. The number of votes received by each candidate also shall be shown on said list. In the case of a tie, the position of the tying candidates on the list shall be determined by drawing lots. Each candidate shall be assigned a ranking number corresponding to his position on the list, which number shall determine the order of precedence in which persons shall be elevated from alternate to delegate as provided herein.
- e) Reporting of Delegates. The State Secretary or the State Chairman, as appropriate, shall provide to the National Party the list of delegates in such manner as the National Party shall require.
- f) Resignation of Delegates. In the event a delegate-at-large or alternate-at-large elected at the State Convention resigns his position, by giving notice in writing

to the State Chairman before the organizational meeting to be called of all delegates and alternates elected to the National Convention, the next highest ranked candidate on the record of the vote at the State Convention who is willing to serve shall fill such vacancy, and his position shall be similarly filled, and the State Chairman shall promptly notify the affected candidates.

- g) Failure to Attend Convention. In the event one or more delegates-at-large or alternates-at-large cannot attend the National Convention, and such fact is made known by the delegate in writing to the State Chairman, an equal number of candidates lower on the convention-vote record shall be considered elected to the office which their new position on the convention-vote record has entitled them. Once the credentials committee adopts the official roll at the convention, vacancies shall be filled in accordance with their numerical ranking as provided in these Rules.
- h) Temporary Vacancies. In the event any delegate shall fail to attend any session of the National Convention, the head of the state delegation may temporarily appoint the next ranking alternate to fill the vacancy and serve as delegate until such time as the original delegate shall return to the convention floor. In no event shall the state delegation contain more delegates than the maximum number permitted by the National Party.
- i) Delegation to Fill Certain Vacancies. In the event of vacancies in the state delegation which cannot be filled by alternates, the delegates elected at the State Convention may, by two-thirds (2/3) majority, add additional delegates to be seated at the National Convention.
- j) Head of Delegation. The State Chairman shall be head of the state delegation, but in his absence the delegates shall select their own chairman.
- k) Selection of Region. The choice of which National Libertarian Party Region to join, if any, shall be determined by the State Chairman, with input from the State Committee and the delegation.
- l) Non-Attendance. Anyone who is nominated to be a national delegate by the SCLP who chooses not to attend the national convention without notifying the State Committee at least thirty (30) days prior to the start of the national convention shall be disqualified from participating as a delegate from South Carolina in the next national convention, except in the case of bona fide medical emergencies as approved by the Chairman. This rule applies retroactively to the 2018 national convention. The State Committee may grant exemptions from this rule as it sees fit.

## Rule 8

### State Committee

#### Section 1. State Committee

- a) General Management of the Party. The State Committee shall have the general management of the South Carolina Libertarian Party, subject to direction from the State Convention.
- b) State Committee Membership. The members of the State Committee shall consist of: (i) the committeemen elected by the several County Conventions; (ii) the State Chairman and State Vice-Chairmen elected at the State Convention; and (iii) the State Secretary and State Treasurer, once they have been elected by the Committee. Each member shall have one vote, except for the State Chairman, who shall vote on the Committee only in case of a tie. (7-9-90) State Committeemen may be represented by proxy in accordance with Rule 9 herein. Those persons named as members of the National Executive Committee shall be ex-officio (non-voting) members of the State Committee.
- c) Term of Office. The term of office of a State Committeeman shall be two (2) years from the time of his election and until his successor has been elected. (7-9-90)
- d) First Meeting. The first meeting of the new State Committee shall be held immediately after the State Convention. Business shall include the election of new state officers. The state officers will be reported to the South Carolina Secretary of State and to the South Carolina Election Commission within fifteen days after the convention by the State Secretary. These reports shall be public records.
- e) Meetings Open. State Committee meetings shall be open to all Party members and to the general public except at such times as the Committee has gone into executive session. Persons who are not members of the State Committee may not address the Committee, participate in Committee discussions, or interfere in any manner with the business of the Committee or the conduct of the meeting, except as otherwise herein provided. The Chairman shall enforce this rule as he deems appropriate.
- f) Order of Business. At all regular and special meetings of the State Committee the order of business shall be as set forth below; *provided*, that at special meetings agenda items not germane to the purpose of that meeting may be omitted at the discretion of the Chairman; *provided, further*, that immediately upon calling the meeting to order the Chairman may specify a different order of business than that listed here; and *provided, further*, that upon motion duly made and seconded the order of business may be altered at any time by majority vote of the Committee members present:
  - i. Call to order
  - ii. Distribution of proposed agenda

## Rules of the South Carolina Libertarian Party - 2019

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- iii. Introduction of guests
- iv. Announcements
- v. Public comments relating to agenda items
- vi. Approval of agenda
- vii. Approval of minutes from the previous meeting
- viii. General comments by Committee members
- ix. Election of officers (as necessary)
- x. Officers' reports:
  - a. Chairman
  - b. Treasurer
  - c. Secretary
- xi. Approval of annual budget (as necessary)
- xii. Reports of standing committees
- xiii. Reports of special committees
- xiv. County reports
- xv. Unfinished business
- xvi. New business
- xvii. Public comments relating to other matters
- xviii. Call of next meeting
- xix. Adjournment

The public comment periods are for use by persons who are not members of the State Committee, and any such person who desires to address the Committee shall do so only during those periods unless the Chairman shall otherwise permit. Each such person shall advise the Chairman and the Secretary of his desire to speak prior to the Call to Order, and shall specify whether his intended remarks relate to agenda items or non-agenda items. All such comments shall be limited to three minutes in duration unless the Chairman shall grant a longer period, and shall not be subject to question, discussion or debate. The Chairman may suspend the right of comment by any person whose remarks are deemed inappropriate, offensive, vexatious, unduly argumentative, or unrelated to the business and activities of the Party.

No business may be conducted by the Committee unless a quorum is present, except to recess the meeting until another date and time.

- g) Continuing Body. The State Committee shall be considered a continuing body, and its rules of operative procedure and organization established pursuant to these Rules, or pursuant to applicable law, shall continue in force until changed by affirmative action of the Committee in conformity with these Rules or applicable law.
- h) Minutes. The State Secretary shall forward to the State Chairman the original minutes of the State Committee meetings and the originals of other documents, and shall retain copies for his files. The State Secretary shall deliver all records to his successor or else furnish his successor with certified copies of such records.
- i) Meetings. The State Committee shall meet at the call of the State Chairman or any five (5) members thereof at such time and place as he or they may appoint.

(7-9-90) No meeting shall be held without each member of the Committee having been given at least twenty-four (24) hours written notice thereof; *provided*, that the next regular meeting may be called by announcement of the Chairman at the conclusion of the previous meeting. The State Committee may also meet and act by telephone conference upon twenty-four (24) hours written notice. In no event shall the State Committee meet less frequently than once per calendar quarter.

- j) Teleconferences. The State Committee may, without meeting together, transact business by means of teleconferencing. The State Chairman will determine how the State Committee will meet and the locations. No executive sessions may occur in such teleconference meetings, but all other business may proceed as long as quorum requirements are met. The quorum is determined by counting all participating members of the Committee at all locations. If a remote connection is lost the meeting will recess until connection is reestablished or confirmation is received by alternative communication that the disconnected members consent to continuing without their participation. The State Chairman must approve all remote meeting locations. The remote meeting locations and contact information will be posted on all official Party websites. The systems used for teleconferencing will be determined by the State Committee. Proxies shall be permitted as provided in Rule 9.
- k) Committees.
- i. Operations Committee. The State Committee may designate an Operations Committee to deal with routine operational issues and matters arising between regular Committee meetings which require immediate attention. If created, the Operations Committee shall consist of the State Chairman, the State Treasurer, and such other voting members as the State Committee shall select.
  - ii. Standing Committees. Each term the State Chairman shall appoint the following standing committees, and shall designate from among their members the chairman of each. Subject to the limitations below, the State Chairman may add or remove members of each standing committee at any time as he deems appropriate.
    - a. Finance/Fundraising (whose members shall include the Treasurer);
    - b. Membership/Candidate Recruitment; and
    - c. Communications/Website (whose members shall include the Secretary); and
    - d. Rules.
  - iii. Temporary Committees. In each convention year, not later than six (6) months prior to the date selected for the state convention the State Chairman shall appoint the following temporary committees, and shall designate from among their members the chairman of each. The State Chairman may add or remove members of each temporary committee at

any time as he deems appropriate.

- a. Credentials; and
  - b. Platform.
- iv. Special Committees. At any time the State Chairman may appoint such special committees as he deems necessary for the proper and efficient functioning of the Party. The State Chairman may add or remove members of each such special committee, or dissolve any such committee, as he deems appropriate.
  - v. Chairman as Member. The State Chairman shall be an *ex officio* member of all committees. All committees shall report to the Chairman.
- l) Budget. The annual budget for the South Carolina Libertarian Party shall be approved at the first meeting of the State Committee held in each calendar year. The proposed budget shall be submitted to the Committee by the State Chairman.

## **Section 2. State Officers**

a) Officers. State officers and their duties shall include the following:

i. State Chairman

- 1) The State Chairman shall convene State Committee meetings as necessary to carry out Party business at the state level.
- 2) He shall preside at State Committee meetings.
- 3) He shall oversee party projects throughout the state, in coordination with County Committees, in order to promote the Party.
- 4) He shall be responsible for recruiting Libertarian candidates for public office, with the help of the County Chairmen as well as the State Vice-Chairman.
- 5) The State Chairman shall maintain communication with the National Libertarian Party in order to coordinate national and state party business.
- 6) The State Chairman may be removed from office by a resolution of a two thirds (2/3) majority of the full membership of the State Committee for the following reasons: misappropriation of party property or funds; material misrepresentation of party platform; and repeated failure to schedule, hold or attend meetings of the State Committee. The State Chairman shall be informed in writing at least 10 days before a vote for removal. The State Chairman shall have an opportunity to present reasons in defense, either in written or spoken form offered on the record, not to include e-mails or telephone conversations.

ii. State Vice-Chairmen

- 1) The State Vice-Chairman shall temporarily serve as State Chairman if the State Chairman is unable to perform his duties. If the State Vice-Chairman is unable to serve as temporary Chairman, the State Committee shall appoint

a temporary Chairman, which may be either the State Second Vice-Chairman or one of the currently elected State Committeemen.

- 2) They shall assist the State Chairman in his duties whenever possible, and shall perform such other functions as the State Chairman may assign to them.
- 3) Either the State Vice-Chairman or the State Second Vice-Chairman may be removed from office by a resolution of a two-thirds (2/3) majority of the full membership of the State Committee for the following reasons: misappropriation of party property or funds; material misrepresentation of party platform; repeated failure to schedule, hold or attend meetings of the State Committee. The State Vice-Chairman in question shall be informed in writing at least 10 days before a vote for removal. He shall have an opportunity to present reasons in defense, either in written or spoken form offered on the record, not to include e-mails or phone conversations. Immediately upon removal of a State Vice-Chairman or State Second Vice-Chairman from office, the first order of business of the State Committee shall be to select a replacement.

iii. State Secretary

- 1) The State Secretary shall be elected at the organizational meeting of the State Committee immediately following the State Convention, and shall be a voting member of the State Committee.
- 2) The State Secretary shall record and keep the minutes of the State Committee meetings and distribute them to the Committee members within a reasonable amount of time after each Committee meeting.
- 3) He shall report to the South Carolina Secretary of State and the South Carolina Election commission the state officers within fifteen (15) days after the State Convention. He shall report to the National Libertarian Party the state officers and the delegates to the National Convention, whenever appropriate. He shall keep a copy of these reports for Party use. These reports shall be public record.
- 4) He shall serve as a member of the Credentials Committee at the State Convention.
- 5) He shall make available a list of the convention delegates to all candidates for state party leadership positions or for statewide office, excluding those delegates who have stated in writing that they do not wish to have their names revealed, and provided that the person so requesting signs a pledge not to use the list for commercial purposes.

iv. State Treasurer

- 1) The State Treasurer shall be elected at the organizational meeting of the State Committee immediately following the State Convention, and shall be a voting member of the State Committee.

- 2) The State Treasurer shall keep accurate account of and shall safeguard all Party funds.
  - 3) The State Treasurer shall also take custody of, accurately account for and safeguard all funds deposited with him by any county party. Such funds shall be reserved for the benefit of said county, shall be identified as such in all financial reports, and shall be expended by the State Treasurer only as directed by the County Chairman or other appropriate officer of that county.
  - 4) He shall not spend any of the Party's funds without the approval of the State Committee, with the exception of budgeted amounts and routine expenses approved by type on a periodic basis.
  - 5) All non-budgeted, extraordinary expenditures of Party funds must be approved by the State Committee.
  - 6) The State Treasurer shall submit a proposed budget to the State Chairman at or prior to the beginning of each calendar year.
  - 7) He shall be responsible for the timely filing of all state and federal election commission reports, tax returns, and all other required financial filings.
  - 8) He shall be responsible for receiving and recording filing fees from all appropriate election commissions for all candidates and pay the election commission the total fee upon certification of candidates.
- b) Other Officers. The State Committee may add or delete other offices as it deems appropriate on an as-needed basis, including, but not limited to: Assistant Treasurer; Recording Secretary; Membership Chairman; Media Coordinator; etc. In addition, the State Chairman may appoint either or both of a Parliamentarian and a Sergeant-at-Arms, each of whom shall serve at his pleasure.

### **Section 3. Resignations and Vacancies**

- a) Resignation. Resignation by an officer shall be made in writing to the State Chairman and State Secretary. Resignation by a state committeeman also shall be made to his County Chairman and County Secretary.
- b) Removal. The State Committee may remove any officer chosen by it at any time. It may fill any vacancies among its chosen officers.
- c) Vacancy in Chairman or Vice-Chairman. Should the office of State Chairman or one of the State Vice-Chairman become vacant, the State Committee may fill the vacancy by electing a new Chairman or Vice-Chairman for the unexpired term. Vacancy in the office of State Chairman shall not cause either Vice-Chairman to succeed to the office of State Chairman unless elected thereto by the State Committee; provided, that in such instance the Vice Chairman shall serve as Interim Chairman until the State Committee shall elect a successor Chairman. Vacancies in the office of State Chairman or State Vice-Chairmen that are filled by the State Committee will not thereby cause such officers to be deemed "appointed" officers by the Committee, but they shall be the same as if elected by the State Convention.

- d) Other Vacancies. If an elected officer or committeeman becomes disabled and cannot act or serve, except for a temporary period, or if he moves his residence outside the geographical area his office encompasses, or if he abandons his office by refusing to serve, he shall be notified in writing by the State Committee, upon concurrence of a majority of the entire Committee, that his office will be declared vacant, effective thirty (30) days from the date of the notice unless the person gives earlier notice of his resignation or unless, within that time, he resumes the full duties of his office or furnishes a reason acceptable to the State Committee as to why his office should not be declared vacant.
- e) Removal for Cause. Additionally, the State Committee may declare vacant the office of any member of that Committee who is absent from three (3) consecutive meetings without good cause when such committeeman has not been represented by a designated proxy or by the County Chairman or County Vice-Chairman in attendance in his place; provided, however, that before such committeeman's office shall be declared vacant, he shall have been notified by certified mail by the State Chairman and given opportunity to show cause before the State Committee why he should not be removed from office. Should any officer or delegate publicly endorse or financially support a candidate for partisan office other than a duly nominated Libertarian candidate, unless there is no Libertarian nominee in the relevant race, he shall immediately vacate his Libertarian Party office. The State Committee may waive this provision in statewide and multi-county elections, and the County Committees may waive this provision for their county and less-than-county elections.
- f) Vacancy in Electors. Any vacancy in the state ticket of electors or in the national committee of the Party, however occurring, shall be filled by the State Committee, by a majority vote of the whole Committee. (7-9-90)

#### **Section 4. Honors and Awards**

Authority to bestow special state party honors and awards is reserved to the State Committee, upon recommendation of the State Chairman or the Honors and Awards Committee if any such committee exists.

## **RULE 9**

### **PROXIES**

- a) Use of Proxies Permitted. Proxies may be used by any state committeeman at any State Committee meeting, unless otherwise specifically provided in these Rules. The proxy grant may, but need not, contain specific instructions as to the manner of voting on one or more issues.
- b) Permissible Recipient of Proxy. A state committeeman may give his proxy to any other Party member of his own county. The proxy holder is responsible for proving his eligibility.
- c) Voting Proxies. Proxies must be voted in person, and no individual may cast more than one vote on any matter coming before the State Committee. If the proxy contains an instruction as to the manner of voting on a specific issue, such instruction shall be obeyed and the Secretary shall count the proxy as being voted in accordance with that instruction. On all other matters the holder of the proxy may vote it as he determines.
- d) Delivery of Proxies. A proxy must be delivered to the State Secretary prior to the time the meeting is called to order. Proxies may be sent by mail or electronically via e-mail or fax, or may be physically delivered to the State Secretary by the holder thereof prior to the time the meeting is convened. The proxy must specify the person to whom it is granted and the county he will be representing.
- e) Duration of Proxies. Proxies shall be valid for only one State Committee meeting.
- f) Automatic Proxies. If a state committeeman does not attend a scheduled meeting of the State Committee and does not appoint a proxy as provided above, the County Chairman or County Vice-Chairman, in that order, of his county shall be considered an automatic proxy at such meeting.
- g) Substitute or Successor Proxies Prohibited. No proxyholder shall be authorized to designate a substitute or successor proxy. However, the grantor of a proxy may designate successive proxies in the event the proxyholder first designated does not attend the meeting.

## **RULE 10**

### **QUORUM**

- a) A quorum at all conventions shall be a simple majority of the credentialed and approved delegates thereto.
- b) A quorum of the State Committee and any County Committee shall be one-third (1/3) of the voting members thereof. A quorum for all standing and special committees shall be a majority of the members thereof.
- c) For an entity which has had two (2) consecutive meetings at which a quorum was not present, and for which meetings notice has been properly provided, until the next succeeding reorganization or convention the quorum at all subsequent meetings of such entity shall be:
  - i. in the case of the State Committee, five (5) of the voting members thereof; and
  - ii. In the case of any County Committee and all other state or county standing or special committees, the voting members present.
- d) In case of a vacancy occurring in the office of State Chairman or a State Vice-Chairman, a quorum for the purpose of electing an individual to fill the vacancy shall be two-thirds (2/3) of the total membership of the State Committee electing the replacement. (7-9-90)
- e) The quorum for taking any action required by law or national party rules, including but not limited to election protest hearings and the election of presidential electors, shall be the members present.
- f) In the event that a state committeeman is elected to a position as an officer of the state party and no other member of his county is available or willing to serve as state committeeman, said county shall not be counted toward quorum at any meeting where it has no other elected representative and is not represented by proxy, being listed as "present not voting" on the attendance record if the person formerly serving as state committeeman is present in his capacity as an officer.

## **RULE 11**

### **APPEALS**

All controversies which may arise in county party organization shall be decided on appeal by the State Committee, provided that all questions pertaining to the seating of delegates at all levels shall be determined by the convention, meeting, or body involved. The State Chairman shall call a meeting of the State Committee no later than two weeks after an appeal has been filed with the State Chairman.

## RULE 12

### NOMINATION OF CANDIDATES

#### Section 1. Nomination of Candidates for Elective Public Office

a) Convention Method of Nomination.

- i. As a general policy, the South Carolina Libertarian Party endorses the convention method of nominating candidates for elective office. However, the primary election method is also permissible under state law and is therefore considered to be an acceptable method of nomination.
- ii. State law requires that if a political party decides to change from using the primary system of nominating candidates for public office to nomination by convention, it must approve the use of that change by a three-fourths (3/4) majority vote of the total membership of the convention. (7-11-30) However, the South Carolina Libertarian Party has historically used the convention method of nomination, and has never employed the primary system of nomination. Accordingly, the Party is not required to achieve a three-fourths (3/4) vote to maintain the convention method as long as it has not, in the previous year, adopted the primary method of nomination; a simple majority vote of the delegates to the State Convention is sufficient to maintain its convention nomination status.
- iii. Unless and until the Party determines to utilize the primary election method of nomination, candidates for federal offices, and state offices of divisions larger than counties (which includes statewide, congressional, judicial and senatorial districts), shall be nominated by the State Convention. However, as provided by state law, candidates for certain offices encompassing an election district not larger than counties shall be nominated by the relevant County Convention.

- b) Primary Method of Nomination. If the primary system of nominating candidates for elective public office is ever used by the Party, the rules and procedures in connection therewith shall be forwarded as may be required by law and as supplemented by such rules and procedures as may be promulgated by the State Committee.

#### Section 2. Filing Fees.

Unless a filing fee is specifically required under state law, the South Carolina Libertarian Party shall charge no filing fee to any candidate seeking or receiving its nomination.

#### Section 3. Candidate Qualifications.

No candidate for political office may be nominated by the Libertarian Party unless he:

- a) is a member of the Party;
- b) is a registered elector in, and a *bona fide* resident of, the State of South Carolina and of the particular electoral district (if less than statewide) in which

he offers as a candidate for office; and

c) otherwise satisfies all statutory requirements and these Rules.

**Section 4. Death or Withdrawal of Nominee.**

If a Party nominee should die, withdraw or otherwise become disqualified after nomination but prior to the general or special election, the State Committee may nominate a new candidate, who shall be duly certified by the State Chairman, and the State Secretary shall report the new nominee to the appropriate state officials.

## **RULE 13**

### **PRESIDENTIAL ELECTORS**

- a) Meeting. Not later than sixty (60) days prior to the date of the general election in each presidential election year, it shall be the responsibility of the State Committee to elect the Party's presidential electors for the ensuing presidential election.
- b) District Electors.
  - i. After coming together, the State Committee shall caucus according to congressional districts, and each caucus shall nominate not more than seven (7) and not fewer than two (2) candidates for that district's position on the Electoral College.
  - ii. The State Committee then shall reassemble, and each voting member of the Committee shall vote by secret ballot for not more than one (1) of the nominees listed by each caucus. The winner for each district shall be determined by plurality vote.
- c) At-Large Electors. Nominations for South Carolina's two at-large positions on the Electoral College shall come from the floor of the State Committee. After all the nominations have been made, each voting member of the Committee shall vote by secret ballot for not more than two (2) of the nominees. The two winners shall be determined by plurality vote.

## **RULE 14**

### **FINANCES**

- a) Debts or Obligations.
- a. State Party. No one is empowered to incur indebtedness or any financial obligation on the part of the South Carolina Libertarian Party unless expressly authorized to do so by the State Convention or the State Committee. Prior to any such authorization, funds must be on hand and available for the purpose authorized.
  - b. County Parties. No one is empowered to incur indebtedness or any financial obligation on the part of any county party unless expressly authorized to do so by the County Convention or the County Committee. Prior to any such authorization, funds must be on hand, or on deposit with the State Party, and available for the purpose authorized.
- b) Ordinary Expenditures. The State Chairman (with respect to the State Party) and any County Chairman (with respect to his county party) may authorize the expenditure of available funds for ordinary and necessary activities, the payment of bills, or the reimbursement of expenses incurred by an individual on party business, but there shall be no obligation to do so. Any person incurring expenses does so on his own responsibility and he shall promptly make payment therefor personally, regardless of whether or not reimbursement is expected or provided.
- c) Checks. All checks issued by the State Treasurer shall be signed either by him or by the State Chairman. The names of the State Chairman and the State Treasurer shall be certified as signatories to the bank of deposit.
- d) Forfeitures. Unless the State Committee shall otherwise direct, any county party monies on deposit with the State Treasurer shall be forfeited to the State Party in the event such party shall fail to reorganize in accordance with state law.

## **RULE 15**

### **MUNICIPAL ORGANIZATIONS**

Each County Committee is authorized to provide such rules, or adopt such regulations, as it may deem necessary or desirable to structure, organize and establish a Municipal Libertarian Executive Committee in any municipality principally located within said County, for the purpose of administering the Libertarian Party participation in any partisan municipal election, including the nomination of Libertarian candidates therein. Such organization must be in accordance with the Rules of the South Carolina Libertarian Party and must conform to the requirements of the South Carolina Municipal Election Code.

## **RULE 16**

### **PARTY OFFICIALS AS CANDIDATES FOR PUBLIC OFFICE**

A vacancy shall occur immediately if a person who holds an elected or appointed Party office, at any level, or who is a delegate or alternate to a Party Convention, becomes:

- a) an announced and/or official candidate for the nomination to a partisan elective public office who, at the close of filing, has not filed as a candidate in the Libertarian Party or,
- b) an elected officer or official of another political party.