# MINUTES OF THE MEETING OF THE STATE COMMITTEE OF THE LIBERTARIAN PARTY OF NEW YORK HELD ON SUNDAY, MARCH 19, 2023 ON THE ZOOM MEETING APP AND PORCUPINE APP

#### **MEMBERS PRESENT (42)**

Mark N. Axinn (JD1) Gary S. Popkin (JD2)

William Cody Anderson (JD3)

Justin N. Carman (JD3)

Jennifer L. O'Connor (JD3)

Lora L. Newell (JD3)

John A. Janes (JD4)

Karen Keniry-Thompson (JD4)

Zachary D. Remian (JD4)

Daniel J. Castello (JD5)

Shawn C. DeGrand (JD5)

Matthew K. Guilianelli (JD5)

Erinn Rose Leatherman (JD5)

Adam M. Magoon (JD5)

Keith C. Redhead (JD5)

Craig L. Shute (JD5)

Craig L. Colwell (JD6)

Mark S. Braiman (JD6)

Christopher M. Olenski (JD6)

David S. Penner (JD6)

Steven G. Becker (JD7)

Mark E. Glogowski (JD7)

Sean C. Phelan (JD7)

Marc A. Smith (JD7)

James M. Ziobro (JD7)\*

Maura E. Botsford (JD8)

Andrew M. Kolstee (JD8)

Frances Law (JD8)

Leonard E. Morlock (JD8)

Michael R. Rebmann (JD8)

Charles R. Roggen (JD8)

Jame J. VanDewalker (JD8)

Duane J. Whitmer (JD8)

Daniel P. Donnelly (JD9)

William K. Schmidt (JD9)

Jeffrey J. Denecke (JD10)

Jonathan H. Gunther (JD10)

Blay Tarnoff (JD10)

John Clifton (JD11)

Irwin Mark Weinblatt (JD11)

Thomas Pinkhasov (JD13)

Richard F. Purtell (ex-officio)

#### **MEMBERS ABSENT (22)**

Morry C. Davis (JD1)

Chance Haywood (JD1)

Paul M. Grindle (JD2)

Matthew I. Morgan (JD2)

Amanda H. Ellithorpe (JD4)

Stephen C. Healey (JD4)

Brian L. Wells (JD5)

Jacob T. Cornell (JD5)

Keith D. Price (JD6)

Jeffrey C. Bradley (JD7)

Erin M. Becker (JD8)

Juan R. Ayala (JD9)

Robert J. Cocomello (JD9)

Robert J. Greibesland (JD9)

Christian J. Vondras (JD9)

George T. Ostrowski (JD10)

Robert E. Schuon (JD10)

Randyn Tarnoff (JD10)

Scott W. Thompson (JD10)

Angelo E. Veltri (JD10)

Francisco Olvera (JD11)

Freddy O. Calvache (JD12)

#### **OBSERVERS (1)**

Grace Merrell (a.k.a. Grace Galactica),

candidate for State Committee from Judicial

District 6

\*James M. Ziobro was elected to the State

Committee from Judicial District 7 during the

meeting

The meeting was called to order at 5:06 p.m. by Andrew Kolstee, Chair. Secretary Mark Braiman conducted a roll call and determined that a quorum was present.

The Credentials and Nominations Report (Exhibit 1) indicated that there were thirty-two (32) of sixty-three (63) voting members of the State Committee present at the time of roll call. Gary

Popkin, Matthew Guilianelli, Craig Shute, Marc Smith, Duane Whitmer, William Schmidt, Jeffrey Denecke, Jonathan Gunther, and Irwin Mark Weinblatt later joined the meeting. The Secretary determined that a quorum was present at all times during the meeting.

The Chair opened a period of public comment. Sean Phelan admonished State Committee members to alert the Chair or Secretary when they leave the meeting. William Cody Anderson admonished members to stop nominating people for positions on the State Committee who will not attend regularly and promptly, as this causes delays in starting and running meetings due to lack of quorum.

Motion by Mark Braiman to adopt the Agenda (Exhibit 2) was seconded by Adam Magoon. A point of information and a point of order were brought by Blay Tarnoff, asking about whether the Platform Committee actually adopted any report, and stating that despite his being on the Platform Committee, he was never given a chance to participate in voting on such a report. Motion by Mark Axinn to amend the Agenda to remove the Platform Committee Report was seconded by Michael Rebmann and debated. Mark Braiman objected to the proposed amendment to the Agenda, raising a point of order that the Rules require a discussion of the Platform at least twice per year, and there has been no such discussion between March 2022 and March 2023. The Chair overruled the point of order on the grounds that the current State Committee only took office in September 2022, so there is still time before September 2023 to have two such platform discussions. The amendment failed 11-20-4 (see Appendix 1A for details). The original motion to adopt the Agenda passed with no further objections.

Chair Andrew Kolstee called for the filling of one (1) State Committee vacancy in Judicial District 6. Secretary Mark Braiman reported that Duane Whitmer had nominated Grace Galactica Merrell in advance at the prior meeting on March 5, 2023 and that the Secretary had determined this was now a valid nomination. Grace Galactica Merrell declined the nomination. Andrew Kolstee, hearing no nominations from the floor, postponed filling this vacancy until the next meeting of the State Committee.

Chair Andrew Kolstee called for the filling of four (4) State Committee vacancies in Judicial District 7. Secretary Mark Braiman reported that no one had been nominated in advance. Steven Becker nominated James Ziobro, who accepted the nomination.

In the first round of voting for the vacancies in Judicial District 7 on the State Committee, the results were as follows:

Candidate (vote for 4)	Votes	Percentage
James Ziobro	25	75.76%
None of the Above (NOTA)	8	24.24%
Total Votes	33	100.00%
Total Voters	34	

### James Ziobro was elected to fill a vacancy in Judicial District 7 on the State Committee.

Chair Andrew Kolstee called for the filling of one (1) State Committee vacancy in Judicial District 12. Secretary Mark Braiman reported that no one had been nominated in advance. Chair Andrew Kolstee, hearing no nominations from the floor, postponed filling this vacancy until the next meeting of the State Committee.

Chair Andrew Kolstee called for the filling of one (1) State Committee vacancy in Judicial District 13. Secretary Mark Braiman reported that no one had been nominated in advance. Chair Andrew Kolstee, hearing no nominations from the floor, postponed filling this vacancy until the next meeting of the State Committee.

Treasurer William Cody Anderson issued a Treasurer's Report in writing (Exhibit 4) and the report was accepted without objection. Motion by William Cody Anderson to authorize an expenditure of up to one thousand one hundred dollars (\$1,100) for half of the printing costs for the *certiorari* filing (\$1,088.22 current estimate), to request the United States Supreme Court for permission to hear the ballot access case was seconded by Mark Braiman and passed without objection.

Andrew Kolstee issued a Chair's Report on the *certiorari* filing, with a press release notice provided in the LPNY Discord server. April 7, 2023 is the response date for the New York State Board of Elections. Several news outlets have covered the press release.

Andrew Kolstee initiated several hearings requested by the Executive Committee at the February 26, 2023 meeting and approved by the State Committee at its March 5, 2023 meeting.

Motion by Justin Carman, on behalf of the Executive Committee, to **remove Jacob Cornell as a member of the State Committee from Judicial District 5 due to abandonment of position.** A hearing took place, which included a statement of the following facts. Jacob Cornell was absent from the meetings of September 17-18, 2022; October 23, 2022; March 5, 2023; and March 19, 2023. Andrew Kolstee stated he spoke with him several times, including after the March 5 meeting at which the State Committee had voted for this hearing. Cornell explained to Kolstee

that he had been busy but promised to attend the March 5 and current (March 19) meetings but did not attend either meeting. The original motion to remove Jacob Cornell as a member of the State Committee from Judicial District 5 due to abandonment of position passed without objection.

Motion by Thomas Pinkhasov to remove Keith Price as a member of the State Committee from Judicial District 6 due to abandonment of position was seconded by Adam Magoon. A hearing took place, which included a statement of the following facts. Keith Price was absent from the meetings of September 17-18, 2022; October 23, 2022; March 5, 2023; and March 19, 2023. Andrew Kolstee stated that he had spoken with Price several times. Keith Price explained he had been busy and promised to attend the March 5 and current (March 19) meeting but did not attend either meeting. Andrew Kolstee received no response to attempts to contact Price after the March 5 meeting at which the State Committee had voted for this hearing. The original motion to remove Keith Price as a member of the State Committee from Judicial District 6 due to abandonment of position passed without objection.

Motion by Adam Magoon to remove Scott Thompson as a member of the State Committee from Judicial District 10 due to abandonment of position was seconded by Steven Becker. A hearing took place, which included a statement of the following facts. Scott Thompson was absent from the meetings of September 17-18, 2022; October 23, 2022; March 5, 2023; and March 19, 2023. Andrew Kolstee stated that he attempted to contact Thompson several times prior to March 5, but received no response Kolstee stated that he also unsuccessfully attempted to contact Thompson after the March 5, 2023 meeting at which the State Committee had voted for this hearing. The original motion to remove Scott Thompson as a member of the State Committee from Judicial District 10 due to abandonment of position passed without objection.

Motion by Justin Carman to remove Angelo Veltri as a member of the State Committee from Judicial District 10 due to abandonment of position was seconded by Adam Magoon. A hearing took place, which included a statement of the following facts. Angelo Veltri was absent from the meetings of September 17-18, 2022; October 23, 2022; March 5, 2023; and March 19, 2023. Kolstee stated he contacted Veltri several times and received no response to multiple attempts to contact him after the March 5 meeting at which the State Committee voted for this hearing. It was also stated that Veltri had moved to Texas. The original motion to remove Angelo Veltri as a member of the State Committee from Judicial District 10 due to abandonment of position passed without objection.

Communications Director Duane Whitmer issued a report on the Communications Division and on the Outreach Division on behalf of Outreach Director Stephen Felano. It has been difficult to get traction from traditional press due to layoffs in the business. The Party needs to do outreach using different approaches. There was good turnout at an event in Orleans County featuring John Salka and James Ostrowski on ballot access. Speakers on the climate change bill, cannabis

legalization, are some examples. County fair season is coming up and will be a good way to promote such ideas. Whitmer also stated the need to add an Events Coordinator position.

Rules Committee Chair Andrew Kolstee issued a written report (Exhibit 5) on the proposed amendments to the Rules that had not been considered at the March 5, 2023 meeting of the State Committee.

Motion by the Rules Committee Chair to amend the Rules of the Libertarian Party to adopt Proposal 17 to add a provision for the full State Committee to initiate hearings instead of limiting the ability to the Executive Committee, passed without objection.

Motion by the Rules Committee Chair to amend the Rules of the Libertarian Party to adopt **Proposal 18**, to clarify that amendments to the platform require a vote of approval of two-thirds (2/3) vote of the entire State Committee membership instead of allowing such amendments to pass by a two-thirds (2/3) vote of the Executive Committee, passed without objection.

Platform Committee Chair Mark Glogowski issued a written report. Blay Tarnoff raised a point of order that no report was ever voted on by the Platform Committee and so the purported report from Mark Glogowski is not in order. The Chair ruled the point of order well taken. Christopher Olenski mentioned that emails sent out by the Platform Committee Chair included all members of the Platform Committee and he in particular did have an opportunity to respond. William Cody Anderson, not a member of the Platform Committee, said he also did see an email from Glogowski that appeared to be looking for crowdsourced opinions on planks to be considered by the Platform Committee. However, Anderson stated he did not think that Glogowski followed a proper procedure for obtaining committee approval for a report. Glogowski was not able to provide a list of members of the Platform Committee in order to poll them as to their participation in endorsing a formal report. Mark Axinn asked Glogowski to continue as Chair, but to reconstitute the Platform Committee and take more formal action and formal votes in the future. Motion by Gary Popkin to commit or refer the report back to the Platform Committee was seconded by Mark Axinn. Blay Tarnoff raised a point of order that the report has not been issued to the State Committee and cannot have any action taken on it, even to commit or refer. Kolstee ruled the point of order to be well taken.

Motion by Adam Magoon to **dissolve the Platform Committee** and to reconstitute it at the next meeting of the Executive Committee failed due to lack of a second. William Cody Anderson raised a point of order that the Platform Committee is a standing committee and cannot be dissolved. Chair Andrew Kolstee found the point of order well taken and ruled the motion to dissolve the Platform Committee out of order. Kolstee asked the Platform Committee Chair to provide a list of members and scheduled meeting times.

Motion by Adam Magoon to remove all members of the Platform Committee excluding Mark Glogowski who shall remain as Chair was seconded by Thomas Pinkhasov and debated.

Motion by Blay Tarnoff to amend the motion to remove the exception, so that the motion includes removal of the Chair from the Committee was seconded by Adam Magoon and failed 15-17-3 (see Appendix 1B for details). The original motion to remove all members of the Platform Committee excluding Mark Glogowski who shall remain as Chair passed 27-2-4 (see Appendix 1C for details).

Motion by Karyn Keniry-Thompson to **adjourn** was seconded by William Cody Anderson and passed without objection.

The meeting was adjourned at 6:38 p.m.

Mark Stephen Braiman, Secretary

# Exhibit 1

## Exhibit 2 (page 1 of 3)

#### LIBERTARIAN PARTY OF NEW YORK AGENDA OF THE STATE MEETING OF MARCH 19, 2023

#### 4:00 P.M. Call to Order (Andrew Kolstee, Chair)

4:00 P.M. Roll Call and Confirmation of Quorum (Mark Braiman, Secretary)

4:05 P.M. Public Comment

4:15 P.M. Adoption of Agenda

#### 4:20 P.M. Filling of Vacancies on the State Committee

Judicial District 6 (1 vacancy)

Judicial District 7 (4 vacancies)

Judicial District 12 (1 vacancy)

Judicial District 13 (1 vacancy)

#### 4:35 P.M. Treasurer's Report (Cody Anderson)

#### 4:45 P.M. Communications/Outreach Report (Duane Whitmer)

#### 4:55 P.M. Chair's Report (Andrew Kolstee)

#### 5:05 P.M. Hearings

Hearing to remove Jacob Cornell as a member of the State Committee from Judicial District 5 due to abandonment of position.

Hearing to remove Keith Price as a member of the State Committee from Judicial District 6 due to abandonment of position.

Hearing to remove Scott Thompson as a member of the State Committee from Judicial District 10 due to abandonment of position.

Hearing to remove Angelo Veltri as a member of the State Committee from Judicial District 10 due to abandonment of position.

#### 5:35 P.M. Rules Committee Report (Andrew Kolstee)

Consideration to adopt proposed amendments to the Rules. Click here to review the report.

#### 5:55 P.M. Platform Committee Report (Mark Glogowski)

Consideration to adopt proposed amendments to the Platform. Click here to review the report.

## Exhibit 2 (page 2 of 3)

#### 6:25 P.M. Resolutions

#### Resolution 3 - Use of Party Resources (from the table)

Debated by the State Committee on October 23, 2023, but postponed until after the election.

Consideration to adopt the following resolution.

**WHEREAS**, Libertarian Party of New York (LPNY) resources are generally quite limited now after ballot access struggles, and this pattern is expected to be repeated in other years;

THEREFORE BE IT RESOLVED, that in even-numbered years from June 1 through Election Day, LPNY resources may only be used to support (a) Candidates for state or local office who are both LPNY members and who will be listed on the Libertarian Party line for that office, (b) Non-LPNY members who were already nominated by the LPNY State Committee for statewide offices and who achieved ballot-access status, and (c) LPNY members who were nominated by the State Committee for Governor or for President but failed to get on the pre-printed ballot and are making an effort to gain ballot access for the LPNY through a write-in campaign; and the LPNY Candidate Support Committee and Executive Committee shall enjoy broad discretion allocate previously-budget funds to support such candidates.

#### **Resolution 5 - Criteria for Ballot Access**

Recommended by the Executive Committee.

**WHEREAS**, getting a Libertarian Presidential candidate on the New York ballot in November 2024 will require 45,000 petition signatures, a level that we did not quite achieve for Governor in 2022; and

**WHEREAS,** we believe our inability to petition successfully in 2022 was at least partly a consequence of our failures to lay the necessary groundwork early on, to meet the newly-stringent petition requirements; and

WHEREAS, our failure to gain sufficient petition signatures, and subsequent scrambling to achieve ballot access through even less-auspicious means, led to dispiriting internal finger-pointing and a net loss of momentum in building the Party;

WHEREAS, the Libertarian Party of New York intends to throw our enthusiastic support in 2023-2024 behind the nomination and petition-gathering for 2024 statewide candidates, including a candidate for the United States Senate; placeholder candidates for President and Vice President of the United States; as well as Presidential Electors pledged to vote for the nominees chosen by the 2024 Libertarian National Convention.

**THEREFORE BE IT RESOLVED,** the party shall strive to attain at least three (3) out of the following five (5) criteria by December 31, 2023:

- 1) A total of \$300,000 is in the Libertarian Party of New York's Ballot Access bank account.
- 2) The Libertarian Party of New York has a list of at least 2,000 volunteers who have pledged, via email from a valid return email address, to collect petition signatures to get the statewide candidates on the ballot in 2024.
- 3) The Libertarian Party of New York has a list of at least 20,000 new members who have pledged via email, from a valid return address, to download and sign a copy of our

## Exhibit 2 (page 3 of 3)

Independent candidate petition, and to have it witnessed and returned via US Postal mail within the first 24 hours of petitioning in April 2024;

- 4) The Libertarian Party of New York's email list of registered New York voters who have expressed some kind of interest in Libertarianism exceeds 50,000 functioning recent email addresses.
- 5) At least 50 members of the Libertarian Party of New York have successfully petitioned during the 2023 Independent candidate petition period to be listed as Libertarian candidates for public local offices, and have consequently appeared as Libertarians on the November 2023 ballot.

#### Resolution 8 - Amendment to Ballot Access Threshold Bill

Submitted by Richard Purtell.

WHEREAS, the Libertarian Party of New York supports Assembly bill A3312 sponsored by Assemblyman Ken Blankenbush, which was reintroduced in this session from the bill introduced in the previous session by former Assemblyman John Salka to re-establish the 15,000 petition signature threshold for statewide independent candidates to be placed on the ballot and 50,000 votes for such body to obtain recognized party status, and

**WHEREAS**, the introduction of <del>public</del> taxpayer financing of elections was a major justification for increasing the ballot access thresholds for an independent body,

**THEREFORE BE IT RESOLVED**, the LPNY supports and shall promote an amendment to the A3312 bill, which would allow for two different thresholds categories:

- 1) the first would require 15,000 petition signatures for a statewide independent candidate to be placed on the ballot and 50,000 votes in order for such nominating body of that candidate to achieve recognized party status, except that such body shall be ineligible for public financing of campaigns and
- 2) the second would require 45,000 petition signatures for a statewide independent candidate to be placed on the ballot and 130,000 votes or 2% of the votes in order for such nominating body of that candidate to achieve recognized party status, in which case such body shall be eligible for public financing of campaigns as per current election law.

6:50 P.M. Old business

6:55 P.M. New business

7:00 P.M. Adjournment

# Exhibit 3 (page 1 of 2)

#### LPNY Treasurer's Report March 19, 2023

Housekeeping Committee account balance as of 03.19.23: \$178.90 (-\$530.50 since 3.5.23)

Constituted Committee account balance as of 03.19.23: \$25.713.87 (+\$528.22 since 3.5.23)

LPNY 2022 Petitioning Committee account balance as of 03.19.23: \$4,335.95 (no change since 03.5.23)

#### Deposits to Housekeeping account since 03.05.23:

None

#### Disbursements from Housekeeping account since 03.05.23:

NameCheap.com - \$47.46 (domain name transfers)

Twitter - \$90.72

UnfollowerStats - \$39.99

Grasshopper - \$33.72

Constant Contact - 200.07

USPS - \$166.00 (PO Box renewal)

#### Deposits to CC account since 03.05.23:

Net Donations - \$528.22

#### Disbursements from CC account since 02.19.23:

None

# Exhibit 3 (page 2 of 2)

Deposits to petitioning account since 3.5.23:	
none	
Disbursements from petitioning account since 3.5.23:	
none	
Respectfully submitted,	
W. Cody Anderson Treasurer	

#### Exhibit 4

# REPORT OF THE RULES COMMITTEE FOR THE STATE COMMITTEE MEETING OF MARCH 19, 2023

PROPOSAL 17 (T). Add provision for hearings initiated by State Committee and provide that hearings be held within 90 days instead of 30 days.

12.2.1. **REQUEST FOR HEARING.** INITIATION BY THE EXECUTIVE COMMITTEE. With a two-thirds (2/3) vote, the Executive Committee may request a hearing be held by the State Committee for the purpose of revoking the affiliation of a County Organization or removing a state or county official of the Libertarian Party as described in Article 12.1.2. in accordance with this article. 12.2.2.

**APPROVAL OF HEARING.** A majority vote at a meeting of the full State Committee shall be required to approve a hearing requested by the Executive Committee. Such approval requires the hearing was requested per Article 12.2.1.

12.2.2. INITIATION BY THE FULL STATE COMMITTEE. A minimum of one-third (1/3) of the members of the full State Committee may submit a request in writing to the Secretary to request a vote be held by the State Committee for the purpose of approving a hearing in order to revoke the affiliation of a County Organization or remove a state or county official of the LPNY in accordance with this article. A majority vote at a meeting of the full State Committee shall be required to approve a hearing.

12.2.3. HEARINGS. Hearings approved in Article 12.2.1 and Article 12.2.2. accordance with these Rules shall be held during a meeting of the full State Committee. Hearings shall be initiated within thirty (30) ninety (90) days upon approval and may be held by teleconference. If a hearing is not initiated within thirty (30) ninety (90) days, the matter is dismissed without prejudice, and any new hearing requires a new request and/or approval in accordance with these Rules as provided in Article 12.2.1. The individuals subject to removal or the officers of the County Organization subject to revocation shall be notified of the hearing within ten (10) days after approval of the hearing. In the case of a hearing to revoke the affiliation of a County Affiliate due to the abandonment of all officer positions, t The individuals to be notified shall be the most recent to hold each officer position as recorded by the Secretary.

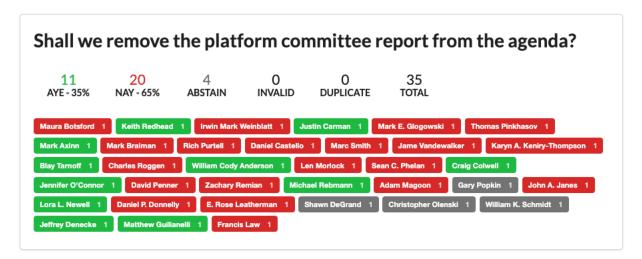
#### PROPOSAL 18 (Y).

17.2. Any amendment, addition, or deletion to the Platform shall be considered separately. No more than one plank shall be considered in the same motion. Any such amendment must be approved at a meeting of the full State Committee by a two-thirds (2/3) vote of the entire State Committee membership.

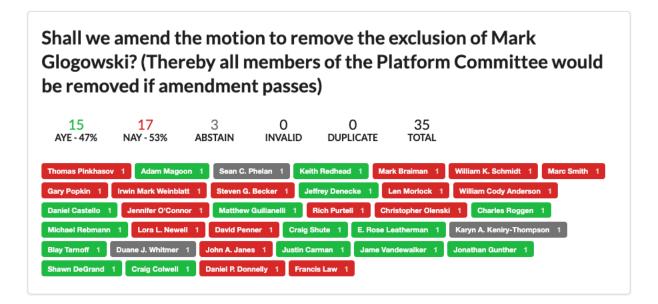
17.3. All those planks which have been approved individually and only such planks shall then constitute the Platform which shall take effect as the Platform of the Libertarian Party when approved as a whole at a meeting of the full State Committee, by a two-thirds (2/3) vote of the entire State Committee membership.

17.4. Amendments to the Platform shall be placed on the agenda at a meeting of the full State Committee at least twice per year.

# Appendix 1A



Appendix 1B



# **Appendix 1C**

Shall we remove all members of the Platform Committee excluding Mark Glogowski who shall remain as chair?

