

2024 BYLAWS AND RULES COMMITTEE MEETING

MINUTES December 14, 2023

Meeting called to order at 9:05 PM ET

MEMBERS	ALTERNATES	GUESTS
DAVID ROBERSON (A2)	DEAN RODGERS (A6)	
PAUL BRACCO		
NICKOLAS CIESIELSKI		
CARYN ANN HARLOS		
ROB LATHAM		
FRANK MARTIN		
CHUCK MOULTON		
TOM ROWLETTE		
DATA LOGAN (A5)		
MIKE SEEBECK		

Absent: Arrowwood, Rufo

PUBLIC COMMENT: HARLOS: Town Hall might be scheduled for January 11 pending approval of LNC date agenda. Hopefully another option would be able to hold a mock-convention scenario for Bylaw Proposals with presumptive delegates about a month prior to DC if time permits. Could provide valuable feedback, more than a survey or a Town Hall would. We could receive pros and cons of the proposals. If mock convention is not feasible, then we could do another Town Hall. Would also like to invite Platform Committee if they are agreeable to participate. Would be a mini-mock-convention with the Bylaws and Platform Proposals. **BRACCO:** Maybe mid to late April? **HARLOS:** Those to participate would be already chosen delegates by their affiliates. All but a few states by then will have chosen their delegates and can talk with the chairs about their delegates and alternates and that’s who would be invited. Others could observe. This could also help refine any argument that might come up. At this point it is an experiment and no guarantees.

HARLOS: SEEBECK is first because he had indicated opposition to the Chair’s decision to set meetings for every Thursday. One-fifth of the committee or the Chair itself can set meetings. My own initiative is we set meetings every Thursday. Pursuant to policy procedure that is binding but don’t chair that way. Would invite committee to overrule me and would withdraw that if the committee opposes me. SEEBECK wanted to make a motion that majority of our committee wanted to say “No we don’t want to meet every Thursday.” Would welcome that motion.

SEEBECK: Do make that motion and would like to speak to it. I am chair of my state's Bylaws Committee and they are a mess. We have challenge getting our committee to meet at given times. One of those times is on the off Thursdays we are not meeting on this committee. Also point out we have Platform Committee coming up after the new year which is also going to take up time. Already have way too many proposals to meet our window at National Convention. Don't see point of pushing further on items we are not going to get to in first place. Would be easier to maybe make a **note of the situation** and leave a note for consideration of next Bylaws Committee or have them on hand if you need to say, hey, this happened. Any way you look at it, we have more things on our plate than we can handle and we are going into a presidential cycle and all activities going on at the same time. Don't see we have the time to put for the effort to do these things.

DEBATE AS TO MEETING DATES

HARLOS: Motion is that SEEBECK is asking the committee to keep the committee meetings as is and not the meetings each week as scheduled by the chair. A YES VOTE would keep meetings at every other week. A NO VOTE would say we are going to follow the chair's instructions of meeting every week until we get through these remaining nine proposals.

ROBERSON (A2)	YES
BRACCO	NO
CIESIELSKI	NO
HARLOS	ABSTAIN
LATHAM	ABSTAIN
MARTIN	ABSTAIN
MOULTON	NO
ROWLETTE	NO
LOGAN (A5)	NO
SEEBECK	YES

FAILED VOTE 2-5-3

HARLOS: Motion failed. We will be meeting every week until we finish these nine. Remember calling the question is allowed on this committee now. I will not be calling the question. Would leave that up to the committee.

SEEBECK: Have a further motion. Move that proposal previously heard regarding shifting time of appointments to these committees to the end of the report regardless of how everything is ordered because of the nature of what has happened here.

HARLOS: Ruling it out of order. It was not in the agenda as something we were going to hear. You will have an opportunity to make that motion when we are done discussing the ordering and what must be in the report when we are done with proposals. Do you wish to appeal the ruling of the chair?

SEEBECK: Do appeal the ruling of the chair.

HARLOS: My ruling is that this motion is out of order at this time.

SEEBECK: Motion is not out of order at this time. We have not followed the orders of the day regarding the current agenda and there is no motion pending on the floor.

HARLOS: Anyone else like to speak to ruling of the chair? (No Response) Role Call. A YES VOTE sustains ruling of the chair. A NO VOTE overrules the ruling of the chair. It takes a majority NO VOTE to overrule.

ROBERSON (A2)	NO
BRACCO	ABSTAIN
CIESIELSKI	YES
HARLOS	ABSTAIN
LATHAM	ABSTAIN
MARTIN	YES
MOULTON	YES
ROWLETTE	YES
LOGAN (A5)	YES
SEEBECK	NO

ADOPTED VOTE 5-2-3

MINUTES: Meeting of 11-30-23 HARLOS: First item is approval of minutes from previous meeting. Would like to move to next meeting because just posted. Any objection to moving approval of minutes to next meeting? (No Response) **Minutes Approval postponed to next meeting.**

PROPOSAL DD – INTERRUPTING MOTIONS – RULE 2 – NEW 3

ROWLETTE: It was debated on the list that points of order, points of personal privilege and points of information have been the main reason for taking up time and dysfunction at our conventions; it's about 70 percent of our time and another 30 percent is spent on suspending the rules or unsubstantive debate. A special microphone for only those motions would cut down on interruptions but allow those motions to be treated the way they should be treated. The chair could opt in or out of

this procedure. Many of us are immune to the pain of this but the pain still exists. Let's keep the shotgun on the shelf instead of keeping it right near door.

HARLOS: This rule would be out of order and if this rule passes, it would be subject to a point of order. Could be a half hour will be wasted arguing about this rule. This rule could draw an immediate point of order. It is not that "may" violate rights. It does violate rights. Delegates have an absolute right to stay in their chair and yell out "point of order". That cannot be violated because the minute another person is recognized when a breach of the order has occurred and someone else has been recognized -- You can't make it. Would wager many times someone will not be able to get to the mic. Answer to this is convention chair enforcing the rules and making an example of people. That's the answer. Don't believe points of order get abused too often. Points of parliamentary inquiry and points of information, which we should start referring to as "requests for information" 'cause that's what it is now called -- do get abused absolutely and constantly and it is an enormous problem and annoying as hell but the solution is not to violate the rights of the people who do use it properly. What would you do if someone were to do it at the wrong mic? Not recognize them and tell them to go across the room to use another mic? This will violate members' rights and it's completely out of order. There will be a vote on this but it is completely out of order particularly to points of order and certain points of personal privilege. Points of personal information, points of personal privilege and requests for information are not interrupting motions unless they are of an urgent nature. You cannot meaningfully participate because the 15 people behind you are talking so loud that you can't hear. That's a point of personal privilege if it is urgent.

DEBATE

MARTIN: Move to end debate and call the question.

HARLOS: There is a motion to end debate. That is not debatable itself and requires a 2/3 vote. There will be opposition so please call the role. A YES VOTE means we would move to an immediate vote on ROWLETTE'S Proposal DD. A NO VOTE means debate would continue.

ROBERSON (A2)	YES
BRACCO	YES
CIESIELSKI	YES
HARLOS	ABSTAIN
LATHAM	YES

MARTIN	YES
MOULTON	NO
ROWLETTE	NO
LOGAN (A5)	YES
SEEBECK	YES

CALL THE QUESTION ADOPTED-VOTE 7-2-1

HARLOS: Debate is ended. We will immediately move to vote on ROWLETTE’S motion which is new wording to add “3. The chair may designate one microphone to be used exclusively for interrupting motions, and may choose to only accept interrupting motions from that microphone.” A YES VOTE will adopt this as recommendation of the committee and a NO VOTE would defeat it.

ROBERSON (A2)	YES
BRACCO	NO
CIESIELSKI	NO
HARLOS	ABSTAIN
LATHAM	NO
MARTIN	NO
MOULTON	YES
ROWLETTE	NO
LOGAN (A5)	NO
SEEBECK	YES

FAILED VOTE 3-6-1

HARLOS: Next is PROPOSAL NN. There is one amendment. This is my motion. Will read out loud.

PROPOSAL NN – ARTICLE 6, 7, 8 - HARLOS

HARLOS: Move to strike ARTICLE 6: OFFICERS and ARTICLE 7: NATIONAL COMMITTEE. Then insert ARTICLE 8: REMOVAL FROM OFFICE so you don’t have the redundancy. It would read: “No Party Officer or At-Large Member 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 At-Large Members shall be the trial procedure as outlined in the Party’s parliamentary authority. The Officer or At-Large Member’s membership rights can be suspended by a 2/3 vote for up to sixty days while the matter is being investigated if necessary to prevent potential harm to the Party. The subject Party Officer or a 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 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 National Committee. The Judicial Committee shall either affirm the National Committee's removal of the Party Officer or member-at-large or order reinstatement of the Party Officer or member-at-large within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an overturning of the National Committee's removal of the subject member and restoring them to office. At such times as the removal is final, the office in question shall be deemed vacant. Prior language was very vague and subject to abuse. This will say that you have to follow the trial procedure. It tells you if a removal is valid, it cannot be rescinded. They were calling a removal a suspension. A suspension is temporary. If you throw someone off, it's a removal. A suspension can happen pending trial. Burden of proof was completely screwed up.

LATHAM: Have 4th substitute. Trying to tighten up some language. Just sent 4th to list.

HARLOS: Existing article on JC needs to be amended and needs to refer to ARTICLE 8 rather than 6.7 and 7.5 because those will be deleted. It's a conforming amendment and not a substitute.

DEBATE

HARLOS: Think LATHAM changes are fine. If no objection from the committee to me withdrawing my proposal in favor of LATHAM'S, please say it out loud.

BRACCO: Would like to ask a question.

HARLOS: Will do that -- but that is at least my intention. **RONR** allows the suspension of one's duties while under investigation. It is not a removal. It is a suspension. It has an end period. Would like to withdraw my motion in the end.

DEBATE

BRACCO: Use of the caps on Party Officer and At-Large Member is a little bit inconsistent. Does any of this matter?

HARLOS: Meant to put member-at-large. Look up above at what is stricken. Meant to retain that. LATHAM had it correct. Also Party Officer should not be capped. I'm fine with keeping it lower case.

BRACCO: Withdraw any objection if made one. Don't know if I made a motion.

HARLOS: Fine. Any other objection to me withdrawing my wording in favor or LATHAM’S? (No Response) CAH WITHDRAWN. Then LATHAM’S is on the table. Will call on ROWLETTE.

ROWLETTE: Move to amend at very last sentence “Failure of the jC to . . . shall constitute – and instead of ~~an overturning~~ make it a sustaining.

HARLOS: It was in original language but I flipped it. Think original said “an affirmation”. Would you like to keep that “shall constitute an affirmation” and ~~a sustaining~~ to an affirmation”?

ROWLETTE: Yes. That’s fine.

HARLOS: Now we are going to debate just the amendment. Does ROWLETTE wish to speak further on that?

ROWLETTE: No.

HARLOS: Anyone like to speak to the amendment? Open for debate on the amendment. Will start with SEEBECK. Then will call on others.

DEBATE

HARLOS: Any further debate on the amendment? (No Response). Going to move to a vote on the amendment. A YES VOTE would strike ~~overturning~~ and insert affirmation. A NO VOTE would leave it as “overturning”.

ROBERSON (A2)	NO	
BRACCO	ABSTAIN	
CIESIELSKI	NO	
HARLOS	ABSTAIN	
LATHAM	ABSTAIN	
MARTIN	NO	
MOULTON	YES	
ROWLETTE	YES	
LOGAN (A5)	YES	
SEEBECK	NO	FAILED VOTE 3-4-3

HARLOS: Amendment fails. It shall remain as “shall constitute an overturning”
MOULTON indicated he has an amendment he wishes to make.

MOULTON: Second sentence says “The process for removing Officers and At-Large Members shall be the trial procedure as outlined in the Party’s parliamentary

authority” would like to add to that(comma) “, except that it requires a 2/3 vote of the entire National Committee”.

HARLOS: What about “excepting the member that is the subject of the vote who may not participate in that vote.”?

MOULTON: Sure. That is my motion then.

DEBATE ON AMENDMENT

SEEBECK: Move an amendment to the amendment to strike the word **by** and replace it with the words – Want to make so it says the 2/3 vote is for removal. Want it to say with a removal vote of 2/3 of the National Committee. The threshold needs to apply to the removal and not the process. So strike ~~by a~~ and replace with by a removal vote. Just put removal between “a” and “vote”.

HARLOS: Now we are on the amendment to the amendment. Is there anyone else who wishes to speak on the amendment to the amendment? (No Response) Is there any objection to the amendment to the amendment? (No Response) **AMENDMENT TO THE AMENDMENT ADOPTED WITHOUT OBJECTION.** Now we are back to the amendment. Amendment is now “with removal 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.”.

DEBATE ON PRIMARY AMENDMENT

LATHAM: Strike ~~by~~ and insert requiring so it would read “requiring a vote”. It makes it more clear.

DEBATE

HARLOS: Is there any objection to strik ~~by a vote~~ and insert by requiring a vote?

LATHAM: What about if the JC is not filled?

HARLOS: That’s already a problem in our bylaws. There is a right to an appeal.

DEBATE

HARLOS: Is there any objection to this? (No Response) **ADOPTED WITHOUT OBJECTION.** We are back to the amendment to the main motion. Does anyone wish to speak to that? (No Response) Is there any objection to the amendment? (No Response) **AMENDMENT ADOPTED WITHOUT OBJECTION.** Back to the main motion.

DEBATE ON MAIN MOTION

MOULTON: Move to amend by substituting the current language which is “the burden of proof shall rest upon the appellant” -- The person who appeals – and this is with every court – “has the burden of persuasion”. Then replacing it with National Committee appellant. Would be more of a burden on the person who is appealing.

DEBATE AS TO AMENDMENT

HARLOS: Need a motion to extend time if we are going to continue.

LATHAM: Motion to extend 15 minutes.

HARLOS: Any objection to extending time for 15 minutes? (No Response) **TIME EXTENDED FOR 15 MINUTES.**

DEBATE CONTINUED ON AMENDMENT

HARLOS: Any further debate on this amendment? (No Response) A YES VOTE would strike ~~National Committee~~ and insert appellant has the burden of proof. A NO VOTE would be the “National Committee has the burden of proof.”

ROBERSON (A2)	YES
BRACCO	ABSTAIN
CIESIELSKI	NO
HARLOS	ABSTAIN
LATHAM	NO
MARTIN	YES
MOULTON	YES
ROWLETTE	YES
RODGERS (A6)	YES
SEEBECK	YES

ADOPTED VOTE 6-2-2

HARLOS: ~~National Committee~~ is stricken and we are back at the main motion. Is there anything further? (No Response) Is there any objection to this proposal? Otherwise we will take a vote if there is. (No Response) **ADOPTED WITHOUT OBJECTION.** We extended for 15 minutes but my next one will not be done quickly. Really don't think we can finish another.

MARTIN: Motion to adjourn.

HARLOS: Any objection to adjournment? (No Response)

MOULTON: Could we take Public Comment after adjournment?

HARLOS: Certainly. We are adjourned at 11:14 PM ET.

DRAFT COPY ONLY 12-20 1:20 AM ET * 12-20-23 AT 2 PM ET *****