

**2024 BYLAWS AND RULES COMMITTEE MEETING**  
**MINUTES November 2, 2023**

Meeting called to order at 9:06 PM ET

<b>MEMBERS</b>	<b>ALTERNATES</b>	<b>GUESTS</b>
SYLVIA ARROWWOOD	DATA LOGAN (A5)	J. J. JACOBS
DAVE ROBERSON	DEAN RODGERS (A6)	KATHY YENISCAVICH
NICKOLAS CIESIELSKI		
CARYN ANN HARLOS		
ROB LATHAM		
FRANK MARTIN		
CHUCK MOULTON		
TOM ROWLETTE		
MIKE RUFO		
MIKE SEEBECK		

**PUBLIC COMMENT: JACOBS:** A Bylaw in the nature of a rule or order can only be suspended during a meeting. It cannot be suspended beyond that particular meeting in that particular session. The proposal addressed related to something being suspended outside of a meeting. That is not possible even without amendment to suspend the rules. Want that to be clear. **HARLOS:** Thank you for clarification.

**HARLOS:** Want to bring up timing. We are now into November. Now up to Proposal QQ. Have 38 proposals. Some will be combined. We will have four hours. Optimistic estimate is 15 minutes per proposal. Realistically we could get through about 16 proposals. Maybe 20 at best. Again that would include those collapsed down. It will be up to all of you to decide if we need to make a decision to start working on finalizing and prioritizing. We have many proposals left and it is the right of the committee to hear them all. It's also the decision of the committee to decide otherwise. Want to offer this to committee; would never bring this up on my own. We are not allowed to create or offer standing rules of our own. If the committee thinks we would benefit in getting through the rest of these proposals quickly by being able to move to end debate or other things we could not do, I will bring that request to the LNC, as the appointing body, and ask them to allow us to create those rules in order to do that. Would not do on my own but if it's the will of the majority that the request be brought to the LNC, I will.

My recommendation would be we continue the rest of November hearing proposals and

then proceed to a report and maybe, if we have time afterwards, go on to remaining proposals. Originally recommendation was a cutoff date the beginning of November. Committee needs to start thinking about putting a handle on this. Some may think we have until May. Do we really? Will justify further if there are questions.

### **DEBATE AS TO CUTOFF DATE FOR PROPOSALS**

**HARLOS:** I intend to submit an after-convention report that will get passed along to the next committee. This is what we saw; this is what we did; this is what got passed or didn't. Fully intend to do that.

**ARROWWOOD:** Move that Bylaws Committee Chair at the November 12 LNC Meeting request the LNC that in order to meet a reasonable time commitment to complete our charge, the committee be granted the right to enable and utilize the motion to call the question starting in December when and if needed.

**LATHAM:** Support the motion to enable call the question.

**MOULTON:** Would have no objection if the LNC would allow that with an effective date of December 1.

**HARLOS:** Not something ever done before. Believe if we get consent from LNC, we would still have to vote to pass it.

**MOULTON:** No objection to that.

**HARLOS:** Any objection to instruct the chair to continue in that manner? (No Response)

**MOTION ADOPTED WITHOUT OBJECTION.** Will do that and do a little research in the meantime.

**LATHAM:** See 15 or 16 left. Doing about one a meeting, that's about eight months. We do not have eight months and the other – haven't we had some sort of discussion about a sorting process so the committee could rank how we want to tackle remaining proposals.

**HARLOS:** Proposals are heard in order presented unless there is a motion to amend the agenda. We might take more time sorting than hearing them in my opinion. If someone wants to change the order, they can make a motion to do so. Otherwise they appear as on the agenda except as a rare exception like one for tonight because it will be a subject at the LNC meeting. A committee member can always make a motion. Will leave discussion there. Committee can see where we are going. We have a pending question for the LNC which maybe could help speed things up so can finish up by end of year.

Aspirations have to meet reality.

If committee objects to moving this up, let me know now. Otherwise we are going to proceed with this particular proposal. Rational for moving up is this is a current controversy. This will help stability and it could happen with some affiliates with the issue – and at least one affiliate has amended their bylaws to allow to nominate candidates from a duopoly party. There are disputes as to wording and we need some clarity here. That is why this is moved forward. Latham and I co-worked on this.

### **PROPOSAL QQ-5 SUBSTITUTE – AFFILIATE PARTIES – HARLOS/LATHAM**

**HARLOS:** Will read current wording: “No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws.”

Where tremendous vagueness has come in is: What does it mean to be a member of another party? There has been all kinds of debate over this over decades because other parties do not necessarily have membership in the same way we do. As far as I can ascertain, the intent of this bylaw was to not be able to endorse candidates of a duopoly party even if it is worded unclearly. When there is an ambiguity, you try to interpret the bylaw in the sense and spirit in which it was adopted. From all I can tell, unless someone has some other evidence to the contrary, that was the intent. While it might be vague as to what the intent of another party is, if “membership” means anything, it should at least mean that if someone gets the nomination of another party, for all intents and purposes, they are a member of that party and if “membership” means anything, it should at least mean that. It could be questionable if someone just attends the local RNC meeting whether they are a member but if they are an officially endorsed candidate, to me it’s pretty obvious that is what it means and that has been the interpretation of this bylaw.

Where it has also caused controversy is fusion. It seems also to be pretty much agreed that states that have this fusion have been violating this bylaw. However, no LNC has seen fit to make an issue of it but it also should not be disputed over who an infusion candidate is. Some have kind of gotten away with it because it has been a violation of the bylaws for years and years – and we don’t want an LNC that happens to not like a particular state to use it as a club or a disaffiliation – we need to clarify this one way or another particularly in light of the current controversy and the decades long controversy over fusion candidates.

So motion is to strike out ~~who is a member of another party for public office in any~~

~~-partisan election~~ and insert unless the candidate: a) is a member of the Party or the affiliate party; b) is not listed under any other partisan ballot line unless the candidate is also listed under the affiliate party's ballot line; and c) is registered to vote under the partisan designation of the affiliate party , if available.

#### DEBATE AS TO QQ SUBSTITUTE 5.

**MOULTON:** Have a substitute proposal which I substituted on the list. Consider this proposal to be an existential threat to our ability to recruit candidates. Would conventioneer to shut this down. This can't happen. We could lose 25 percent of our candidates in Pennsylvania if this passes and there would probably be a lot of others also. This is really a bad idea. My substitute would allow the possibility to not have a Libertarian label – and open to language HALOS stated – but my proposal is either you run with the Libertarian Party label or alternatively run with a non-partisan label and you have one of three things also. Those three things are indicators that you are a Libertarian. Either you are a registered Libertarian or you are a party member or you are a member of that state party's affiliate. That's much less restrictive than proposal in front of us. It's much more likely to pass and would not hamstring an affiliate. Move my substitute. "5.4 No affiliate party shall endorse any candidate ~~who is a member of another party~~ for public office in any partisan election unless the candidate: a) does not have a major party ballot line and is: 1) a voter with the affiliate's registration, 2) a Party member or, 3) a member of the affiliate, or 4) has the affiliate's ballot line. No affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws. Where it says "does not have a major party ballot line" and you can insert what you prefer. I'd be fine with that. Will copy and paste and put into the chat.

**HARLOS:** Will amend original substitute and if debate gets into both. On primary don't find if taking out ~~a) is member of the Party or the affiliate party~~ and MOULTON makes a good point that this can require a financial outlay and be somewhat opaque of people who are not party insiders. I object strenuously to and think history of the Party objects strenuously to the idea there is something wrong with the pledge. That's not reason why I'm amenable to this. I'm amenable because don't want an affiliate which could raise the dues or do something funky with that. Fine with taking that out. After taking that out, disagree with affecting candidate recruitment. Let me quantify "meaningful" because people are going to get upset. We play like someone just putting their name on the line as a Libertarian candidate, whether they have shown any other commitment other than wanting to run is some kind of badge of honor. If someone does not want to register Libertarian but they want to be an elected official in a partisan office, be mad. I don't

want them as a candidate. If they cannot show minimum commitment to register with the Party they are trying to get elected under – now party registration is not available in every state – so it’s only “if available”. But if we are just looking for warm bodies to fill the ballot, that does not advance the goal of a world set free in our lifetime or whatever the language is now. It does not advance the Statement of Principles. That brings up a part in the bylaws that everyone misses. This says you cannot endorse whatever; but there is another sentence “No affiliate Party shall take any action inconsistent with Statement of Principles or these bylaws.” Why isn’t that sentence a separate article? It’s because the two ideas are tied together. Someone who can’t even register as Libertarian, I don’t think we can count on them. Our goal is not just to get a warm body elected. It’s to get an actual Libertarian elected and not just somebody who walks in and wants to chat. The purpose of this party is to get Libertarians elected and get Libertarian philosophies implemented. LATHAM is correct; interpretation is ambiguous. Will say nearly everyone agreed it’s a violation but they looked the other way. Understand not everyone disagrees with it but it’s by far a majority of the party that believes it’s a violation of the bylaws. Those that do are in fusion states but others think it’s a violation of the bylaws.

**MOULTON:** Want to be sure to substitute “unless the candidate, a) only has a non-partisan ballot line.”

### **CONTINUED DEBATE ON MOULTON SUBSTITUTE FOR QQ SUBSTITUTE 5 – PERFECT SUBSTITUTE.**

**ROWLETTE:** Amend the substitute for clarity. If it changes meaning at all, you can dump. Won’t hurt my feelings. After word “candidate” insert [either](#) in the blue section. Then start a new paragraph after the word “either” and then tab the “a)” over once. Before the “1)” start a new paragraph, tab it over twice and then 2) and 3). “b) gets one tab – align “b)” with “a)”. So it’s “either a) or b)”.

**MOULTON:** Makes perfect sense. Move “no affiliate party” part and move “Statement of Principles” part before “no party affiliate”.

**HARLOS:** Getting too complicated. Can do that but all of the moving around is out of order. That’s not how amendments work. If you want to do a substitute for the substitute, we can do that. But then no more amendments and we immediately vote between the two.

**ROWLETTE:** Don’t want to do a substitute for the substitute. Only want to add “either”

and make this more readable.

**HARLOS:** Other move can be done after we dispense with this.

**ROWLETTE:** Hope this is not controversial. Don't want to speak to it anymore.

**LATHAM:** Concern with problematic language I see there that needs work is a) 1) "a voter with the affiliate's registration." My concern is that it is not an affiliate that registers voters. It's the state that registers voters. Get the intent but we have to make it more precise. Want to point that out to folks.

**HARLOS:** Primary has better language. On amendment to the substitute. If the "no affiliate" part gets moved up, will alleviate my concern. However, if it does not and because it's not part of it, if it comes down to a vote, will be voting against it because there are no assurances that the first sentence will get moved up. These are two connected thoughts. Don't want a list separating these two thoughts. The language even without a list is very smooth. Best interpreter is person who wrote it and the party has always interpreted it this way. The primary purpose of the pledge as stated by David Nolan who put it into the bylaws is up here on the screen. He was asked what it meant by David Aiken and gave the ideological explanation – and let's put the whole thing on the record – he talked about how people can lie but the purpose of the pledge is that it is evidence that the LP is not a group advocating violent overthrow of the government. SEEBECK did not pull that out of the air. This is what author of it says was the practical purpose of the pledge. We need to protect people in the party and to say that it is some kind of anarchist blood oath and that all those who have signed it the past 50 years or so are lying or they would walk into wall space that they could not figure out what it meant. Nolan was not an anarchist. Don't think David Nolan was stupid either.

**LATHAM:** Put it in chat. Will read substitute language.

**HARLOS:** Can't do that yet because we are two levels deep. A substitute is the first level of amendment and we are on ROWLETTE'S amendment which is second level. We have to vote on ROWLETTE'S amendment first before we can amend further.

**SEEBECK:** Can you restate what we are debating here on this amendment to the substitute?

**HARLOS:** Inserting the word [either](#) after "unless the candidate" and reformatting the conditions into a list. Any further debate on the amendment to the substitute?

**MOULTON:** No objection to this but support moving the first sentence so it flows better

but I'll vote yes for this. Makes it a little clearer.

**HARLOS:** Any further debate? (No Response). What we are voting on is inserting the word either: after the word "candidate" and breaking up the list in sentence format into a list format.

**DAVID ROBERSON LEFT MEETING PRIOR TO FIRST VOTE.**

ARROWWOOD	YES
LOGAN (A5)	YES
CIESILSKI	YES
HARLOS	ABSTAIN
LATHAM	YES
MARTIN	YES
MOULTON	YES
ROWLETTE	YES
RUFO	YES
SEEBECK	ABSTAIN

**ADOPTED VOTE 8-0-2**

**HARLOS:** MOULTON during debate moved he wanted to move a sentence.

**MOULTON:** Move the second sentence before the first sentence. Believe it flows better and no disconnect.

**HARLOS:** Anyone else like to speak on this? (No Response) Any objection to this amendment? (No Response) **ADOPTED WITHOUT OBJECTION.**

**LATHAM:** Move that we replace a) 1) with the language just pulled from the original, registered to vote under the partisan designation of the affiliate party, if available.

**HARLOS:** LATHAM is moving to strike ~~a voter with the affiliate's registration~~ and insert registered to vote under the partisan designation of the affiliate party if available.

**MOULTON:** LATHAM, don't think "if available" is necessary in this context since there is an "or".

**LATHAM:** You are correct. Can delete that.

**HARLOS:** Don't see why you need an "or". Wasn't there before. This is a list.

**MOULTON:** Could have an "or" after each clause or you could have commas. Probably that comma should be changed to a semicolon.

**HARLOS:** Will make grammatical changes.

**CONTINUED DEBATE AS TO SUBSTITUTE AMENDMENT.**

**HARLOS:** All formatting will conform with rest of the bylaws and in the style of the bylaws. Anything further? (No Response) Is there any objection to this amendment to the substitute? (No Response) **ADOPTED WITHOUT OBJECTION.**

We are back to the substitute. Are there any further amendments to the substitutes? Will vote on the amendment after we are done perfecting both of them. Are there any further amendments to the substitutes? There will be an opportunity after we perfect the primary . (No Response). Will move on to the primary. Have an amendment to the primary which is – didn't object to removing requirement of them being a member since for all reasons MOULTON stated. Move to strike a). These would then be renumbered and I'll do that if the amendment passes. That would be "unless the candidate enlists under any other partisan ballot line; a) is a member of the Party or the affiliate party and is registered to vote under the partisan designation of the affiliate party if available." Original language is there to the left.

**DEBATE AS TO PRIMARY SUBSTITUTE.**

**HARLOS:** Is there any further debate? (No Response) We are voting to strike a) ~~is a member of the party or an affiliate party~~ from the primary motion and then b) and c) will be relettered accordingly if it passes.

ARROWWOOD	YES
LOGAN (A5)	YES
CIESIELSKI	YES
CARYN ANN HARLOS	ABSTAIN
LATHAM	YES
MARTIN	YES
MOULTON	YES
ROWLETTE	YES
RUFO	NO
SEEBECK	NO

**ADOPTED VOTE 7-2-1**

**HAROS:** Because we no longer have 3, Move to strike a) and b). Not necessary. Clear without them. Do we think a) and b) necessary? Want to show how it would look without these (Indicating). Would anyone care to speak for or against?

**MOUTON:** Think a) and b) actually help that.

**LATHAM:** a) and b) make it more clear.

**HARLOS:** Okay. Withdraw my amendment if there is no objection. Is there any objection to withdrawing it? (No Response) **WITHDRAWN NO OBJECTION.** Anyone else have an amendment? (No Response) Are there any further amendments to the primary? (No Response) Any further amendments to the substitute? (No Response) Now we will debate whether the substitute shall replace the original. We should try to not make this complicated for the delegates on the floor. If it's too complicated, it won't pass. Hope to fix the ambiguity. The primary does require primary registration, yes. That's a substantive difference. It's just much cleaner, much clearer. Does not require a whole bunch of explanations. Urge that we vote down the substitute and then move whether or not to adopt the primary.

**DEBATE ON WHETHER TO REPLACE ORIGINAL WITH SUBSTITUTE AMENDMENT.**

**HARLOS:** Any further debate? (No Response) Vote before us is whether the substitute shall replace the original? If that fails, the substitute will go away. Then we will vote on whether or not to adopt the primary. We are getting to the resolution now that everyone is clear what we are voting on here.

ARROWWOOD	NO
LOGAN (5)	NO
CIESIELSKI	NO
HARLOS	ABSTAIN
LATHAM	NO
MARTIN	NO
MOULTON	YES
ROWLETTE	YES
RUFO	NO
SEEBECK	NO

**SUBSTITUTE FAILED VOTE 2-7-1**

**HARLOS:** Primary remains the primary. At this point only amendments permitted are additions. If there are any additions, we will give it a moment to see. (No Response) Otherwise, going to ask if there is any objection to adopting the primary as the –

**SEEBECK:** Objection.

**HARLOS:** There is an objection. We will move to a roll call vote. Motion before the

committee is adopting the language in the original as the recommendation of the committee.

ARROWWOOD	YES
LOGAN (A5)	YES
CIESIELSKI	YES
HARLOS	ABSTAIN
LATHAM	YES
MARTIN	YES
MOULTON	NO
ROWLETTE	NO
RUFO	ABSTAIN
SEEBECK	NO

**ADOPTED VOTE 5-3-2**

**HARLOS:** Any corrections to the minutes? (No Response) Minutes are adopted. We interrupted a motion last time. We now have 15 minutes left.

### **CONTINUATION OF PROPOSAL Z – HARLOS – JC DECISIONS ARE FINAL**

**HAROS:** That’s where we left off last time. Have this language as where we left off.

**3. Judicial Committee decisions are final and cannot be rescinded or overturned at either of the next two regular conventions.** Now open to further debate and amendment.

**LATHAM:** Thought only piece of business let open was BRACCO had suggested some language. Went and looked at video of last meeting and in our list of discussion that language seemed to be unnecessary. So I would not be moving that language. We are good to go. Think intention was you can’t take two bites of the apple and that was already the lay of the land anyhow. We don’t need to expressly state that in this bylaw.

**HARLOS:** Was at “next regular convention”. Think you can get two bites of the apple. If I said otherwise, my opinion is changed. You can try at one convention and if you fail, you did not rescind it or overturn it because nothing actually happened because a failed vote is not actually an action. It appears there would be another opportunity. Believe that is why I opposed “next two” to begin with.

**LATHAM:** If that is the case, one solution BRACCO offered was language put in the chat. Will read it aloud. “Once a vote for reconsideration or rescission or overturning has happened, you cannot have another one.

**HARLOS:** It's not a reconsideration. Reconsideration is very time limited. That's completely irrelevant. We are not going to have that.

**LATHAM:** That is what he expressed. Think part of the discussion was even if you are going to go that route, you are still going to have to get a 2/3 vote to even bring it up. That's a high threshold and seems pretty protective. Think it is not necessary to add that additional language. Know original proposal just had one convention. I moved to make it next two because thought one was too short. "Indefinite" was too long. Two regular conventions seemed to be a reasonable window in which to revisit or overturn those decisions.

**MARTIN:** Won't move this but someone else can. Change the word "either" to "one".

**HARLOS:** That does not fix it.

**MARTIN:** That's all I have.

**HARLOS:** You can only rescind or overturn something once. It says you can only do once. Does not say you can't try. Once you succeed, you have succeeded. That's no longer a JC decision. Going to oppose my own amendment.

### **DEBATE AS TO PROPOSAL Z**

**HARLOS:** Anything further? (No Response) If it does not pass, may consider a minority report.

**RUFO:** Had to step away for a moment. Is this a version we amended to arrive at?

**HARLOS:** Yes. In meaning it is not minor but in complexity it was minor. Original said "except if overturned by delegates at the next regular convention."

**RUFO:** Not really a fan of this.

**MARTIN:** Is there a way to get original back on the floor? Could we have a substitute?

**HARLOS:** Did I vote on the amendment? I abstained. Okay. For anyone who voted yes or abstained, they can move to reconsider. That's only way to get it back on the floor. Don't remember who asked that question. Believe it was MARTIN.

**MARTIN:** Moved.

**HARLOS:** MARTIN is moving to reconsider the vote to change it from original language and added – will check original language – This is motion that passed (Indicating) and we

are moving to reconsider it. First we vote whether or not to reconsider. If reconsideration passes, then we vote again as if we were voting for first time. Debate on the reconsideration can go into the substance of the underlying question. Hopefully if reconsideration passes, we move immediately unto a vote on the item because we can debate it fully right now.

**MARTIN:** This matter is sufficiently important to get it into our report and think this is only way to do that. That's all.

#### **DEBATE AS TO WHETHER TO RECONSIDER.**

**HARLOS:** Minority reports are not a right of the committee because the convention has to vote to admit them. Does not mean it will be heard but you do have a right to make a minority report. However, we already have so many proposals and limited time. Would urge the committee to avoid minority reports wherever possible even though you can make them. Would never tell you you can't. Best to arrive on something where everyone will not be thrilled but will be thrilled enough not to make a minority report. However, you can do it. This is one where I would consider a minority report if we vote down reconsider. That's up to the committee.

#### **CONTINUED DEBATE AS TO WHETHER TO RECONSIDER**

**HARLOS:** Any further debate as to reconsideration? (No Response) We are at time. Is there anyone who wishes to make a motion to extend time or we will go over to the next meeting with this?

**ROWLETTE:** Move to extend time for this one vote.

**HARLOS:** There are two votes, reconsider and then vote on the amendment again.

**ROWLETTE:** Yes. Two votes. Move to extend until done with this particular issue.

**HARLOS:** Reconsideration and the potential vote on the amendment or the proposal?

**ROWLETTE:** Yes. The first one.

**HARLOS:** Any objection to ROWLETTE'S motion to extend? (No Response) **TIME EXTENDED** Would anyone else like to speak to the reconsideration? See there is objection. A yes vote will bring back up the LATHAM proposal as if this amendment was proposed again. You still can debate the merits but opportunity is still here now. A no vote leaves this as the main proposal. It takes 2/3 vote to reconsider.

ARROWWOOD	NO
LOGAN	NO
CIESIELSKI	YES
HARLOS	ABSTAIN
LATHAM	NO
MARTIN	YES
MOULTON	ABSTAIN
ROWLETTE	NO
RUFO	YES
SEEBECK	NO

**FAILED VOTE 3-5-2**

**HARLOS:** The reconsideration fails. Motion to extend time is exhausted. We are almost ready for a vote on the proposal. Move to extend time to take a vote on the proposal unless there are further amendments in which case we can take up next time. Are there any further amendments to the proposal? (No Response) Will put up on screen (indicating). Is there objection to extend a brief period of time to take up a vote on this proposal? (No Response) **TIME EXTENDED** A yes vote will adopt this as the proposal of the committee. A no vote would make it go away.

ARROWWOOD	YES
LOGAN	YES
CIESIELSKI	ABSTAIN
HARLOS	NO
LATHAM	YES
MARTIN	NO
MOULTON	NO
ROWLETTE	NO
RUFO	NO
SEEBECK	YES

**FAILED VOTE 4-5-1**

**HARLOS:** We will be adjourning. Will keep room open for a little bit. We are adjourned at 11:06 PM ET.

**DRAFT COPY ONLY 11-6-23 AT 10:26 PM ET \*\* 11-7-23 at 12:11 PM\*\* 4:00 PM**