MINUTES OF THE MEETING OF THE RULES COMMITTEE OF THE LIBERTARIAN PARTY OF NEW YORK HELD ON SUNDAY, FEBRUARY 5, 2023 ON THE ZOOM MEETING APP

MEMBERS PRESENT

Andrew Kolstee, Chair

Mark Braiman

Justin Carman

Daniel Castello

Pietro Geraci (meeting only)

Adam Magoon

Christopher Olenski

Michael Rebmann

Karyn Thompson (meeting only)

MEMBERS ABSENT

Mark Glogowski Paul Grindle

OBSERVERS

Richard Bell (public hearing only)
Francis Law (public hearing only)
Christian Vondras (public hearing only)
Brian Wells (public hearing only)

The public hearing meeting was called to order at 6:01 p.m. by Andrew Kolstee, Chair. Amendments to the Rules of the Libertarian Party were presented and discussed.

The meeting was called to order at 7:06 p.m.

Minor amendments were made to the Report of the Rules Committee.

The Rules Committee Report (Exhibit 1) was approved without objection.

The next meeting was scheduled for Tuesday, March 21, 2023 at 7:00 p.m.

The meeting was **adjourned** at 7:27 p.m. without objection.

Andrew Martin Kolstee, Chair

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REPORT OF THE RULES COMMITTEE FOR THE STATE COMMITTEE MEETING OF MARCH 5, 2023

PROPOSAL 1 (M). New article

Article 10. Conflict Resolution Committee

- 10.1. **ORGANIZATION.** The purpose of the Conflict Resolution Committee is to investigate, arbitrate, and mediate disputes within the LPNY, and recommend actions, including disciplinary actions, to the State Committee in accordance with these Rules, Robert's Rules of Order, and Election Law.
- 10.1.1. **COMPOSITION.** The Conflict Resolution Committee shall be composed of nine (9) LPNY Members. Members of the Executive Committee are ineligible to participate in the Conflict Resolution Committee. Members shall be elected by a majority vote of the State Committee at the first meeting of the full State Committee following the organization meeting for a term of two (2) years in the same manner as vacancies are filled on the State Committee.
- 10.1.2. **TERMS OF OFFICE.** The members of the Conflict Resolution Committee shall serve until the conclusion of the meeting at which their successors are elected unless removed by the State Committee.

10.2. INITIATION AND INVESTIGATION PROCEDURES

- 10.2.1. **COMPLAINT.** Any party may file a complaint in writing via electronic or physical methods to the Conflict Resolution Committee. The complaint must include a claim that these Rules, the Rules of a County Affiliate, and/or Election Law were violated and that the violation caused harm to the party, its members or its governing structure. Upon receipt of a complaint, the Conflict Resolution Committee shall decide by majority vote whether to initiate the notification and investigation process.
- 10.2.2. **NOTIFICATION.** The Conflict Resolution Committee shall notify all parties involved in the complaint via certified mail or other reasonable and effective method of communication.
- 10.2.3. **INVESTIGATION.** The Conflict Resolution Committee shall conduct an investigation into the complaint by collecting relevant evidence and testimony. The initial investigation shall be completed within thirty (30) days. A majority vote of the Conflict Resolution Committee is required to approve the report which shall then be submitted to the full State Committee. The investigation may be extended and the report may be amended by a majority vote of the Conflict Resolution Committee and submitted to the full State Committee, but no amendments shall be valid after sixty (60) days from the start of the investigation.
- 10.2.4. **REPORT TO THE STATE COMMITTEE.** The report approved by the Conflict Resolution Committee and any recommendations shall be presented at a meeting of the full State Committee and any further action is subject to approval by the full State Committee in accordance with the Rules, including further investigation. All parties shall be notified of any decision of the State Committee within ten (10) days.
- 10.3. **APPEAL OF STATE COMMITTEE DECISION.** Within thirty (30) days following the decision of the State Committee, any party may request an appeal in writing to the Chair and Secretary of the Conflict Resolution Committee. A majority vote of the Conflict Resolution Committee is required to approve the request for appeal. Once an appeal has been approved, the Conflict Resolution Committee shall continue the investigation and approve a new report within thirty (30) days following the approval of the appeal.

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- 10.3.1. **GROUNDS FOR APPEAL.** The Conflict Resolution Committee shall only be subject to approve an appeal based on one or more of the following criteria:
- (a) important and relevant information has surfaced which was not readily available during the initial investigation and reporting period prior to the State Committee decision;
- (b) clear evidence of undue influence or bias amongst the members of the State Committee;
- (c) the Parties involved in the complaint were not properly informed of the investigation.

10.4. ARBITRATION AND MEDIATION PROCEDURE.

- 10.4.1. **MEDIATION REQUEST.** Any LPNY Member may file a request for mediation or conflict resolution regarding these Rules, the Rules of a County Affiliate, Election Law, or other internal regulations. Mediation requests shall be approved by majority vote of the Conflict Resolution Committee.
- 10.4.2. **MEDIATION.** The Conflict Resolution Committee may appoint one or more of its members to conduct the mediation. Mediation shall be completed within thirty (30) days of the approval.
- 10.4.3. **TRANSFER TO INVESTIGATION.** If during the course of mediation the Conflict Resolution Committee discovers that further investigation is needed that may require action by the full State Committee, an investigation shall be approved and the process in Article 10.2 shall be initiated.

10.5. MEETINGS.

- 10.5.1. **ORGANIZATION MEETINGS.** Upon the election of the Conflict Resolution Committee, An organizational meeting shall be held within ten (10) days to elect the Chair, Vice-Chair and Secretary of the committee.
- 10.5.2. **OTHER MEETINGS.** The Chair shall call a meeting to address a complaint shall be held within fourteen (14) days of its filing.
- 10.6. **RECUSAL OF CONFLICT RESOLUTION COMMITTEE MEMBER.** A member of the Conflict Resolution Committee who is the subject of a matter brought before the committee shall not investigate, arbitrate, or meditate, nor discuss or participate in votes of the committee on that matter.

[RENUMBER ALL ARTICLES AFTER THIS]

PROPOSAL 2 (AQ)

Article 1. Name

The name of this party shall be the Libertarian Party. The name of this political party is the Libertarian Party of New York, hereinafter referred to as "LPNY" and shall be known as "Libertarian Party" for matters pertaining to Section 2-124 of New York State Election Law. The LPNY is an official affiliate of the National Libertarian Party.

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PROPOSAL 3 (A1). Cleanup of article and defining "LPNY Members"

- 5.1. General. Members of the Libertarian Party shall consist of registered voters who have enrolled in the Libertarian Party as provided by statute, unless otherwise provided in these Rules.
- 5.2. Membership Under Unrecognized Party Status. If at any time the Libertarian Party is not a recognized political party under New York State Election Law, the members of the Libertarian Party shall be defined as any of the following, provided that such voter is not enrolled in another political party: (a) voters enrolled in the Libertarian Party as listed by the New York State Board of Elections, the New York City Board of Elections, and/or individual County Boards of Elections and (b) voters as registered as a member of the Libertarian Party of New York through a membership form provided by the Libertarian Party of New York.
- 5.1. GENERAL. The membership of the LPNY shall consist of individuals who are registered voters in the State of New York who either 1) are enrolled in the "Libertarian Party" in the records of the New York State Board of Elections; or 2) are enrolled with no party or blank in the records of the New York State Board of Elections but have registered with the LPNY for the purpose of being an official member of the LPNY. Any reference to "LPNY Member(s)" hereinafter shall mean member(s) of the LPNY as defined in this section.
- 5.2.1. Voting Eligibility. VOTING ELIGIBILITY. LPNY Members of the Libertarian Party must provide an working email address to be able to vote in any election or meeting for the purposes of conducting business of the Libertarian Party LPNY.
- 5.3.2.2. Availability of Information. AVAILABILITY OF INFORMATION. The membership list including name, date of birth, county, and zip code for each LPNY mMember shall be available upon request to other LPNY mMembers. Individual LPNY mMembers may choose upon registration to indicate that any other information be omitted from general distribution to other LPNY mMembers. Other information not requested for omission shall be included with the requested member list of LPNY Members upon request.
- 5.4.2.3. Restrictions on Party Use of Email Addresses of Members. RESTRICTIONS ON PARTY USE OF EMAIL ADDRESSES OF MEMBERS. The email address provided by a LPNY member for voter eligibility purposes may also be used exclusively for providing notice and mechanisms for participation in meetings and party elections, and for member solicitation of signatures for Libertarian candidate petitions, but not for other purposes unless the LPNY member explicitly indicates their email address may be used for other LPNY purposes.

PROPOSAL 4 (B). Cleanup.

6.2. **MEMBERS.** Members of the State Committee shall must be enrolled LPNY Mmembers in the Libertarian Party and elected in accordance with Article 6.3 of these Rules. If at any time the Libertarian Party is unable to hold a primary election for the purpose of electing elect a new State Committee under the auspices of the New York State Board of Elections, the members of the State Committee shall be elected in accordance with Article 6.4. Members of the State Committee shall also be include any enrolled LPNY Mmember of the Libertarian Party who fills a vacancy in the State Committee in accordance with these Rules or is elected to the Executive Committee.

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PROPOSAL 5 (C). Cleanup.

6.3.2. (a) One (1) additional voting member for every six hundred (600) active enrolled Libertarians LPNY Members in the district, up to a maximum of five (5) members. The number of LPNY Members in each district enrolled Libertarians shall be based on data obtained the New York State Board of Elections list as of the December 31 direct preceding the election of a State Committee. The Secretary shall request by the Secretary a list of enrolled Libertarians between January 1 and January 15 directly preceding the election of a State Committee.

PROPOSAL 6 (AF, AG, AJ, AI, AL, AM, AN). Removal of the term "enrolled" since the was a NYSBOE designation, and "members" is defined in Article 5.

6.4.2.8.2. **VOTERS.** Only enrolled LPNY Mmembers of the Libertarian Party residing in the Judicial District are entitled to vote at the election for candidates for State Committee in their Judicial District. 6.8. **QUALIFICATIONS**. To be eligible for election or appointment to the State Committee, each candidate must be an enrolled LPNY Mmember of the Libertarian Party residing within the jurisdiction from which such member is elected or appointed.

11.1. **GENERAL PROVISIONS.** [...] The recognized County Affiliate will shall officially represent the registered voters enrolled LPNY Members in the Libertarian Party [...]

11.3.4. **NOTIFICATION.** Notice of the convention must be made to all enrolled Libertarians LPNY Members in the county by one or more of the following options.

13.2. **ELIGIBILITY.** Each Delegate and each Alternate Delegate to Libertarian National Conventions must be enrolled an LPNY Mmcmbers of the Libertarian Party, a Bylaws Sustaining Member (BSM) of the National Libertarian Party, and a resident of the State of New York.

13.6.1. DELEGATE SLATES. [...] An enrolled LPNY Mmcmber of the Libertarian Party [...] Article 14. Nominations of Enrolled Libertarians for Public Office

14.1. **PRIME DIRECTIVE.** It shall be the highest responsibility for the State Committee and all County Affiliates to notify all enrolled Libertarians LPNY Members about the offices up for election and to identify and cultivate enrolled Libertarian candidates.

14.2. **CANDIDATE QUALIFICATIONS.** Libertarian Party candidates will be limited to enrolled LPNY Mmembers of the Libertarian Party except as provided in Article 15.

14.8. ENROLLED-LIBERTARIAN CANDIDATES IN MULTI-COUNTY DISTRICTS WITH TWO OR MORE COUNTY AFFILIATES. [...] then selection of an enrolled LPNY Member Libertarian to be a candidate for that office shall be made by a majority weighted vote of the affected County Affiliates.

14.10.2. **CRITERIA.** [...] by enrolled Libertarians LPNY Members at the [...]

14.12. CERTIFICATES OF NOMINATION. [...] issued to an enrolled LPNY Mmember of the Libertarian Party.

15.1.1. **GENERAL.** [...] who is not an enrolled LPNY Mmember of the Libertarian Party [...]

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PROPOSAL 7 (D). Removal of 2022 provisions. 6.4.2.9. **PETITIONING IN 2022.** This section shall only apply to petitioning in the year 2022 6.4.2.9.1. NUMBER OF SIGNATURES. All petitions must be signed by not less than one and one-half per centum (1.5%), as determined by the party membership in accordance with these Rules, of the then LPNY Mmembers of the Libertarian Party residing within the Judicial District in which the candidate for State Committee is to be voted for, excluding voters in inactive status. 6.4.2.9.2. FIRST DAY TO PETITION. No petition signature shall be invalidated for being too early unless it was signed prior to March 1, 2022. 6.4.2.9.3. LAST DAY TO PETITION. No petition signature after April 7, 2022 shall be valid. 6.4.2.9.4. FILING DEADLINES. The dates for filing petitions for the office of Member of the State Committee shall be April 4, 2022 through April 18, 2022. Objections, declinat be received by the Collector by April 22, 2022. PROPOSAL 8 (E, K, N, Q, S, U, W). Minor amendments. 6.6.1. **CHAIR.** Should If a vacancy exists in the office [...] 6.6.2. **1ST VICE-CHAIR.** Should If a vacancy exists in the office [...] 6.6.3. **OTHER OFFICERS.** Should If a vacancy exists in the office [...] 6.6.4. AT-LARGE EXECUTIVE COMMITTEE MEMBERS. Should If a vacancy exists in an [...] 6.6.5. STATE COMMITTEE MEMBER. Should If a vacancy exists on [...] 6.7. **TERM.** All State Committee members [...] 8.5.1. [...] seven (7) calendar days [...] a notice of five (5) calendar days [...] 8.5.5. [...] via the U.S. Postal Service mail, [...] 10.1. GENERAL. The State Committee shall have the power to create and dissolve standing or special committees and to appoint or and remove their members and chair. The Chair of the State Committee may shall have the power to create special committees and appoint their members and chair. 11.3.1. **CONVENTION.** [...] video teleconference, [...] 12.1.2. 12.1.1. REMOVAL OF PARTY OFFICERS. Any state or county official [...] 12.1.1. 12.1.2. REVOCATION OF COUNTY AFFILIATION. Affiliation with a County [...] 12.2.4. ACTION FOLLOWING A HEARING. Following a hearing as approved in Article 12.2.2, a two-thirds (2/3) vote at a meeting of the full State Committee is required to revoke affiliation of a County Organization or remove a state or county official of the Libertarian Party as described in Article 12.1.2. 13.6.2. Should an individual selected by the State Committee to be an At-Large Delegate or Alternate At-Large Delegate to the Libertarian National Convention then become a Congressional District Delegate elected at the Presidential primary, the newly elected Congressional District Delegate shall cease to be an At-Large Delegate or Alternate At-Large Delegate and the State Committee shall elect another individual to be shall become the At-Large Delegate or Alternate At-Large Delegate in accordance with the

PROPOSAL 9 (F). New rule.

13.6.3. [...] at least thirty (30) days [...]

6.10. LNC REGIONAL AGREEMENTS. The State Committee must approve by a simple majority vote any and all LNC Regional Agreements that pertain to LPNY affiliate membership within a given LNC Region and the terms and conditions for the LNC Regional Representative and Alternate who will serve the region in which the LPNY is a member.

PROPOSAL 10 (F). New rule.

6.11. RECALLING A LIBERTARIAN NATIONAL COMMITTEE REGIONAL

REPRESENTATIVE OR ALTERNATE. The Chair of the LPNY may only vote to recall a LNC Regional Representative and/or Alternate at the direction of a two-thirds (2/3) majority vote of the State Committee.

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PROPOSAL 11 (G). Overhaul/Reorganization of meetings provisions.

8.1. **GENERAL.** Meetings of the State Committee and of the Executive Committee shall be conducted in accordance with the provisions in this article. Meetings shall be held in-person, by electronic means, or a combination thereof. Meetings of the Executive Committee shall be open to observation by all members of the State Committee and officers of County Affiliates upon request, with the exception of Executive Session. The Organization Meeting and meetings held for the purpose of nominating statewide candidates must be held in person, except as provided in Article 8.3.

8.2.1. MEETING TO BE HELD IN PERSON. The first meeting of each newly elected State Committee must be held in person except in eases of *force majeure* in which no member of the State Committee is able to attend at the time and location the meeting is called. [moved to a new 8.3] 8.3. OTHER MEETINGS 8.2. FREQUENCY. Meetings of the full State Committee shall be held in person or by teleconference at least quarterly, with two (2) meetings to be held in person per year; excepting force majeure. In even numbered years, an early convention to nominate statewide candidates, and an in person organization meeting in September shall fulfill the in person meeting requirement. Meetings held in person must be held within the State of New York.

8.3. MÉETINGS HELD IN-PERSON. Any meeting of the State Committee to be held in-person shall be determined by a vote at a meeting of the full State Committee. Such meeting must be held in the State of New York. [moved from 8.3] In cases of *force majeure* in which no member of the State Committee is able to attend at the time and location the meeting is called, the State Committee may, by a two-thirds (2/3) vote, determine that such meeting be held by teleconference. [moved from 8.2.1, added procedure].

8.2. 8.4. ORGANIZATION MEETING. This section outlines the procedures for the Organization mMeeting... [ALSO RENUMBER 8.2 to 8.4 accordingly.]

PROPOSAL 12 (H1). Clarification.

8.2.2. **VOTING MEMBERS.** The State Committee members elected at the preceding primary election to the State Committee in accordance with these Rules at the most recent election shall be the voting members of the Organization Meeting.

PROPOSAL 13 (I). Remove redundancy. Text already exists in Article 21 on amendments. 8.2.4. AMENDMENT OF RULES. Any member of the newly elected State Committee may submit amendments to the Rules of the Libertarian Party. Such amendments must be received by the Rules Subcommittee of the Convention Committee at least thirty (30) days in advance of the Organization Meeting. The Rules Subcommittee must distribute the full text of any proposed amendment to all members of the newly elected State Committee at least ten (10) days in advance of the organization meeting.

PROPOSAL 14 (P). Simplify County Contact renewal process.
11.1.1. COUNTY CONTACTS. In any county [...] County Organization. [MOVED SECTION BELOW] [...]

11.1.1.1 TERMS. County Contacts shall serve until the end of the succeeding calendar quarter have a term of three (3) months, subject to renewal or removal by the State Committee. Each renewal of a County Contact shall expire at the end of the succeeding calendar quarter.

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PROPOSAL 15 (AP). Reduce requirement for County Affiliate formation.

11.2.1. **GENERAL.** In any county where an insufficient number of Election District delegates were elected to form a County Committee, a County Organization may be formed and affiliated in those counties when a convention is held to adopt county rules consistent with Article 11.2 and elect officers. Quorum at the convention shall be **four** (4) 3% of the enrolled Libertarians LPNY Members residing in the county or nine (9), whichever is less, but no convention shall be considered valid unless at least four (4) enrolled Libertarians residing in the county are present.

PROPOSAL 16 (R1).

11.6. REGIONAL ASSOCIATIONS.

- 11.6.1. **GENERAL.** Two or more County Affiliates may form a voluntary regional association. In such cases, each County Affiliate must agree to the association's rules. The association's rules and the minutes of each County Affiliate voting to join the association shall be filed with the Secretary of the State Committee. No County Affiliate or unorganized county shall be a member of more than one regional association.
- 11.6.2. **UNORGANIZED COUNTIES WITHIN AN ASSOCIATION.** A proposed regional association may include an unorganized county as long as notice of such is posted on the LPNY website and newsletter at least thirty (30) days in advance of a meeting of the State Committee to approve delegating authority over the county.
- 11.6.2.1. **STATE COMMITTEE DELEGATING AUTHORITY.** If an association includes an unorganized county, the State Committee must vote whether or not to delegate authority over that county to the association, except the appointment of County Contacts.
- 11.6.2.2. **UNORGANIZED COUNTIES WITH COUNTY CONTACTS.** If an unorganized county is included in a proposed association and has an appointed County Contact at the time of the proposed association, the County Contact must approve in writing to the Secretary that they approve of such association.
- 11.6.2.3. **NEW COUNTY AFFILIATES.** If at any time an unorganized county within a regional association becomes an official County Affiliate, they shall remain a member of the regional association unless they vote to withdraw.
- 11.6.3. **WITHDRAWAL FROM ASSOCIATION.** If a County Affiliate votes to disassociate with the regional association, the county's name shall automatically be removed from the association's rules. If after disassociation only one County Affiliate remains, the LPNY shall no longer recognize the association.

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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.

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PROPOSAL 19 (Z, AA). Overhaul/Cleanup of rules amendment provisions and adding new provision for minor amendments. 21.1. GENERAL. These Rules may be amended by majority vote at a meeting of the full State Committee in accordance with the procedures in this article unless otherwise required by Election 21.2.+ CONSIDERATION OF AMENDMENTS BY THE RULES COMMITTEE. [...] This report may include any motion to adopt amendments recommended by the Rules Committee, in part or in whole. Any motion to divide such motion or substitute an alternative amendment shall be in order, as long as such alternative was distributed in accordance with Election Law 2-114, as long as such alternative was distributed with advance notice in accordance with these Rules. 21.2.2.3. CONSIDERATION OF OTHER AMENDMENTS. [...] 21.1.4. SUBMISSION OF OTHER AMENDMENTS. Any member or member-Elect of the State Committee may submit amendments for consideration at the meeting for which they are entitled to vote. In order to be distributed to the State Committee by official party communications, the proposed amendment(s) Amendments to these Rules must be submitted in writing to the Secretary at least fifteen (15) thirty (30) days in advance of the meeting in which the amendments shall be voted upon. Subsequent submission(s) of amendment(s) may be distributed by official party communications at the discretion of the Secretary. 21.5. NOTICE AND DISTRIBUTION. Such amendments and notice to the meeting in which the amendments are to be considered must be given at least seven (7) days in advance of the meeting and may be distributed electronically in accordance with Election Law 2-114. 21.2. CONSIDERATION OF AMENDMENTS. Only amendments that were with Article 21.1 shall be considered. 21.3. VOTING ON AMENDMENTS. Amendments to these Rules shall require a majority vote at a meeting of the full State Committee. [moved] 21.6. MINOR AMENDMENTS. The Rules Committee has the authority to amend the Rules by unanimous vote of a quorum of the Rules Committee provided that the amendments are for aesthetic or grammatical purposes or are changes that are deemed necessary for clarification purposes.