

**MINUTES OF THE MEETING OF THE RULES COMMITTEE
OF THE LIBERTARIAN PARTY OF NEW YORK
HELD ON TUESDAY, DECEMBER 13, 2022 ON THE ZOOM MEETING APP**

MEMBERS PRESENT

Andrew Kolstee, Chair
Mark Braiman
Justin Carman
Daniel Castello
Pietro Geraci
Paul Grindle
Mark Glogowski
Adam Magoon
Michael Rebmann

MEMBERS ABSENT

Christopher Olenski

OBSERVERS

Steven Becker
Thomas Pinkhasov
Karyn Thompson

The meeting was called to order at 7:05 p.m. by Andrew Kolstee, Chair.

Proposal M1, drafted by Adam Magoon as follows, an amendment to Proposal M, was discussed and withdrawn.

10.3.2. If an appeal is rejected or not heard the convicted party may make a final appeal to the State Committee at the next scheduled meeting whereupon the conviction may be overturned by a vote of two-thirds (2/3) of the State Committee.

Proposal M2, drafted by Michael Rebmann as follows, with strike text indicated in orange and inserted text indicated in purple, an amendment to Proposal M, was discussed.

10.1.1. **COMPOSITION.** The Conflict Resolution Committee shall be composed of nine (9) members who ~~have been~~ are enrolled in the Libertarian Party of New York ~~for at least three (3) years~~. Members of the Executive Committee are ineligible to participate in the Conflict Resolution Committee. Members shall be elected by a majority vote of the State Committee at the first meeting of the full State Committee following the organization meeting for a term of two (2) years in the same manner as vacancies are filled on the State Committee.

Motion by Pietro Geraci to **recommend Proposal M as follows to the State Committee for adoption as an amendment to the Rules of the Libertarian Party** was seconded by Mark Glogowski, and passed by voice vote.

Article 10. Conflict Resolution Committee

10.1. **ORGANIZATION.** The purpose of the Conflict Resolution Committee is to investigate, arbitrate, and mediate disputes within the Libertarian Party of New York, and recommend actions, including disciplinary actions, to the State Committee in accordance with these Rules, Robert's Rules of Order, and Election Law.

10.1.1. **COMPOSITION.** The Conflict Resolution Committee shall be composed of nine (9) members who are enrolled in the Libertarian Party of New York. Members of the Executive Committee are ineligible to participate in the Conflict Resolution Committee. Members shall be elected by a majority vote of the State Committee at the first meeting of the full State Committee following the organization meeting for a term of two (2) years in the same manner as vacancies are filled on the State Committee.

10.1.2. **TERMS OF OFFICE.** The members of the Conflict Resolution Committee shall serve until the conclusion of the meeting at which their successors are elected unless removed by the State Committee.

10.2. INITIATION AND INVESTIGATION PROCEDURES

10.2.1. **COMPLAINT.** Any party may file a complaint in writing via electronic or physical methods to the Conflict Resolution Committee. The complaint must include a claim that these Rules, the Rules of a County Affiliate, and/or Election Law were violated and that the violation caused harm to the party, its members or its governing structure. Upon receipt of a complaint, the Conflict Resolution Committee shall decide by majority vote whether to initiate the notification and investigation process.

10.2.2. **NOTIFICATION.** The Conflict Resolution Committee shall notify all parties involved in the complaint via certified mail or other reasonable and effective method of communication.

10.2.3. **INVESTIGATION.** The Conflict Resolution Committee shall conduct an investigation into the complaint by collecting relevant evidence and testimony. The initial investigation shall be completed within thirty (30) days. A majority vote of the Conflict Resolution Committee is required to approve the report which shall then be submitted to the full State Committee. The investigation may be extended and the report may be amended by a majority vote of the Conflict Resolution Committee and submitted to the full State Committee, but no amendments shall be valid after sixty (60) days from the start of the investigation.

10.2.4. REPORT TO THE STATE COMMITTEE. The report approved by the Conflict Resolution Committee and any recommendations shall be presented at a meeting of the full State Committee and any further action is subject to approval by the full State Committee in accordance with the Rules, including further investigation. All parties shall be notified of any decision of the State Committee within ten (10) days.

10.3. APPEAL OF STATE COMMITTEE DECISION. Within thirty (30) days following the decision of the State Committee, any party may request an appeal in writing to the Chair and Secretary of the Conflict Resolution Committee. A majority vote of the Conflict Resolution Committee is required to approve the request for appeal. Once an appeal has been approved, the Conflict Resolution Committee shall continue the investigation and approve a new report within thirty (30) days following the approval of the appeal.

10.3.1. GROUNDS FOR APPEAL. The Conflict Resolution Committee shall only be subject to approve an appeal based on one or more of the following criteria:

- (a) important and relevant information has surfaced which was not readily available during the initial investigation and reporting period prior to the State Committee decision;
- (b) clear evidence of undue influence or bias amongst the members of the State Committee;
- (c) the Parties involved in the complaint were not properly informed of the investigation.

10.4. ARBITRATION AND MEDIATION PROCEDURE.

10.4.1. MEDIATION REQUEST. Any member of the Libertarian Party may file a request for mediation or conflict resolution regarding these Rules, the Rules of a County Affiliate, Election Law, or other internal regulations. Mediation requests shall be approved by majority vote of the Conflict Resolution Committee.

10.4.2. MEDIATION. The Conflict Resolution Committee may appoint one or more of its members to conduct the mediation. Mediation shall be completed within thirty (30) days of the approval.

10.4.3. TRANSFER TO INVESTIGATION. If during the course of mediation the Conflict Resolution Committee discovers that further investigation is needed that may require action by the full State Committee, an investigation shall be approved and the process in Article 10.2 shall be initiated.

10.5. MEETINGS.

10.5.1. ORGANIZATION MEETINGS. Upon the election of the Conflict Resolution Committee, An organizational meeting shall be held within ten (10) days to elect the Chair, Vice-Chair and Secretary of the committee.

10.5.2. **OTHER MEETINGS.** The Chair shall call a meeting to address a complaint shall be held within fourteen (14) days of its filing.

10.6. **RECUSAL OF CONFLICT RESOLUTION COMMITTEE MEMBER.** A member of the Conflict Resolution Committee who is the subject of a matter brought before the committee shall not investigate, arbitrate, or mediate, nor discuss or participate in votes of the committee on that matter.

[RENUMBER ALL ARTICLES BELOW]

Mark Glogowski recommended that Proposal M be sent to the State Committee as soon as possible to review.

Motion by Mark Glogowski to **recommend Proposal AD as follows to the State Committee for adoption as an amendment to the Rules of the Libertarian Party** was seconded by Daniel Castello and debated.

Article 16. Judicial Committee

16.1. **PURPOSE OF THE LPNY JUDICIAL COMMITTEE.** The purpose of the Judicial Committee shall be to nominate candidates for the US District Courts, for the NYS Supreme Court, and for any other judicial position when that Judicial District overlaps more than one New York State Judicial District. The LPNY Judicial Committee shall also have the authority to publicly endorse for office Libertarian candidates nominated by any Judicial District Committee, County Committee, City Committee, or Town/Ward Committee for any judicial position of any court.

16.2. **MEMBERS OF THE JUDICIAL COMMITTEE.** The initial members of the Judicial Committee shall be the Judicial District Delegates to the State Committee from the thirteen Judicial Districts. Should any of the Judicial District Delegate (**JDD**) to the State Committee decline to be on the Judicial Committee, the remaining delegates may appoint any Libertarian from their District to serve on the Judicial Committee. Being appointed as a member of the LPNY Judicial Committee (**MJC**) does not make the individual a JDD member of the State Committee. The Judicial Committee shall be initially limited to a number equal to the number of JDD's to the State Committee. After the 2nd year the Judicial Committee may be as large as the JC Committee members desire it to be.

16.2.1. In the calendar second year after formation of the Judicial Committee, JDDs to the State Committee will not automatically be members of the Judicial Committee. In January of the second calendar year after the Judicial Committee has formed, the members of the Judicial committee will be only the LPNY members who have properly petitioned to be on the LPNY's Judicial Committee, and those individuals who have been

appointed to that position by a vote of the Judicial Committee members who did properly petition to be on the LPNY's Judicial Committee.

16.2.2. In the second calendar year, the number of positions on the Judicial Committee shall be the same as the number of Judicial District Delegates allowed on the State Committee from the Judicial Districts. Each candidate for the Judicial Committee must obtain signatures from ten (10) registered Libertarian voters as defined in these rules.

16.3. **FUNCTION OF THE JUDICIAL COMMITTEE.** The Judicial Committee shall have the authority to nominate Libertarians as U.S. District Court and New York State Supreme Court judicial candidates and to publicly endorse, or not endorse, judicial candidates who are running on the Libertarian line for any judicial position in New York State.

16.4. The Judicial Committee shall appoint Libertarians to a Libertarian Grand Jury, whose purpose shall be to investigate any situation, issue, legislative action or bill, or any individual placed in a position of authority where it is believed the individual may have violated their oath of office or where violations of our principles have occurred, and to take any other action the Libertarian Grand Jury deems appropriate.

16.5 The Judicial Committee may create rules that impact the Judicial Committee and may create a code of conduct and enforce that code among themselves.

16.6 The Judicial Committee must hold an in-person convention once per year to discuss, and when appropriate, to nominate judicial candidates. The Judicial Committee can meet as often as it desires using video conferencing.

Motion by Pietro Geraci to **amend Proposal AD as follows to strike the text as indicated in orange and insert the text as indicated in purple** failed due to lack of a second.

Article 16. Judicial Committee

16.1. **PURPOSE OF THE LPNY JUDICIAL COMMITTEE.** The purpose of the Judicial Committee shall be to nominate candidates for the US District Courts, for the NYS Supreme Court, and for any other judicial position when that Judicial District overlaps more than one New York State Judicial District. The LPNY Judicial Committee shall also have the authority to publicly endorse for office Libertarian candidates nominated by any Judicial District Committee, County Committee, City Committee, or Town/Ward Committee for any judicial position of any court.

16.2. **MEMBERS OF THE JUDICIAL COMMITTEE.** ~~The initial members of the Judicial Committee shall be the Judicial District Delegates to the State Committee from the thirteen Judicial Districts. Should any of the Judicial District Delegate (JDD) to the State Committee decline to be on the Judicial Committee, the remaining delegates may appoint any Libertarian from their District to serve on the Judicial Committee. Being~~

~~appointed as a member of the LPNY Judicial Committee (MJC) does not make the individual a JDD member of the State Committee. The Judicial Committee shall be initially limited to a number equal to the number of JDD's to the State Committee. After the 2nd year the Judicial Committee may be as large as the JC Committee members desire it to be. The Judicial Committee shall be comprised of the same membership as the State Committee.~~

~~16.2.1. In the calendar second year after formation of the Judicial Committee, JDDs to the State Committee will not automatically be members of the Judicial Committee. In January of the second calendar year after the Judicial Committee has formed, the members of the Judicial committee will be only the LPNY members who have properly petitioned to be on the LPNY's Judicial Committee, and those individuals who have been appointed to that position by a vote of the Judicial Committee members who did properly petition to be on the LPNY's Judicial Committee.~~

~~16.2.2. In the second calendar year, the number of positions on the Judicial Committee shall be the same as the number of Judicial District Delegates allowed on the State Committee from the Judicial Districts. Each candidate for the Judicial Committee must obtain signatures from ten (10) registered Libertarian voters as defined in these rules.~~

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~~16.5 The Judicial Committee may create rules that impact the Judicial Committee and may create a code of conduct and enforce that code among themselves.~~

~~16.6 The Judicial Committee must hold an in-person convention once per year to discuss, and when appropriate, to nominate judicial candidates. The Judicial Committee can meet as often as it desires using video conferencing.~~

Motion by Mark Braiman to **postpone consideration of Proposal AD** was seconded by Pietro Geraci and passed by voice vote.

Motion by Paul Grindle to **recommend Proposal G as follows to the State Committee for adoption as an amendment to the Rules of the Libertarian Party** was seconded by Michael Rebmann, debated, and passed by voice vote.

8.1. **GENERAL.** Meetings of the State Committee and of the Executive Committee shall be conducted in accordance with the provisions in this article. Meetings shall be held in-person, by electronic means, or a combination thereof. Meetings of the Executive Committee shall be open to observation by all members of the State Committee and officers of County Affiliates upon request, with the exception of Executive Session. **The Organization Meeting and meetings held for the purpose of nominating statewide candidates must be held in person, except as provided in Article 8.3.**

~~8.3. OTHER MEETINGS~~ 8.2. **FREQUENCY.** Meetings of the full State Committee shall be held in person or by teleconference at least quarterly., ~~with two (2) meetings to be held in person per year, excepting force majeure. In even numbered years, an early convention to nominate statewide candidates, and an in-person organization meeting in September shall fulfill the in-person meeting requirement. Meetings held in person must be held within the State of New York.~~

8.3. **MEETINGS HELD IN-PERSON.** Any meeting of the State Committee to be held in-person shall be determined by a vote at a meeting of the full State Committee. Such meeting must be held in the State of New York. *[moved from 8.3]* In cases of *force majeure* in which no member of the State Committee is able to attend at the time and location the meeting is called, the State Committee may, by a two-thirds (2/3) vote, determine that such meeting be held by teleconference. *[moved from 8.2.1, added procedure].*

[RENUMBER ALL ARTICLES BELOW]

8.2. **ORGANIZATION MEETING.** This section outlines the procedures for the ~~Organization Meeting~~ as required in 2-112 of Election Law or for any meeting to elect an Executive Committee following the election of a State Committee held in accordance with Article 6.4, which shall be referred to as an Organization Meeting.

[RENUMBER ALL ARTICLES BELOW]

~~8.2.1. MEETING TO BE HELD IN PERSON.~~ ~~The first meeting of each newly elected State Committee must be held in person except in cases of force majeure in which no member of the State Committee is able to attend at the time and location the meeting is called.~~ *[moved to a new 8.2 covering all provisions of in-person meetings]*

Proposal AE as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

Article 4. Objective

The Libertarian Party is a political party whose primary objective is the election to public office of **enrolled** members of the Libertarian Party who support its principles and objectives as expressed in the Party Platform.

Proposal AF as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

6.4.2.8.2. **VOTERS.** Only **enrolled** members of the Libertarian Party residing in the Judicial District are entitled to vote at the election for candidates for State Committee in their Judicial District.

Proposal D as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

~~6.4.2.9. **PETITIONING IN 2022.** This section shall only apply to petitioning in the year 2022.~~

6.4.2.9.1. **NUMBER OF SIGNATURES.** All petitions must be signed by not less than one and one-half per centum (1.5%), as determined by the party membership in accordance with these Rules, of the then members of the Libertarian Party residing within the Judicial District in which the candidate for State Committee is to be voted for, excluding voters in inactive status.

~~6.4.2.9.2. **FIRST DAY TO PETITION.** No petition signature shall be invalidated for being too early unless it was signed prior to March 1, 2022.~~

~~6.4.2.9.3. **LAST DAY TO PETITION.** No petition signature after April 7, 2022 shall be valid.~~

~~6.4.2.9.4. **FILING DEADLINES.** The dates for filing petitions for the office of Member of the State Committee shall be April 4, 2022 through April 18, 2022. Objections, declinations, and substitutions must be received by the Collector by April 22, 2022.~~

Proposal E as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

6.6.1. **CHAIR.** **Should** If a vacancy exists in the office [...]

6.6.2. **1ST VICE-CHAIR.** **Should** If a vacancy exists in the office [...]

6.6.3. **OTHER OFFICERS.** **Should** If a vacancy exists in the office [...]

6.6.4. **AT-LARGE EXECUTIVE COMMITTEE MEMBERS.** **Should** If a vacancy exists in an At-Large Executive Committee Member position [...]

6.6.5. STATE COMMITTEE MEMBER. ~~Should~~ If a vacancy exists on the State Committee, [...]

6.7. TERM. ~~All~~ State Committee members shall serve [...]

Proposal AG as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

6.8. QUALIFICATIONS. To be eligible for election or appointment to the State Committee, each candidate must be an ~~enrolled~~ member of the Libertarian Party residing within the jurisdiction from which such member is elected or appointed.

Proposal O as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

11.1. GENERAL PROVISIONS. No more than one (1) County Affiliate shall be recognized by and affiliated with the Libertarian Party for each county. The ~~recognized~~ County Affiliate ~~will~~ shall officially represent the ~~registered voters enrolled~~ members of ~~in~~ the Libertarian Party in the county and shall exercise all of the powers of the County Committees as set forth herein and not prohibited by applicable law. The County Affiliate shall be organized as either a County Organization as outlined in Article 11.2. or as a Constituted County Committee as outlined in Article 11.5.

Proposal AH as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

11.2.1. GENERAL. In any county where an insufficient number of Election District delegates were elected to form a County Committee, a County Organization may be formed and affiliated in those counties when a convention is held to adopt county rules consistent with Article 11.2 and elect officers. Quorum at the convention shall be 3% of ~~the enrolled Libertarians~~ members residing in the county or nine (9), whichever is less, but no convention shall be considered valid unless at least four (4) ~~enrolled Libertarians~~ members residing in the county are present.

Proposal AJ as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

11.3.4. NOTIFICATION. Notice of the convention must be made to all ~~enrolled~~ ~~Libertarians~~ members in the county by one or more of the following options.

Proposal AI as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party as amended without objection.

13.2. **ELIGIBILITY.** Each Delegate and each Alternate Delegate to Libertarian National Conventions must be ~~enrolled~~ a members of the Libertarian Party of New York, a Bylaws Sustaining Member (BSM) of the National Libertarian Party, and a resident of the State of New York.

Proposal AK as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

13.6.1. **DELEGATE SLATES.** All Presidential candidates filing petitions of nomination must choose and submit a slate of Delegates and Alternate Delegates to the Board of Elections in a timely manner. A ~~n-enrolled~~ member of the Libertarian Party may appear on the slate of Delegates and Alternate Delegates of more than one Presidential candidate. No person shall be listed on a slate of Delegates and Alternate Delegates without the person's permission.

Proposal AL as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party as amended without objection.

Article 14. Nominations of ~~Enrolled~~ Libertarians for Public Office

14.1. **PRIME DIRECTIVE.** It shall be the highest responsibility for the State Committee and all County Affiliates to notify all ~~enrolled-Libertarians~~ members about the offices up for election and to identify and cultivate ~~enrolled~~ Libertarian candidates.

14.2. **CANDIDATE QUALIFICATIONS.** Libertarian Party candidates will be limited to ~~enrolled~~ members of the Libertarian Party except as provided in Article 15.

Proposal AM as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party as amended without objection.

14.8. **~~ENROLLED-LIBERTARIAN~~ CANDIDATES IN MULTI-COUNTY DISTRICTS WITH TWO OR MORE COUNTY AFFILIATES.** Where the geographic boundary of a public office other than statewide or New York City-wide cross into counties where there is more than one County Affiliate in existence, then selection of an ~~enrolled~~ member of the Libertarian Party to be a candidate for that office shall be made by a majority weighted vote of the affected County Affiliates.

Proposal AN as follows was recommended to the State Committee for adoption as an amendment to the Rules of the Libertarian Party without objection.

14.10.2. **CRITERIA.** Delegates to the Judicial District Convention and alternate members of the Judicial District Convention shall be elected by ~~enrolled Libertarians~~ **members of the Libertarian Party** at the primary elections in even-numbered years. Members and alternates must reside in the Judicial District that they represent and shall be elected At Large within that Judicial District.

14.12. **CERTIFICATES OF NOMINATION.** The State Committee has the sole authority to issue certificates of nomination when such are required by Election Law. That authority may not be transferred. The State Committee shall issue certificates of nomination for all candidates selected in accordance with these Rules within fifteen (15) days of notification of the selection of the candidate. A certificate of nomination may only be issued to an ~~enrolled~~ member of the Libertarian Party.

15.1.1. **GENERAL.** Anyone seeking to be the Libertarian Party's candidate in any subdivision in New York State who is not an ~~enrolled~~ member of the Libertarian Party must make a request for a Certificate of Authorization and will be subject to approval by the Executive Committee as provided by these Rules and Election Law.

Motion by Mark Braiman to **recommend Proposal AB as follows to the State Committee for adoption as an amendment to the Rules of the Libertarian Party** was seconded by Mark Glogowski and debated.

14.3.6. 2024 STATEWIDE CANDIDATES.

14.3.6.1. For 2023-2024 only, endorsement of a Presidential, Vice-Presidential, or any other statewide candidate may be done by the State Committee in December 2023 for purposes of preparing for Independent Candidate Nominating Petitions in April-May 2024.

14.3.6.2. No Presidential candidate may be endorsed as provided in Article 14.3.6.1, unless he or she has received at least 100,000 electronic votes from LPNY members, in an online secret straw-vote election conducted using Porcupine or an app with equivalent capabilities, before the December 2023 endorsement meeting. The State Committee may provide for up to ten (10) such online Presidential straw-vote elections throughout 2023, spaced no closer than thirty (30) days apart, and starting with the first ballot no later than January 31, 2023. In order to be granted a spot on each such straw-vote ballot, a candidate must either pay \$1,000 to the LPNY (housekeeping account), or must have received at least 1,000 votes, including electronic write-ins, from LPNY members on the immediately preceding such straw-vote election in 2023.

14.3.6.3. No Vice-Presidential, Senatorial, or other offices may appear on the electronic straw-vote ballots for Presidential candidates during 2023.

14.3.6.4. The State Committee may not at any time in 2023 or 2024 endorse any candidate for President, Vice-President, U.S. Senator, or Presidential Elector, unless a Presidential candidate has in 2023 met the 100,000-electronic-vote threshold specified in Article 14.3.6.2.

14.3.6.5. The Party shall aggressively sue to prevent any statewide or Presidential candidate from circulating independent nominating petitions in New York in 2024 using the word “Libertarian” or our party symbol, unless such candidate has previously been endorsed by the LPNY in accordance with these Rules, and the petition itself conforms with these Rules.

Motion by Mark Glogowski to **amend Proposal AB as follows to strike “100,000” and “100,000 electronic vote” as indicated in orange and insert “25% of the” as indicated in purple** was seconded by Adam Magoon, debated, and passed 5—2 after a roll call vote with Justin Carman, Daniel Castello, Mark Glogowski, Paul Grindle, and Adam Magoon voting in favor and Mark Braiman and Michael Rebmann voting against.

14.3.6.2. No Presidential candidate may be endorsed as provided in Article 14.3.6.1, unless he or she has received at least ~~100,000~~ **25% of the** electronic votes from LPNY members, in an online secret straw-vote election conducted using Porcupine or an app with equivalent capabilities, before the December 2023 endorsement meeting.

14.3.6.4. The State Committee may not at any time in 2023 or 2024 endorse any candidate for President, Vice-President, U.S. Senator, or Presidential Elector, unless a Presidential candidate has in 2023 met the ~~100,000 electronic vote~~ threshold specified in Article 14.3.6.2.

Motion by Paul Grindle to **postpone indefinitely consideration of Proposal AB** was seconded by Mark Braiman and passed by voice vote.

The next meeting was scheduled for Tuesday, January 10, 2023 at 7:00 p.m.

Motion by Mark Braiman to **adjourn** was seconded by Mark Glogowski and passed by voice vote.

The meeting was **adjourned** at 8:56 p.m.

Andrew Martin Kolstee,
Chair