

Document:Colorado State Party Constitution 2019 (Revised with Style Changes)

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[Adopted in Convention April 28th, 2019]

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Article I – NAME

Section 1:

The name of the political party shall be the Libertarian Party of Colorado, hereinafter referred to as “the Party.”

Article II – PURPOSES

Section 1:

The purpose of the Party is to implement and give voice to libertarian principles, such as those in the Statement of Principles of the national Libertarian Party, throughout the state of Colorado by:

- a. providing leadership and direction for the Libertarian movement in Colorado;

- b. communicating the message and positions of the Party;
- c. entering into political information and educational activities;
- d. promoting, chartering, coordinating, and supporting Party affiliates;
- e. growing the Party through attracting and retaining members;
- f. attracting, nominating, and promoting professional, serious Party candidates for political office; and
- g. promoting Libertarian legislation throughout Colorado.

Article III – PRINCIPLES

Section 1:

The Party shall take no position inconsistent with the Statement of Principles of the national Libertarian Party.

Article IV – MEMBERS

Section 1:

Membership in the Party is exclusively limited to all registered electors (“Voters”) in the State of Colorado whose party affiliation is “Libertarian.” Membership in the Party begins on the date an eligible Voter signs an approved voter application form or personal letter conforming to statute (collectively, “Application”), where “Libertarian,” or a reasonable abbreviation thereof, has been indicated as the party affiliation, and the Application is subsequently accepted by the Voter’s county Clerk and Recorder’s office. Membership in the Party ends on the date the Voter either signs an Application where another party, “Unaffiliated,” or a reasonable abbreviation of either, has been indicated as the party affiliation, and the Application is subsequently accepted by the Voter’s county Clerk and Recorder’s office; or the Voter registers in another state or country; or the Voter is removed from the voter rolls.

Section 2:

In the absence of the receipt section from the voter application form which has been properly initialed and dated by a voter registration drive circulator, or of a copy of the Application notarized no later than the first business day following the date of signing, proof of membership by voter registration shall be determined by the Secretary or the Credentials Committee through confirmation with the Secretary of State’s office or the applicable county Clerk and Recorder’s office.

Section 3:

A prospective member may challenge an error of the Secretary of State or a Clerk and Recorder by virtue of an affidavit signed by two (2) other Members who are in good standing.

Section 4:

Any current Member in good standing may challenge the validity of the proof of membership. The burden of proof of invalidation shall be upon the challenging Member.

Section 5:

No membership in any other organizations shall be required of any applicant for consideration for Party membership.

Section 6:

All Directors, delegations, candidacies, and other roles within the Party and its affiliates shall be occupied and exercised only by Party Members.

Article V – DIRECTORS

Section 1:

There shall be eleven (11) Party Directors (“Directors”), as follows: Chair, Vice Chair, Affiliate Development Director, Campaigns Director, Membership Director, Communications Director, Outreach Director, Secretary, Legislative Director, Treasurer, and Fundraising Director. Only Convention Delegates eligible to vote may run for a Party Director, and only if they promise to fulfill the requirements of this article.

Section 2:

Except in the case of an appointed Director, the following Directors shall be elected in odd-numbered years: Chair, Vice Chair, Affiliate Development Director, Campaigns Director, Membership Director, and Communications Director; and the following Directors shall be elected in even-numbered years: Outreach Director, Secretary, Legislative Director, Treasurer, and Fundraising Director. The election of each Director shall be conducted independently of the others, in the order designated in Section 1 of this Article. Such elections shall be conducted by the Delegates to the Convention as provided in the Bylaws, and shall not take effect until adjournment sine die of the Business Session of the Convention and the Director-Elect has signed the Statement of Principles of the national Libertarian Party and a statement disavowing the initiation of force to achieve political or social goals. The term of each Director shall be two (2) years or until a successor is elected or appointed.

Section 3:

An appointed Director’s term ends at the adjournment sine die of the Business Session of the next Convention, regardless of year, when an election shall fill either the remainder of the term or the next full term, based on the schedule in Section 2 of this Article.

Section 4:

Director elections shall exclude any Director eliminated upon adjournment sine die of the Business Session of the Convention and shall include any Director created upon adjournment sine die of the Business Session of the Convention, regardless of the year designated for it in Section 2, with the term of each Director adjusted to end at the adjournment sine die of the Business Session of the Convention of the designated year.

Article VI – BOARD OF DIRECTORS

Section 1:

The Board of Directors (“Board”) shall consist of the Party Directors. The Board shall be the Party’s State Central Committee.

Section 2:

Any member of the Board may be suspended by vote of two-thirds (2/3) of the current Board. Any member of the Board absent from two (2) consecutive regular meetings of the Board may be suspended at adjournment of the second regular meeting. The Board may, by a two-thirds (2/3) vote of the current members, appoint or reinstate Directors if vacancies or suspensions occur. Reinstated or appointed Directors are to serve until the next Convention.

Section 3:

The Board shall have control and management of all the affairs, properties, and funds of the Party consistent with this Constitution and shall meet in the manner specified in the Party Bylaws.

Article VII – ANNUAL CONVENTIONS

Section 1:

The Party shall hold a Convention of Party Delegates (“Convention”) each calendar year, scheduled so that it convenes at least six (6) months after the previous Convention and adjourns no later than seventy three (73) days before the day of the Colorado primary election.

Section 2:

Arrangements may be made by the Board to provide for Members to participate in the Convention from remote locations. No later than forty-five (45) days prior to Convention, in accordance with state law, the Chair shall call the Convention by notifying Members of the date and location of the Convention, as well as any remote locations. Additionally, the time and place of any Convention and remote locations shall be published no later than fifteen (15) days prior to such Convention in a newspaper of general circulation in each county wherein the Members of the Party reside.

Section 3:

No fee may be required of any Party Member to participate in the Business Session of any Convention; however, fees may be required for participation in other Convention events.

Section 4:

A Member, having been a Member for at least ninety (90) days immediately prior to the Business Session of a Convention, may attend and vote at the Business Session as a "Delegate." The Credentials Committee is authorized to impose general selection criteria such as: capping the number of Delegates from any number of counties or districts, giving preference to more senior Delegates, or other criteria that will ensure fair representation of the Party Membership—provided such criteria are established prior to and included with the Call of the Convention.

Article VIII – SPECIAL CONVENTIONS

Section 1:

In the event that there is an urgent situation in which items of business normally reserved for the annual Convention must be done between annual Conventions, the Board by a two-thirds (2/3) vote shall call a Special Convention which shall be limited to only those items of business specified by the Board as required to bring or keep the Party in compliance with state or federal law.

Section 2:

Such call to Special Convention shall include its purposes, shall be announced no later than fifteen (15) days in advance to the Members, and shall include the time and place of the Special Convention and remote locations. The time and place and purposes and remote locations of any Special Convention shall be published fifteen (15) days prior to such Special Convention in a newspaper of general circulation in each county wherein the Members of the Party reside. Arrangements may be made by the Board to provide for Members to participate in a Special Convention from remote locations.

Section 3:

Any required changes to the Party Constitution or Bylaws that are made at a Special Convention must be ratified by the next annual Convention, regardless of the year of the Convention, using the same voting thresholds required to change the respective documents as provided for in this Constitution, or else they will be rendered null and void.

Section 4:

All current Members that were eligible to vote at the previous annual Convention shall be eligible to vote at a Special Convention.

Article IX – NOMINATION OF CANDIDATES FOR PUBLIC OFFICE

Section 1:

The United States Supreme Court has recognized that the nomination of candidates—under political party rules—falls under the First Amendment’s Freedom of Association protections and therefore overrides state laws when such rules so state. As such, all rules for nominating candidates are limited to only the Party Constitution and Bylaws, and all state laws regarding nominating candidates are to be considered overridden and void. The Party reserves all First Amendment Rights in this regard.

Section 2:

Members who wish to be a candidate for partisan office in Colorado other than President or Vice President may submit an application to the Board or its designated committee no later than forty-five (45) days before the Convention. Members shall be notified that the application process is open no later than ninety (90) days before the Convention. A web page for the candidates shall be posted on the Party website at least thirty (30) days before the Convention.

Section 3:

The application shall consist of: 1) a photograph of the candidate; 2) the application form provided by the Board; 3) a biography and a minimum of three (3) issue positions for the web page; 4) filling out any electronic forms required by the Party or the national Libertarian Party; and 5) signing a statement to the effect that they supports the Statement of Principles of the national Libertarian Party and a statement disavowing the initiation of force to achieve political or social goals.

Section 4:

Each candidate must have been a Member for at least one hundred fifty (150) days prior to the Convention.

Section 5:

Candidates may be nominated by Delegates to the Convention or by a Vacancy Committee designated by the Delegates. For nominations at the Convention:

1. For any partisan offices, Convention Delegates shall vote by approval voting to nominate candidates for those offices.
2. Candidates nominated from the floor or by the Vacancy Committee shall sign a statement that they support the Statement of Principles of the National Libertarian Party and a statement disavowing the use of force to achieve political or social goals.
3. The Board or its designees shall serve as the Vacancy Committee unless the Convention directs otherwise.

Section 6:

In addition to candidates, “None of the Above” (NOTA) shall be a choice on every nomination ballot cast. At no time shall NOTA be removed from the nomination ballot, even under suspension of the Convention Rules. Should NOTA win the nomination for a partisan office, the Party shall put forth no candidate for that office in the general election.

Section 7:

Any Party nominee in a partisan contest where party identification on the ballot is permitted shall use the designation “Libertarian.” Only candidates nominated by the process set forth in this Article may use this designation. A Party nominee qualifies for campaign assistance from the Party.

Section 8:

The Party, its affiliates, and its elected Directors in their official capacities, either individually or as a group, shall endorse only Libertarian Party nominees for election to partisan public office.

Section 9:

At any time that any of the Party’s candidates participate in a primary election, the Party shall opt-out of allowing Unaffiliated or other persons who are not Party members from participation and provide appropriate notice to the Secretary of State’s office as provided by law.

Article X – PARTY AFFILIATES

Section 1:

The Board may charter as affiliates those organizations requesting such status to represent counties, or other geographical entities, if requested by affected Members and approved by the Board. Affiliates shall be chartered for, but shall not be limited to, the following purposes:

- a. nominating candidates for public office;
- b. working to elect Libertarian candidates and to promote Libertarian principles through political information and educational activities; and
- c. selecting representatives to appropriate Party activities.

Each affiliate so chartered shall declare, for the purposes of liaison between the Party and the chartered affiliate, an Affiliate Representative.

Section 2:

Every organization so chartered shall ratify the Statement of Principles of the national Libertarian Party. They shall also submit contact information for their officers/directors, who shall include at least a Chair and a Treasurer, being separate people. They shall maintain at least five (5) Members, publish their bylaws to those Members and the Board, and file their initial Fair Campaign Practices Act filings as necessary.

Section 3:

The Board shall have the power to revoke the affiliate status of any organization by a three-fourths (3/4) vote of the current Board if said organization: supports candidates, policies, or positions inconsistent with the Statement of Principles of the national Libertarian Party or the State Party Platform; fails to hold an annual meeting with at least five (5) Members where officers are elected with contact information and minutes submitted to the State Board of Directors; or fails to report to the proper governmental agencies their Fair Campaign Practices Act filings. Thirty (30) days' notice by certified mail shall be given to the Affiliate Representative of the affected affiliate.

Article XI – BYLAWS AMENDMENTS

Section 1:

During odd-numbered years, the Bylaws may be amended by a majority vote of the Delegates to the Convention, provided the amendment is included in the annual report or a minority report of the Constitution and Bylaws Committee, or written notice including the formal language of the amendment and signed by two (2) Members is provided to the Board at least thirty (30) days prior to the Convention. Such notice shall be posted to the Party's website within two (2) business days of receipt.

Article XII – PLATFORM AMENDMENTS

Section 1:

During odd-numbered years, the Party may adopt or amend, by a two-thirds (2/3) vote of the Delegates to the Convention, a Platform stating its position on all political issues affecting the state or any constituent entity thereof, provided the amendment is included in the annual report or a minority report of the Platform Committee, or written notice including the formal language of the amendment and signed by two (2) Members is provided to the Board at least thirty (30) days prior to the Convention. Such notice shall be posted to the Party's website within two (2) business days of receipt. Any Platform plank or the entire Platform may be repealed by a simple majority of the Delegates to the Convention.

Article XIII – CONSTITUTION AMENDMENTS

Section 1:

During odd-numbered years, this Constitution may be amended at any Party Convention by a two-thirds (2/3) vote of the Delegates to the Convention, provided the amendment is included in the annual report or a minority report of the Constitution and Bylaws Committee, or written notice including the formal language of the amendment and signed by two (2) Members is provided to the Board at least thirty (30) days prior to the Convention. Such notice shall be posted to the Party's website within two (2) business days of receipt. No amendment shall take effect until the adjournment sine die of the Business Session of the Convention.

Section 2:

Any Article, Section, or Clause of this Constitution which requires a vote greater than the proportion in Section 1 of this Article shall not be amended except by a vote of the greater proportion, and this Section shall not be amended except by a vote of the greatest proportion specified anywhere within this Constitution.

Article XIV – SEVERABILITY

Section 1:

If any Article, Section, or Clause of this Constitution is to any extent determined to be invalid, illegal, or incapable of being enforced, such Article, Section, or Clause shall be excluded only to the extent of such invalidity, illegality, or unenforceability; all other Articles, Sections, and Clauses hereof shall remain in full force and effect, and to this end the provisions of this Constitution are declared to be severable.

Certified by:

Michael T. Spalding 2019 Convention Secretary, Libertarian Party of Colorado

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