



# Constitution of the Libertarian Party of Maryland

(Approved 24 July 2004)

## Article I NAME

The name of this organization shall be the "Libertarian Party of Maryland" (hereinafter referred to as "the Party").

## Article II PURPOSE

The purpose of the Party is to participate in the political process in Maryland in order to promote public understanding and acceptance of liberty, and to affect governmental processes toward preserving the rights and liberties of the individual on the following principle: No person (or group of persons) has the right to seek to attain values by initiating the use of force or fraud against any other person (or group of persons).

Toward these ends the Party shall work in affiliation with the National Libertarian Party to build and promote the Party, its principles, and platform; to nominate candidates for public office in Maryland who are in agreement with our principles, and support their election; and to engage in educational, social, and fundraising activities to support and advance the Party's goals.

## Article III DEFINITIONS

Section 1. The use of word "county" herein refers to each county in Maryland and to Baltimore City.

Section 2. The use of the feminine pronoun herein is expressly intended to include the masculine.

## Article IV MEMBERSHIP

### Section 1. Classes of Membership

A. General Membership shall be open to all persons. A General Member shall receive a monthly notice, via the member's Local Central Committee, of upcoming meetings and events, and shall receive a subscription to the state party newsletter. A General Member is also eligible to serve in the State Central Committee and Local Central Committee, if they meet the requirements specified in Article IV, Section 2. General Membership dues and other benefits shall be determined by the Executive Board.

B. Youth Membership shall be open to all persons who have not yet reached the age of 21 years. Youth Members shall have all benefits of General Membership. Youth Membership dues and other benefits shall be determined by the Executive Board.

C. Pledge Memberships shall be open to all persons. Pledge Members shall receive all the benefits of General Membership, a published annual report, and other benefits as determined by the Executive Board. The minimum monthly pledge shall be set by the Executive Board.

D. A portion of each member's dues, determined by the Executive Board, shall be sent to the member's Local Central Committee. Any changes in membership policies will be reported to the membership at the next State Central Committee meeting.

### Section 2. Central Committee Membership

Any Maryland resident who is either a Youth Member, General Member, or Pledge Member who wishes to become a voting member of the resident's Local Central Committee (referred to in Article VI) or State Central Committee (referred to in

Article V) may do so provided that: the member certifies agreement with the principle set forth in Article II; the member is registered as a Libertarian, unless registration as a Libertarian is not permitted; and is not currently registered as affiliated with any other political party. A member may choose to be a member of either Central Committee, or both, or neither one.

#### Article V STATE CENTRAL COMMITTEE

Section 1. Name: The name of the governing body of the Party shall be the "Libertarian State Central Committee of Maryland" (hereinafter referred to as the "State Central Committee").

Section 2. Purpose: The State Central Committee shall have the powers conferred upon it by law, and shall have the full power and authority to act with respect to all matters pertaining to the organization, maintenance, conduct, affairs, and interests of the Party consistent with law.

Section 3. Membership: The members of the State Central Committee shall be those persons who meet the criteria specified for membership in Article IV, Section 2.

#### Section 4. Officers and Executive Board

A. Executive Board: Seven members of the State Central Committee shall be elected to the Executive Board according to the provisions of Section 4-B of Article V. They shall assign among themselves the offices of Chairman, Secretary, Treasurer, Vice Chairman. The three remaining members shall be known as At-Large members. These assignments may be changed at any time by the Executive Board. The officers of the Executive Board shall be the respective officers of the State Central Committee.

B. Election of the Executive Board: The members of the Executive Board shall be elected at the regular spring meeting of the State Central Committee. Election shall be to a one year term for all positions. Votes shall be cast by the transferable ballot method of proportional representation. Voters shall list all candidates they are willing to have represent them in order of preference and submit those ballots to the teller. On the first count the teller shall assign one vote to the most preferred candidate on each ballot. Each candidate receiving enough votes for election (more than seven eighths of the number of ballots cast) shall be declared elected. The teller shall repeat the process, assigning one additional vote to the most preferred unelected candidate on each count until all slots are filled or until seven such counts shall have been completed. If an impasse is reached any unelected candidate may withdraw and her votes will be appropriately reassigned. Should no candidate offer to withdraw, the one with the fewest votes must pass her votes on. The elected officers shall assume membership immediately and assign offices among themselves as required by Section 4-A of Article V. If the period of nomination for Executive Board members has closed, and the number of candidates is equal to or lesser than the number of vacancies, all candidates may be elected as a slate by majority vote, with two-thirds approval of the assembly.

C. Removal: Each Executive Board member shall be subject to removal by the following procedure: Upon receipt of a recall petition signed by twenty percent of the State Central Committee, the Credentials Committee (Section 7-B of Article V) shall call a special meeting of the State Central Committee which, by a two-thirds vote of those present and voting, may remove her.

D. Vacancies: Vacancies on the Executive Board caused by death, resignation, or any other reason, may be filled by the State Central Committee at the next meeting following the occurrence of the vacancy, or at a meeting called for that purpose. After the vacancy has been filled, the Executive Board may, at its discretion, reassign the offices among themselves. Prior to the next State Central Committee

meeting, the Chairman will appoint a new member to the Executive Board to fill any vacancy. The specific appointment is subject to a positive vote of all the Executive Board.

#### Section 5. Duties of Officers and the Executive Board

A. Duties of the Chairman: The Chairman shall preside at all meetings of the State Central Committee and Executive Board which she shall attend, shall serve as the principal spokesman for the Party and shall perform such other duties as directed by the Executive Board or the State Central Committee. All powers granted to the Chair by the Libertarian Party National Committee, such as the ability to remove and replace Regional Reps, shall actually reside in the Executive Board and shall be performed by the Chair at, and only at, its direction.

B. Duties of the Vice-Chairman: The Vice-Chairman shall act as chairman in the absence of the Chairman, and perform such other duties as directed by the Executive Board and the State Central Committee.

C. Duties of the Secretary: The Secretary shall have charge of all books, papers, records, and other documents of the State Central Committee. She shall keep the minutes of the meetings of the Executive Board and shall make the minutes available as may be required by law, and perform such other duties as may be required by the Executive Board, the State Central Committee, or this Constitution.

D. Duties of the Treasurer: The Treasurer shall have full responsibility for all fiscal affairs throughout her term, and shall perform such other duties as may be required by the Executive Board, the State Central Committee, or this Constitution.

E. Duties of the Other Officers: Each At-Large member shall be responsible for a functional area such as (but not limited to) membership, outreach, and media relations, and such other duties as they may be required to perform by the Executive Board or the State Central Committee.

F. Duties of the Executive Board: The Executive Board shall oversee and act in respect to all matters pertaining to the Party. The business of the State Central Committee between meetings shall be conducted by the Executive Board. A majority of the total number of votes authorized to be cast by the Executive Board shall constitute a quorum. All questions coming before the Executive Board shall be decided by a majority vote of those present and voting. Meetings of the Executive Board shall be held regularly and minutes of the meetings shall be made available as may be required by law. The Secretary shall send written notice of the time and place of the Executive Board meeting at least one week in advance (seventy-two hours for emergency meetings.) Any action of the Executive Board may be overruled by resolution adopted by a majority vote of the State Central Committee. No proxies will be counted in Executive Board meetings.

#### Section 6. Meetings

A. The State Central Committee shall hold at least two meetings per year: one in spring (if practical, in May) and one in fall (if practical in October.) The spring meeting may be known as the Convention for all statutory purposes, and it shall include on the agenda the election of the Executive Board.

B. Normally, the Chairman shall call all meetings. In the event of her failure or refusal to do so, the Vice-Chairman shall call meetings. Meetings may also be called by a majority of the Executive Board or by written request of the Chairmen of a majority of the Local Central Committees.

C. Notice of meetings shall set forth the time and place of the meeting and shall be mailed to members of the State Central Committee at least ten days prior to the meeting, addressed to the residence of each member.

D. All meetings shall be held in the state of Maryland.

E. A quorum shall be required for the transaction of all business. A quorum shall consist of twenty percent of all members, with at least five members present in person.

F. When not inconsistent with the provisions of the Constitution or Bylaws of the Party, or the laws of the state of Maryland, the current edition of The Standard Code of Parliamentary Procedure (Sturgis) shall govern the conduct of all meetings.

G. All meetings of the State Central Committee shall be open to the public.

H. No votes of meetings of the State Central Committee, the Executive Board, or any other official Party committee, commission, or body shall be taken by secret ballot.

I. Each member of the State Central Committee is entitled to one vote. There shall be no unit voting unless required by the law of Maryland.

J. Written proxies may be given by any member of the State Central Committee to any other member of the State Central Committee.

## Section 7. Committees

A. Standing Committees: The Finance Committee, the Credentials Committee, and the Program Committee shall be defined in Article V, Section 7-A. Additional standing committees may be defined in the bylaws.

1. Finance Committee: The Treasurer, one At-Large member of the Executive Board, and one other member of the State Central Committee (not an officer) whom the Chairman of the State Central Committee may appoint (subject to the disapproval of the State Central Committee) shall constitute the Finance Committee. All officers shall submit their budgetary requests to the Finance Committee. Should the Finance Committee disapprove any such request, a vote of two-thirds of the Executive Board shall be required for its authorization. The occurrence of such a vote in contravention of the opinion of the Finance Committee shall be communicated to the Chairmen of the Local Central Committees within ten business days.

2. Credentials Committee: The Secretary, one At-Large member of the Executive Board, and one member of the State Central Committee (not an officer) appointed by the Chairman shall comprise the Credentials Committee. The committee shall certify all recall petitions and report the number of State Central Committee members present and the number of proxies present at all meetings of the State Central Committee, and perform such other duties as directed by the State Central Committee.

3. Program Committee: Any State Central Committee member who chooses to be may become a member of the Program Committee. The committee will meet at least 40 days and not more than 72 days before the first day of the annual convention. Notice of this meeting shall state the time and place of the meeting and shall be mailed to all members of the State Central Committee at least ten days prior to the meeting, addressed to the residence of each member. The chair of the State Central Committee shall appoint a member to serve as the initial chair of the committee. After the meeting comes to order, the committee shall select a chair and a secretary for the meeting. Any member of the State Central Committee who cannot attend the meeting may submit a proposal to the Program Committee to modify the Program of the Party. The committee shall debate and amend all proposals submitted to it as it sees fit, and vote to recommend for or against adoption for each proposal. All of the recommendations of the committee shall be

recorded by the committee secretary and delivered to the secretary of the State Central Committee within seven days.

B. Ad Hoc Committees: The Chairman or the Executive Board may form ad hoc committees at any time to perform various tasks for the party, and the Committee shall expire at the end of the term of the Executive Board, or sooner if the task for the committee has been completed. These committees may, at the discretion of the Executive Board, be extended for another term.

#### Section 8. Program

A. Purpose: The Libertarian Party of Maryland Program (hereinafter known as "the Program") shall express a plan of action to take steps towards the goals specified in Article II.

B. Program Committee: The program committee shall complete its work as specified in Article V, Section 7A3, and present its recommendations to the State Central Committee at the annual convention.

C. Adoption: Changes to the Program may only be made at the annual convention. The State Central Committee may debate, but not amend, any proposed changes to the Program. The State Central Committee shall vote on all proposals that the Program Committee recommended for passage, and may vote on proposals that the Program Committee recommended against if time permits and a motion is made and seconded to do so.

#### Article VI LOCAL CENTRAL COMMITTEES

Section 1. Powers and Duties: The Central Committee members in each county shall comprise the Libertarian County Central Committee (hereinafter referred to as the "Local Central Committee") for that county. Each Local Central Committee shall have the power to conduct the affairs of the Party in its county, to adopt its own Constitution and Bylaws, to adopt its own rules of procedure, and to take any and all other actions authorized by law.

Section 2. Membership: The members of the Local Central Committee shall be those persons who meet the criteria specified for membership in Article IV, Section 2. Local Central Committees must promptly notify the Secretary of the State Central Committee of changes in their membership rolls and vice versa. The State Party Secretary shall be responsible for maintaining the membership rolls for all counties that do not have a Local Central Committee.

Section 3. Constitution and Bylaws: Each Local Central Committee shall adopt a "Constitution and Bylaws" which shall, if required by state law, within thirty days of the adoption thereof, be filed with the Secretary of the Party and with the State Board of Elections.

Section 4. Officers: Each Local Central Committee shall have a Chairman and such other officers as required by its Constitution and Bylaws.

Section 5. Meetings: Regular meetings of a Local Central Committee shall be held at such times as are specified in the Constitution, bylaws and/or written rules of procedure of the individual Local Central Committee. The minutes of each meeting of a Local Central Committee shall be filed with the Secretary of the State Central Committee within two weeks after the date of the meeting. Special meetings shall be called at the request of a majority of the members. Notice shall be in compliance with the laws of Maryland, but in any case, at least seventy-two hours notice of a meeting shall be given to each member stating the time, place, and purpose of the meeting.

Section 6. Electoral Duties: The Local Central Committees shall perform such duties in the electoral process as are required by law.

#### Article VII NOMINATIONS FOR PUBLIC OFFICE

Section 1. Qualifications of Nominees: All persons who seek the nomination of the Party must first meet the legal requirements for age, residency, and registration as provided by the laws of the State of Maryland for the offices they seek before applying for the nomination of the Party.

Section 2. Local Nominations: Nominations of persons by the Party for local offices (i.e., non-Federal and non-statewide offices) shall be determined by the Local Central Committees of the jurisdictions in which the offices are held, in accordance with the Constitutions and Bylaws of the Local Central Committees.

Section 3. Federal and Statewide Nominations: Nominations of persons by the Party for Federal offices (excluding the offices of President and Vice President of the United States of America) and statewide offices shall be by a 3/5 vote at a meeting of the State Central Committee.

Section 4. Presidential and Vice-Presidential Nominations: For any purpose which might be required by law, the nominees for President and Vice-President of the United States of America of the National Libertarian Party shall be the nominees of the Libertarian Party of Maryland.

#### Article VIII VACANCIES IN NOMINATIONS FOR PUBLIC OFFICE

Any vacancy in the Party's nominations for public office shall be filled in the manner provided by the law of Maryland. Whenever under the law of Maryland the State Central Committee is to act in filling such a vacancy, a meeting to fill the vacancy may be called by the Chairman and be held upon at least five business days notice. Such notice shall state the time, place, and agenda of the meeting.

#### Article IX BYLAWS

Bylaws shall be adopted at meetings of the State Central Committee by a vote of twenty percent of the membership or three-fifths of those voting, whichever is larger. Any bylaw may be rescinded or amended by a similar vote.

#### Article X AMENDMENTS AND ADOPTION

##### Section 1. Amendments

A. Amendments to this Constitution may be proposed by a majority vote of a meeting of the State Central Committee.

B. Each such proposal shall be investigated by a committee consisting of the Chairman, one other member of the Executive Board, and at least three volunteers from the State Central Committee. After the Committee completes its investigation, it shall issue a recommendation for or against the proposal within eight days (if the committee is evenly divided then the recommendation shall be against).

C. The proposal, together with the provisions of the Constitution affected by it, and the recommendation shall then be published to the membership of the whole State Central Committee.

D. Each member of the State Central Committee shall have the right to cast her vote on ratification by a letter over her signature directed to the Secretary, or another specified officer, and delivered before the State Central Committee acts on the question of ratification; members shall be reminded of this right in the proposal.

E. The State Central Committee shall not act on ratification until at least fourteen days after the publication.

F. Ratification shall be by an affirmative vote of at least three-quarters of the votes cast (whether by letter, in person, or by proxy) provided that such affirmative votes number at least twenty percent of the entire membership of the State Central Committee.

G. Any amendment to this Constitution and Bylaws of the Party shall be filed with the State Board of Elections within thirty days after adoption.

Section 2. Adoption: Within 90 days of the submission of the last qualifying signature to the State Board of Election, the State Chairman named in the party-forming petition shall convene an organizational meeting of those designated in the petition as the initial governing body. At that duly called meeting, the governing body shall vote on (1) adoption of the Party's Constitution and By-Laws; and (2) the election of officers. This Constitution shall become effective immediately following its adoption by six sevenths of the persons designated as the governing body of the Party in the petition for its formation submitted to the State Board of Elections and voting at the subsequent organizational meeting.

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## **Bylaws of the Maryland Libertarian Party**

(Approved 24 July 2004)

### Bylaw on Proxies

#### 1. Substantive Criteria

A proxy is an action by which one member of the State Central Committee, as principal, exercises his voting powers through another member of the State Central Committee, as agent. To be valid a proxy must satisfy all of the following criteria:

- (a) It must be in writing.
- (b) It must be signed by the principal and dated.
- (c) The proxy must say who is the agent.
- (d) The proxy must clearly indicate that the principal gave his power to vote in the State Central Committee to the agent. It is not enough that it expresses the principal's opinion.

#### 2. Limitations

A proxy cannot be voted if one or more of the following occurs:

- (a) It is revoked by the principal.
- (b) The principal is present.
- (c) Another agent casts the vote of the principal with a subsequent proxy.
- (d) The expiration date has passed or the vote does not conform to the limitations in the proxy.

Unless the duration is specified in the proxy, it shall expire after one year. Unless limitations are specified in the proxy, it shall be unlimited. If a proxy may be voted on a motion, then unless otherwise specified in the proxy, it may be voted on any subsidiary motion.

#### 3. Procedure

- (a) If an agent wishes to cast his principal's vote at a meeting of the State Central Committee, he must allow the secretary to examine the proxy.
- (b) The secretary will make an initial determination of whether the proxy is valid.
- (c) A simple majority of the Executive Board members present may overrule the secretary.
- (d) The State Central Committee may overrule the secretary and/or Executive Board, subject to the following conditions:
  - (i) Challenges to the determinations made must be voted on one alleged proxy at a time.
  - (ii) The proxies which may be voted on a challenge are those which are currently

allowed, except that the challenged proxy may not be voted even if otherwise allowed.

(iii) Motions to challenge a ruling on an alleged proxy and motions to cutoff consideration of further challenges are both questions of privilege which take priority over all other motions except: to fix a time to adjourn to; to adjourn; to recess; and to close debate.

(iv) The vote on them must be by roll call.

#### Bylaw on Delegates to the National Convention

Delegates to the national convention shall be selected at a state convention. Selection shall be by the semi-negotiable vote method used for electing the Executive Board (adjusted for the number of delegate slots available), except that in the event that the number of nominees is smaller than the number of delegate slots available the State Central Committee may, by a 3/5 vote of those present and voting, vote to send all nominees as delegates.

#### Bylaw on Alternates to the National Convention

Any member of the party may become an alternate with the approval of 3/5 of the State Central Committee members voting at a state convention. Any member of the State Central Committee may also become an alternate by petition signed by four other members of the Central Committee submitted to the secretary or another Executive Board member at a state convention. A delegate temporarily off the floor may select her own replacement (or none). A delegate permanently off the floor shall be replaced by a vote of the delegation.

#### Bylaw on Organizational Memory

1. A copy of the minutes of each meeting of the Executive Board and the State Central Committee will be sent to all past Chairmen.
2. The Chairman shall appoint one or more past Chairmen and/or Secretaries to serve as a *Committee of Organizational Memory* and consult with them on all matters in which a knowledge of past experience will benefit the activities of the Party.
3. The Executive Board shall arrange for the preparation and maintenance of documentation on past experiences and activities as may be of benefit to the Party.