

# Bylaws

# South Dakota

# Libertarian Party

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# Bylaws

## South Dakota Libertarian Party

### ARTICLE I NAME AND PURPOSE

These by-laws shall govern the South Dakota Libertarian Party, a political party organized under the laws of South Dakota. Throughout these by-laws, the terms “party” and “SDLP” may be used interchangeably, although referring to the same entity. The purpose of the SDLP is to promote libertarian solutions to contemporary problems through the political process.

### ARTICLE II MEMBERS

- Section 1. Anyone who is registered in South Dakota as a Libertarian or who is a member of the U.S. National Libertarian Party is eligible to become a voting member upon payment of membership fees.
- Section 2. Membership fees for the following year shall be set by the Executive Committee (“ExCom”) no less than three (3) months after the annual meeting, to become effective upon official notification to the membership. Membership shall run for twelve months following payment of dues. Dues may be paid in part by providing service/labor at a rate approved by the ExCom.
- Section 3. Dues will be paid current no less than one (1) hour before the beginning of the annual party meeting.
- Section 4. Members must be present at meetings to vote. No proxies will be taken.

### ARTICLE III OFFICERS AND EXECUTIVE COMMITTEE

- Section 1. Officers. Members filling the positions of officers must be current paid members of SDLP and reside in South Dakota. The following positions shall be filled by election during the annual Party meeting: President, Vice-President (Secretary), and Treasurer.
- Section 2. Duties of Officers.  
**President.** The President shall conduct all meetings of the SDLP and the ExCom. The President shall be one of the SDLP delegates to the National Libertarian Party convention. The President has authority to speak on behalf of SDLP for all public relations activities and other duties assigned by the ExCom.  
**Vice-President:** The Vice-President (“VP”) shall be the chief assistant to the President holding such executive powers as the President shall delegate, and shall perform such duties as shall be assigned by the President or the ExCom. The VP shall attend all meetings of the ExCom and all party conventions, and shall act as secretary thereof, keeping such records and minutes as necessary. The VP shall make an annual report to the ExCom. The VP shall perform or make provisions for the performance of any legal assistance the Party may require.

**Treasurer:** The Treasurer shall receive all money paid to the SDLP, and shall deposit the same in such bank or banks as have been designated by the ExCom, and shall disburse said money upon order of the ExCom. The Treasurer shall make a complete financial report to the ExCom and at least annual reports to the Membership. The Treasurer shall perform all duties required of his/her office by applicable federal and state law.

- Section 3. Executive Committee. The Executive Committee (“ExCom”) shall consist of three (3) duly elected officers, plus two (2) members at large. Members elected to the ExCom must be members in good standing of the SDLP. Newly elected members for the ExCom shall serve *ex officio* until their terms become effective at the beginning of the following calendar year, unless immediate assumption of their duties is approved by the Annual meeting.
- Section 4. Standing and Ad Hoc Committees. The ExCom shall have the power to appoint committees. It may create and dissolve committees at any meeting of the ExCom by a majority vote.
- Section 5. Meetings. The ExCom shall meet at least quarterly at such times and places as may be determined by the action of the committee, by call of the President, or by the written request of at least two (2) members of the Committee. It may meet more frequently as necessary and per request of one-third (1/3) of the committee members. Either a written or telephonic notice shall be given at least fourteen (14) days before said meeting. The ExCom may transact meetings and business by mail, telephone, or electronic media. The ExCom shall be prohibited from conducting any closed-door meetings and will not disallow any Party member in good standing from attending meetings.
- Section 6. Quorum. A quorum is present when two-thirds (2/3) of the membership of a committee is present.
- Section 7. Voting. A majority vote of those present at a meeting shall rule. In the event of a tie, the proposed action, business or resolution fails.
- Section 8. Term of Office. Terms of office for the officers and executive committee shall be one (1) year. A member may serve unlimited consecutive terms of office.

## ARTICLE IV CONVENTIONS AND MEETINGS

- Section 1. Annual Convention and Party Meeting. The annual meeting shall be held at a date, time, and place determined by the ExCom with the provision that the dates should normally be during the period between 1 June and 30 August.
- Section 2. Notice of Convention. Notices of the Convention will be mailed to all registered SDLP members, and other registered Libertarians in South Dakota (when such names and addresses are known) at least fourteen (14) days prior to the convention date. Such notice shall include the date, time, place, and any proposed actions to be taken by the membership. In addition, press releases of notice of the annual convention will be published in major newspapers in Aberdeen, Pierre, Rapid City, and Sioux Falls, at a minimum, least fourteen (14) days in advance of the annual convention.
- Section 3. Special Membership Meetings. A special meeting of the members may be called as determined by the ExCom following the same procedures as Section 2 above.

## ARTICLE V

## NOMINATIONS AND ELECTIONS

- Section 1. Eligibility. To be eligible for any Party office, a candidate must be a member in good standing of the Party and must reside in South Dakota.
- Section 2. Nominations and Elections of Officers and Executive Committee. Nominations shall be made by party members. The names of all nominees, in order nominated, shall be clearly posted during the Party meeting and immediately prior to voting. In the event only one (1) nomination is made, the President shall request a voice acclamation of the nominee from the members present to confirm the acceptance of the nominee. If there are two (2) or more nominations, a secret ballot shall be cast by the members. Two members shall be appointed by the President to tally the votes. Any member may inspect the ballots cast and bring discrepancies to the attention of the convention.
- Section 3. Endorsement of Political Office Seekers. The members shall endorse Libertarian candidates that have obtained the majority vote from the primary election. In the event no primary election was required (only one candidate ran for office on the primary ballot), the President shall request a voice acclamation from the members. Primary election voters shall include any registered Libertarian, Independent, and other unaffiliated voters.
- Section 4. Nomination and Election of Candidates for Political Office. The members shall nominate candidate(s) for Lieutenant-Governor, as appropriate. Procedures for election shall be the same as for Party officers and ExCom. The members may nominate candidate(s) for the following state offices: Attorney-General, Secretary of State, Auditor, Treasurer, Commissioner of School and Public Lands, Public Utilities Commissioner, and other state offices as may be open. The procedures for election shall be the same as for Party officers and ExCom.
- Section 5. Vacancies in Positions of Officers and Executive Committee. In the event of a vacancy in the office of President, the Vice-President shall serve the remaining term of office. In the event of a vacancy in the position of any other Officer or Member of ExCom, ExCom shall, within sixty (60) days of notification of said vacancy, choose, by majority vote, a qualified and consenting member of the SDLP to serve the remaining term of office in said position.
- Section 6. Majority Rule. In any Party or ExCom election, the members always have the right to vote for "NOBODY". If "NOBODY" wins a majority of the votes cast, nominations will be reopened. The office may be filled by reopening nomination and holding another vote.
- Section 7. National Libertarian Party Convention Delegates. At the Party Convention prior to the National Libertarian Party Convention, the members shall nominate members to serve as state co-delegates with the President,. Nomination and election procedures shall be as for Party Officers and ExCom. Vacant delegate positions may be filled by appointment by ExCom.  
Delegates to the National Convention shall vote on the first ballot for the presidential candidate who received the most votes in the South Dakota Libertarian primary election. Delegates shall continue to vote for that candidate through subsequent ballots, until released by that candidate, or until delegates agree that to continue to vote for that candidate would be counterproductive and/or would threaten party unity.  
If no Libertarian candidate for President of the United States qualifies for the general election ballot in South Dakota, delegates to the National Libertarian Convention may vote their consciences with respect to nomination of a national candidate.

## ARTICLE VI FINANCE AND ACCOUNTING

- Section 1. The budget and membership each year shall run concurrently and begin with 1 January and end with 31 December of each year.
- Section 2. All disbursements shall be made by check from a checking account authorized by the ExCom.
- Section 3. The SDLP may not borrow funds without 100% concurrence of all members of the ExCom.

## ARTICLE VII BYLAWS AMENDMENTS

- Section 1. The bylaws of the SDLP may be added to, changed, amended, replaced, or revoked by 75% of the members present at any membership meeting of the SDLP or any special membership meeting of the SDLP.
- Section 2. Recommended additions, changes, amendments, replacements and revocations shall be inserted in the notice of the convention or meeting given to each member (Article IV, "Meetings").

## ARTICLE VIII MISCELLANEOUS

- Section 1. Recordkeeping. The SDLP shall keep complete books and records. Minutes of the ExCom and members' meetings shall be reduced to writing and preserved.
- Section 2. Annual Report. The Treasurer shall prepare an annual financial report for distribution to the membership during the annual meeting.
- Section 3. Emergency Meetings. In case of an emergency action, the ExCom may hold a meeting with a twenty-four (24) hour notice by the most feasible means possible to include telephone, radio, or other electronic communication.
- Section 4. Parliamentary Authority. Roberts' Rules of Order, Newly Revised, shall be the parliamentary authority for all matters of procedure not specifically covered in the bylaws or rules of the Party.
- Section 5. Malfeasance: Removal from Office of Officers or Executive Committee Members. Only in the event of an accusation by a SDLP member, of malfeasance, or conviction of the commission of a felony, on the part of any Officer or Member of ExCom, the remaining officers and members of ExCom shall meet within fourteen days, by personal or electronic means, to hear evidence and to make a decision as to whether to remove the accused from office. A majority vote of the non-accused officers and members of ExCom shall be necessary to remove any other member of ExCom. The accused shall have the opportunity to present witnesses and a defense, and shall have the right to be present at all deliberations, and shall have the right to witness a non-secret vote on the removal question.  
"Malfeasance" shall be defined as significant dereliction of duty, or significant violation of the Bylaws of SDLP, or stealing from SDLP.
- Section 6. Local Affiliates SDLP members may, within a given jurisdiction (legislative district, county, municipality, precinct, or ward), organize a local affiliate, with at least three SDLP members. The affiliate may select an appropriate name and submit a proposal (including bylaws) to the ExCom; and is recognized by the party upon approval of the proposal by the ExCom. An

affiliate continues to be recognized as long as they shall annually report in writing or verbally, to the ExCom or the Annual State Convention. Jurisdictions with less than three SDLP members may be recognized by the ExCom as a provisional affiliate, upon application.

## **ARTICLE IX EFFECTIVE DATE**

These bylaws become effective immediately upon approval by the membership.

## **ARTICLE X COUNTY/MUNICIPALITY/PRECINCT COMMITTEES**

- Section 1. SDLP members and registered Libertarians may in each precinct organize a precinct committee consisting, at minimum of a chairman and chairwoman, and up to five members or 10% of the total registered Libertarian voters, whichever is greater.
- Section 2. The Precinct Committee Chairman and Chairwoman shall be elected as provided by SDCL 12-5. Remaining members of the committee shall be elected in open meeting of the Libertarian Party voting members of the precinct.
- Section 3. Each precinct committee shall function as the local affiliate for its precinct, as provided in Article VIII Section 6, regardless of the number of SDLP members in the precinct.
- Section 4. The precinct committee shall act as the local point of contact for all local government agencies, shall coordinate party activities in the precinct, and shall perform such duties as determined by the ExCom and the precinct committee.
- Section 5. Notwithstanding the provisions of Article II, Section 4, the precinct committee chairman and chairwoman may, at meetings, cast votes as proxies for all Libertarian party voting members in their precinct who are not present at the meeting.
- Section 6. Two or more precinct committees may organize and elect a municipality and/or county central committee, with the approval of the ExCom or the Annual State Convention, which shall be organized in like manner as, and have the same responsibilities as, the precinct committee.

**--- END OF BYLAWS ---**

Andre Ager completed the following certification upon filing the original bylaws with the South Dakota Secretary of State:

“I, Andre Ager, certify that the attached By-Laws are the official By-Laws of the South Dakota Libertarian Party and were revised by the membership present during the annual convention in Oacoma, South Dakota on the 3<sup>rd</sup> day of June, 2006.

\_\_\_\_\_  
Andre Ager, President, South Dakota Libertarian Party

\_\_\_\_\_  
Date

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