

**2024 BYLAWS AND RULES COMMITTEE MEETING**  
**MINUTES OCTOBER 19, 2023**

Meeting called to order at 9:02 PM ET

<b>MEMBERS</b>	<b>ALTERNATIVES</b>	<b>GUESTS</b>
SYLVIA ARROWWOOD	DAVID ROBERSON (A3)	GARY ALVSTAD
PAUL BRACCO	DEAN RODGERS (A7)	DUSTIN COFFELL
NICHOLAS CIESIELSKI		ADAM HAMAN
CARYN ANN HARLOS		MEREDITH HAYES
ROB LATHAM		J. J. JACOBS
FRANK MARTIN		ANGELA MC ARDLE
KEN MOELLMAN		ROSS METLER
TOM ROWLETTE		NATHAN MADDEN
MIKE RUFO		JESSICA TEWKSBURY
MICHAEL SEEBECK		LARRY SILVER

Full Complement

**PUBLIC COMMENT: MC ARDLE:** Amendment on ethics (Proposal V) is overreaching and completely inappropriate. It is insulting to call it “ethics”. We should not punish party officers for generating income and growing the party. The party has more coverage on major media and all types of media than ever before. The Green Party actually pays their chair. The Party Chair and the Secretary should be able to work full time for the Party and generate compensation for our efforts. Trying to stop that would be wrong and unprofessional.

**MADDEN:** In favor of Proposal V. MOELLMAN put this up long before any of the recent controversies came up. This came up fairly early in the term and I would ask to keep that in mind. This is a proof of concept as seen in Kentucky. It’s pretty much a copy and paste-over from the Kentucky bylaws because it has worked for them.

**HAYES:** Speak in opposition to same amendment. Have reviewed it and agree with MC ARDLE that is it overbroad and vague. It flies in the face of the general duty of fiduciary responsibility required. If it says one cannot take from the pot of the party, that’s obvious; but to use one’s position to get eyes on you and influence to get revenue, it does not in any way take away from the Party. Obviously nobody can take from the Party pot itself. It’s repetitive and overbroad in many ways.

**ALVSTAT:** Also speaking against the same proposal. Don’t see reason to restrict what people do outside of the Party. To restrict our activists from the LNC would be

counterproductive. We are all volunteers and it seems like a libertarian solution for private people to fund voluntary people who are giving their lives over to running this Party and not a good idea to restrict.

**HAMAN:** Also want to speak against this proposal. Language is extremely broad and very vague. Language like this could be used as a cudgel. Because it is so vague, it could be used indiscriminately. We should never enact bylaws that are written that way. Points made by previous speakers, I echo and encourage us to not do something so silly.

**JACOBS:** Do agree with committee's decision in defeating the change in regional representatives rule and would be very worried that it would make the Libertarian Party easy for takeover by another party or a group of supporters of Trump. Been accused of being a Republican operative but if I were, would certainly be in favor of doing something like that. I'm not in favor of doing something like that.

**HARLOS:** Any further comment? (No Response) Next thing up is Proposal V which is up on the screen.

**BRACCO:** Believe orders of the day are to approve the Minutes of 10-5.

**HARLOS:** Yes.

**MINUTES APPROVAL:** October 5, 2023. There were some typos made, some minor changes that were made. Is there any objection to approving the minutes from 10-5? (No Response) MINUTES APPROVED for 10-5-23 WITHOUT OBJECTION.

**PROPOSAL V – MOELLMAN – AMEND BYLAWS ARTICLE 9 – ETHICS, TRANSPARENCY, AND ACCOUNTNG.**

**MOELLMAN:** This is a proposal as noted in Public Comments. It is taken from LPKY bylaws passed in 2018. Done in response to issues Kentucky had. Had proposed this last term as well. At that time Bylaws Committee suggested that it be made in the Policy Manual. It was not made a Policy Manual item and as such have brought it back again. It has been tweaked since last time. Did hear some feedback from last committee. Did shrink and tried to cut as much as possible to make it a shorter amendment. Going over what it quickly does. First it defines "Party resources". Then states the Treasurer has to be informed whenever Party resources go out the door, whether that's money or items. It is important that our fiduciary officer knows when things go out the door. That has been an issue in the past.

Controversial part is under proposed 1 h. Except as explicitly noted in the bylaws, no member of the committee shall be compensated other than for actual costs incurred for providing goods or services preapproved by the Party. That's what partially brought this up, was the fight for \$75. The use of their official position or office to obtain financial gain or other personal benefit for themselves, any family member or business associate. Will get back to that. The use of party resources or their position to show favor or disfavor to a candidate prior to receiving nomination for being elected or vote to influence the outcome of such processes. This would not prevent party officers from acting as party members. This is to make sure apparatuses are not tilted in favor or against anyone seeking nomination. A list of party resources is recorded and maintained – again the Treasurer knows what we have. If we are in possession of things that we own and are not used by the Party, it is to be noted – and also in-kind donations – and this is here 'cause we had an issue in Kentucky where people were donating in-kind things and then cracking the limit-- and don't know if that is necessarily going to be an issue but it could.

Second section is for open records. This is to boost trust from the members. The interesting part about this and the short version of why this is here is that as long as there are good checks and balances and in this case there are so that reasonable rates are charged. Having this provision makes members think, hey I could do this if I wanted to and they could. Then in turn, they don't. That's the irony of it is having the open records provision, pretty much makes it so it doesn't get used and it also means that people don't make accusations that things are happening behind closed doors and they don't know what is going on or bla, bla, bla. Why? Because there is an open records provision right there. You can ask for it. There are checks and balances. A new person cannot come in and create chaos by making a bunch of requests. They have to be a member for two years consecutively. They do have to pay for physical copies. They can be charged for actual time which goes up to 25 dollars per hour and there are other things like passwords, bank account passwords, APRC material.

The final piece, No. 3, is a response to the idea that bylaws can be suspended if they are in the nature of a rule of order. Don't know if most people know that is the case and think people will be in for a shock when they find out that what they are passing in convention can be suspended by the LNC and what they pass in the future could be suspended. Don't believe our members want that be to the case. Our members specifically addressed that to try and prevent that – because I believe that's what the members want.

**HARLOS:** Don't have a No. 3 in version that I have.

**MOELLMAN:** That's a problem then. Not sure which version you have but let me send this to you to make sure. Know I sent over last version. Will send to Bylaws list.

Perhaps some of the concerns that were expressed in Public Comment, may have already been addressed. Some of this was feedback that I had received and tried to tighten the language up. Did try to resolve some of the issues that had been brought forward. Am sending this to the Bylaws list.

Going back to the item I believe to be the item of controversy, the item under 1 h. about using an official position of office to obtain financial gain or other personal benefit for themselves, any family member or an associate. Essentially what this is about – and maybe I'm wrong here but – have always thought and held that our Party is held to a higher standard. I've always held our Party to a higher standard. Certainly some get paid for being in those positions – and in fact my proposal that was defeated at our last meeting would have enabled that -- so am not opposed to that provided that there is some sort of check and balance on that and that the members approve that as a body. The key here is about using your title specifically to give yourself benefits or to a friend or family member, business associate, whatever. It is not about not growing the Party. We obviously want to grow the Party. We want to grow the organization. That's why we are here. We are trying to grow liberty. That's the point; we are here to grow liberty, not to get benefit for ourselves. Have always looked at the line if you are getting paid by the Party, then you lose your voice in advocating for policy. We have seen that in the past with staff when staff decides to step up and, -- oh, I'm mad about something – they are pretty much out the door soon afterward.

**HARLOS:** You are starting to lose people with the length of this speech. You are going to get to say everything you want. I'll let you go as long as you want but want to let you know –

**MOELLMAN:** Sure. We want to be out seen, visible and heard; but it should not be about "what's in it for me?". It should be about "what's in it for the organization?". That's really key to that. It's not about "what's in it for me?" because the moment it is, there can come a point where "what's in it for me?" and "what's in it for the Party?" can switch and if I'm relying on "what's in it for me?", now I've got a problem. Idea here is to make sure that conflict can never occur. That it cannot be about an individual with a title. It's always about the Party. That's the goal of this. Don't

believe this is vague. You cannot use your title to get benefit for yourself. In prior discussion when we talked about this, it was not about hiding who you are but not advertising your title as a means to promote yourself or trying to gain benefit. Right? In the corporate world this happens as well where people are able to be and do something besides their title; but at the same time people will say, oh, yes they are this, this and this. But it is not the selling point or why they are there. They are not there to benefit themselves to get paid because of that title or for being on some board. Have no issue with people paying or helping a friend because I agree the job of chair is actually the stupidest job in the Party. It is a ridiculous job. Our bylaws are set up to put way too much on the Chair. It's not realistic to do that voluntarily full time. It is not that I'm trying to stop any of that, Patreon or whatever. I'm saying that someone should not go out and say, "Hey, you should give me money because I'm the Treasurer". Right? That's the difference. With that I'm going to stop. Hope I have addressed most of it.

Madam Chair, did you get the revision?

**HARLOS:** Yes. Have it on the screen.

**MOELLMAN:** Saw comment about "other personal benefits" –

**HARLOS:** We are not going to address comments.

**MOELLMAN:** That's fine. Please scroll to bottom because that's important. MOULTON has reviewed this before. He's not here this evening because he's travelling. This is simply to prevent suspending the bylaws. That's essentially the three pieces of this. First part about financial transactions and how people use their titles, another part about open records and then the third part is about suspending or not suspending the bylaws.

**HARLOS:** Thank you, MOELLMAN. This is a long proposal. Everyone is going to get heard. Please be mindful of the time though.

(DEBATE AS TO PROPOSAL V – MOELLMAN)

**ROWLETTE/ARROWWOOD:** Request to divide the question into 3 parts.

**HARLOS:** Let's hold up and see if it passes.

(DEBATE CONTINUED)

**HARLOS:** I made a decision as to debate in the chat. We are not going to revisit that here. Non-members of the committee do not hold debate rights. Having it on the mic rather than in chat is still interruptive to the committee. That was the ruling at the time and it still remains. Some limited debate and cross is to be expected but responding to nearly every point or nearly every other point if someone is on the mic is not appropriate.

(DEBATE CONTINUED)

**MARTIN/HARLOS:** Best not to divide into three separate questions. Let's wait to see if it passes.

(DEBATE CONTINUED)

**RUFO:** Call the question. Let's vote.

**HARLOS:** You cannot call the question on committees.

(DEBATE CONTINUED)

**HARLOS:** Any further debate? (No Response) Call the Roll. Will remind everyone if they would want to reconsider a portion of this, to abstain or vote for it. That will preserve the right to reconsider. Also let committee know if you think a better place to address some of this is in the other section mentioned; it is not a reconsideration. That is an entirely different concept. Would think if you are dealing with open records in a way that completely rewrites this, that is not up for reconsideration either.

ARROWWOOD	NO
BRACCO	NO
CIESIELSKI	NO
HARLOS	NO
LATHAM	NO
MARTIN	NO
MOELLMAN	YES
ROWLETTE	ABSTAIN
RUFO	NO
SEEBECK	NO

**FAILED VOTE 1-8-1**

**HARLOS:** Anyone who voted NO or ROWLETTE would have reconsideration rights. Next is Proposal Z.

## **PROPOSAL Z – HARLOS – ARTICLE 8 – JUDICIAL COMMITTEE DECISIONS ARE FINAL**

**HARLOS:** Will read: “There is no time limit to rescissions...” but according to RONR however you can’t unring a bell – “ and though one may hope that decisions would not be reviewed anew later (the way to set new precedent is with a new case)...” with a fresh controversy – “ there was in fact an attempted rescission...” and this whole thing gets controversial and actually at the time there was a rescission of the Oregon case as to the chair, the Party at the time decided to ignore it. Whether that was proper or not is beyond the scope of this proposal but this is in fact something that happened. If someone wanted to revisit Delaware ten years from now -- I argued at that time it was an unringing of the bell. You can’t do that. This was a vice chair auto-ascend. We need to provide clarity here so that people are not zinging the JC. Not saying everyone in support of the Oregon thing was gaming it but do think there were some people who were gaming it. It’s certainly possible to have a good-faith disagreement. We need to provide stability to our JC rulings. That’s the whole point of the JC. However, we have the precedent that happened to me, that delegates at convention can rescind something. They retain that authority.

And actually before I move my own proposal, I’m going to amend because I meant for this to be done at the next regular convention. We need to move on and not relitigate things over and over ‘cause it will just be a revenge cycle. Would like to move a revision to Article 8 adding a Section 3 Judicial Committee decisions are final and cannot be rescinded or overturned except by delegates at the next regular convention. That is the chance for someone who is on the losing side of a decision to make their appeal to the delegates. Once that’s done, it’s done. Let’s move on as a Party. I know that was not technically a rescission. I’m speaking more in lay language. They can overturn it. Don’t want to see us relitigating things over and over but also want the immediate next delegates to be able to have the final say.

(DEBATE AS TO PROPOSAL Z-HARLOS)

**SEEBECK:** What is vote threshold?

**HARLOS:** Majority.

(DEBATE CONTINUED)

**LATHAM:** Move to replace ~~at the next regular convention~~ with at either of the next two regular conventions because “the next” seems too short and “indefinite” seems too long. Hopefully this is a good compromise.

(DEBATE AS TO AMENDMENT)

**HARLOS:** Anything further on the amendment? (No Response)

ARROWWOOD	YES
BRACCO	YES
CIESIELSKI	NO
HARLOS	ABSTAIN
LATHAM	YES
MARTIN	YES
MOELLMAN	ABSTAIN
ROWLETTE	YES
RUFO	NO
SEEBECK	YES

**ADOPTED VOTE 6-2-2**

**HARLOS:** Only have a few minutes left. This is going to continue to the next meeting. Will give ROWLETTE the opportunity to put his thoughts on the list. Will take a minute to expound on why I wish to expand the JC. That would put more power in the hands of the delegates. Will explain how. I see a problem with way it is worded now. The LNC could violate the bylaws as long as they never take a vote. If they just wink, wink and nod, nod to the chair “go ahead and do that” because now the wording as far as LNC action, the only thing you know you have a right to appeal is a decision of the LNC that violates a specific portion of the bylaws. “Decision” is defined by RONR as something that took place upon at least a majority vote of the subject assembly. Is there precedence for a constructive decision? Yes, because we recognized constructive disaffiliation for a while but there is no guaranty of that and could see it happening. If the LNC wanted to shield themselves from an appeal, that’s all they need do. They could pretty much just bend the bylaws over and the only recourse is to vote them out next convention. That’s it. No appeal rights. Believe that is a proposal for members to have a right of appeal against decisions of the LNC that did not involve disaffiliation.

It’s 11:01 PM ET. ADJOURED. Will keep room open for 15 minutes.

**DRAFT ONLY 10-23-12:20 PM \*\* 3:26 PM \*\* 10-25 11:55 AM**