

**MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE OF THE
LIBERTARIAN PARTY OF NEW YORK HELD ON SUNDAY, DECEMBER 16, 2022
ON THE ZOOM MEETING APP**

MEMBERS PRESENT

Andrew M. Kolstee, Chair
Duane J. Whitmer, 1st Vice-Chair
Richard F. Purtell, 2nd Vice-Chair
Mark S. Braiman, Secretary
William Cody Anderson, Treasurer
Maura E. Botsford, Member-At-Large (JD8)
Justin N. Carman, Member-At-Large (JD3)
Keith C. Redhead, Member-At-Large (JD5)
William K. Schmidt, Member At-Large (JD9)
Karyn A. Keniry Thompson, Member-At-Large (JD4) (arrived 7:10 p.m.)

OBSERVERS

James Ziobro, Monroe County Libertarian Party Secretary
Michael R. Rebmann, State Committee Member, Judicial District 8
David Penner, State Committee Member, Judicial District 6
Paul M. Grindle, State Committee Member, Judicial District 2
Steven Felano, Libertarian Party Member, Erie County
Christopher M. Olenski, State Committee Member, Judicial District 6
Steven Becker, State Committee Member, Judicial District 7

The meeting was called to order at 7:03 p.m. by Andrew Kolstee, Chair. Secretary Mark Braiman conducted a roll call and determined that a quorum was present.

The Chair opened a period of public comment. No comments were offered.

Past Secretary Andrew Kolstee issued a report. **The reading of the minutes of the August 22, 2022 Meeting of the Executive Committee , and of the September 17 and 18 meeting of the full State Committee, were waived** without objection; and **these minutes were approved** without objection.

Secretary Mark Braiman issued a report. **The reading of the minutes of the October 16, 2022 Meeting of the Executive Committee was waived.** Approval of the Minutes was postponed until the next meeting of the Executive Committee as they are not yet posted to the LPNY Party Resources page.

Treasurer William Cody Anderson issued a **Treasurer's Report in writing (Exhibit 1) and the report was accepted** without objection. The Treasurer noted in summary that \$926.86 is in the housekeeping fund as of December 16, 2022. The Treasurer mentioned that outside the scope of this written report, he is still awaiting a sponsorship payment from one of the sponsors of the September Convention

Chair Andrew Kolstee issued a report. He has submitted Freedom of Information Act (FOIA) requests for write-in votes by individual name, to all 57 county boards of election in all counties in New York, as well as the City of New York Board of Election. A majority have responded,

but some with incomplete or obviously erroneous data. The largest county not to have provided any significant data so far is Erie County. It is already clear, however, that 2022 Libertarian gubernatorial candidate Larry Sharpe received at least 1264 write-in votes, and that he was the only candidate to get write-in votes in essentially all counties reporting. The only county reporting credibly that Larry Sharpe received no write-in votes is the one with the lowest population, Hamilton County. The county where he has so far received the highest percentage of all Governor votes is Schuyler.

William Schmidt expressed concern that many write-in votes for specific Libertarian candidates are not being reported accurately, appearing as “Unknown” or “Unattributed” or “Scattering” or “Irregular” votes. Andrew Kolstee agreed with such concerns. Some county boards of Election gave specific reasons for their delays or other failures in responding fully so far. Apparently Judicial District 3 is in the middle of a recount for a judicial office, and needs more time to respond to us. Andrew Kolstee reported that, other counties are clearly going to be unable to respond to our satisfaction. Chautauqua County Board of Election’s response included statements that “only Democrat and Republican votes really count”; that their office only recorded candidate names for write-in votes if an individual candidate in a race received five votes or more; that they have already stored their ballots in a vault without having tallied all write-in votes by name, and that only a court order would allow them to re-access the ballots to complete such a tally.

Andrew Kolstee stated that he is waiting to get reports from remaining counties, before complaining to the State Board of Elections that individual counties are failing to respond appropriately to legitimate FOIA requests. Cody Anderson expressed the opinion that a lawsuit might have to be filed against all local Boards of Election, as well as the State Board of Elections.

Mark Braiman pointed out that this is the first time that write-in campaigns, in this case for both Larry Sharpe and Howie Hawkins, were run with the specific intention of gaining ballot access for a party rather than establishing the popularity of an individual candidate. It is therefore important to set a precedent, obliging local boards of election to record properly the number of individual write-in votes for Governor, no matter how small. Furthermore, in any statewide race, no local board of elections has the prescience to assert, before statewide certification, that write-in numbers in their individual jurisdiction are too few to affect the statewide outcome.

Karyn Thompson asked if it is known how expensive a court case might be. William Cody Anderson said that a lawsuit would likely cost around \$1000 per county. Wm Cody Anderson suggested filing jointly with the Green Party.

Andrew Kolstee reports that the Green Party has expressed an interest in writing a joint letter to the State Board of Elections to discourage them from purging unrecognized parties from voter records. Up until now there is no evidence that any person has been harmed by the possibility that they may do this. However, failure to maintain a record of past affiliation of voters with Green or Libertarian Parties, if it actually materializes, could be pursued as a contempt of court case, in violation of the terms of the judicial order arising from a 2006 lawsuit. Rolls are most

likely to be updated and old party affiliations purged in February, during the freeze period before the party petition period.

Chair Kolstee announced that he intends to revive the LPNY Newsletter starting in January, and encourages everyone to send in editorials, reports of county affiliate activities both completed and upcoming, etc.

Chair Kolstee also reported on several legal matters. First, the Robert Popper lawsuit achieved its goals without requiring support from the Libertarian Party of New York. Second, the appeal of our long ballot access case was denied *en banc*, including a denial of our request for a reason for denial. The only option for appeal now would be the Supreme Court of the United States.

Communications Division Chair Duane Whitmer issued a report on several potential lawsuits that the Libertarian Party might be interested in bringing or joining. He has tried to work with the Seneca Nation regarding the casino funding use for the Bills stadium. He states he would like to see a lawsuit as an outcome. There is also a group of Erie County residents objecting to deployment of wind turbines in Lake Erie. Whitmer suggests we might be interested in joining a potential lawsuit regarding that deployment. Finally, tolls from the New York State Thruway are being misdirected from the Thruway Authority to the state's General Fund or other special-purpose "slush funds". This could be a basis for objecting to the planned 75% increase in Thruway tolls. Duane is trying to meet with Dennis Consorte regarding issuing press releases on this last matter.

Field Development Division Chair Andrew Kolstee issued a report. The Field Development Committee met. Kolstee reported that pushing the "business" aspect of organizing counties is not going well. He expressed that the Committee is interested in the idea of encouraging County Contacts to make their first priority the building of an informal Libertarian community to choose local causes, perhaps holding outreach events, before trying to have four people get together for a convention, adopting rules, electing officers, etc. Another item of discussion at the Committee's meeting was the idea of using "Liberty Underground" as a possible Libertarian Party brand--not "freedom" which the Republicans have hijacked.

The report from the Field Development Committee also referred to documentation, available online, that the County Affiliates in Chautauqua, Chemung, Columbia, Dutchess, Madison, Monroe, Nassau, New York, Queens and Ulster Counties have met all required affiliation criteria. **Certifications that the County Affiliates in Chautauqua, Chemung, Columbia, Dutchess, Madison, Monroe, Nassau, New York, Queens, and Ulster Counties have met the criteria required in Article 11.2.3 of the Rules of the Libertarian Party of New York** were moved by the Field Development Committee and were approved without objection.

The report from the Field Development Committee also included a list of six (6) counties that have held a convention but have not yet provided full documentation for certification: Erie, Kings, Onondaga, Orange, Putnam, and Suffolk. The report also included a list of twelve (12) county organizations that have previously been organized during the 2020-2022 period, but have not provided documentation of having held a convention: Albany, Chenango, Fulton, Montgomery, Otsego, Orleans, Richmond, Saratoga, Schoharie, Tioga, Wayne, and Westchester.

The Committee expects there will be a new round of County affiliate certifications at the January 16 Executive Committee Meeting.

John Exner's resignation as County Contact of Cayuga County effective November 9, 2022 was accepted without objection.

Renewal of Jame Vandewalker's appointment as County Contact of Allegany County for a three-month term set to expire on March 22,2023 was approved without objection.

Renewal of Zachary Remian's appointment as County Contact of Clinton County for a three-month term set to expire on March 26,2023 was approved without objection.

Renewal of Christopher Lyndaker's appointment as County Contact of Lewis County for a three-month term set to expire on April 10,2023 was approved without objection.

Renewal of Jennifer O'Connor's appointment as County Contact of Renssalaer County for a three-month term set to expire on April 4,2023 was approved without objection.

Renewal of Keith Redhead's appointment as County Contact of Oneida County for a three-month term set to expire on March 18,2023 was approved without objection.

Renewal of Steven Greene's appointment as County Contact of Warren County for a three-month term retroactively beginning on November 3,2022 and set to expire on February 3, 2023 was approved without objection.

Jared Iye has let his appointment lapse as County Contact of Jefferson County lapse due to his being too busy.

Information Technology Division Director Justin Carman gave a report. On November 28, an initial meeting with the Humanitru. The Information Technology Committee decided that for our Business model, Humanitru is superior to other Customer Relationship Management (CRM) programs, because it does not charge us for static memberships, only engaged members (donors/volunteers). Follow-up with Humanitru is planned for a date to be determined. The Committee is also looking into free open-source ticket systems expense, for getting IT tasks completed.

Legislative Affairs Division Director Rich Purtell gave a report. The Legislative Affairs Committee is holding weekly meetings on Wednesdays at 8 p.m. Subcommittees are being formed to deal with specific topics. The four subcommittees already formed are: Education, chaired by Megan Mills-Hoffman, Education, Dayton Energy, chaired by James Dayton; Health, chaired by Thomas Quiter; and Property Rights, chaired by Jonathan Lurke of the New York State Board of Realtors. Rich Purtell says he would like also to start a Civil Justice subcommittee. The Division requests to brainstorm on how to get info to members who are interested. Rich Purtell suggests that several emails per week could go out to email recipients who express an interest. Andrew Kolstee suggests we could add a Legislative Affairs category to our existing Constant Contact

account, and that an email go out to current Party members, allowing them to opt-in for emails from the Legislative Affairs Division. Andrew Kolstee indicated a single initial email from Legislative Affairs can go out through Constant Contact, asking for an opt-in for Legislative Updates. Mark Braiman expressed concern that if we do this through Constant Contact, we might have to replicate this work using our planned Customer Relationships Management (CRM) application. Justin Carman and Andrew Kolstee indicated that this opt-in could be used to create a new list of email addresses within Constant Contact, and that opt-in information implicit in list could easily be exported to a CRM system such as Humanitru. Cody Anderson suggests that a legislative affairs opt-in link could be included in every email sent out, like we currently do with a “donate” link.

Andrew Kolstee, Rules Committee Chair, made a report. The Committee has had several productive meetings in November and December. Rules Committee membership was down to six after resignations of some members, but the Chair has added four new members: Justin Carman, Adam Magoon, Michael Rebmann, Dan Costello, and is now back up to ten members. Progress has been made on modifying the Conflict Resolution Committee article referred to the committee by the full State Committee. Next meeting is scheduled for January 10, and is open to observers.

Paul Grindle, Chair of the Candidate Support Committee, made a report. Funds approved at the October 16 Executive Committee Meeting were successfully transferred to both Nick Grasso and Craig Colwell candidate committees, one thousand dollars (\$1000) each. Neither candidate won. The Committee has received a request from Michael Rebmann, campaign chair for Charles Roggen, for funding to aid him as a candidate for Village Trustee in Akron. Petitioning starts January 3. Roggen would like money for mailers. Erie County will likely support this candidate as well. All on the board currently are Republicans, and have run unopposed, so there is a good opening for an independent/Libertarian to run.

Allocation of one hundred dollars (\$100) to campaign of Charles Roggen for Akron Village Trustee was moved by the Candidate Support Committee, was endorsed by Duane Whitmer as Erie County Chair, and passed by voice vote. Cody Anderson requested that Duane Whitman send him the name and address of the candidate. Duane Whitmer asked Cody Anderson to hold off sending a check until a campaign committee is officially named.

Extension of term of Paul Grindle as Chair of Candidate Support Committee to Jan 15 was approved without objection.

Appointment of Mark Glogowski as Platform Committee Chair was approved without objection.

Andrew Kolstee reported that two potential candidates, Paul Grindle and Rebecca Lau, have expressed interest as Political Director. No candidates have yet expressed interest in the position of Finance Director

Addition of an Outreach Division as section 5.2.6 to the Divisional Structure (specific text as below) was moved by Andrew Kolstee, and passed without objection.

“5.2.6. OUTREACH DIVISION. The Outreach Division shall be led by the Outreach Director. The Division shall be responsible for developing and implementing strategies for content creation, activism opportunities, direct citizen action, networking with other organizations, and coalition building.”

Appointment of Steve Felano as Outreach Director, and authorization for the Chair to sign a contract on behalf of the Libertarian Party of New York with Steve Felano for the purpose of providing a thirty percent (30%) commission for fundraising to said Steve Felano based on the activities of the Outreach Division, was moved by Duane Whitmer and seconded by Karyn Thomson.

Steve Felano spoke to his abilities to provide press release content and video content that is issue-based. He stated he has been involved for 10 years in developing video content, has worked with Duane Whitmer regularly on developing the content.

Cody Anderson expressed a concern that it will be harder to gauge whether any particular donation comes as a result of the craftsmanship of the Outreach Director. He stated he would rather see this position paid a fixed amount for regular services. He stated also that we don't currently know yet what we owe Dennis Consorte for past press releases. Andrew Kolstee responded to this concern that seven press releases remain to be completed as part of the contracted services with Dennis Consorte.

Cody Anderson also expressed a concern that donations to LPNY go into Stripe; there is no way to tag them as having come in response to any particular email or press release or other messaging from the Outreach Director. Figuring out this accounting will require significant work on the part of the persons sending out emails.

Mark Braiman points out that our Rules prohibit use of our email list for outreach purposes not tied to a specific ballot-access or party election purpose, except for individuals who opt in. Duane Whitmer and Steve Felano responded that they will develop new email contacts rather than using our existing list of email addresses.

Karyn Thompson asked for the planned duration of the contract. Andrew Kolstee stated that it can be set for any duration we suggest. Karyn Thompson stated that we should always set a limit. Duane Whitmer suggested one year; Karyn voiced support for that length.

Duane Whitmer stated that recent press releases from the Libertarian Party of New York have not been particularly effective, in that they have not been picked up by mainstream media. This is why he prefers the new Outreach Director be paid on a commission basis.

Cody Anderson asks for metrics to see how well our press releases, etc. are getting clicked on, opened up, read. We have had 29 press releases that were anti-mandate but that were not picked up. Dennis Consorte sent press releases through EI News. What Consorte did was mostly about distribution; much content was actually created by Tony D'Orazio. Kolstee's release about getting Lee Zeldin off the ballot (written by Kolstee in June) was distributed by Consorte and was well received by mainstream press.

Karyn Thomson asked what the turnaround time is for current press releases. Duane Whitmer responded that it was twenty-four (24) hours typically.

Treasurer Cody Anderson responded to a request for information about payments for recent Outreach Director, stating that Dennis Consorte received one (1) check in February 2022 for three thousand three hundred thirty-two dollars (\$3332); and nothing else going back to 2021.

Mark Braiman expressed a concern about setting a commission on a base that includes current donors, and stated a preference for limiting the commission base to donations from new donors, not including existing donors.

Treasurer Cody Anderson provided the following information about our current donor base: Of the roughly eleven thousand people on our email list, the number of Stripe Customers is five hundred twenty-nine (529). The total donor base consists of these, plus a few others who have only used Anedot. The total number of donors is thus around five hundred fifty (550), or about 5% of our current email list. However, the bulk of our donations, measured in dollars, still comes in through Anedot. The total amount of money donated through Stripe came in the form of in 904 discrete smaller donations, both individual and repeating.

Cody Anderson says we could have a separate new website that we control the “slugs” to dovetail with Civi, in a way that would link donations to content created by the new Outreach Director. However, this will take some effort; this is not something that will be easy to implement. Duane Whitmer suggested that we could more easily create a separate Anedot link for these new donations linked to the new Outreach director. Cody Anderson says that this would be fairly easy to implement, requiring only five minutes, but a bit expensive because of Anedot’s pricing, discount rate of five percent (5%). A better approach would be to create a new website for donations via Stripe, e.g. LPNY.org/donate, which we could control directly rather than running through LP National.

It being close to the planned adjournment of 9 p.m., **the planned time of adjournment of the meeting was extended without objection.**

An amendment to the main motion to the effect that the commission should be 30% of the increase in the amount of money raised. “The basis for the commission shall not include donations by any individuals who have donated to the Libertarian Party of New York between 2018 and 2022.” was moved by Mark Braiman and seconded by Rich Purtell; and failed by voice vote.

During debate, Mark Braiman expressed concern about adopting a contract wording on the basis of a single Executive Committee meeting, without seeing any text of the contract. Would prefer to see the contracted based on new email addresses.

Cody Anderson opposes amendment because the tracking it would require is unreasonable.

Karyn Thompson speaks against amendment for similar reasons. If Outreach Director is creating content that really moves people to donate, he deserves to benefit, whether it’s coming from new

donors or not. If donations increase, we should not care who it comes from. You have to assume that a new donation based on his link should be rewarded.

The **main motion** passed by voice vote.

Andrew Kolstee directed Justin Carman to implement the mechanics of putting a donation link onto email notices.

A motion, that the Executive Committee recommend to the full State Committee at its next meeting, adoption of the following motion concerning the 2024 petitioning drive and election, was moved by Andrew Kolstee and seconded by Duane Whitmer:

Moved,

The Libertarian Party of New York shall only consider the nomination of statewide candidates, including a candidate for the United States Senate and a placeholder candidate for President and Vice President of the United States in the 2024 election in New York if at least three (3) out of the following five (5) criteria are met by December 31, 2023:

- 1) The ballot access thresholds are lowered to pre-2020 levels, specifically, requiring at least 15,000 petition signatures for an independent candidate to get on the ballot and 50,000 votes during the general election for a party to obtain ballot access in New York State.**
- 2) A total of \$300,000 is in the Libertarian Party of New York's Ballot Access bank account by December 31, 2023.**
- 3) The Libertarian Party of New York has a list of at least 2,000 volunteers willing to collect petition signatures to get the statewide candidates on the ballot in 2024.**
- 4) The Libertarian Party of New York's email list exceeds 50,000 emails.**
- 5) The Libertarian Party of New York has thirty (30) active County Affiliates, in that they hold meetings on average at least once per month.**

If less than three (3) of these criteria are met by December 31, 2023, the Libertarian Party of New York shall not organize a petition drive in 2024 and all such resources shall be diverted to the 2026 statewide petition drive.

Cody Anderson objected, stating that this motion is out of order, due to being inconsistent with our Rules for nominating our statewide candidates. He argued that motion is worded much like a rule, and furthermore a rule that countermands our existing Rules. He suggests therefore that it should be promulgated as a Rule and submitted to the Full State Committee, or at least referred first to the Rules Committee.

Chair Andrew Kolstee ruled the motion is in order.

A motion to **Overrule the Chair** was made by Mark Braiman and seconded by Rich Purtell

Mark Braiman stated that we actually do need new rules to replace non-functional rules about how to get statewide candidates on the ballot in 2024.

Karyn Thompson expressed concern that this motion would add new constraints on our functioning as a party, when we already have way too many constraints on our action as a result of state law and ill-intentioned efforts by the Democrat/Republican duopoly.

The ruling of the Chair was not sustained, by a roll-call vote of 4 in favor and 5 against:

Duane J. Whitmer, 1st Vice-Chair	AYE
Richard F. Purtell, 2nd Vice-Chair	AYE
Mark S. Braiman, Secretary	NAY
William Cody Anderson, Treasurer	NAY
Maura E. Botsford, Member-At-Large (JD8)	AYE
Justin N. Carman, Member-At-Large (JD3)	NAY
Keith C. Redhead, Member-At-Large (JD5)	AYE
William K. Schmidt, Member At-Large (JD9)	NAY
Karyn A. Keniry Thompson, Member-At-Large (JD4)	NAY

A process for holding a series of straw-vote elections during 2023 (text below) was moved by Mark Braiman, but failed due to lack of a second:

Moved,

That the Libertarian Party of New York shall hold a series of "straw-vote" electronic polls for President over the course of 2023.

That these polls shall be conducted as secret elections via the Porcupine App, and that they be open to all LPNY members who have supplied an email address through which they can access this app.

That the first two of these shall be scheduled for Monday, January 18 and February 20 (Martin Luther King Jr. Day and Presidents' Day) in honor of the role these people played in advancing the cause of liberty, and that the polls shall remain open for 24 hours during these days.

That the January 18 poll shall have no preprinted names on the ballot, nor NOTA, with only the possibility of write-ins.

That the February 20 poll list on the ballot, in order, the top five finishers from the January 18 poll who are identifiably Libertarians by virtue of membership in the Libertarian Party of New York or another state or by virtue of being dues-paying members

of National Libertarian Party; but that this list shall be expanded as needed to accommodate ties for fifth place, as well as NOTA.

That the February 20 poll list additionally the name of any candidate, Libertarian or not, who pays by noon on February 15 a \$1,000 fee to the Libertarian Party of New York (housekeeping account).

That the Party Chair and/or Secretary be instructed to make timely arrangements for the Porcupine polls.

That the Chair and/or Secretary of the Party be instructed to e-mail Party members, likely prospective Party members, and likely Libertarian candidates, for whom e-mail addresses are immediately available, the following information:

- a. An invitation to participate in these straw-poll elections.
- b. A description of the polling guidelines as provided above; instructions on how to register in the Porcupine App and to access the voting screen; and other such information as may be necessary to help these prospective voters and candidates to participate.
- c. A mention of the three-fold purpose of these straw votes: (i) to help future New York delegates to the 2024 Libertarian National Convention understand the desires and likely voting propensities of our rank-and-file membership; (i) to help guide us in determining whether and how to carry out a petition campaign in April-May 2024 for getting a Libertarian Presidential candidate on the New York ballot; and (iii) to increase membership in, and awareness and enthusiasm for, the Libertarian Party of New York.

Andrew Kolstee expressed a wish to refer to the full State Committee the cases for potential removal members who have failed to appear at two successive meetings. There are five such members, but Tony D'Orazio and Lyza Feint have resigned. Three other members have not responded to Andrew Kolstee's emails. Andrew Kolstee plans to contact them by telephone to ask their intentions.

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

Meeting was adjourned at 8:20 p.m.

Mark Stephen Braiman,
Secretary.

Exhibit 1

LPNY Treasurer's Report
December 18, 2022

Housekeeping Committee account balance as of 12.18.22: \$926.86 (-\$1716.04 since 11.20.22)

Constituted Committee account balance as of 12.18.22: \$21,141.50 (+\$1850.32 since 11.20.22)

LPNY 2022 Petitioning Committee account balance as of 12.18.22: \$4,335.95 (-\$2695.00 since 11.20.22)

Disbursements from Housekeeping account since 11.20.22:

Grasshopper - \$33.39

Constant Contact - \$200.07

Disbursements from CC account since 11.20.22:

None

Deposits to CC account since 11.20.22:

Net Donations - \$1850.32

Disbursements from petitioning account since 11.20.22:

Paul Grindle - \$1975.00

Respectfully submitted,

W. Cody Anderson
Treasurer