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Libertarian Party of New York



By-Laws of the Libertarian Party of New York

last revised at the 2008 State Convention

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Article I: Principles and Objectives

The Libertarian Party of New York is a political organization which has as its primary objective the extension of individual freedom to its furthest limits.

To that end the Party affirms the following principles:

- A. That each individual possesses the inalienable right to life and liberty and to justly acquired property.
- B. That no person or institution, public or private, has the right to initiate the use of physical force against another.
- C. That all individuals are entitled to choose their own lifestyles, as long as they do not forcibly impose their values on others.
- D. That the only moral basis of politics is the preservation and protection of individual right.
- E. That the voluntary and unrestricted exchange of goods and services is fundamental to a peaceful and harmonious society.

In recognition of the fact that the initiation of force by government has been the chief instrument for the expropriation of individual rights and freedom, the Libertarian Party of New York enters the political arena for the avowed purpose of eliminating the intervention of government in moral, social and economic affairs.

Article II: Membership

- A. State Level Membership in the Libertarian Party of New York shall be open to any individual who shall:
 - 1. subscribe to the Principles and Objectives of the LPNY
 - 2. submit a signed application to that effect either directly to the LPNY or to one of its chartered County Organizations, and
 - 3. pay such dues as may be required.

A “member” as used in these By-Laws is a person who has satisfied the foregoing criteria.

- B. Dues and expiration dates for Direct State Membership shall be set by the State Committee. No additional dues may be required of Lifetime Members.

Article III: County Organizations

The State Committee shall charter County Organizations as provided for in this article.

- A. Procedures for the Chartering of County Organizations
 - 1. The State Committee shall charter any County Organization which meets all of the requirements stated in this article. No more than one County Organization may be chartered in any one county, but a County Organization of two or more contiguous counties, each of which has at least one LPNY member residing therein may be chartered. The State Committee may revoke the charter of any County Organization if and only if it fails to live up to its requirements under either the State By-Laws or its own County By-Laws.
 - 2. Upon the request of any LPNY member residing in a county in which there is no chartered County Organization, the State Committee shall appoint some LPNY member residing in that county to take the position of Temporary County Chairperson. The purpose of such appointment is to secure a contact person around whom a county Organization may be formed. The State Committee may replace any Temporary Chairperson whom it does not deem to be performing his or her function satisfactorily.
- B. Requirements for Chartering of County Organizations
 - 1. The geographical unit applying for a County Organization (whether a single county or a group of contiguous counties) must have held a Convention attended by at least seven (7) LPNY members residing therein, and a good faith attempt must have been made in advance to inform all LPNY members residing therein of the time and place of said Convention. No LPNY member residing in that geographical unit shall be denied the right to attend said Convention or join such County Organization should it be chartered except that each County Organization shall have the right to set dues as a requirement for membership.

2. A set of County By-Laws must be adopted at said Convention, must cover the following matters:
 - a. Membership requirements (if any);
 - b. Provision for at least one annual Convention;
 - c. Procedures for selecting County officers and positions;
 - d. Procedures for amending the County By-Laws;
 - e. Procedures for endorsing candidates for public office;
 - f. Provision for division of treasury and other pooled resources (if there are any) in the event of a county's secession from a County Organization of more than one county to form a County Organization from a smaller included geographical unit.

C. Residence

In the case of multiple residences, the person who resides in more than one place shall be the only person to decide which place or residence to claim for purposes of joining, voting in a Convention of, or otherwise associating with a County Organization, except that no person shall claim more than one place of residence in the same ninety (90) day period.

D. Other Matters

1. A County Organization may continue in existence as long as it observes all requirements herein stated and in addition consists of at least four (4) LPNY members.
2. Any county included within an existing County Organization may secede therefrom and establish its own county Organization, provided that ten (10) or more LPNY members reside in it and provided that its secession will not reduce the membership of the original Organization below any requirement for continued existence set by the State By-Laws. The procedure for obtaining a charter for the new Organization shall be the same as that for chartering any County Organization.
3. The chair of any County Organization must be a member of the LPNY.
4. Any decisions not forbidden to the county Organizations in the LPNY By-Laws shall be reserved to the County Organizations respectively, or to the individual LPNY members.

Article IV: Conventions

- A. Each LPNY member in good standing on December 31 of the prior year and on the date of any LPNY Convention shall be entitled to one vote at such LPNY Convention. The Convention shall have the discretion to allow other members in good standing to vote on any or all matters unless three (3) members who are entitled to vote object. No voting by proxy will be permitted.
- B. In 1973 and thereafter, there shall be an Annual Convention. The date shall be set by the State Committee, which shall provide written notice of not less than twenty-five (25) days and not more than fifty (50) days of such date to each LPNY member.
- C. The Annual Convention and State Committee Meeting held immediately after the Convention may be held in any state adjacent to New York State when such Convention is held jointly with any other state.
- D. Special Conventions may be convened by:
 1. The State Committee, or
 2. a request in writing signed by one quarter of the members of the LPNY, given to the Chairperson or Secretary, upon written notice of not less than twenty-five (25) days and

- not more than fifty (50) days to all LPNY members. Such notice shall set forth the subjects to be considered at such, Convention and no other subjects may be considered.
- E. Notice of all Conventions shall state the place, date and hour of the Convention. If it is other than the Annual Convention, the notice shall also state that the convention is called by the persons or officers named. The attendance by any member without protest shall constitute a waiver of notice, as shall the signing of a waiver of notice before or after the meeting.
 - F. The meeting of members as provided in the New York State Not-for Profit Corporation Law shall be the State Convention.

Article V: Officers

A. Titles

The officers of the LPNY shall be the State Chairperson, two State Vice-Chairpersons, Secretary and Treasurer.

B. Duties

1. State Chairperson

The State Chairperson shall preside at all meetings of the State Committee. The State Chairperson shall perform such duties as usually pertain to the office of Chairperson and shall perform such other duties as are assigned to the State Chairperson by the State Committee.

2. State Vice-Chairpersons

The State Vice-Chairpersons shall act as assistants to the State Chairperson. Among the responsibilities which may be delegated to either and/or both Vice-Chairpersons by the State Chairperson or the State Committee are the operations of the State headquarters, production of the Party Newsletter, promotion of County Organizations and Party Membership and development of literature for distribution by the LPNY.

3. Secretary

The Secretary shall keep an accurate and complete record of the proceedings of all meetings of the State Committee and shall keep these records up-to-date and in order in the master book containing the official minutes of the LPNY. At each meeting of such Committee, the Secretary shall present the minutes of the previous meeting for approval. In all elections and roll call votes at the State Conventions, the Secretary shall call the roll of the registered members and shall keep an accurate tally of such votes. The Secretary with unanimous consent may dispense with a roll call vote. The Secretary may appoint assistance for this purpose and, in contested elections, with the consent of a majority of the members of the State Committee present and voting shall appoint an Elections Board which shall include one representative of each contestant in question plus one additional member, so that the Board shall consist of an odd number of persons.

4. Treasurer

The Treasurer, or the Treasurer's designated agent, shall receive and give receipts for all moneys paid to the LPNY and shall deposit same in such bank or banks as shall have been designated by the State Committee. The Treasurer shall present a written report at each meeting of the State Committee or at any other time when so requested by the State Committee. The Treasurer shall, at the discretion of the State Committee, present the financial records of the LPNY for audit by such auditor(s) as the State Committee shall specify. Expenditures of funds shall be made only in accordance with regulations established by the State Committee. Not later than January 5 of each year, the Treasurer shall send a dues notice to each member of the LPNY.

C. Nominations

Nominations of all officers and Committee persons at-Large elected in State Conventions shall be from the floor, no nominating committee being permitted. Nomination of officers and Committee persons-at-Large elected by the State Committee shall be from the floor in Committee meetings.

D. Terms of Office

All elected officers and Committee persons-at-Large shall serve until the close of the Annual State Convention following their election. Appointed officers shall hold office at the pleasure of the State Committee.

E. Manner of Election

The State Chairperson, State Vice-Chairpersons, five (5) State Committee persons-at-Large, the Treasurer and the Secretary shall be elected at the Annual State Convention. Conventions shall be by a majority of votes cast. If an insufficient number of candidates receive a majority on any given ballot, then the candidate with the smallest number shall be removed from the ballot; a tie for smallest shall require a new ballot. On all elections for officers of the LPNY, the choice of None of the Above is automatically recognized as included and valid. If this election receives a majority of the votes, there will be new nominations and a new election, in which all of the candidates who were out-polled by the None of the Above choice are ineligible.

F. All officers and Committee persons-at-Large of the LPNY shall be members of good standing of the LPNY.

Article VI: State Committee

A. The State Committee shall consist of the State Chairperson, the two Vice-Chairpersons, Treasurer, Secretary, five (5) committee persons-at-Large, a representative from and elected by each chartered County Organization, and the Immediate Past Chair.

B. Meetings

1. The State Committee shall meet at least quarterly, with one meeting to be held at the close of the Annual Convention.

2. Meetings of the State Committee may be held at any place within the State of New York except as provided for under Article IV Section C.
 3. Meetings of the State committee may be called by:
 - a. a request in writing signed by one-third (1/3) of its members, given to the Chairperson or Secretary, or
 - b. the Chairperson, or
 - c. vote of the State Committee.
 4. Five (5) calendar days notice shall be given unless emergency circumstances dictate otherwise. A waiver of notice whether signed before or after a meeting, or attendance without protesting a lack of notice, shall preclude and objection on this ground.
 5. The State Committee may conduct mail balloting via the internet. The wording of a motion to be approved by internet balloting shall be vetted online for at least 72 hours before being submitted to a vote to ensure that it is phrased in a concise, unambiguous, and complete form appropriate to its purpose.
- C. The State Committee shall have the sole responsibility for appointing state officials, approving applications for membership in the LPNY resolution of issues pertaining to succession of officers, suspension of LPNY members, appointment and removal of the LPNY newsletter editor, selection of Convention sites and dates and all arrangements pertaining thereto including the preparation and distribution of programs and agenda.
 - D. The State Committee shall have the responsibility, subject to direction by the State Convention, for the development and implementation of Party Policy, the creation of fiscal budgets for the implementation of Party policy and the operations of the State Party, and for the expenditures of Party funds. The State Committee may not spend any LPNY funds in support of any candidate not endorsed in accordance with these By-Laws.
 - E. All meetings of the State Committee shall be open to observation by members of the LPNY, limited only by the need for orderly meetings.
 - F. Each member of the State Committee shall have one vote, except that the State Chairperson shall vote only to resolve a tie. No Voting by proxy shall be permitted.
 - G. All members of the State Committee of the LPNY shall be members in good standing of the LPNY and shall be at least eighteen (18) years of age.
 - H. The State Committee by a majority vote may determine that an issue up for consideration is “an important issue” and can permit the Chairperson to call absent members by phone or other means of communication to solicit either their opinion or vote.
 - I. Members of the State Committee elected by the Annual Convention shall hold office until the close of the Annual Convention following their election, or until they shall have resigned. Resignation shall be effective upon receipt thereof by the Chairperson or the Secretary. Any member of the State Committee who has previously failed to attend or participate in two (2) consecutive properly called meetings and has evinced no other intent to continue in office may be removed from the State Committee for having abandoned the position; for this vote, the member or members in question need not be counted for quorum purposes.
 - J. The Board of Directors as provided in the New York State Not-for-Profit Corporation Law shall be the State committee.

Article VII: Suspension and Termination of Membership

A. Suspension of Membership

1. The State Committee shall have the authority, by a two-thirds (2/3) majority of those present, to suspend on written notice the membership of any LPNY member who:
 - a. follows a continued public course of action knowing it to be contrary to the principles and objectives of the LPNY as set forth in Article I of the By-Laws.
 - b. claims to represent the LPNY while knowing that this is not the fact.
 - c. knowingly, seriously and repeatedly disrupts meetings or activities of the LPNY.
2. Written notice of suspension shall set forth in detail the full nature of the charges and the evidence supporting same and the accused shall have the right to testify before the State Committee and call witnesses in the accused defense. A hearing on any charges shall be held within thirty (30) days of the vote to suspend. Within ten (10) days after such hearing, the State Committee shall vote to withdraw the suspension or to extend it to the next Convention. The State Committee shall issue a written opinion supporting its action, including the evidence supporting its conclusion.

B. Termination of Membership

1. Any member dissatisfied with the action of the State Committee in suspending membership after a hearing may appeal the decision of the State Committee to the next Convention by notice to the State Committee within ten (10) days of notice from the State Committee. If not so appealed, any suspension of membership shall become a final termination of membership eleven (11) days after notice of such decision of the State committee without further right to appeal.
2. The State Chairperson unless absent or the subject of the proceedings, in which case the Vice- Chairperson selected by the State Committee shall serve) shall present to the convention the case for termination.
3. On appeal to a Convention, the accused member(s) shall have the right to testify and to call witnesses in their defense.
4. After hearing the case for and against the accused, the Convention shall become a termination of membership if upheld by two-thirds (2/3) of the votes cast. If not so upheld, any suspension shall be dissolved.
5. There shall be no appeal from the action of a Convention in termination proceedings.

Article VIII: Endorsements

- A. Candidates for statewide office in New York State shall be endorsed in a Convention open to all members in the state. It shall take a vote of two-thirds (2/3) of those voting to endorse. By a vote of two-thirds (2/3) of those voting, some one or group other than the State convention may be authorized to endorse a candidate for statewide office consistent with the scope of authority contained in the enabling resolution.
- B. Endorsements for offices in New York City to be filled at an election for all the voters of New York City shall be made by two-thirds (2/3) vote at a Convention of all LPNY members who either reside in New York City or are members of one of the New York City County Organizations, Unless such a Convention passes by two (2/3) and enabling resolution authorizing some person or group other than such Convention to make such endorsements on behalf of the party.

- C. All endorsements for public office where the geographic boundaries for such office lie wholly within a county or counties in which there is no County Organization shall be made by the State Committee.
- D. The authority of the State Convention, whether directly or by enabling resolution, shall not extend to endorsing any candidates for public office where a portion of the geographic boundaries lie within a county where there is already a County Organization, with the exception that candidates for public offices which encompass the entire state or the entire City of New York shall be endorsed as detailed earlier in this article. Where the geographic boundaries of a public office other than statewide or New York City-wide cross into counties where there are more than one County Organization in existence, then endorsements shall be made by each and all affected County Organizations, each making such endorsement according to its own By-Laws and rules of order.

Article IX: Participation

Any state or federal law to the contrary notwithstanding, participation on:

- A. the election of officers of the LPNY, or any County Organization thereof,
- B. the endorsement or nomination of candidates for statewide or local party or public office, and/or
- C. the selection of delegates to any national Convention of the Libertarian Party, including its Presidential Nominating Convention

shall be limited to persons who have previously submitted a signed statement that they subscribe to the Principles and Objectives of the LPNY as provided in Articles I and II on these By-Laws.

Article X: Quorums

- A. At all State Conventions of the LPNY, a quorum shall consist of the greater of:
 - 1. Twenty percent (20%) of the number of delegates registered for the Convention in accordance with Article IV, Section A;
 - 2. Forty percent (40%) of those delegates registered as being in attendance at the Convention.
- B. At all meetings of the State committee, a quorum shall consist of one-half of the members in good standing of such Committee, exclusive of the Immediate Past Chair.

Article XI: Committees

The State Committee shall appoint such standing or temporary committees, their members and chairperson, as it sees fit, such committee to serve at the pleasure of the State Committee.

Article XII: Amendment Procedures

- A. Amendments to these By-Laws shall be initiated by one of two methods:
 - 1. Petition by the membership, or
 - 2. Request by the State Committee members.
- B. Rules regarding initiation by Petition:

1. The petition must be signed by at least 2% of the membership of the LPNY. The individual petitioner may, at their cost, request the State Committee distribute his amendment to the membership for the purpose of collecting petition signatures.
2. The petition must be delivered to the Secretary along with the written text of the proposed amendments(s).
3. If the petition is received at least twenty (20) days prior to a State Committee meeting, it must be considered at that meeting. Otherwise, it must be considered at the next subsequent meeting.

C. Rules regarding initiation by State Committee request:

1. Consideration of the amendments(s) must be placed on the agenda if requested in writing to the Secretary by three (3) or more members of the State Committee.
2. The request to the Secretary must include the written text of the proposed amendments(s).
3. If the request is received at least twenty (20) days prior to a State committee meeting, it must be considered at that meeting. Otherwise, it must be considered at the next meeting.

D. Rules regarding consideration by the State Committee:

1. The Secretary must provide all State Committee members the text of the proposed amendments at least ten (10) days before the State Committee meeting at which they will be considered.
2. Consideration by the State committee shall consist of the following:
 - a. If initiated by request of State Committee members, the request must be approved by majority of State Committee members voting.
 - b. If the next Annual Membership Convention is expected to be more than three (3) months in the future, the State Committee shall decide whether to submit the amendments to a Special Membership Convention which must be held within 60 days or to conduct a referendum by mail of all members of the LPNY.
 - c. If the next Annual Membership Convention is expected to be less than three (3) months in the future, the State Committee shall decide whether to conduct a referendum by mail of all members of the LPNY or to submit the amendments to the upcoming Annual Convention.

E. Rules regarding conduct of referendum by mail of members:

1. Within thirty (30) days of the State Committee's decision to conduct a referendum, the Secretary shall cause to be mailed to all members the text of the proposed amendment, the current By-Laws provisions proposed to be amended, a statement supporting the amendment, a statement opposing the amendment, and a ballot to be returned to the Secretary.
2. Within thirty (30) days after the mailing, the Secretary shall count the ballots received. The amendments(s) shall be effective immediately, provided that there is a 2/3 affirmative vote.
3. Notwithstanding provision 2, amendments shall fail if the affirmative votes are not at least 15% of total members eligible to vote.

F. Rules regarding submission to Membership Convention.

1. Not more than forty-five (45) nor less than ten (10) days before the scheduled opening of the Convention, the Secretary shall cause to be mailed to all LPNY members the text of the proposed amendment and the current By-Laws provisions proposed to be amended.
2. To take effect, amendments require a two-thirds (2/3) majority of those members voting.

Article XIII: Vacancy and Succession

- A. In the event of the temporary inability of the State Chairperson to perform the Chairperson's duties, said duties shall devolve upon the State Vice-Chairperson designated by the State Committee.
- B. In the event of a vacancy in the office of State Chairperson, the State Vice-Chairperson selected by the State Committee shall serve as State Chairperson until the next Convention. All other vacancies on the State Committee shall be filled by the State committee in a manner determined solely by that State Committee.

Article XIV: Parliamentary Authority

Robert's Rules of Order (latest edition) shall be the only parliamentary authority at the state level of the LPNY for all matters of procedures not specifically covered in these By-Laws.

Article XV: Platforms

Consideration of any proposed LPNY platform shall be as follows:

- A. Each plank of the proposed platform shall be considered separately by the Convention and must be approved by two-thirds (2/3) of those present and voting.
- B. All those planks which have been approved individually and only such planks shall then constitute the proposed platform which shall take effect as the LPNY platform when approved, as a whole, by two-thirds (2/3) of those present and voting at the Convention.

Article XVI: Resolutions

- A. To provide the membership of the LPNY with a means of expressing their opinion on the issues of concern, resolutions may be passed:
 1. by two-thirds (2/3) vote of any LPNY Convention;
 2. by two-thirds (2/3) majority of those voting in a mail ballot provided that:
 - a. the ballot shall have been mailed to all members of the LPNY;
 - b. at least fifty percent (50%) of the members shall have returned a written vote on the resolution;
 - c. two (2) weeks shall have expired since the receipt of the ballot by the members as estimate by the Secretary.
- B. The written ballots returned by the members shall be verified by the Secretary and after the above conditions have been met, the Secretary shall declare the balloting closed and tabulate, certify and announce the results.

Article XVII: Location of the Party Office

The principle office of the LPNY and other offices of the LPNY shall be located within New York State as the State Committee may determine.

Article XVIII: Loans

No loans shall be made by the LPNY to any member of the State Committee or to any officer.

Article XIX: Corporate Seal

The Corporate seal of the Libertarian Party of New York shall be circular in form with the words “Libertarian Party of New York” on the circumference thereof and the words “Corporate Seal” in the center.

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