

# Constitution of the Libertarian Party of Utah

## Article One:

### Name & Purpose

- A. Name: This organization will be known as the Libertarian Party of Utah. In this Constitution, it may also be referred to as the "LPUtah" or the "Party."
- B. Purpose: The LPUtah is a political party based on the principles of Libertarianism. Supporting the Constitution for the United States of America and Constitution of the State of Utah, the Party's purposes are to:
  - 1. Nominate and support with all available resources candidates for local, state and national offices who subscribe to Libertarian principles;
  - 2. Promote the philosophy and principles of Libertarianism within the State of Utah; and
  - 3. Promote and support Libertarian Party organizations on the county and municipal levels in the State of Utah.
- C. Compliance: The LPUtah will always be in compliance with local, state, and federal election laws. If there is any conflict between the Party's Constitution and Bylaws and prevailing election laws, Utah law supersedes this Constitution and Bylaws.
- D. Affiliation: The LPUtah is affiliated with the Libertarian Party, Libertarian National Committee and other similarly affiliated Libertarian organizations throughout the state and country.

## Article Two

### Statement of Principles

- A. Members of the LPUtah subscribe to the Statement of Principles of the Libertarian Party, and specifically believe:
  - 1. Each individual possesses the right

- to life and liberty, and justly acquired property including the right to defend them;
  2. No person or institution, government or private, has the right to initiate force or fraud against another person, nor to use force against another's property;
  3. All individuals are entitled to exercise their right of agency, and to choose their own lifestyle as long as they do not forcibly interfere with the equal right of others to live their lives in whatever manner they choose;
  4. The voluntary exchange of goods and services is a fundamental right of the individual; and
  5. The only moral basis of government is to ensure the individual's freedom from force or fraud.
- B. Violation of any one of these principles is cause for expulsion from the Party.

## Article Three

### State Officers and the State Executive Committee

- A. Officers & Responsibilities: The State Chair, State Vice-Chair, State Secretary, State Treasurer, and State Legal Counsel, hereinafter referred to without the "State," are individually the LPUtah's state officers and collectively its State Executive Committee (SEC).
1. The Chair is the Party's chief executive officer and presides at all Conventions and at all meetings of the State Executive and State Central committees. The Chair is responsible for appointing new SEC members when such offices become vacant, subject to the consent of the SEC. The Chair serves as the Party's liaison with the appropriate body for all matters relating to the Party's relationship with the state

- government. The Chair is the Party's official spokesperson for the press and representative to the Libertarian National Committee.
2. The Vice-Chair performs the duties of the Chair when the Chair is, for any reason, unable to perform the duties of the office. The Vice-Chair will also carry out such other duties for the benefit of the Party as directed by the Chair.
  3. The Secretary keeps the minutes and records of all Party Conventions and meetings of the State Executive Committee and State Central Committee. The Secretary will report at Conventions concerning such Party activities as the State Central Committee or the Chair directs. The Secretary will make such reports as required by law to the State of Utah.

The Secretary will provide in writing the names of all Party officers, delegates, and candidates to at least one general circulation newspaper within the State of Utah and one news service as well as the national Libertarian Party headquarters, and the Chair for forwarding to the appropriate state government body within five (5) calendar days after their election.

4. The Treasurer is responsible for the LPUtah's financial activities. The Treasurer will report to each meeting of the SEC and SCC, and to Conventions, the current financial status, expenditures, and income of the party. The Treasurer will submit to the Secretary any information required for financial reports to the State of Utah. If requested, the Treasurer will assist county treasurers and secretaries in the preparation of their reports, and

- may audit their records to verify their accuracy.
5. The Legal Counsel provides the SEC and SCC with legal advice relating to Party activities and political matters. To qualify for the position, the Legal Counsel must be an attorney admitted to practice in Utah or a licensed or certified paralegal. If no qualified candidate is elected at the state organizing convention, the SEC may appoint one.
  6. The State Executive Director is appointed by the SEC, an independent contractor of the Party and is an ad hoc, non-voting member of the SEC and SCC.
- B. Terms of Office: State officers are elected for two-year terms at state organizing conventions held during odd-numbered years, and assume office at 12:01 a.m. one day following adjournment of the convention at which they are elected.
- C. Vacancies: If the office of State Chair falls vacant, the Vice-Chair succeeds to that office. In the event that both the offices of Chair and Vice-Chair fall vacant the line of succession will be the LPUtah Secretary, the LPUtah Treasurer, the LPUtah Legal Counsel and each LP County Chair in descending order of the membership of each county. These parties will continue to hold their previously elected office until a replacement can be nominated and elected by the SCC or the respective LP county organizations. Other LPUtah officer vacancies will be filled by nomination of the Chair and a vote of the State Executive Committee. Officers so elected will complete the term of the office vacated.
- D. Removal from Office: Any officer of the LPUtah or member of the SCC may be removed from office by a three-fourths vote of the entire SCC.
- E. Qualification: To be a member of the SEC, an individual must be a member in good standing with at least one full year<sup>1</sup>s

- membership in the Libertarian Party.
- F. Ad Hoc Positions: The Chair may at his/her discretion and with the approval of the SEC add ad hoc positions with specific responsibilities, such as political chair, membership chair, publicity chair, fundraising chair, newsletter editor, et al. These ad hoc members may attend SEC and SCC meetings but have no vote.
  - G. Meetings & Quorums: The SEC will meet at least once each quarter. Three state officer members compose a quorum, providing one of them is the Chair or Vice-Chair. At any time that there is not a full slate of elected LPUtah officers, including a Chair or Vice-Chair, a simple majority of remaining officers will constitute an SEC meeting quorum. Any state officer who misses any three meetings in a year without satisfactory advance notification may be removed by the State Chair.

## **Article Four:**

### **State Central Committee**

- A. Composition: The State Central Committee (SCC) consists of the SEC and the County Chairs.
- B. Powers and Duties of the State Central Committee: The State Central Committee has general charge of the affairs of the Party and enjoys the powers usually exercised by such committees and officers thereof.
- C. Vacancies: Vacancies in the SCC will be filled by the affected county organization. If there is no county organization, the SEC may fill the vacant position by appointment for the remainder of the vacated term.
- D. Meetings & Quorum: The SCC will meet at a schedule set by the SEC provided that the SCC meets at least once each quarter. SCC meetings are open to all LPUtah members in good standing, but only SCC members may vote. All SCC members attending constitute a quorum. Any meeting, regular or special, may be held by

use of telephone or internet, or similar communications equipment, so long as all SCC members participating can hear one another.

SCC meetings may be called by:

1. the State Chair, or
2. any three members of the SEC,
3. five members of the SCC, or
4. a petition signed by 25 LPUtah members in good standing.

If the meeting is not regularly scheduled, notice must be delivered in writing to each member of the SCC at least ten (10) days prior to the meeting. Receipted email is acceptable notification.

The State Secretary will make the names and addresses of SCC members available on demand to any member in good standing who wishes to convene an SCC meeting.

## **Article Five**

### **County Party Organizations**

- A. Purpose: Each county with at least five (5) resident members may form a County Party organization with the same purpose and affiliations as the LPUtah.
- B. Organization: Each County Party will elect at least three officers: Chair, Vice-Chair, and Secretary-Treasurer. Collectively they comprise the County Executive Committee (CEC).
- C. Meetings: County Parties will meet at least once each quarter. One quarterly meeting must be a convention prior to the state convention.
- D. Reports: County Chairs will report on the activities of their organizations at each SCC meeting and each state convention.
- E. Membership: LPUtah members in good standing who reside or vote in a county are automatically members of their County Party. County Parties may not develop

their own membership criteria.

- F. Dues: County Parties may not charge dues.
- G. Fund-Raising: County Parties may raise funds to meet their operating expenses by any legitimate means consistent with our principles. The LPUtah may help fund County Parties by allocating no more than 50% of the funds received from the Utah state income tax checkoff from residents of that county. The LPUtah must pay the County Parties their share of tax checkoff funds within 60 days of an application for funds by the County Party.

## Article Six

### Finances

- A. Budget: The LPUtah's fiscal year runs from May 1 to April 30. By the second quarterly SCC meeting following a state convention but no later than December 15, the Treasurer will submit a proposed budget to the SCC which becomes the Party's budget for the coming year on adoption. The budget may be revised at subsequent meetings by the SCC. The SEC may authorize expenditures outside of the budget.
- B. Financial Procedures: With the budget, the SCC will adopt a set of financial procedures, a copy of which will be made available to members of the Party. These procedures will include:
  - 1. two signatures required for all checks other than payments pre-approved and recorded by the SEC,
  - 2. a bookkeeping system, and
  - 3. a system for handling cash donations.
- C. Designated Donations: Any individual may donate funds to the Party for a specific purpose. The LPUtah guarantees such gifts will be used as directed, providing it is consistent with our mission and principles. All such designated donations and their

disposition will be included in the regular Treasurer's report. If the SCC decides the purpose for which the donation is made is inappropriate, the person making the gift will be given the opportunity to redesignate his/her gift or have it refunded in its entirety. Nondesignated donations will be put in the Party's general treasury for use at the discretion of the SEC.

- D. Party Debt: Any Party expenditure for which funds are not currently available must be personally and individually guaranteed in writing by at least one member in good standing of the LPUtah. The SEC may veto any decision to incur such debt. At no time may the Party's debt exceed \$250 without prior approval of the SEC.
- E. Member Audit: The financial records of the LPUtah may be reviewed once each year by a committee composed of three members in good standing, none of whom are LPUtah officers, elected for this purpose by the SCC. The report of their review may be presented to the annual state convention. The Party's financial and other records will be made available to members in good standing by appointment.

## Article Seven

### Membership

- A. Qualification: Membership in the Libertarian Party of Utah is open to any Utah resident who manifests his/her agreement with the Statement of Principles of the LPUtah by signing the Pledge.
- B. The Pledge: I hereby certify that I do not believe in nor advocate the initiation of force or fraud as a means of achieving political or social goals.

Anyone who applies for membership and does not sign the Pledge will be considered a "subscriber." Conversely, any member



who advocates or manifests behavior inconsistent with the Pledge or the Party's principles (see Article Two) may have his/her membership revoked.

- C. Membership includes full voting rights at all county and state conventions, and eligibility to be a candidate for local, state, or federal offices as a Libertarian and a delegate to the Libertarian Party national convention.
- D. Good Standing: A member will be considered to be in good standing provided his/her membership has not been revoked.
- E. Acceptance and Revocation: The SCC reserves the right to pass on the acceptability of membership applications and to revoke the membership of any individual who expresses or evidences principles contrary to the LPUtah's.

## **Article Eight**

### **Judicial Committee**

- A. Purpose: The Judicial Committee arbitrates and decides on all disputes regarding the LPUtah arising between members and the Party, and is the final body of appeal in all matter regarding interpretation of the Constitution and Bylaws.
- B. Composition: The Committee will be selected at the beginning of each year by the State Chair and composed of from three to seven members who are past state or county officers of the Party and who are not currently serving in any Party office. They will in turn elect one of their number to be Chief Justice who will be responsible for reporting all Committee decisions to the SEC after they are rendered and to the next state convention.
- C. Term of Office: Judicial Committee members will serve for two years. Vacancies will be filled by the State Chair.
- D. Sessions: The Committee is not required to meet except when called upon to decide a matter by at least three LPUtah members

in good standing.

- E. Decisions: Judicial Committee decisions require a majority vote. Committee decisions may only be overruled at a state convention by two-thirds vote.

## **Article Nine**

### **State Convention & Election Procedures**

- A. Conventions: Every year the LPUtah must hold a convention for all members. In odd-numbered years, the Party will hold an organizing convention to elect new state officers. In even-numbered years, the Party will hold a nominating convention to choose candidates for public office and delegates to the Libertarian Party national convention as appropriate. Convention proceedings will be governed by the most recent edition of Robert's Rules of Order.
- B. Direct Democracy: Only National members in good standing and attending the convention may vote on issues or Party candidates that come before them. All members attending constitute a quorum.
- C. Nomination: Anyone who wishes to be a candidate for a Party or public office must be nominated by two individuals other than him/herself.
- D. Majority Rule: In all elections for Party office, or delegate status, a simple majority is required to elect a candidate.
- E. None of the Above: In all Party elections for public office, "none of the above" will be offered as an alternate choice until defeated. If that choice prevails, the Party will officially have no candidate in that election and the State Secretary will so notify the appropriate government entity.

## **Article Ten**

### **Ratification & Amendment**

- A. Ratification: This Constitution becomes effective immediately upon being approved

by a two-thirds majority of those members in good standing present and voting at the LPUtah Convention to which it is presented. It repeals and supersedes any previous Constitution and/or By-Laws.

- B. Amendment: This Constitution may be temporarily amended by a two-thirds majority vote of the SCC subject to permanent ratification of the voters at any LPUtah convention, with the exception of Article Two Statement of Principles which may be amended only by the three-fourths consent of those voting at the convention. Amendments may be proposed by any three (3) members in good standing by written notice to the State Secretary 30 days prior to the next state convention.
- C. Bylaws: This Constitution may be supplemented by bylaws governing procedural matters. Bylaws may be proposed and adopted by the SCC and are not subject to approval by the general membership. However, the membership may alter or revoke bylaws at any annual convention.
- D. Notification: Written notice of all proposed Constitutional amendments must be mailed to all members in good standing at least ten days in advance of the Convention. Such notice need not be made separately from any publication regularly prepared by the LPUtah.

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## **Bylaws of the Libertarian Party of Utah**

### **Chapter One:**

#### **Libertarian Organizing Committee**

In the event that the LPUtah does not retain ballot status after any general election, its activities, resources, programs, policies, liabilities, and assets, and organizational structure will be automatically deemed to continue as the Libertarian Organizing Committee. The Constitution, the officers elected

and membership attained under it, and the activities of the Party will continue as if ballot status had been retained.

## **Chapter Two:**

### **State Convention Procedures**

#### **Section 1.**

#### **Nominating Conventions**

- A. The Party certifies candidates for partisan offices only by nominating convention. (This does not exclude candidates from running in primaries, but certification of the nomination can only be confirmed by convention.)
- B. All members who are in good standing 30 days prior the convention, and who attend it, are eligible to vote.
- C. At the time and place set for the state and county nominating conventions, the name of each person who has filed a declaration of candidacy with the appropriate state or county government body may be placed in nomination for the office for which his/her declaration was filed.
- D. In order to be certified by the Party, all candidates must be members in good standing, sign the Candidate's Pledge, and stand for election at the appropriate nominating convention. A candidate who files for state or local office as a Libertarian with the appropriate government body but whose candidacy is not affirmed in convention is not a candidate of the Party.
- E. Candidate's Pledge: "I promise that if elected I will vote in favor of all matters that lead to a reduction in taxes and government, and expansion of personal freedoms and against all matters causing higher taxes, bigger government, and restrictions on personal freedoms. If I ever act contrary to this pledge, I will publicly apologize and offer to resign."
- F. Eligible members will vote immediately following the nominating and seconding

speeches made on behalf of all candidates for office.

- G. A member is not eligible to vote unless he/she has presented to the State Chair (or designee) proof of his/her current National membership in the LPUtah. Each member present may cast one vote in each ballot for each office to be filled.
- H. Proxy voting is prohibited.
- I. If three or more candidates are nominated for the same office, the convention will use multiple ballots. In the case of multiple ballots, the first ballot will be used to reduce the number of candidates to four if more than four candidates participate or by one if four or fewer than four participate. Each following ballot will drop the lowest vote-getter until two candidates remain. The two top candidates will continue the balloting until one achieves a two-thirds majority. If no candidate prevails after the third such ballot, the Party has no candidate for that office unless at least one candidate chooses to participate in the primary election.
- J. No later than 12:00 noon of the fifth calendar day following the convention, the State Secretary and State Chair will certify in writing to the county clerk or the appropriate state government body, the name(s) of the Party's nominee(s) as required by law.

## **Section 2.**

### **Electors & Candidates**

- A. On or before June 1, members will convene at a time and place designated by the SCC in a state nominating convention to nominate candidates for partisan offices and adopt a Party platform.
- B. In each presidential election year, the state nominating convention will also choose presidential electors.
- C. The gubernatorial candidate nominated by the state nominating convention will nominate a candidate for Lt. Governor who

meets the requirements of Utah law. If the convention fails to affirmatively ratify the nominee for lieutenant governor, the gubernatorial nominee shall nominate other candidates until the convention affirmatively ratifies a nominee.

- D. The governor and lieutenant governor candidates so nominated by the state nominating convention will run as a joint ticket in the general election.

### **Section 3.**

#### **Nomination of Legislative Candidates**

When the boundaries of either Utah House or Utah Senate districts are identical or completely within the boundaries of a single county, candidates will be chosen at the county nominating convention containing the legislative district. If a House or Senate legislative district encompasses more than one county, the candidates will be chosen at the state nominating convention by the members in good standing from within that legislative district.

### **Section 4.**

#### **County Organizing Conventions**

- A. On or before May 15 in each odd-numbered year, a county organizing convention will be held in each county where there is a County Party recognized by the SCC.
- B. Each County Party will mail a notice regarding the county organizing convention to every member in good standing in that county. Notification via the state party newsletter will be considered acceptable notice.
- C. At the time and place designated by the CEC, the county organizing convention will elect county officers.
- D. The convention may also pass on whatever business comes before it.

### **Section 5.**

#### **State Organizing Conventions**

- A. On or before June 1 of each odd-numbered year a state organizing convention will be held at a time and place designated by the SEC.
- B. The Party will mail a notice of the state organizing convention to every member in good standing. Notification via the state party newsletter will be considered acceptable notice.
- C. The state organizing convention will elect a state officers.
- D. The convention may also pass on whatever business comes before it.

### **Section 6. Candidate Vacancies**

If a Party candidate dies or becomes incapacitated before the election, the candidate may only be replaced by one of the following methods:

- 1. Candidates for county offices or legislative districts totally contained within a county will be replaced by the respective CEC.
- 2. Candidates for legislative districts that encompass two or more counties shall be replaced by a special caucus of the members in good standing currently residing in the legislative district.
- 3. Candidates for statewide, state-level offices, U.S. Senator and U.S. Representative will be replaced by the SCC.

### **Section 7. Resolutions**

All resolutions brought before the convention must be submitted in writing complete with mover and seconder signatures and provided in sufficient quantities to distribute to all voting members in attendance.

## **Chapter Three:**

### **Delegates To Libertarian Party National Conventions**

- A. Selection: The number of delegates is determined by the national Libertarian Party based on the total number of the LPUtah's National members. Delegates and alternates to LP National Conventions (Nat-Con) will be elected by majority vote at the State Convention preceding the NatCon. If all allotted delegate and alternate positions are not filled at the State Convention, or if any elected delegate(s) or alternate(s) is/are unable to attend the NatCon, his/her/their delegate positions will be filled by lot from among the elected alternates, or the State Chair may appoint new alternates. At no time may an appointed alternate be a delegate until all elected alternates are delegates. If elected delegates or alternates arrive at a later date, they replace the appointed alternates.
- B. Delegation Chair: The State Chair is automatically the delegation chair. If the State Chair does not attend the NatCon, the delegation may elect a chair by majority vote.
- C. Delegate Roster: The delegation chair will maintain a written roster of the delegates and alternates. If a delegate decides to leave the floor and yield his/her position to an alternate, the departing delegate will sign-out on the roster, stating the date, time, and the alternate delegate to take his/her place. The alternate replacing the delegate will sign in. If the departed delegate returns to the floor, the alternate signs out and the returned delegate signs in. The LPUtah delegation may not recognize the vote of any delegate or alternate who is not properly signed in.
- D. Use of Alternates: With unanimous consent of the LPUtah delegates present, any delegate absent from the convention business meeting for longer than two hours may be replaced by an alternate, even if he/she has not signed out or specified a replacement. The delegation chair will state on the delegate roster the time the



delegate left, the time the decision was made, and certify the same by his/her signature. If the absent delegate returns to the floor, that delegate will automatically replace the alternate.

#### **Chapter Four:**

##### **Interpretive Principles**

In case of ambiguity, these bylaws will be interpreted to be consistent with the provisions of the Utah Code annotated (1953 as amended).