

Libertarian Party Bylaws and Rules Committee

Meeting in Charleston, South Carolina, February 27, 2009

Minutes

Interim Chairman Dan Karlan called the meeting to order at 09:03. Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr were in attendance. Bennett arrived later.

Dan Karlan was unanimously ratified as Chairman.

M Carling was unanimously elected Secretary.

It was moved to recommend a proposal to strike from Article 7, Section 6: "The Secretary shall make an annual report to the National Committee containing all information required by the Committee."

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend a proposal to add to Rule 9, Section 4: "A delegate who collects the required number of nominating tokens so designated may speak in favor of voting for None Of The Above."

Carling, Karlan, Kirkland, Latham, Moulton, Sarwark, Scott, and Starr voted in favor. Redpath voted against. Recommendation adopted.

It was moved to recommend a proposal to insert into Article 8, Section 2c, following "Affiliate parties may, by mutual consent, band together to form 'representative regions,' and each such 'region' with an aggregate national party sustaining membership of 10% or more shall be entitled to one National Committee representative and one alternate for each 10% of national party sustaining membership." the new sentence "Any existing region whose total membership is less than the threshold for new region formation may nevertheless persist as a region unchanged in affiliate composition provided the shortfall does not exceed 0.5% of national sustaining membership."

Karlan, Moulton, Sarwark, Scott, and Starr voted in favor. Latham and Redpath voted against. Recommendation adopted.

It was moved to recommend a proposal to add to the first bullet item of Article 11, Section 7c: "no later than six months before a Regular Convention."

Carling, Karlan, Kirkland, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend a proposal to divide Article 11, Section 5 into five paragraphs.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend a proposal to strike Rule 11: None Of The Above and insert the same language into Article 11 as a new section following section 6.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend splitting Article 11, Section 7 into a new Article 12.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking from Article 8, Section 9: “; in all other cases, a majority of the votes returned shall carry the measure, except where a higher vote is required by the Bylaws.”

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend inserting into Rule 9, Section 4 “for each candidate” following “Nominating and seconding speeches”; to strike out from Rule 10, Section 4a “one five-minute nominating speech, two three-minute seconding speeches” and insert “Total of 10 minutes”; and to strike out from Rule 10, Section 4b “one two-minute nominating speech, two one-minute seconding speeches” and insert “Total of 5 minutes.”

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking from Rule 7, Section 1 “The current Platform shall serve as the basis of all future platforms. At Regular Conventions, the existing Platform may be amended. Additional planks, or additions to planks, must be approved by 2/3 vote. A platform plank may be deleted by majority vote.”

and adding “The current Platform shall serve as the basis of all future platforms. The existing Platform may be amended only at Regular Conventions. Additional planks, or additions to planks, must be approved by 2/3 vote. A platform plank may be deleted by majority vote.” to Article 4 as a new Section 3.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend splitting Rule 10, Section 3 into a new Rule 11.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking from Article 11, Section 6 “elected delegates to a Convention” and inserting “delegates selected to attend and those who actually attended the most recent two Conventions, with those who attended clearly identified, and all delegates/alternates selected to the upcoming convention, if available.”

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking Rule 5 and inserting a new Article 12, Section 6:

“6. Committee Procedures

a. A majority vote of those Committee members present is necessary for a "do pass" recommendation, and in the case of the Platform Committee, a majority must approve each specific plank separately.

b. Four or more members of the Platform Committee may join together to issue a minority report regarding any plank reported to the floor of the Convention. Two or more members of the Bylaws and Rules Committee or of the Credentials Committee may join together to issue a minority report regarding their business.

c. A majority of the membership of each committee shall constitute a quorum.”
Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking from Article 12, Section 4 “all nominees for President and Vice-President” and to insert “the Party's nominee for President and nominee for Vice-President.”

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend inserting a new Article 12: Meetings “Boards and committees having fewer than ten members may conduct business by teleconference or videoconference.”

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend adding to Article 12 a new Section 3 “Not less than six months prior to each Regular Convention immediately preceding a Presidential election, the National Committee shall publish a contract specifying the terms by which the Party and the Presidential and Vice-presidential campaign shall assist and support each other. The Chair shall sign on behalf of the Party with anyone who otherwise qualifies and desires to be our candidate. Only those persons who have signed and are in compliance with the contract shall be recognized as candidates and be eligible to be nominated for President or Vice-President.”

Carling, Karlan, Kirkland, Moulton, Redpath, Scott, and Starr voted in favor. Latham and Sarwark opposed. Recommendation adopted.

It was moved to recommend adding to Article 10, Section 2: “Audits shall be performed annually by an independent auditor. The non-officer members of the National Committee shall appoint a standing Audit Committee of three members with power to select the independent auditor. One member shall be a non-officer member of the National Committee and the other two shall not be members of the National Committee. The Audit Committee shall clarify for the National Committee any recommendations made by the auditor.”

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking from Article 7, Section 4 “policies and directives” and inserting “standing rules.”

Carling, Karlan, Kirkland, Latham, Redpath, Scott, and Starr voted in favor. Moulton and Sarwark opposed. Recommendation adopted.

It was moved to recommend striking from Article 11, Section 4a “0.14” and inserting “0.2” and striking from Article 11, Section 4b “0.35” and inserting “0.5”.

Carling, Karlan, Moulton, Sarwark, Scott, and Starr voted in favor. Latham, Kirkland, and Redpath opposed. Recommendation adopted.

It was moved to recommend striking from Rule 9, Section 1 “30” and inserting “50”, striking “Chair” and inserting “Secretary”, and adding “Nominees submitting more signature tokens shall have choice of speaking slots in preference to nominees submitting fewer signature tokens.”

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Scott, and Starr voted in favor. Sarwark opposed. Recommendation adopted.

It was moved to recommend striking from Rule 2:

“RULE 2: VOTING ELIGIBILITY

1. The Secretary, acting on behalf of the Credentials Committee, shall report the number of delegates registered in attendance and eligible to vote directly after the opening of the first business session, and at the beginning of each succeeding session.

2. All delegates shall be eligible to vote on all matters. In order to vote on a given matter, a delegate must be present on the floor at the time the vote is taken. Each delegate present shall have one vote.”

... and to move the remainder of Rule 2 to Article 11 following Section 5.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend inserting into Article 9, Section 1 “immediately preceding a Presidential election” following “seven Party members elected at each Regular Convention”, to add “immediately preceding a Presidential election. The remaining members of the Judicial Committee shall appoint new members if vacancies occur, such appointees to serve until the final adjournment of the next regular convention immediately preceding a Presidential election. All Judicial Committee members shall have been Party members at least four years at the time of their selection.” and to add “(in appropriate years)” to Rule 1, line 10, with a proviso that the amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking from Rule 3, Section 1 “a voice” and inserting “a rising”.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend adding to Rule 1, line 6 “(at Presidential nominating conventions)” with a proviso that the amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Carling, Karlan, Kirkland, Redpath, Scott, and Starr voted in favor. Latham, Moulton, and Sarwark opposed. Recommendation adopted.

It was moved to recommend moving Rule 1, lines 8 and 9 to precede line 6 with a proviso that the amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Scott, and Starr voted in favor. Sarwark opposed. Recommendation adopted.

It was moved to recommend striking from Article 8, Section 2c “on the second day” and inserting “30 days before the beginning”, inserting “20 days” following “Secretary”, and striking “close” and inserting “beginning” with a proviso that the amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Carling, Moulton, Redpath, Scott, and Starr voted in favor. Bennett, Karlan, Kirkland, Latham, Sarwark opposed. No recommendation adopted.

It was moved to recommend adding to Article 11, Section 3, a new subsection “If the previous Party candidate for President received enough votes to qualify the next Party candidate for President for any taxpayer-funded subsidy, then only those delegates who have been members of the Party prior to the previous Presidential general election shall be eligible to vote on proposed amendments to the Bylaws and for Presidential and Vice-Presidential nominees. All delegates, including delegates who first became members after the previous Presidential general election, shall be eligible to vote on all other matters, including Platform proposals, elections for Party office, and resolutions.”

Bennett, Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend inserting a new section following Rule 3, Section 1: “Any motion from the floor shall be considered seconded only if 20 of the registered delegates rise to second the motion.”

Bennett, Carling, Kirkland, Latham, Moulton, Redpath, Scott, and Starr voted in favor. Sarwark opposed. Recommendation adopted.

It was moved to strike Article 5 and insert:

“Members. Any person shall be eligible for membership who has completed the requirements for membership:

Sustaining Members. A Sustaining Member is an individual who is either a Life Member or has paid dues of \$25 in the preceding twelve months. The National Committee may create other levels of memberships with higher dues or contribution requirements, which shall have all the rights of Sustaining Membership.

Voting Members. A Voting Member is a Sustaining Member who has also certified in writing that the Member opposes the initiation of force to achieve political or social goals.

Life Members. A Life Member is an individual who has paid life membership dues as set by the National Committee. Existing life memberships shall continue in force notwithstanding any increase in life membership dues.”

... along with consequential changes.

Carling, Karlan, Redpath, Scott, and Starr voted in favor. Bennett, Kirkland, Latham, Moulton, and Sarwark opposed. No recommendation adopted.

It was moved to recommend inserting a new section following Rule 10, Section 2: “The LNC Secretary and Credentials Committee may authorize an electronic voting system to supersede manual tabulation by state delegation, provided the following features are incorporated:

- a. A uniquely numbered receipt issued to each voting delegate.
- b. Tallies of individual votes by receipt number with subtotals by state delegation.
- c. Reports listing delegates that have cast ballots from each state delegation.
- d. Contemporaneously printed completed paper ballots for manual verification, if needed.”

Bennett, Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking Rule 7, Section 2 and inserting “If either four members of the Platform Committee or 10% of the delegates credentialed at the previous Regular Convention petition the Secretary at least 30 days before the opening of a Regular Convention, a plank retention ballot shall be distributed to each delegate by the Credentials Committee. Ballots shall include options to retain all planks and to delete all planks, as well as the option to delete and retain specific planks. Ballots must be submitted to the tellers designated by the Secretary prior to consideration of the Bylaws Committee report. The Secretary shall announce the results of platform plank retention voting prior to the start of platform debate.”

Bennett, Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Scott, and Starr voted in favor. Sarwark opposed. Recommendation adopted.

It was moved to recommend inserting “at the most recent Regular Convention” into Article 11, Section 7b and Article 11, Section 7c, following “as determined for Convention delegate allocations” and striking from Article 11, Section 7b “having the largest Party memberships” and inserting “affiliate parties having the largest sustaining memberships as determined for Convention delegates allocations at the most recent Regular Convention.”

Bennett, Carling, Karlan, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. Kirkland opposed. Recommendation adopted.

It was moved to recommend inserting a new article following Article 5:

“ARTICLE 6: CONFLICT OF INTEREST

No person affiliated with any other political party or providing support for its nominees shall serve as a Party employee, board member, or committee member, or hold any other position of trust or responsibility within the Party. This article does not apply to support of a fusion candidate nominated by the Party or an affiliate or to signing petitions.”

... with a proviso that this amendment shall take effect upon the close of the convention at which it is adopted.

Bennett, Carling, Karlan, Kirkland, Redpath, Sarwark, Scott, and Starr voted in favor. Latham and Moulton opposed. Recommendation adopted.

It was moved to recommend adding to Article 11, Section 7 “The committee shall propose amendments to these Bylaws either to a Regular Convention or by mail ballot to the Party's sustaining members. Mail ballots shall not be sent more than once per year. The committee shall propose amendments to the Party's Convention Special Rules of Order to a Regular Convention. Proposals shall be delivered together with any minority reports signed by two or more members.”; adding to Article 14, Section 1 “or by a 4/5 vote of sustaining members participating in a mail ballot.”; striking from Article 14, Section 2 “shall not be amended by a vote of less than 7/8 of all registered delegates” and inserting “may be amended only by a 7/8 vote of all registered delegates”; and striking from Rule 5, Section 2 “the Bylaws and Rules Committee or of”. Bennett, Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend adding to Article 12, Section 1 “Any member who circulates a general election petition to place anyone on a Presidential or Vice-Presidential ballot, as a Party candidate, other than the Party's nominee or a stand-in approved by the National Committee shall thereby be expelled.” Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Scott, and Starr voted in favor. Bennett and Sarwark opposed. Recommendation adopted.

It was moved to recommend adding to Article 12, Section 1 “Any officer of the Party or of an affiliate party who signs any document, other than a nominating petition, to place on the general election ballot a Presidential or Vice-Presidential candidate other than the Party's nominee or a stand-in approved by the National Committee shall be thereby be expelled.” Carling, Karlan, Moulton, Redpath, Scott, and Starr voted in favor. Bennett, Kirkland, Latham and Sarwark opposed. Recommendation adopted.

It was moved to recommend adding to Article 12, Section 1 “Notwithstanding any other provision of these bylaws, any affiliate party that nominates a Presidential or Vice-Presidential candidate, other than the Party's nominee or a stand-in approved by the National Committee shall be disaffiliated thereby.” Bennett, Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend adding to Article 12, Section 1 “Notwithstanding any other provision of these bylaws, any affiliate party that nominates a Presidential or Vice-Presidential candidate, other than the Party's nominee or a stand-in approved by the National Committee shall not be eligible to send delegates to the Party's Regular Conventions for the remainder of the year and the four calendar years thereafter.” Carling, Latham, Redpath, Scott, and Starr voted in favor. Bennett, Karlan, Kirkland, Moulton, and Sarwark opposed. No recommendation adopted.

It was moved to recommend striking Rule 10, Section 1 and adding:
“Nominations for Party officers shall be from the floor. The election shall be conducted in the following manner:

a. Officer elections shall be conducted using Ranked Choice Voting. For each office, a majority vote of all the ballots cast shall be necessary and sufficient for election.

b. Ballots shall allow delegates to rank their choices of candidates in order of preference, such as First Choice, Second Choice, Third Choice, etc.

c. All individual ballots shall be turned in to the Secretary along with the tabulations by affiliate of the First Choice votes.

d. In cases in which no candidate receives a majority of First Choice votes, the candidate with the fewest votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots. The ballots shall then be recounted.

e. Votes for None of the Above shall survive each round.

f. If no candidate has a majority of votes cast, the process of eliminating the candidate with the fewest votes, redistributing according to the next choice on those ballots, and then recounting shall be repeated until one candidate has a majority.

g. The Secretary shall retain the record of all voting rounds and make it available to delegates upon reasonable request.

h. The Secretary shall announce the winner of the election after votes have been fully tabulated.”

Bennett, Carling, Karlan, Kirkland, Latham, Moulton, Redpath, Sarwark, Scott, and Starr voted in favor. None opposed. Recommendation adopted.

It was moved to recommend striking from Rule 10, Section 2a “, but no more than one vote for any one candidate” and inserting “using cumulative voting”; striking “At this point, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation.”; and adding a new subsection following Rule 10, Section 2c “The Secretary shall announce the winner of the election after votes have been fully tabulated.”

Bennett, Latham, Moulton, and Sarwark voted in favor. Carling, Karlan, Redpath, Scott, and Starr opposed. No recommendation adopted.

It was moved to recommend striking Rule 10, Section 2 and inserting:
“Nominations for the at-large members of the National Committee shall be from the floor. The election shall be conducted in the following manner:

- a. The winners shall be determined by single-transferable voting.
- b. Voting for each election shall take place in one round. Delegates may rank up to ten candidates on their ballots in order of preference. Only nominated candidates shall be valid options on the ranked ballots.
- c. Each delegation chair shall deliver the delegation’s ballots to the Secretary. When all delegations have submitted their votes, the Chair shall declare voting closed.
- d. Convention business shall continue while the votes are counted by the Secretary or his designees. Tabulation for multiple elections may be conducted simultaneously.
- e. Tabulation shall take place in multiple rounds. Each round the full or fractional votes for the highest ranking preferences shall be summed and recorded.
- f. If the vote count for any candidate exceeds the droop quota $[(\text{droop quota}) = (\text{ballots submitted})/(\text{seats up for election} + 1) + 1]$, the candidate shall be considered a winner.
- g. In that case, any excess votes shall be allocated to the next highest ranking preference: each ballot for the candidate shall have its weight reduced to a fractional vote $[(\text{end fractional vote}) = (\text{begin fractional vote}) \times (\text{votes for candidate} - \text{droop quota})/(\text{votes for candidate})]$.
- h. Otherwise (if no candidates are elected in a round), the candidate (or candidates in the case of a tie) with the fewest votes shall be considered out of the race.
- i. In that case, the remaining fractional vote for each ballot shall be allocated to the remaining candidates marked as the next highest ranking preference on those ballots.
- j. The process shall be repeated until either all positions are filled or one candidate remains and that candidate fails to achieve the droop quota.
- k. If some seats are left unfilled, none of the above (NOTA) shall be considered to have won those seats and another election shall be held for those seats with the candidates who ran previously ineligible to be nominated.
- l. The Secretary shall retain the record of all voting rounds and make it available to delegates upon reasonable request.
- m. The Secretary shall announce the winners of the election after votes have been fully tabulated.”

Bennett, Latham, Moulton, Redpath, and Sarwark voted in favor. Carling, Karlan, Scott, and Starr opposed. Recommendation adopted.

It was moved to recommend striking Rule 10, Section 2 and inserting:
“Nominations for the at-large members of the National Committee shall be from the floor. The election shall be conducted in the following manner:

a. Each delegate may cast one vote per candidate for any number of candidates. Every ballot with a vote for one or more candidates is counted as one vote cast.

b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Chair shall declare the voting closed.

c. The top five candidates receiving a majority vote shall be elected. Tie votes affecting the outcome shall be decided by lot.”

Carling, Karlan, Scott, and Starr voted in favor. Bennett, Latham, Moulton, Redpath, and Sarwark opposed. No recommendation adopted.

It was moved to recommend adding to Article 11, Section 3, a new subsection:

“The convention registration fee may not exceed \$50 adjusted for inflation.”

Carling, Karlan, Scott, and Starr voted in favor. Kirkland, Latham, Moulton, and Sarwark opposed. No recommendation adopted.

It was moved to recommend striking Article 8, Section 2bc and insert a new subsection “and thirteen members at large by the delegates at a Regular Convention.”

Carling, Latham, Moulton, Redpath and Scott voted in favor. Bennett, Karlan, Kirkland, Sarwark, and Starr opposed. No recommendation adopted.

It was moved to recommend striking in Article 11, Section 1 “two” and inserting “four”; striking “an odd-numbered” and inserting “a year before a presidential election”; and striking “an even numbered year” and inserting “a year of a presidential election.”

Carling, Latham, Moulton, Redpath, Sarwark, and Scott voted in favor. Bennett and Kirkland opposed. Recommendation adopted.

It was moved to recommend striking in Article 8, Section 3 “immediately upon” and inserting “at 12:01 ET on the Saturday after the general election after” and striking “the final adjournment of the next Regular Convention” and inserting “12:01 ET on the Saturday after the general election after the election of the next national committee.”

Redpath voted in favor. Bennett, Carling, Karlan, Kirkland, Moulton, Sarwark, Scott, and Starr opposed. No recommendation adopted.

It was moved to recommend inserting in Article 6, Section 4, “, unless such candidate is also the nominee of the Party or one of its affiliates, or a sub-affiliate” following “in any partisan election”.

Bennett, Latham, Moulton, and Redpath voted in favor. Karlan, Kirkland, Sarwark, Scott, and Starr opposed. No recommendation adopted.

Without objection, a subcommittee composed of Dan Karlan and M Carling was formed with the power to revise the introductory and explanatory language accompanying the proposals and to determine the order in which proposals will be submitted.

Without objection, it was resolved that the initial ordering of the proposals would be by vote with ties broken by the order in which proposals were numbered prior to adoption.

Without objection, the meeting was adjourned to the call of the chairman at 18:56.