



Report of the Bylaws and Rules Committee
to the delegates of the
Libertarian National Convention of 2012, Las Vegas, Nevada

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Introduction to the Committee's Proposals

The 2010 Bylaws and Rules Committee submitted 38 proposals, many of which focused on housekeeping measures and consumed an entire day of the convention, and even that was not enough time to consider all of them.

The response from delegates in attendance was unambiguous: "Don't do that again. Too much time is spent on Bylaws proposals and not enough on real politics. Focus your efforts on substantive proposals that need our attention for a brief period of time and find a way to offload housekeeping matters elsewhere."

That message came loud and clear, so the 2012 committee is submitting only 10 proposals, all of them substantive and selected as part of an overall theme that:

- *Empowers Members*
- *Increases Transparency*
- *Reduces Procedural Bureaucracy*
- *Promotes Good Governance*

We look forward to your support of this streamlined set of substantive proposals.

Frequently Asked Questions

Q: *One proposal reduces the time for the LNC to conduct mail ballot votes from 15 days to 10 days. With today's technology, why not make the time window even shorter?*

A: *The original mail ballot rules date back to before we had e-mail and it was expected that it might require six days for USPS mail to go back and forth across the country. In those olden days, the rule gave people over a week to consider a proposal, consult on the phone with other board members, if needed, and respond by mail. We agree the old requirement of 15 days is anachronistic, but the Bylaws and Rules Committee wasn't sure how short a duration the delegates would want, so we went with a conservative proposal. We welcome an amendment from the floor to consider a shorter duration.*

Q: *Does the conflict of interest proposal require we change how we conduct business within our state affiliate?*

A: *No, the proposal only impacts one's involvement at the national level. If you want to enact a similar conflict of interest proposal for your state affiliate, you will need to change your state party bylaws to accomplish that.*

Q: *There was a proposal last time to consider changes to bylaws by mail. What is different about this year's proposal?*

A: *Yes, there was a proposal at the last convention to submit bylaws changes by mail ballot. The major argument against it was that having staff mail out 15,000 paper ballots and hand tabulate the results would have been cost-prohibitive. One delegate later suggested that a worldwide scientific organization he was familiar with used an online voting service contracted out to a professional third party with no interest in the outcome – and that it was inexpensive. His advice was well-taken.*

This year's proposal is to conduct inexpensive electronic voting through an independent third party. This year's proposal also allows Bylaws proposals to be submitted by a petition of party members, bypassing the Bylaws and Rules Committee. Proposals submitted by electronic mail ballot would require a 4/5 vote of support to pass, while proposals submitted at convention would continue to require a lower 2/3 vote of support.

Q: *The Open Conventions proposal suspends the use of state delegate allocation formulas, so long as attendance at national conventions remains low. Without an allocation, won't the state hosting the convention pack the convention with its members?*

A: *That potential exists today under the current rules. At the St. Louis, MO convention in 2010 there were over 50 people from Missouri attending as delegates, well over the number allotted for that state. Yet other state affiliates with room in their delegations seated them – as is common practice – and few seemed to mind. And it's no guarantee the host state can fill its delegation. At the Anaheim, CA convention in 2000, California was unable to present a full delegation at a major tourist destination in its own state.*

Appointment of Assistant Treasurer

Problem: *Serving as Treasurer can be a demanding job. Since 2000, four Treasurers have resigned in the middle of their terms, twice without advance notice.*

Federal Election law (2 USC 432) states:

Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

Effectively, it is illegal for the National Committee to operate while the position of Treasurer is vacant – it can not accept donations, pay vendors or even make payroll. Under such conditions, the National Committee has been forced to appoint someone to the office the day a vacancy occurred.

Solution: For the above reason, the law allows the designation of an Assistant Treasurer to serve while the Treasurer is either incapacitated or otherwise unavailable. The bylaws should be amended to authorize and require the National Committee to appoint an Assistant Treasurer.

Benefit: Having this language in place will allow the Party to carry on normal financial operations while conducting a search for a qualified replacement Treasurer.

Note: The Assistant Treasurer does not become a voting member of the National Committee as a result of the appointment.

ARTICLE 10: FINANCE AND ACCOUNTING

6. The National Committee shall designate an Assistant Treasurer to temporarily serve in the event the Treasurer is incapacitated or unavailable, or vacates the position.

Expedite LNC Mail Ballot Process

Problem: *The Bylaws currently specify that fifteen days shall be allowed for casting votes by mail ballot. The extensive period of time is a relic from when we used to conduct mail ballots via the United States Postal Service. With the change at the last convention to require that all mail ballots be conducted via electronic mail, we have reduced the back-and-forth time for mailing by as many as six days. It appears that fifteen days can reasonably be reduced to ten days without impacting the time required for members of the LNC to give due consideration for each question.*

Solution: *Specify that voting shall close in ten days, or earlier if all members of the board have already cast their votes (or specifically communicated their desire to abstain from the question, which the Chair regularly does).*

ARTICLE 8: NATIONAL COMMITTEE

10. The National Committee may, without meeting together, transact business by electronic mail. The Secretary shall send out electronic mail ballots on any question submitted by the Chair or cosponsored by at least 1/5 of the members of the Committee. ~~Fifteen days shall be allowed for the return of the votes cast, by electronic mail, to the Secretary.~~ The period for voting on a question shall remain open for ten days, unless all members have cast votes, or have stated an intention to abstain, by electronic mail to the Secretary. Votes from alternate regional representatives will be counted, in accordance with the ranking procedure of the region, only if the regional representative fails to respond to the ballot. The number of votes required for passage of any motion shall be the same as that required during a meeting. The Secretary shall preserve all such votes until the next meeting of the National Committee, at which meeting the Committee shall order the disposition of such votes.

Transparency and Access to LNC Meeting Records

Problem: An archive of the minutes of LNC meetings from the past few terms is currently available to the membership on the Party's website as mandated by the LNC Policy Manual. However, in a past term the archive was taken down and all historical minutes were removed.

Solution: Increase the transparency of meetings and decrease the likelihood of records being lost by allowing sustaining members to record the proceedings while in open session and elevating the requirement for archiving LNC meeting minutes on the Party's website from the LNC Policy Manual to the Bylaws.

ARTICLE 8: NATIONAL COMMITTEE

15. The Secretary or a designee shall promptly post notice for each session of the National Committee; any National Committee proposed agendas; and approved minutes of each Convention and open National Committee session to a permanent archive section on the Party's website. Any sustaining member may record the National Committee's proceedings while in open session.

Ensure Delegate Investment in LP

Problem: *The Bylaws does not require delegates to a National Convention be members of the LP, nor does it require they be members of the state affiliates in which they are seated.*

This situation is analogous to a stockholder meeting at which non-stockholders are allowed to vote. Delegates should be required to have an emotional and financial investment in the organization whose leadership and policies they determine.

Solution: *Require each delegate to be a sustaining member of the National LP or a member of the affiliate party in whose delegation he or she is seated.*

ARTICLE 11: CONVENTIONS

3. Delegates:

- a. ~~Delegates shall be required to be members of either the Party or an affiliate party.~~
Eligibility: Each delegate must be a sustaining member of the Party or a member of the affiliate party in whose delegation he or she is seated.

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Conflict of Interest

Problem: We've encountered several examples in the last couple of years where members holding key positions in the Party have been members of other political parties. People who hold positions of trust in our Party should be clearly committed to supporting only our Party.

Solution: Add a new Bylaw that prohibits individuals who choose to affiliate with other political parties from serving in positions of trust or responsibility.

Note: According to Ballot Access News, of the thirty (30) states that allow registration by political party, twenty-three (23) of them extend that franchise to the Libertarian Party. They are Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, South Dakota, Utah and Wyoming.

ARTICLE 6: CONFLICT OF INTEREST

No individual enrolled as a registered voter affiliated with another political party, if he or she has the option of affiliating with the Libertarian Party, shall be eligible to serve as a Party employee, National Committee member, committee member, or delegate, or hold any other position of trust or responsibility within the Party.

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Empower Libertarian Party Members to Amend the Bylaws

Problem: *Delegates at recent conventions stated that too much time on the convention floor is spent debating bylaws and not enough time is spent on workshops, speakers, candidate training, and other activities more enjoyable for delegates.*

Solution: *Empower the membership to be able to bypass the Bylaws & Rules Committee and petition changes directly with the membership. Bring our organization into the 21st Century by enabling the entire membership to sponsor amendments to the bylaws and vote for their approval by e-mail.*

Benefits:

- *Less floor time needed to address housekeeping issues, freeing up time for more productive activity at the Convention with a higher likelihood of affecting positive change in America.*
- *While many members pay dues and perhaps read LP News, they do not attend meetings, circulate petitions, or run for public office. Getting them involved in decision making for our Party will give them a greater sense of involvement and attachment, which will encourage some passive members to become activists.*

ARTICLE 17: AMENDMENT

1. These Bylaws may be amended by a 2/3 vote of the delegates at any Regular Convention or by a 4/5 vote by electronic mail ballot of sustaining members. For an amendment to be enacted by electronic mail ballot the number participating must be greater than the number registered at the most recent Regular Convention.
2. Article 4, Section 1, shall not be amended by a vote of less than 7/8 of all registered delegates at a Regular Convention.

ARTICLE 10: MAIL BALLOT PROCEDURES FOR AMENDING BYLAWS

1. The Party shall contract out the election services to an independent, professional firm that conducts elections for other organizations.
2. Proposed amendments to the Party's Bylaws shall be sponsored by the Bylaws and Rules Committee (or by petition on an approved form signed by ten percent of the sustaining membership to the National Committee) and submitted to sustaining members for approval via electronic mail ballot no more than once per calendar year.
3. Proposals shall be delivered together with any minority reports.

4. Ballots shall be sent to sustaining members who have provided an e-mail address as of the end of the month immediately preceding the mailing of ballots.
5. The period for voting shall be no less than 15 and no more than 30 days. The date and time for the close of voting shall be set prior to the commencement of voting.
6. The Party shall provide an online forum where sustaining members may debate any pending proposal.

Empower Libertarian Party Members to Elect the National Committee

Problem: *Our candidates deserve more support from the national level, but that's difficult to achieve when National Committee terms begin in the middle of the campaign season.*

Solution: *Have the entire membership elect by e-mail the National Committee shortly after each nationwide Congressional election.*

Benefits:

- *Members can hold the National Committee accountable for our candidates' performance because they will be responsible for an entire election cycle.*
- *The full day currently spent on Party elections can be freed up for workshops, speakers, candidate training and other activities that help our candidates.*
- *The location of conventions will no longer help or hinder particular National Committee candidates.*
- *Having members participate in decision making for our Party will give them a greater sense of involvement and attachment, which will encourage some passive members to become activists.*

ARTICLE 7: OFFICERS

1. The officers of the Party shall be:
 - Chair,
 - Vice-Chair,
 - Secretary, and
 - Treasurer.

~~All of these officers shall be elected by a Regular Convention of the Party, shall take office immediately upon the close of the Convention and shall serve thereafter until the final adjournment of the next Regular Convention.~~ No person shall serve as an officer who is not a sustaining member of the Party.

ARTICLE 8: NATIONAL COMMITTEE

2. The National Committee shall be composed of the following members:
 - a) the officers of the Party, all elected by electronic mail ballot of sustaining members;
 - b) five members elected at large ~~by the delegates at a Regular Convention~~ by electronic mail ballot of sustaining members; and
 - c) any additional members as specified below:

Any affiliate party with 10% or more of the total national party sustaining membership within affiliate parties (as determined for delegate allocation)

shall be entitled to one National Committee representative and one alternate for each 10% of national sustaining membership. Affiliate parties may, by mutual consent, band together to form "representative regions," and each such "region" with an aggregate national party sustaining membership of 10% or more shall be entitled to one National Committee representative and one alternate for each 10% of national party sustaining membership, all elected by electronic mail ballot of sustaining members of the representative region. "Representative regions" may be formed or dissolved once every two years during a period beginning 90 days before the beginning of and ending on the second day of the National Convention, and notice of new formations or dissolutions must be given in writing to the national Secretary prior to the close of the Convention at which they take place.

- ~~The National Committee shall take office immediately upon the close of the Regular Convention at which they are selected, and serve until the final adjournment of the next Regular Convention.~~ National Committee members shall serve from February 1 of the year following a nationwide Congressional election through January 31 of the year following a nationwide Congressional election or until their successors are elected.

ARTICLE 10: MAIL BALLOT PROCEDURES FOR ELECTIONS

- The Party shall contract out the election services to an independent, professional firm that conducts elections for other organizations.
- The officers and regional representatives shall be elected by Ranked Choice Voting; at-large members shall be elected by majority vote.
- The ballot design shall allow for the casting of write-in votes and votes for "None of the Above." Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the vacancy for that term of office.
- Candidates shall be nominated on a standard petition form approved by the National Committee to be circulated by candidates during the period beginning the day after a nationwide Congressional election and must be received by the national office on or before December 15. The Party shall notify the membership of this deadline and of the requirements for nomination by petition on its website. Eligible candidates with petitions signed by 10 or more sustaining members shall be included on the mail ballot.
- Ballots shall be sent to sustaining members who have provided an e-mail address as of December 31 immediately following the nationwide Congressional election.
- The period for voting shall be no less than 15 and no more than 30 days. The date and time for the close of voting shall be set prior to the commencement of voting.

7. [The Party shall provide to eligible voters website links to the campaign websites of the candidates for National Committee.](#)

ARTICLE 11: CONVENTIONS

8. Votes cast for "None of the Above" in voting on the Party's nominees for President and Vice-President, ~~the Party Officers, and at large members of the National Committee,~~ shall be considered valid. Should a majority of the votes be cast for "None of the Above" in the Presidential or Vice-Presidential balloting, no candidate shall be nominated for that office. ~~Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the vacancy for that term of office.~~

RULE 1: ORDER OF BUSINESS

The standing order of business for a Regular Convention shall be as follows:

1. Call to order
2. Credentials Committee report
3. Adoption of agenda
4. Treasurer's report
5. Bylaws and Rules Committee report
6. Platform Committee report
7. Nomination of Party candidates for President and Vice-President (in appropriate years)
- ~~8. Election of Party Officers and at large members of the National Committee~~
9. Election of Judicial Committee
10. Resolutions
11. Other business

RULE 2: VOTING PROCEDURE AND MOTIONS

1. On all matters, except the retention of platform planks, the election of ~~Party Officers and at large members of the National~~ [the Judicial](#) Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by either voice vote or rising vote. If any delegate objects to the Chair's ruling on the outcome of a voice vote, a rising vote shall be conducted. If 20 or more delegates object to the Chair's ruling on the outcome of a rising vote, a counted vote will be held.
2. The Chair may require any motion offered from the Convention floor to be in writing, signed by the mover and submitted to the Secretary.

~~RULE 8: ELECTION OF OFFICERS AND NATIONAL COMMITTEE~~

- ~~1.—Nominations for Party Officers shall be from the floor. The election shall be conducted in the following manner:
 - ~~a.—For each office, a majority vote will be necessary for election.~~
 - ~~b.—Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed.~~
 - ~~c.—For the first round of voting for Chair, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation. Subsequent announcements of each delegation's totals shall be made by the Secretary.~~
 - ~~d.—In cases where no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.~~~~
- ~~2.—Nominations for the at-large members of the National Committee shall be from the floor. The election shall be conducted in the following manner:
 - ~~a.—Each delegate may cast up to five votes, but no more than one vote for any one candidate.~~
 - ~~b.—Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed.~~
 - ~~c.—At this point, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation.~~
 - ~~d.—Those five candidates receiving the highest vote totals shall be declared elected. If a tie vote affecting the outcome of the election occurs, another ballot for the remaining offices shall be held with each delegate allowed to cast as many votes as there are offices to fill.~~~~
- ~~3.—Nominations for each candidate may be made by any delegate present on the floor, provided he or she has the candidate's permission. Nominating speeches shall be limited in duration as follows:
 - ~~a.—Chair: Total of 10 minutes;~~
 - ~~b.—All others: Total of 5 minutes.~~~~
- ~~4.—In the event a region has not otherwise provided for the election of its regional representative to the National Committee then the delegates from the region shall elect its regional representative, provided there are at least five delegates present. Each Region's delegates may elect their representative in whatever manner they choose, provided all delegates present from that region are given equal voice in the selection.~~

~~RULE 9: ELECTION OF JUDICIAL COMMITTEE~~

~~Nominations and elections for members of the Judicial Committee shall be conducted in the same manner as specified for at-large members of the National Committee.~~

Proviso: This amendment shall take effect upon the opening of the convention following the convention at which it is adopted. Those elected at this convention will be responsible for a full election cycle.

Open Conventions

Problem: *We currently regulate Convention attendance by limiting the number of delegates from each state. However, when more people from a state arrive than there are allocated, we always find a way to seat them with the delegations of other states. This is needlessly bureaucratic.*

Solution: So long as the number of delegates in attendance is significantly fewer than the 1,050 allowed under our bylaws, dispense with the need for delegate allocation formulas and allow any member to be seated at Convention.

Benefits:

- *A simpler, faster credentialing process.*
- *No more hassling for alternates – everyone gets seated.*
- *More of our members will attend conventions if the process appears less intimidating. No one should needlessly fear not getting seated.*

ARTICLE 11: CONVENTIONS

6. Open Conventions:

Notwithstanding any other section of this Article, if the number of delegates registered at either of the two most recent Regular Conventions was less than ninety percent of the maximum number allowed, the requirements for delegate allocation, selection and reporting shall be waived, and any individual who is a sustaining member of the Party or a member of the affiliate party in whose delegation he or she is to be seated may register as a delegate to the Regular Convention.

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Require Minimum Term as a Sustaining Member to be Seated Automatically as a Delegate at Open Conventions

(to be presented if proposal to create open conventions is enacted)

Problem: With an Open Convention, it's possible that a large number of individuals can join the Party as sustaining members just prior to the convention and attend as voting delegates.

Solution: To alleviate this concern, amend the just adopted bylaw change to authorize only longer-time delegates to seat those who recently joined the Party.

The Bylaws and Rules Committee does not presume to know to what extent, if any, delegates will want someone to have been a member before being automatically seated, so we propose that the Convention vote to "fill-the-blank" in the proposal below.

The process for "fill-the-blank" works as follows. Nominations are made from the floor for different proposed durations (e.g. 365 days, 180 days, 90 days, 30 days). In order, voice votes are held in succession on each alternative, starting with the alternative with the longest duration because it is likely to have the least amount of support. The first alternative to achieve majority support of the delegates will become the main motion considered for adoption. If none of the alternatives achieves majority support, this proposal will be considered rejected, at which point delegates can propose a substitute motion from the floor.

ARTICLE 11: CONVENTIONS

6. Open Conventions:

Notwithstanding any other section of this Article, if the number of delegates registered at either of the two most recent Regular Conventions was less than ninety percent of the maximum number allowed, the requirements for delegate allocation, selection and reporting shall be waived, and any individual who is a sustaining member of the Party or a member of the affiliate party in whose delegation he or she is to be seated may register as a delegate to the Regular Convention. However, individuals who first became eligible to register as delegates fewer than (FILL THE BLANK) days prior to the opening of the Regular Convention shall need majority approval of the Convention to be seated.

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Creation of a Style Committee

Problem: *A proposal quickly crafted on the floor of the most recent convention added Convention Rule 5.8, which authorizes the National Committee with a majority vote to amend the Platform and Bylaws (but not the Convention Special Rules of Order) for non-substantive stylistic changes.*

The enacted change is more in the nature of a Bylaw, rather than a Convention Special Rule of Order, which is normally intended to address how we conduct business during the convention.

Solution: *Move the provision from the Convention Rules to the Bylaws, and require such changes receive a super-majority (rather than a simple majority) of the National Committee after providing advance notice on the Party's website, and that such changes be proposed by a separate Style Committee, a majority of which is other than National Committee members.*

~~RULE 5: DEBATING AND VOTING—PLATFORM~~

~~8. Should changes to the bylaws or platform result in a grammatical error in accordance with the latest edition of the Chicago Manual of Style, the LNC presiding at the time of that discovery is authorized to make those grammatical corrections provided it does not change the meaning or intent of the item edited.~~

ARTICLE 17: AMENDMENT

1. These Bylaws may be amended by a 2/3 vote of the delegates at any Regular Convention.
2. Article 4, Section 1, shall not be amended by a vote of less than 7/8 of all registered delegates at a Regular Convention.
3. The National Committee shall appoint a Style Committee composed of three members: the Secretary and two individuals who are not members of the National Committee. The Style Committee may propose stylistic changes to the Platform, Bylaws, and Convention Rules that are non-substantive in nature, such as corrections to spelling, grammar, punctuation, capitalization, active versus passive voice, breaking up run-on sentences, correcting references, reordering, and renumbering. Proposed changes shall be posted on the Party's website at least 30 days prior to being submitted to the National Committee for ratification by a two-thirds vote.