

2024 LIBERTARIAN PARTY BYLAWS AND RULES COMMITTEE
MINUTES OF MEETING JULY 27, 2023

Meeting called to order at 8:48 PM ET.

PUBLIC COMMENT: JACOBS: Information as to suspension in chat. MADDEN: Thanked all for interest and attendance at meeting. STARCHILD: Suggested Public Comment on all issues. Thanked for posting meeting information on line to enable members to attend. The more transparency the better.

MEMBERS	ALTERNATES	GUESTS
SYLVIA ARROWWOOD	DEAN RODGERS (A7)	DUSTIN COFFELL
PAUL BRACCO		CARRIE EILER
NICHOLAS CIESIELSKI		GREG HERIZSCH
CARYN ANN HARLOS		J. J. JACOBS
ROB LATHAM		NATHAN MADDEN
FRANK MARTIN		KEN MATTES
CHUCK MOULTON (A1)		MARRION SKINNER
TOM ROWLETTE		STARCHILD
DAVE ROBERSON (A3)		JESSICA TEWSBURY
MICHAEL SEEBECK		

ABSENT: MOELLMAN, RUFO


MINUTES APPROVAL: 7-13-23 to be approved at next meeting after review of comments by LATHAM and SECRETARY submitted to all.

HARLOS: P-8. BRACCO'S notes are the red and blue. Green is pending amendment. Purple is amendment to the amendment. Where we are is amendment to the amendment. **If contemporaneous physical ballots are used, those €contemporaneous physical ballots are completed and turned into each delegation chair and placed into a sealed envelope and delivered to the tellers.** Brought by BRACCO/LAHAM.

LATHAM: If we pass green amendment will that render 6.a.2. language unnecessary?

HARLOS: Amendment was to strike all of 6; correct? Then replace with purple language. sically a substitution. First level of amendment is motion to substitute. Going to treat purple amendment as motion to substitute. You can amend as presently exists and can amend the substitute independent. Then two go head to head. Because we are treating as substitute, anything we do with purple and green does not affect 6 until they go head to head. Primary motion is 6. Substitute motion is purple 7.

There is pending amendment to the substitute. Usual is to perfect original first. Will suggest we perfect substitute first and then perfect the primary. Then both open to perfection. We will see which will win in a head to head.

Amendment to the amendment is green **If contemporaneous physical ballots are used those**  Do either BRACCO or LATHAM wish to speak to the amendment to the substitute?

LATHAM: Was some question as to recount language in 8. How do we do a recount if we do electronic voting? Just inviting people to think about recounting. Nothing to add to green language.

BRACCO: Recall at end of last meeting there was discussion, do we need to replace one of the “contemporaneous physical ballots” repeats. No motion was made on that.

LATHAM: Right, yes.

HARLOS: Think reading aloud would help. Read aloud primary motion and then substitute motion with that amendment. (Primary motion and substitute motion with proposed amendment read aloud by HARLOS.

MOULTON: Move that we replace ~~those contemporaneous physical ballots~~ with [they](#).

HARLOS: Need to vote on MOULTON’S first. On second level amendment.

MOULTON: Encourage everyone to vote “no”. Redundant and wordy.

SEEBECK: What is use of term “contemporaneous” here for? Don’t make sense to me.

HARLOS: Means at same time. If there is an electronic vote, there is also a required to be a physical ballot as well done at same time to have a backup for a recount if ordered.

SEEBECK: “Simultaneous” not “contemporaneous”. But, okay.

BRACCO: You read out main motion and substitute but believe there are other parts of the main motion that are not up for being substituted. RULE 1 and then RULE 3 Section 2 had some changes and RULE 7 Section 3.

HARLOS: Those not being talked about right now. Get to them when we resolve this.

LATHAM: Question came up, what this process would be and intention for it. Was thinking “close in time” might be better than “at the same time” or any close words. There may be a question does the delegate do the same thing on the electronic that they did on the written ballot or maybe leave that up to whoever is in charge of administering that system. There has been a question as to the intent of doing this side-by-side process. Wanted to add my additional rationale.

HARLOS: Urge again the committee we need to be concerned about being stuck in an

echo chamber here. This has failed multiple times. We are trying to give delegates security. The longer debates goes on we have now convinced ourselves this is a great idea and forgot the delegates might not be so crazy about it. We need to remember we want to write something that is going to pass. Only time physical ballots become relevant is if a recount is called for. It is not automatic. Recount requires a majority vote. Recount would happen if people doubt the electronic record. If they doubt the electronic record, having the electronic record spit out an equally dubious physical ballot is not going to give them the insurance that we need to give the delegates. Whole purpose of having a physical ballot separate from the electronic system is anticipation that the delegates might not trust. Let's stick to amendment and see if we can get to a vote on that. Is there any further debate on the amendment to the substitute? (No Response). What we are voting on is adding the phrase to substitute 6.a. "[If contemporaneous physical ballots are used, those](#)".

ROBERSON: What is effect of the amendment?

HARLOS: It would be to add in that green language. If voted down it will be way it was before. Of course committee can do whatever it wishes to do. Urge to vote this down. There is never to be a question of if they are used. Urge to vote this down, wordy and turns intent on it's head. Is there now anyone else who wishes to speak to the amendment to the substitute? (No Response)

A yes vote will add in the green and a no vote will get rid of it so the language will just be the purple. **If contemporaneous physical ballots are used, those ~~C~~contemporaneous physical ballots are completed and turned into each delegation chair and placed into a sealed envelope and delivered to the tellers.**

SEEBECK OUT DUE TO COMPUTER ISSUES. RODGERS (A7) MOVED INTO SEEBECK SLOT AT APPROXIMATELY 9:25 PM.

ARROWWOOD	NO
BRACCO	NO
CIESIELSKI	NO
HARLOS	ABSTAIN
LATHAM	NO
MARTIN	NO
MOULTON (A1)	NO
ROWLETTE	NO
ROBERSON (A3)	NO
RODGERS (A7)	NO

FAILED 0-9-1

HARLOS: Usual to perfect the primary or the substitute and then do them one at a time. Then both are open to amendment. Intend to amend the substitute first. If someone prefers to perfect the primary first, that is what we will do. No worry about time running out as on a board.

ROWLETTE: In 6.a. Move to add a comma after “completed”. Strike the ~~and~~ and to insert a comma after “chair”.

AT APPROXIMATELY 9:35 MOELLMAN ENTERED. MOULTON (A1) MOVED TO RUFO SLOT. ROBERSON (A3) MOVED TO SEEBECK SLOT. RODGERS RETURNED TO ALTERNATE.

HARLOS: MOELLMAN is now present and SEEBECK is absent. Now on ROWLETTE’S amendment to the substitute. Do you wish to speak to amendment?

ROWLETTE: No.

HARLOS: Any further debate on amendment to the substitute which is 6.a. to add a comma after the word “completed”; strike the word ~~and~~ and then add a comma after “chair”? (No Response). Is there any objection to this amendment? (No Response).

ADOPTED WITHOUT OBJECTION.

HARLOS: Any amendment to the substitute?

BRACCO: Would like to move in 6.c. to add a period after “votes”. Strike the word ~~and~~. Add the words delegates must be present at the time of balloting and be created as 6.d. Each of these are things that are required of the system that can be authorized by the delegates. Other two are broken up into different sections because they are different things. You must be able to cast write-in votes and allow for it and the delegates must be present in the convention hall. Two different things here and they should be specific requirements rather than jammed together. Seems awkward to me.

MOELLMAN: Is it the intent to require a physical ballot in addition to the electronic?

HARLOS: Yes. We did discuss this in some detail. Parliamentary posture is treating the purple as substitute to the blue. There is a larger amendment that deals with rules. Blue is what we are dealing with now. Purple is motion to substitute by submission to strike out all of the blue. Working on perfecting the substitute.

MARTIN: Notice 6 in substitute omits the language that requires the convention’s approval. Assume that is intentional. Don’t recall any discussion on that point. Want to draw it to the committee’s attention. Wonder if that omission would cause delegates to tend to vote against this measure? Want to hear what others think before offering an amendment.

HARLOS: Right now on second level of amendment to the substitute. So if everyone could put a pin in that thought. Once we can do other amendments, that would certainly be in order if that's what people want to do.

LATHAM: Is amendment the highlighted?

HARLOS: Yes. To put a period after "votes". Strike the word ~~and~~. Then move the rest of the sentence down into a new subsection d. Remaining as it is. "Delegates must be present in the convention hall at the time of balloting." It's two different parts. Is there any further debate on the amendment to the substitute? (No Response) Is there any objection to the amendment to the substitute? (No Response). **ADOPTED WITHOUT OBJECTION.**

HARLOS: Address now MARTIN'S concern. Believe If approved, it is intended to cover that I believe. "If approved by the convention" that would be in order.

MOELLMAN: Believe we are at point where a motion can be made.

HARLOS: Yes.

MOELLMAN: Move to add by the convention behind "if approved". Have seen parliamentary shenanigans in the past and this is a critical voting item. Want to be as exact as possible on this. Am usually one who likes to strike but this is important here.

HARLOS: We are on amendment to the substitute. Anyone else who wishes to speak to the amendment to the substitute? (No Response). Asking then if there is any objection to the amendment to the substitute? (No Response). **ADOPTED WITHOUT OBJECTION.**

LATHAM: Substitute 6.a. which will read -- and part of it is to make it more active voice rather than passive voice and also to replace the word ~~contemporaneous~~ with proximately. It would read "Delegates complete physical ballots proximately to electronic balloting, turn each physical ballot into each delegation chair, who then places each into a sealed envelope and delivers that envelope to the tellers." Hope it is fairly self-explanatory. It addressed the contemporaneous versus proximate problem that some have raised. Makes it more active voice and more specific as to who does what.

BRACCO: From a procedural standpoint, is there any difference between these two versions of 6.a.? Would we do anything differently if we were to adopt this amendment versus if we were to slim it down?

HARLOS: Think the word "proximately" is problematic but if we interpret it as it is intended the same as "contemporaneously", then no. Like the active voice better. Urge this be voted down. However, a change to active voice could be made.

SEEBECK ENTERING APPROXIMATELY 9:45 PM. ROBERSON (A3) RETURNS TO ALTERNATE.

HARLOS: “Proximately” sounds weird. Does not mean necessarily in time. Could be like close in place and that could add an ambiguity here and it’s stilted language. It is not the way people talk. Know “contemporaneous” might not be most common English word but it’s more common than “proximately”. Does it mean they have to do it while sitting in their chair? Just find it really weird, awkward language. Too when adding “electronic balloting” when we are already talking about electronic balloting is way more words. This is awkward wording. If we vote this down and instead change a. to – don’t even know what we could change it to – Don’t mind active voice but something about the wording of this just does not sit right with me.

LATHAM: “Proximate” in Webster came up as immediately preceding or following. Looked for a word that means close in time and signs point to “proximate” and synonyms, approaching, appending, impending, nearing. Those all just don’t seem to fit. Aware people say “contemporaneous” means close in time, but it’s the same as “simultaneous” which is at the same time. Like the sound of “contemporaneous” to “proximate” as far as my ear goes but we know that’s not possible to be filling out a paper ballot at the same time as voting electronically. Don’t want to run into situation where our processes are judged by the letter of what we do. The strict language we use could potentially run into a problem. We could spell it out in “delegates complete physical ballots immediately prior to electronic balloting”? Or immediately after? We have a choice there. That might be a way to rid the word “proximately” if that’s the word we have the hang-up on. Would be open to a change like that. This amendment is No. 1 active voice. No. 2 think there is a problem with “contemporaneous” versus “simultaneous”.

HARLOS: Typed into Google what is difference between “contemporaneous” and “simultaneous” at some grammar or English geek site: “Contemporaneous” refers to things that happened in or are associated within the same period of time. “Simultaneous” refers to things that happen at the same moment.

MOULTON: On the subject of this, personally don’t like physical ballots at all. That’s in original and substitute amendment. Think we are being luddites here. If we have software that prints out a receipt, that’s fine but we lose a lot of the advantages of electronic balloting when we insist on recreating the same system we already have. I’m indifferent on it because it seems pretty close to the original but really don’t like the physical ballot requirement.

HARLOS: Going to suggest again voting this down where it says “Delegates complete physical ballots to electronic ballots, turn each physical ballot into each delegation chair, who then places each into a sealed envelope and delivers that envelope to the tellers.” to keep it active voice but keep it a lot simpler than it is now and keep the word “contemporaneous”. “Contemporaneous” is the proper word here. Don’t know why we

are twisting ourselves into knots over this word. It's a proper word.

LATHAM: Can I amend this yellow part? I've come around to "contemporaneous" because that's what I associate it with. You are saying, you would be okay with the highlighted a. but use "contemporaneous". "Delegates contemporaneously complete a physical ballot, . . . Is that right?

HARLOS: Cannot amend at this point.

LATHAM: We just vote it down and then go to something that is maybe a compromise between the highlighted and the version above?

HARLOS: You could ask to withdraw your motion. Then I can ask if the committee has an objection to your withdrawal with understanding we are going to work on language using "contemporaneous".

LATHAM: That's my request.

HARLOS: Any objection to LATHAM'S request to withdraw his amendment? (No Response). **WITHDRAWN BY MAKER WITHOUT OBJECTION.**

LATHAM can reword his motion any way he wishes. Believe my words were "Delegates complete contemporaneous physical ballots" and then the rest of that language stayed same as what you had previously moved. So "complete contemporaneous" and took out "to electronic voting".

LATHAM: Move what you said. Delegates complete contemporaneously a physical ballot, turn each physical ballot into ~~each~~ their delegation chair, who then places each into a sealed envelope and delivers that envelope to the tellers.

HARLOS: Little bit different but okay with it. Now is there debate on this amendment?

ROWLETTE: This would preclude someone punching into their phone or a computer Their vote and then having something else spit out a receipt. One would have to both mark a receipt and push a button and one would not with the original a.? Is that correct?

HARLOS: Same as original a. Just active voice. "Turned into each delegation chair" sounds like they have to turn into all delegation chairs. Second "each" should be "their".

LATHAM: Yes. Fine by me.

HARLOS: Any objection to going back in time and pretending that's what LATHAM originally said? That's not controversial. That's your prerogative. (No Response).

LATHAM: Going back to what ROWLETTE said. Believe it's intention of this purple

language to preclude just pure electronic voting and preclude electronic voting that would spit out a paper receipt or a physical ballot. Trying to improve as much as we can if that's intention to preclude again just pure electronic balloting or electronic balloting that spits out a paper receipt or a physical ballot.

HARLOS: It would not preclude anything in addition to this. But saying it must include provisions for the following does not entail excluding additional things. Does that answer your question, LATHAM?

LATHAM: Yes.

HARLOS: Would anyone else like to speak to the amendment to the substitute? (No Response). Is there any objection to the amendment to the substitute?

ROWLETTE: Liked the original better.

HARLOS: Vote is to strike 6.a. from the substitute and insert the alternate a. which is highlighted.

ARROWWOOD	YES	
BRACCO	ABSTAIN	
CIESIELSKI	YES	
HARLOS	YES	
LATHAM	YES	
MARTIN	NO	
MOELLMAN	ABSTAIN	
ROWLETTE	NO	
MOULTON (A1)	NO	
SEEBECK	ABSTAIN	FAILED VOTE 4-3-3

MOELLMAN: Motion to strike this item 6.a. Let's get this out of the way now. Two reasons. No. 1 don't need physical ballots. No. 2 this is wrong place to put it. Talking about what is required in an electronic system. There is nothing to prevent a person from writing simply because they have an electronic device in their hand. Nothing to prevent a person from filling out a ballot or putting it an envelope or any of that. If approved, it says, electronic voting may be used as long as there is written notice, la, la, la. The point is to outline the requirements of the electronic system. That's what I believe it to be. Then we have the report generated by the delegation. Can cast write-in votes. Have to be present. If recount is done, has to be done with ballots and that's fine. Don't know that we need this measure here and do not think it belongs here because it is not anything that would preclude that ever happening. That's 6.a. That's my point. That's why I make that motion.

HARLOS: Speak against doing this and suggest something different. Understand purpose

of the substitute was to put slightly different versions into play, in my notes and also LATHAM'S original. Substitute reflects my notes. Heart of my issue is: is this contemporaneous? Committee can gut it but that defeats the purpose to begin with which was to have these ideas competing. If we want to strike the **contemporaneous physical ballots**, which I understand LATHAM is not a fan of, the proper place to do that is in the primary which is his language not to gut my language. Then there is no point to the substitute at all because this is central to my substitute. I did not move it but that's where this language came from. Think two ideas of having a contemporaneous physical ballot and not having one deserve to compete head to head but this is wrong place to strike. It made hours of work to get to this point wasted. Highly suggest you vote this down here and if it is something you would like to strike, strike it from the primary not the substitute.

BRACCO: Inquiry. If we were to vote this proposal down now and then dispense with the substitute, whether we do the substitute or not, and we are back to overall main motion, would it be in order to take 6.a. and move it somewhere else in the rules? Or would that be a reconsideration?

HARLOS: No don't think it would require reconsideration. It could be done later.

LATHAM: Let's say we vote this proposed amendment down – will be voting against it – still like to keep that language because to BRACCO'S point would like to borrow some of the language here and import it up to the original blue language.

HARLOS: This not only deals with an electronic system. It's dealing with a process that includes an electronic system and this is part of the process. This is exactly where it belongs in my opinion. Is there any further debate on the amendment to the substitute which is to strike 6.a. in its entirety? (No Response) We are voting to strike 6.a. in its entirety from the substitute amendment.

ARROWWOOD	NO
BRACCO	NO
CIESIELSKI	NO
HARLOS	ABSTAIN
LATHAM	NO
MARTIN	NO
MOELLMAN	YES
ROWLETTE	NO
MOULTON(A1)	YES
SEEBECK	ABSTAIN

FAILED VOTE 2-6-2

HARLOS: Voting down something in a substitute does not preclude an amendment being made in the primary.

LATHAM: Would like to move an amendment, the blue language.

HARLOS: Like to keep things orderly. Will finish the substitute. Then we move to perfecting the primary. It may be in order if there is nothing further to the substitute.

ROWLETTE: Just 6, no letter. Would like to add a comma after word “delegation”. Put a period after the word “convention”. Would like to replace the word ~~and~~ with electronic ballot. This reads better. Adds two words but looks better.

HARLOS: Anyone else like to speak to the substitute? (No Response). Is there any objection to amendment to the substitute? (No Response). **ADOPTED WITHOUT OBJECTION.**

HARLOS: Any further amendments to the substitute?

ROWLETTE: 6.a. delete comma after the word “ballots”. Insert the word and. Change the word ~~into~~ to in to.

LATHAM: Best word choice not “turn”. Maybe “and deliver each physical ballot to their delegation chair” Better word choice. Could see myself voting against this.

HARLOS: To paraphrase, you are urging to voting this down. If voted down, you are going to offer an amendment to also delete the comma and add the word “and”. Delete the word ~~turn~~. Insert the word deliver. Delete ~~into~~ and insert in to?

LATHAM: It would read “and deliver each physical ballot to” . . .

HARLOS: Will be rewriting the sentence because you can’t separate words.

BRACCO: If this amendment passes and LATHAM were to make that theoretical amendment to strike the word ~~in~~, is that a regular amendment? Would it not be a higher threshold? We are creating that word and then striking it potentially in 30 seconds or so.

HARLOS: It’s assumed into a larger rewrite. Would delete that entire phrase and rewrite it. Will strike entire phrase and make it “and deliver each physical ballot to their delegation chair”.

BRACCO: Is there anything mutually exclusive? Trying to see why we can’t vote for both. LATHAM may want to refine it further. That would be fine too.

HARLOS: We may hear some things that are technically wrong. No one’s rights are being violated. The rules serve us. We don’t serve the rules. We will get where we need to go as long as nobody is being trampled on which isn’t going to happen in this circumstance. Is there any further debate? (No Response). BRACCO, to be clear if this is voted for and LATHAM wants to tweak it further, unless someone voices a point of order, I’m going to allow it. Is there any objection to this amendment?

LATHAM: Objection. I favor “deliver to” rather than “in to”.

HARLOS: Going to allow you to make that amendment even if this passes . . .

LATHAM: Okay. I’m not precluded?

HARLOS: No. Technically you might be but not doing that. Are you withdrawing your objection, LATHAM?

LATHAM: Yes. **OBJECTION WITHDRAWN BY MAKER.**

HARLOS: ROWLETTE’S amendment to 6.a. was to delete comma after “ballots”. Insert the word and. Change ~~into~~ to in to.

LATHAM: Delete the word ~~turn~~ to deliver. Strike the word ~~in~~ after “ballot”.

HARLOS: This is a bit heretical. Technically what we are doing is striking this whole phrase and technically you can’t separate amendments with all these different words but we are not playing that game because we are getting where we want to go which is the purpose of rules. We are committing a little heresy here.

The amendment is to strike the word ~~turn~~. Add the word deliver. Strike the word ~~in~~. It would read: ‘Delegates complete contemporaneous physical ballots and then deliver to their delegation chair.’ The rest has been taken care of. _Would anyone like to speak to this amendment?

BRACCO: Yes. In favor of this amendment. The word “deliver” is also used in this same sentence later on to describe the exact same activity of giving a paper item to somebody else. We should be consistent.

HARLOS: Any further debate? (No Response) Is there any objection to this amendment? (No Response) **ADOPTED NO OBJECTION.**

Any further amendments to the substitute?

MARTIN: No. 6. Move to strike the phrase ~~by state delegation~~. Will speak to that. Don’t understand what that phrase is doing here. If am enlightened, will be happy to withdraw. Otherwise it just seems weird and redundant to me. With that will pass.

HARLOS: Treating as point of parliamentary inquiry. If we don’t do electronic balloting, the current process is manual tabulation by state delegation because tellers don’t count the individual ballots themselves. Way it works now is individual delegates fill out an index card or whatever and turn it in to their state delegation chair who tabulates their delegation and fills out a tally sheet. That tally sheet then gets turned into the tellers. Tabulation is by state delegation.

MARTIN: Understand. Withdraw amendment.

HARLOS: Any objection to MARTIN withdrawing his amendment? (No Response).
Withdrawn.

MOTION TO STRIKE “BY STATE DELEGATION” WITHDRAWN BY MAKER WITHOUT OBJECTION.

Any further amendment to the substitute? (No Response) We are going to now perfect the primary.

LATHAM: 6.a. to be stricken and substitute and put in “a. Accommodate each delegate’s ability to cast: 1. An electronic ballot; 2. An electronic ballot that results in the printing of a conforming physical ballot; or 3. A vote by physical ballot accompanied by the delegate’s contemporaneous completion of a conforming physical ballot.” This gives us some other options to 6.a. 1. Would be pure electronic ballot. Some people would love that. An interim version that would not require that a delegate complete contemporaneously a physical ballot but they would cast an electronic ballot and would result in spitting out of the conforming physical ballot or some kind of paper receipt. That’s intention of this amendment.

HARLOS: Any further debate on this amendment? (No Response) Is there any objection to this amendment? (No Response) **ADOPTED WITHOUT OBJECTION**

Any further amendment to the primary?

BRACCO: Would like to take the “if approved by the convention” at the start of 6 and add to the start of 6 in the primary. Think this is good to add. Shaping up to be do we have 6.1.a. or the equivalent in the primary versus the substitute which does not have that. Want is closer and that’s where this is heading.

MARTIN: Proposed amendment here is redundant to the last clause of that sentence which reads “and following the convention’s approval.” Would not want to do that.

HARLOS: BRACCO, did you not see that in there or was it your intention to strike “and following the convention’s approval.” and instead start it “approved by the convention”?

BRACCO: Didn’t see it there. Will withdraw if nobody has an objection.

HARLOS: Any objection to BRACCO withdrawing his amendment? It will not preclude somebody else from making this amendment that would include striking that other phrase in case someone is in love with it?

ROWLETTE: Object if and only if it would be faster to get this done and take it out. Actually it’s probably faster to make another amendment. Never mind. Do not object.

LATHAM: Have no objection. Add at the beginning “if approved by the convention” --

HARLOS: Deleted because it was withdrawn.

LATHAM: -- then at the end of “convention” put a period and then delete the rest. Only significant difference would be what is in 6.a.1. and 6.a.2.

HARLOS: Anyone else like to speak to the amendment to the primary? (No Response) Is there any objection to the amendment to the primary motion? (No response) **ADOPTED WITHOUT OBJECTION.**

MOELLMAN: Move an amendment. In 6.d. where it says “the physical ballots” would like to strike ~~the~~. As yet “the physical ballots” don’t exist yet. Weren’t done yet. If recount would occur using physical ballots but not “the physical ballots” because they don’t exist yet.

RODGERS: Are we done with the other? Wanted to address 6.a.

HARLOS: Need to deal with deleting “the”.

LATHAM: Have a question for the sponsor. If doing an electronic ballot and there is a recount, don’t think “physical ballots” gets us there. Unless there is an electronic ballot and we do a recount. We print at that point? Not clear to me at this point.

MOELLMAN: Would be a print or it would have to be real physical ballots produced at that time. If it’s purely an electronic scenario, there are no paper ballots at that time. Somehow they would have to be generated. How? I don’t know. But that’s the provision right now. Can talk about whether that’s good or not but just looking at the language, saying “the physical ballots” when there were no physical ballots does not make any sense. If we strike the word ~~the~~ then it infers that if a recount is ordered, a recount must be done using physical ballots collected by the delegation chairs. That means a recount will have to be done somewhere down the line but there would be no the physical ballots” because they do not exist yet.

HARLOS: A typo was pointed out in chat but it has been corrected. Change made. Should be “electronic” and not “election”.

LATHAM: On recount question and why “the” is appropriate if a recount is successfully ordered for election conducted pursuant to 6.a.2. or 6.a.3 those style of elections, not a purely electronic election, then you would do the physical ballots. Then if you do a 6.a.1 election, you could do the recount in a different way. Some might say you don’t need to print anything. You could say like generated all the pdf’s and the pdf’s could be checked or there could be some other way of doing it that I’m not thinking of. These still need some work to accommodate for the different kinds of systems. You could do a different recount

for just purely electronic balloting that you would not need to for ones in which you generated a physical ballot.

BRACCO: If the 6.a.2 or 6.a.3. options were followed, those were selected, think that the recount requirement would be fine. If we go with 6.a.1. think, as MOELLMAN said, the physical ballots don't yet exist. But if we were to produce them, assume a recount would be called after the results of the electronic only election were to have happened, if we then see the results and then somehow produce the physical ballots and assume there was some way of printing from the electronic recording, isn't that kind of a revote? It's not even a recount. It's do the election again basically. Is it even a recount?

HARLOS: It is not. You are correct.

MOELLMAN: Tend to agree with the point that's just been made. The issue now is if you are going to have a split scenario, you would have to put d. under some subsection like 2. or 3. More thinking about it, the more I think we should strike 1., 2. – maybe alter 2. a bit and maybe say “enable the printing of physical ballots” and keep “the” in d. Probably vote against my own motion at this point. The better solution may be to say we do electronic voting and there is always the possibility of having a physical ballot rather than trying to have a split scenario. As long as we have the ability to print those ballots or if they are accompanied with, then there would always be the ability to print a physical ballot and that would be okay.

HARLOS: Understand. Might be good to withdraw your amendment recognizing that the discussion revealed some issues that need to be worked on that are greater than this. Are you okay with that?

MOELLMAN: If the body has no objection, more than happy to withdraw that motion.

HARLOS: Any objection to MOELLMAN withdrawing that amendment so the boarder issue revealed can worked on? (No Response) **WITHDRAWN BY MAKER WITHOUT OBJECTION.**

RODGERS: Look at last sentence of 6. It introduces a list of requirements an electronic balloting system must provide for the following:. Now there are a few things that the balloting system must provide. The word “accommodate” throws this completely off. “Accommodate” should be stricken. 1., 2., and 3. should be changed to a., b., and c. and a. should say “electronic balloting system must provide for the following a. to have ability to cast an electronic ballot. b. would be an electronic ballot that results and c. would be a vote required contemporaneous completion of a physical ballot. The challenge you have is consider a delegate that does not have a phone. Consider a delegate that does not have ability to cast a vote. You are not going to be able to hold an electronic vote. Way this is worded right now, that still remains a problem. The electronic balloting system must

provide -- “must provide” does that mean you must provide a delegate a phone? Do you have to provide a delegate a button? What if they don’t have that? You are going to have to provide that in order to conduct an electronic ballot. If that’s what you are going to do, then fine. We are not accommodating those who don’t have the ability. So strike ~~accommodate~~ and then a. “each delegate should have the ability to cast an electronic ballot. If I were to make a motion it would be to strike a. –

HARLOS: Are you seated now as a primary? You are fully allowed to debate if you are an alternate.

RODGERS: No, I’m not.

HARLOS: You are making a suggestion. Got you.

RODGERS: Raising that it doesn’t make sense. You have double colons and it just does not follow with the list of your requirements. The first requirement seems to be “each delegate must have the ability to cast an electronic ballot”. Then you go on to other two requirements. But you are not “accommodating” anybody. If they don’t have ability to vote, are you still going to have an electronic ballot? Raise that for members of the committee to consider. It just does not work the way it is written.

LATHAM: Good Point. Might be worded slightly different. Like the word “accommodation” but it’s for the point that was made. Do think that the convention or the delegation is going to need to have a lap-top or so that someone who did not bring their own and has no electronic means to vote has the ability to vote. So it is important to include “accommodation” somewhere. But language could be made a little better.

MOELLMAN: Move to amend 6.a. and also beyond that. Would like to strike word ~~accommodate~~. Instead of having the possessive of “delegate’s” say each delegate has the ability –

HARLOS: Here is way we need to do this. Will copy and paste this. Otherwise, will get super messy. Are all of your changes going to be on 6.a.?

MOELLMAN: Yes.

HARLOS: You are moving to strike 6.a. and replace it with – how do you want this first part to read?

MOELLMAN: “Each delegate has the ability to cast – take away the colon and delete all of Number 1. Leave Number 2 alone. Replace ~~results in~~ with enables. Take Number 3. and put it up there and make one sentence. That’s end of change.

HARLOS: Would you like to speak to this? Know we had some interruption between.

MOELLMAN: Took what was said about “accommodate” -- and it makes sense that we are giving people 90 days notice that if they are going to be a delegate they better bring something that is capable of voting and we give them 90 days notice. It enables them; does not require it so we can do electronic voting but we have a mechanism to produce physical ballots if we need to do a recount or we have ability to do an electronic ballot accompanied by a physical ballot. Again we will have physical ballots in either of those scenarios. We have two sets of scenarios, one where it is all electronic unless there is a recount and one that’s electronic and physical at the same time. Either way there is a physical ballot. Think that will leave the decision up to the convention committee or whoever is deciding this – and I can’t remember who – on the system and what it can do. It can do either or both and then it will be up to the delegates to accept a system or not. Think that solves the issue. Either way we can have a physical ballot.

LATHAM: Is it appropriate to make a motion to extend our time for 15 minutes?

HARLOS: Yes. Give some information to the committee. Must leave for airport. Fifteen minutes will not interfere with that. Further extensions will start to. Is there any objection to extending time for 15 minutes? (No Response) Motion to extend time for 15 minutes
ADOPTED WITHOUT OBJECTION.

LATHAM: Reason included 6.a.1. is have heard in our discussion there is a constituency on this committee for just having a purely electronic ballot with nothing that would be printed. That’s there to accommodate that. Having said that probably fall into the camp that prefers first go-around. We do need something that’s contemporaneous but do want people who just want the option for a pure electronic ballot to be heard. Hope in our process we allow the people to vote so we can see where the support is on this committee for including just purely electronic as an option. That may show up in this vote because this vote could eliminate that as an option. Ultimately favor MOELLMAN’S amendment but don’t want to foreclose the ability of folks who favor just a purely electronic ballot to have to vote on that.

BRACCO: Speak in favor of this amendment. Two reasons, one in favor of pure electronic voting if done well. However, don’t think that should be our proposal. Think we should be taking a smaller step in the main proposal and if we – and don’t think the opinion of this committee really matters whether we have electronic voting or not – it’s up to the delegates. Rather than trying to negotiate within the committee if we are going to do it at all, then the appropriate way to do it would maybe do it with a minority report and just put the question to the delegates. Do you want to even consider allowing electronic voting or just not now or come back some other year? Don’t know answer to that. Would rather get some form of electronic voting in even if it’s like, you have to do some physical

ballot items and that's fine. Would fall into we should allow for electronic voting camp and it's of course with delegate approval but don't think it should be put in our proposal. Think we should leave our proposal as a more conservative change and if we want to be more radical, we can do it through a minority report. Let's put it before the delegates and let them decide.

HARLOS: There is not an automatic right to a minority report. Think the delegates will vote to hear it. Just to relate it is not like clockwork.

MOELLMAN: As long as it is an auditable system, I like electronic voting. Think this proposal will put this in a spot where we can use electronic voting unless something is really contested and then we will have a fallback method of printing out everything and doing a hand count. Hoping this maximizes the chance of this passing and maybe in a couple conventions after this they can tweak it even further and go to pure electronic and take away the requirement that you have to be able to print; but if there is confidence, there might not be any printing anyway. As one who desires electronic, hoping this is a step we need to get there. If not immediately, in a couple of conventions.

HARLOS: Think we are viewing this wrong. With this change, would be more favorably disposed of the primary than before. Unless there is a recount, it is purely electronic. As people focusing on purely electronic, you have the emphasis on the wrong syl-able. What you are doing with this whole idea of purely electronic is foreclosing a meaningful recount. What we should be emphasizing on is whether a meaningful recount is possible and not whether it's purely electronic. If they pick the first half before the or, an electronic ballot that enables the printing of conforming physical ballots – unless there is a recount, that is purely electronic. Don't interpret this negatively at all but think the way we are talking we are starting to get into almost fetishes over language that is purely electronic when in fact this is what this amendment does. It is allowing for it. We need to start thinking more about being a high-priority trust and be able to have a meaningful recount.

MARTIN: Want to thank RODGERS for his comment. Think this amendment does improve the primary. However, if this passes, intend to introduce an amendment that changes the language from "that enables the printing" of the conforming physical ballots to something like "that produces a conforming printed ballot to be retained by the delegate". Then 6.d. can be done by collecting those ballots. That way we have covered the bases on how a recount could be done and we have clarified that each delegate will receive a printed ballot. Think a printed receipt or printed physical ballot to keep after voting electronically is really just what I would call an ordinary exercise of integrity.

LATHAM: Following up on MARTIN, I think one piece we are missing is language we added

in the substitute about getting these physical ballots – and I like MARTIN’S proposed amendment – This is not speaking against that but the idea that the delegate would keep that is problematic. There is language that the physical ballot would be put into a sealed envelope, given to delegation chairs – so there is still that language I think needs to be added from the substitute that’s still not here in this one. We need to add that and I’m coming around on the highlighted language. The people who favor electronic voting but are not quite there yet should take a conservative approach to this. Right now would be voting in favor of this.

HARLOS: Would anyone else like to speak to MOELLMAN’S amendment to the primary? (No Response) Is there any objection to MOELLMAN’S amendment to the primary? Remind everyone, we have only four minutes. AND HARLOS EDITI

LATHAM AND HARLOS EDITING AND MOVING PROPOSAL SCRIPT:

LATHAM: Can we look at this language we have in the substitute? Is it there already?

HARLOS: No, it’s not.

LATHAM: So where is it going to go?

HARLOS: Think you would have to rewrite a. a slight bit more and it would not be “enables”. Part a. would have to “require” and “be given to the delegates”. And add a new subparagraph which would become d. Either way you will have a physical ballot from a. If it’s one they did themselves, then they have to be delivered to delegation chair. So a. needs a rewrite and according to what MARTIN said, a new paragraph would be added.

LATHAM: So a. would be amended –maybe we can copy it and put it in a section below, “cast an electronic ballot that produces a conforming “. . . So “enables the printing” would be replaced. Could we put a sub 1. after that?

HARLOS: No. That produces a conforming physical ballot –don’t think you are looking for a sub. Think you are looking for another letter. And b. would be moved down and then c. and d. You would have a b. that would deal with that procedure of delivering.

LATHAM: Need to scroll down to see what language we would be pulling from –

HARLOS: Think you were looking for something like “delegates shall deliver their physical ballot to their delegation chair”?

LATHAM: Yes.

HARLOS: This would be a new b.

LATHAM: “shall” is bad word. Should it be “must”? See we have “recount must be done”. How about “must” instead of “shall”? Then just reletter accordingly.

HARLOS: Yes. That’s done automatically. No worry about that. So the amendment is strike a. again and change to each “each delegate has the ability to cast an electronic ballot that produces a conforming physical ballot. . . and the rest stays the same, New subsection “delegates must deliver their physical ballot” – think that makes more sense – “to their delegation chair who then places each into a sealed envelope and delivers that envelope to the tellers.”

LATHAM: Do we need more detail after “each” or do we know what we are talking about? I’m okay with it.

HARLOS: Maybe “places them”?

LATHAM: Okay with it.

HARLOS: This is actually a defect in the substitute which we will have an opportunity to amend if we want to. It almost sounds like each individual ballot has to have its own envelope.

END OF HARLOS AND LATHAM EDITING AND MOVING PROPOSAL SCRIPT

LATHAM: Just to bring to your attention, we are at time.

HARLOS: Is that your amendment or is there more?

LATHAM: Yes. That’s it.

HARLOS: We need a motion to extend time if we are going to continue. Otherwise, the meeting is ended with us in this posture of this amendment.

MOELLMAN: Don’t think we will get much further, but will move to extend for five.

HARLOS: Motion to extend for five minutes. Is there any objection to motion to extend for five minutes?

SEEBECK: Objection.

ARROWWOOD	YES
BRACCO	NO
CIESIELSKI	YES
HARLOS	ABSTAIN
LATHAM	YES
MARTIN	ABSTAIN
MOELLMAN	YES
ROWLETTE	YES
ROBERSON (A3)	NO
SEEBECK	NO

FAILED VOTE 5-3-2

HARLOS: Failed. Next meeting date is August 10. Our parliamentary posture will be where we are. However, if you wish to vote on this, we could start an email ballot and dispose of this between meetings. Will have on agenda at next meeting our next Town Hall. See there are hands up. Cannot keep this room open. Will declare us adjourned and will leave room open for you to talk. We are adjourned at 11:06 PM ET.

Draft 8-6-23 at 10:57 PM 8-7-4:30 PM