



Bylaws Amendment Recommendation Form

Submitted By: Joe Dehn, Mary Gingell, Mark Hinkle, John David Ward,
Kennita Watson
Santa Clara County

Reason:

This is a recommendation that Bylaw 5, Section 5 be amended to address problems that were demonstrated by a recent membership suspension case. This is a three-part proposal, each part addressing a different deficiency in the section as it currently stands. These changes are complementary – each would improve one aspect of the section, but our recommendation is that all three changes be adopted.

Bylaws Proposal:

Part A:

Explanation:

Procedures used for making judgements about and determining penalties for an individual's behavior typically include a number of features commonly referred to as "due process". These features are familiar to most Americans as they apply in government courts. But they also play a part in similar proceedings in many private organizations, and in fact features of this type are included in the procedures for disciplining members outlined in Robert's Rules of Order, which applies to most aspects of how the LPC operates.

*Since our Bylaws refer to Robert's as a source, and it is relied upon as such a source to fill in many other aspects of our rules, many of our members have been assuming that these kinds of due process protections are already required by our Bylaws. However, under a different interpretation of our Bylaws, because our Bylaws provide for a membership termination process that differs in other ways from the default outlined by Robert's, the features specified in Robert's do **not** automatically get incorporated into our procedures. Under this interpretation, Robert's allows us to define our own procedures which may include these features, but it isn't required.*

This amendment would clarify the situation by explicitly incorporating commonly accepted features of due process into our membership termination rules.

Legend

Deletions are noted in ~~red bold italic strikethrough~~.

Additions are noted in blue bold underline.

ADD TO BYLAW 5, SECTION 5, AT THE END OF THE EXISTING TEXT:

A member subject to a suspension for cause shall be provided at least 15 days' notice before proceedings begin, in writing, of the cause. The member shall have the right to attend the proceedings and be given an opportunity to contest the cause, including the right to submit evidence, to call witnesses, and to have the assistance of counsel.

Part B:

Explanation:

Historically, some proceedings under our current membership suspension/termination section have been conducted openly, while others have been conducted in secret (through use of the "executive session" mechanism or otherwise). There aren't really enough records of these cases – especially about the secret ones – to see a clear pattern of which way has been the most common. But there are records of enough such proceedings being done in completely open session to establish a precedent – open proceedings have worked for us, and have been accepted in the past by our members. On the other hand, Robert's specifically recommends the use of executive session for disciplinary proceedings – but as mentioned above this part of Robert's doesn't automatically apply to us because we have our own rules concerning this.

Both approaches have their pros and cons. The case for transparency is probably obvious to most Libertarians. However, since disciplinary actions often relate to matters that may be embarrassing to the person subject to discipline, many people see value to limiting knowledge of details of a case to those who have a serious need to know. Different organizations may want to strike a different balance, either because they put a higher or lower priority on values like transparency, or because they expect different kinds of issues to come up more or less frequently.

This amendment would establish that, by default, LPC membership suspension/termination actions are to be conducted with the same level of transparency as other actions of the Executive Committee. However, it also allows for a less open process in cases where the member in question specifically prefers that.

ADD TO BYLAW 5, SECTION 5, AT THE END OF THE EXISTING TEXT:

All central committee members shall have the right to attend the proceedings, on the same basis as is usual for other business of the Executive Committee, unless the member subject to suspension agrees to some more restricted arrangement.

Part C:

Explanation:

Our Bylaws have long allowed the Executive Committee to suspend/terminate a member “for cause”, with no definition of what might constitute cause. In 2006, two specific “causes” were added to this section – these were reasons that the Delegates had previously identified as meriting membership being “suspended indefinitely” in a different section.

Different organizations may want to make different choices about the range of things that merit expulsion. Some organizations have an orientation toward inclusion, others consider membership to be an honor that must be earned. In some organizations, e.g., professional organizations, membership may be seen as an endorsement of a person’s skill or character. We are pretty clearly at the opposite end of that spectrum – membership in a political party is generally understood to mean that the individual endorses the party, not the other way around. Since membership in a political party doesn’t mean that the party endorses the member, it isn’t clear that we actually need a mechanism for expelling people “for cause” at all.

For an example of how we might be able to do without it – which would allow this section to be trimmed back considerably – we need look no further than the national LP. The national LP bylaws include procedures for removing people **from positions of authority** (e.g., as officers), but they contain no procedure at all for expelling people **as members**. And so the subject never even comes up, and therefore neither do any of the attendant issues, like due process, or secrecy, or any fear that the LNC might use such a procedure to purge dissident members. Another benefit: If an outsider asks “Why do you allow a person who has done X to still be a member of the Libertarian Party?”, the national Chair and other LNC members can give a very simple answer, without having to talk about X at all – they can just point out that membership doesn’t mean the LP endorses a person, and that the (national) bylaws don’t provide for expulsion.

On the other hand, there are at least two specific “causes” that Delegates to previous LPC conventions have considered worth mentioning in our Bylaws. But we don’t have to limit ourselves to just the two extreme possibilities – either the Executive Committee has an open-ended power to consider anything to be “cause”, or they can never expel anybody for any reason. The existing list of causes points us to a solution: Split the power in this regard between the Delegates and the Executive Committee. Allow the Delegates to legislate, by adding to this list, the kinds of things that merit expulsion. Then the Executive Committee can focus, in any particular case, on whether a person has actually done any of those things, and whether the matter is serious enough in that respect to merit expulsion. If we start running into some kind of problem that seems like it might justify a response as severe as expulsion, but isn’t covered by the existing list, the Delegates can then take up the question of expanding the list.

DELETE WORDS FROM THE LAST SENTENCE OF THE FIRST PARAGRAPH OF BYLAW 5, SECTION 5:

The term "cause" as used in this section shall ~~include but not~~ be limited to the following:

Full Text As Amended:

The Executive Committee shall have the power to suspend a County or State Central Committee membership for failure to maintain all the qualifications of membership established in Section 1, or for cause. Notification of the suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the membership. The Executive Committee may reinstate memberships terminated under this section. The term "cause" as used in this section shall be limited to the following:

- A. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates; or
- B. Having unpaid debts over ninety days old outstanding to the Party.

A member subject to a suspension for cause shall be provided at least 15 days' notice before proceedings begin, in writing, of the cause. The member shall have the right to attend the proceedings and be given an opportunity to contest the cause, including the right to submit evidence, to call witnesses, and to have the assistance of counsel.

All central committee members shall have the right to attend the proceedings, on the same basis as is usual for other business of the Executive Committee, unless the member subject to suspension agrees to some more restricted arrangement.



Submitted By: Mimi Robson, Los Angeles County,
John David Ward, Santa Clara County and
Brent Olsen, Kings County

Reason:

This amendment will clarify the role and responsibility of the LPC Judicial Committee as well as add Alternates which will remove the ability of the committee to replace any vacancies and allow for a full 5 member committee in the case that one of the members recuses themselves from a given appeal or if a vacancy occurs.

In the past the Judicial Committee has had no requirement to issue a written ruling which explains which part of the governing documents were not followed per Bylaw 14, Section 3. This will ensure greater transparency of any actions made by the Judicial Committee, which would elevate issues that have come up in the recent past. It would also allow more time for the Judicial Committee to reach a decision and issue a written ruling which should help in the deliberative process of the committee itself.

Bylaw Amendment Proposal:

Bylaw 14: Judicial Committee

Section 1

The Judicial Committee shall consist of five State Central Committee members elected at a convention of the Party by the attending delegates. The term of a Judicial Committee member shall begin at the close of each convention held in an even-numbered year and end at the close of the next convention held in an even-numbered year **after a new committee has been elected. Two Alternates, in ranked order, shall be elected at a convention of the Party by attending delegates to ensure a full committee in the case of a vacancy or recusal.** ~~*The remaining Judicial Committee members shall by appointment fill any vacancy in the Judicial Committee until a successor shall be elected at the next convention.*~~

Section 3

The Judicial Committee review of a Party action or inaction shall be limited to the consistency of that action or inaction in accordance with the governing documents of the Party, including these Bylaws and documents to which they refer, with the only exceptions being Judicial Committee duties mandated by these Bylaws, and arbitration of Party contracts that

Legend

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Additions are noted in **blue bold underline.**

explicitly call for arbitration by the Judicial Committee.

~~At least two~~ **A majority of the** Judicial Committee members shall **by vote** agree to hold a hearing or to consider an appeal. The Judicial Committee may choose to hold hearings in person, by teleconference, or by videoconference.

Section 8

The Judicial Committee shall provide a **written** ruling within ~~two~~ **seven** days of the conclusion of the hearing, unless otherwise specified. **That ruling shall state either that no action is necessary, or shall state specifically what violation of the governing documents justifies the action or remedy sought by the appellant(s). In the event that the Judicial Committee fails to issue a written ruling within the timeframe required, and in as much detail as necessary, the Judicial Committee shall be considered to have taken no action on the matter at hand.**

Convention Rules

Rule 4: Agenda

The business of the convention shall consist of the following items, and shall be conducted in the following order:

- A. Elections, in the following order:
 1. In odd-numbered years, Party officers and Area Coordinators and in even-numbered years to fill the unexpired terms of vacated Party officers or Area Coordinators;
 2. At-large Executive Committee members;
 3. At-large Executive Committee alternates;
 4. Judicial Committee members;
 5. **Judicial Committee Alternates;**
 - ~~5.6.~~ At Party conventions immediately preceding national conventions, national convention delegates, Libertarian National Committee representatives and alternates;

Bylaw as Amended:

Bylaw 14: Judicial Committee

Section 1

The Judicial Committee shall consist of five State Central Committee members elected at a convention of the Party by the attending delegates.

Legend

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The term of a Judicial Committee member shall begin at the close of each convention held in an even-numbered year and end at the close of the next convention held in an even-numbered year after a new committee has been elected. Two Alternates, in ranked order, shall be elected at a convention of the Party by attending delegates to ensure a full committee in the case of a vacancy or recusal.

Section 3

The Judicial Committee review of a Party action or inaction shall be limited to the consistency of that action or inaction in accordance with the governing documents of the Party, including these Bylaws and documents to which they refer, with the only exceptions being Judicial Committee duties mandated by these Bylaws, and arbitration of Party contracts that explicitly call for arbitration by the Judicial Committee.

A majority of the Judicial Committee members shall by vote agree to hold a hearing or to consider an appeal. The Judicial Committee may choose to hold hearings in person, by teleconference, or by videoconference.

Section 8

The Judicial Committee shall provide a written ruling within seven days of the conclusion of the hearing, unless otherwise specified. That ruling shall state either that no action is necessary, or shall state specifically what violation of the governing documents justifies the action or remedy sought by the appellant(s). In the event that the Judicial Committee fails to issue a written ruling within the timeframe required, and in as much detail as necessary, the Judicial Committee shall be considered to have taken no action on the matter at hand.

Convention Rules

Rule 4: Agenda

The business of the convention shall consist of the following items, and shall be conducted in the following order:

- E. Elections, in the following order:
 1. In odd-numbered years, Party officers and Area Coordinators and in even-numbered years to fill the unexpired terms of vacated Party officers or Area Coordinators;
 2. At-large Executive Committee members;
 3. At-large Executive Committee alternates;
 4. Judicial Committee members;
 5. Judicial Committee Alternates;

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6. At Party conventions immediately preceding national conventions, national convention delegates, Libertarian National Committee representatives and alternates;

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Legend

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Bylaws Amendment Recommendation Form

Submitted By: Mimi Robson, Los Angeles County

Reason:

This amendment affects multiple Bylaws and Convention Rules and will return the LPC annual meeting to a true convention of delegates, as we've had in the past. This will also allow the County Central Committees more autonomy in determining how to run their organizations and would create a better bottom up organization going forward. In addition, it defines "Members" as being all Registered Libertarian voters in the state which would give a greater incentive for voters to register as Libertarians and requires that Registered Libertarians have a voice in who is elected to represent each county at the LPC Convention. Lastly, it requires all State Central Committee Members to be registered to vote as Libertarians, if eligible, which provides yet another incentive to register as a Libertarian.

This amendment will also put our election of Central Committee Members in conformance with the California Elections Code 7770.

Bylaw Amendment Proposal:

Bylaw 4: Definitions

- A. "Registered Libertarian": A person who is registered as a Libertarian per the California Elections Code. **All registered voters will be considered Members of the Party and eligible to vote for State Central Committee Members.**
- B. "**State** Central Committee member": A person who is eligible to vote on Party business consistent with these Bylaws and Convention Rules.
- C. "**County Central Committee member**": **A person who is eligible to vote on county party business consistent with the County Bylaws.**
- D. "**Sustaining Member**": **A person who is eligible to be elected as a State Central Committee member. Individuals may become sustaining members by:**
 - 1. **Becoming a holder of California public office that is subject to election other than County Central Committee, or**
 - 2. **Making application and paying such dues as prescribed by the Executive Committee. The Executive Committee may**

Legend

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authorize participation in a joint membership arrangement with the national Libertarian Party for the purpose of satisfying the dues requirement, or

3. Are a Life member.

- E. Certification: “I certify that I oppose the initiation of force as a means of achieving political or social goals.” Certification shall be required to be a sustaining member or a member of the State or County Central Committee. Individuals who have executed previous versions of the certification shall also meet this requirement.
- F. “Delegate”: A person who is a State Central Committee Member voting at convention.
- G. “Alternate”: A person who meets the qualifications for being a State Central Committee Member and who may be substituted for a Delegate.
- H. All references in these Bylaws and Convention Rules to “mail,” “written notification,” or similar terms shall be considered to include electronic communications.

Bylaw 5: Membership

Section 1

Individuals may become members of the State Central Committee by:

- A. Becoming a Sustaining Member of the party, and
- B. Begin a registrant of the Libertarian Party if eligible, and
- C. One of the following:
1. Being selected as a State Central Committee member by a County Central Committee per Bylaw 9, or
 2. Becoming a holder of California partisan or non-partisan office that is subject to election, or
 3. Being a member of the State Executive Committee, or
 4. Being a Libertarian National Committee Representative, or
 5. Being a member of the Judicial Committee, Bylaws Committee, Program Committee or Platform Committee Coordinator, or
 6. Being the Chair of a Standing Committee as designated in the Party’s Operating Procedures Manual, or
 7. Being a past Chair of the Libertarian Party of California, or

Legend

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8. Being appointed by an elected member of the State Executive Committee.

No State or County Central Committee member shall be a registrant or hold office in any political party other than the Libertarian party.

Section 2

The Executive Committee shall establish associate, non-voting membership for those persons ineligible or unwilling to become sustaining members ~~of the State Central Committee.~~

Section 3

All Party candidates for public office, Executive Committee members, county Party office holders, Libertarian National Committee representatives, and Judicial Committee members shall be registered in the Libertarian Party in California if eligible.

Section 4

The Secretary automatically shall terminate a State Central Committee membership if that member requests in writing such termination, or if, except for ~~elected~~ State Central Committee members elected to public office, that member fails to remit prescribed dues by that member's renewal date.

Section 5

The Executive Committee shall have the power to suspend a ~~County or~~ State Central Committee membership for failure to maintain all the qualifications of membership established in Section 1, or for cause. The member under consideration of suspension shall be given notice prior to any action taking place. Notification of the cause of suspension shall be given to the individual member and the County Central Committee officers that the member is associated with within five days of the suspension. Notification of the suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the State Central Committee membership, but does not automatically suspend County Central Committee membership. The Executive Committee may reinstate memberships terminated under this section. The term "cause" as used in this section shall include but not be limited to the following:

- A. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates; or
- B. Having unpaid debts over ninety days old outstanding to the Party.

Legend

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Section 6 (2/3 required to amend)

Upon appeal by a County or State Central Committee member, the Judicial Committee shall hold a hearing concerning the suspension. Following the hearing, the Judicial Committee shall rule either to terminate the membership or to restore the membership.

Bylaw 6: Membership Lists***Section 1***

The Executive Committee shall provide one copy of a County Central Committee's sustaining membership list monthly to that county organization's Secretary or designated officer at no charge, or by mutual arrangement, or to any other officer of that county at cost within ten days of a request.

The Executive Committee may also provide mailing lists to individuals or groups, but not to any government official or government agency. Counties may exchange lists.

Section 2

The Executive Committee shall provide ~~a County Central Committee's~~ membership lists to the national Libertarian Party, a Libertarian candidate, campaign committee, or initiative committee, or an interested Party member in conjunction with Party activities that facilitate the Party organization under the following conditions:

- A. Three Party officers or two County Central Committee officers give approval to the request,
- B. The requesting individual or group agree to pay the amount for receiving the list in effect at the time of the request as established by a current Standing Resolution of the Executive Committee, and
- C. The requesting individual or group agrees to terms, in effect at the time of the request as established by a current Standing Resolution of the Executive Committee that are solely intended to assure that the membership list is not to be used for any other purpose, nor sold or furnished to any other group, organization, government official or agency.

Section 3

If maintenance of the State ~~Central Committee~~ membership database is delegated to someone other than the Secretary, the Secretary and the Chair shall be provided with current membership information in keeping with their Party duties.

Legend

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Bylaw 7: Dues Sharing

The state Party and the county Parties are encouraged to actively pursue new sustaining and associate members and renewing memberships. As of July 1, 2013, dues collected by the state or county Parties shall be shared as follows.

Section 1: New Membership Dues

A new sustaining or associate member is one who has no membership record in the state Party's database at the time they pay annual membership dues. The state or county Party organization that collects annual membership dues from a new sustaining or associate member shall retain 100% of that member's dues for their first year of membership.

Section 2: Renewing Membership Dues

A renewing sustaining or associate member is one who has a record of membership in the state Party's database at the time they pay their dues. The state and county Party organizations shall split the renewal membership dues 50/50.

Section 3: Collection of Dues

Collection of dues includes receiving cash, checks, money orders, authorized billing information, or other consideration approved by the state Party Chair, as well as donations through online services that are initiated directly from the organization's website or e-mail appeal.

Section 4: Duration of Membership

Annual sustaining or associate membership dues are good from the date the collecting organization receives the payment, or from the date of payment to an online payment service. Membership expires at the end of the last day of that month in a subsequent year. Annual sustaining or associate membership can be renewed for no more than two years from the end of the month in which the dues are collected.

Section 5: Qualification for Renewing Membership

Members may renew their expired sustaining or associate membership if they are not removed from the ~~Party State Central Committee~~ for cause, or for as long as their record is not removed from the state Party's database, and their membership expiration date will be as described in Bylaw 7: Dues Sharing, Section 4: Duration Of Membership. Donors who have no membership record shall join as new members.

Legend

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Bylaw 9: County Organizations

Section 1

The Party shall be divided into ~~e~~County Central Committees ~~organizations~~ with each county having no more than one recognized organization. ~~Each county organization shall have its own County Central Committee.~~

Section 2

~~State Central Committee membership shall be the only requirement for County Central Committee membership.~~

Each County Central Committee shall select its State Central Committee members from its own members, as defined by the County Central Committee Bylaws. The number of State Central Committee members elected to represent each County Central Committee shall be determined as follows:

- A. One State Central Committee member for each 0.5%, or fraction thereof that its sustaining membership represents of the total number of sustaining members of all county central committees.
- B. One State Central Committee member for each 1% or fraction thereof of the total registered Libertarian voters in that county of the total number of registered voters in that county.
- C. The Party Secretary shall calculate the number of State Central Committee members that each County Central Committee can elect no more than thirty (30) days after each Party annual convention using the most current sustaining membership information and the most current voter registration records received from the California Secretary of State.
- D. The Secretary of each County Central Committee organization shall notify the Party Secretary of their State Central Committee members no less than one hundred and twenty (120) days prior to the Party's annual convention.

A County Central Committee shall elect its State Central Committee members in accordance with the County Central Committee's Bylaws, which could include Central Committee members being elected by the registered Libertarian voters in that county during the primary elections in even number years, caucus or convention. If the County's Bylaws doesn't specifically state the manner which State Central Committee Members are selected, they shall be selected at the Annual Meeting of the County Central Committee.

Legend

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Additions are noted in blue bold underline.

The County Secretary shall notify the State Chair one hundred and fifty (150) days prior to the Primary Election in even numbered years the method they will select their Central Committee Members. The State Chair shall notify the California Secretary of State and the County Registrars one hundred and thirty-five (135) days prior to the Primary Election in even numbered years, per the California Election Code §7770.

A State Central Committee ~~Party~~ member may be a member of only one County Central Committee, which does not have to be the Committee of the county of the member's residence.

~~A County Central Committee membership confers voting privileges for that member in that county.~~

Section 3

County Central Committees shall conduct their business in any manner they choose consistent with these Bylaws and the national Bylaws. County Central Committees may endorse only those candidates for public office in any partisan or non-partisan election whose political party affiliation is ~~either~~ "Libertarian." ~~or "Decline to State."~~

Section 4

The appropriate Area Coordinator may appoint a county Chair Pro Tem for any county in which there is no active county organization. It shall be the responsibility of said Chair Pro Tem to promote the development of a county organization within that county.

Section 5

Each County Central Committee may maintain one or more campaign finance funds independent of any campaign finance funds maintained by the State Central Committee or any other Committees of the Party.

Each County Central Committee shall be responsible for compliance with any applicable election and campaign finance laws.

Section 6

A county Central Committee ~~organization~~ is deemed as having selected its officers and State Central Committee members only if an election notice has been mailed to its sustaining members and registered Libertarian Voters in that county at least thirty days but no more than sixty days in advance of that election. State Central Committee members shall be elected by all members, which will include County Central Committee Members and registered Libertarian voters in the county that participate in the meeting.
The election notice shall also be sent to and received by the Party Secretary

Legend

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at least thirty days in advance of the election. Such notice shall specify the reason for the meeting and a time and place reasonably accessible to its membership. An election shall be held every year. The results of the election shall be reported to the Party Secretary within fifteen days after the election. Any member of that County Central Committee may challenge the legality of an election by bringing the issue before the Judicial Committee. The Executive Committee may declare a county organization to be inactive if it fails to hold elections in accordance with this section.

Bylaw 10: Officers

Section 2

No state offices shall be combined. No state officer shall:

- ~~A. Be a registrant of or hold office in any political party other than the Libertarian Party, or~~
- A. Be ineligible to be a State Central Committee member as defined in Bylaw 5, Section 2.
- B. Use any office in the Party to support a candidate of another political party.

Bylaw 19: Convention

Section 3

Delegates and Alternates to the convention shall be elected by the County Central Committees. The number of delegates for each county is equal to the number of State Central Committee members in that county per Bylaw 9. ~~current State Central Committee members and shall either hold public office or shall have been State Central Committee members for any ninety days prior to the convention.~~

~~Notwithstanding the above, each Executive Committee member may seat one current State Central Committee member as a delegate.~~

- A. Duly-selected Alternates may be freely substituted for any members of their delegation who are temporarily or permanently absent from the floor, provided the procedure has been clearly specified by the County Central Committee in advance of the Convention, and the Credentials Committee has been provided with lists of the County's Delegates and Alternates as well as a copy of the county's rules governing substitutions.
- B. An Alternate, upon certification by the Credentials Committee, may function as a Delegate whenever a Delegate of the same county has not been registered as being in attendance. This

Legend

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status shall continue until the absent Delegate registers as being in attendance.

- C. Each county delegation shall insure that only registered Delegates vote on party business and that no more than the county's allotment of Delegates is voting at any time during the convention.

CONVENTION RULES

Rule 3: Voting Eligibility (add and renumber)

All Delegates in good standing shall be eligible to vote on all matters. In order to vote on a given matter, a delegate must be present on the floor at the time that the vote is taken. Each delegate present shall have one vote. Any delegate from a county as provided in Bylaw 19, Section 3 may be replaced by an alternate from that county with the consent of the county delegation.

Rule 4: Polling Procedure (add and renumber)

- A. Convention seating will be by county. Each county's delegates shall elect a representative for their county to act as the delegation chair. If any delegate challenges the vote reported by any county's representative, the Secretary shall poll the delegates from that county individually.
- B. In all cases where a roll call vote is required, polling shall be conducted by county. The Secretary will solicit the vote from each county delegation in alphabetic order. A representative for each delegation shall report the vote for that delegation.
- C. In cases where ballots are used, each delegate must submit their ballot to the delegation chair. After verifying that the number of votes cast does not exceed the number the county is entitled to, the chair of each delegation shall submit the ballots to the Secretary. During the period of time allotted for such votes, the business of the convention shall continue without interruption.

Rule ~~3~~**5**: Debate Procedure

Rule ~~4~~**6**: Agenda

Rule ~~5~~**7**: Consent Calendar

Rule ~~6~~**8**: "No Debate" Items

Rule ~~7~~**9**: Bylaws Committee

Rule ~~8~~**10**: Platform Committee

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Rule ~~9~~11: Resolutions**Rule ~~10~~12: Election of National Convention Delegates****Rule ~~11~~13: Election of Party Officers*****Section 2***

Delegates shall make nominations from the floor. Each candidate shall be allowed one nominating speech and one seconding speech, made by delegates. The total time for both speeches shall not exceed five minutes. After delegates give the nominating and seconding speeches, the candidate may then speak for a maximum of ten minutes.

Elections will be conducted using Instant Runoff Voting (IRV). For each office, to be elected to the office, a candidate shall receive a majority vote of all of the ballots cast. Delegates may rank their candidate choices on their ballots in order of preference, such as First Choice, Second Choice, Third Choice, and so on. ***Delegates*** **Each delegation Chair** shall turn in all individual ballots to the Secretary **along with the tabulation of the first choice votes. When all delegations have submitted their votes, the Secretary shall declare the voting closed.** In cases in which no candidate receives a majority of First Choice votes, the candidate with the least number of votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots and the ballots are recounted. If no candidate yet has a majority of votes, the process of eliminating the candidate with the least number of votes, redistributing according to the next choice on those ballots and then recounting, shall be repeated until one candidate has a majority. Lack of a majority vote for one candidate or a majority vote for “None of the Above” shall cause nominations for that office to be reopened.

If there is only one candidate for an office, the election will be conducted by voice vote, with the choice between the candidate and None of the Above.

Rule ~~12~~14: Election of Area Coordinators

For the offices of Area Coordinators, delegates from each office’s respective area shall make nominations from the floor. Each candidate shall be allowed one nominating speech and one seconding speech, made by delegates. The total time for both speeches shall not exceed five minutes. After delegates give the nominating and seconding speeches, the candidate may then speak for a maximum of five minutes.

Elections will be conducted using Instant Runoff Voting (IRV). For each office, to be elected to the office, a candidate shall receive a majority vote of all of the ballots cast. Delegates from each office’s respective area may rank their candidate choices on their ballots in order of preference, such as First Choice,

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Second Choice, Third Choice, and so on. *Delegates* Each delegation Chair shall turn in all individual ballots to the Secretary along with the tabulation of the first choice votes. When all delegations have submitted their votes, the Secretary shall declare the voting closed. In cases in which no candidate receives a majority of First Choice votes, the candidate with the least number of votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots and the ballots are recounted. If no candidate yet has a majority of votes, the process of eliminating the candidate with the least number of votes, redistributing according to the next choice on those ballots and then recounting, shall be repeated until one candidate has a majority. Lack of a majority vote for one candidate or a majority vote for “None of the Above” shall cause nominations for that office to be reopened.

Rule ~~13~~ 15: Election of At-Large Executive Committee Members

Delegates shall make nominations for the at-large Executive Committee members from the floor. All State Central Committee members shall be eligible for nomination. Each candidate shall be allowed one nominating speech no longer than two minutes, made by a delegate, and each candidate may also speak for no longer than two minutes. The election shall be conducted in the following manner:

- A. Each delegate may cast up to *five* four votes, but not more than one vote for any one candidate.
- B. Each delegation shall tabulate its total votes, and the delegation chair shall deliver a written total to the Secretary, along with the ballots cast. When all of the *delegates delegations* have submitted their votes, the Secretary shall declare the voting closed.

Rule ~~14~~ 16: Nominations and Endorsements of Candidates for Public Office

Rule ~~15~~ 17: Amendments

Bylaw as Amended:

Bylaw 4: Definitions

- A. “Registered Libertarian”: A person who is registered as a Libertarian per the California Elections Code. All registered voters will be considered Members of the Party and eligible to vote for State Central Committee Members.
- B. “State Central Committee member”: A person who is eligible to vote on Party business consistent with these Bylaws and Convention Rules.
- C. “County Central Committee member”: A person who is eligible to vote

Legend

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on county party business consistent with the County Bylaws.

- D. “Sustaining Member”: A person who is eligible to be elected as a State Central Committee member. Individuals may become sustaining members by:
1. Becoming a holder of California public office that is subject to election other than County Central Committee, or
 2. Making application and paying such dues as prescribed by the Executive Committee. The Executive Committee may authorize participation in a joint membership arrangement with the national Libertarian Party for the purpose of satisfying the dues requirement, or
 3. Are a Life member.
- E. Certification: “I certify that I oppose the initiation of force as a means of achieving political or social goals.” Certification shall be required to be a sustaining member or a member of the State or County Central Committee. Individuals who have executed previous versions of the certification shall also meet this requirement.
- F. “Delegate”: A person who is a State Central Committee Member voting at convention.
- G. “Alternate”: A person who meets the qualifications for being a State Central Committee Member and who may be substituted for a Delegate.
- H. All references in these Bylaws and Convention Rules to “mail,” “written notification,” or similar terms shall be considered to include electronic communications.

Bylaw 5: Membership

Section 1

Individuals may become members of the State Central Committee by:

- A. Becoming a Sustaining Member of the party, and
- B. Begin a registrant of the Libertarian Party if eligible, and
- C. One of the following:
 1. Being selected as a State Central Committee member by a County Central Committee per Bylaw 9, or
 2. Becoming a holder of California partisan or non-partisan office that is subject to election, or
 3. Being a member of the State Executive Committee, or

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4. Being a Libertarian National Committee Representative, or
5. Being a member of the Judicial Committee, Bylaws Committee, Program Committee or Platform Committee Coordinator, or
6. Being the Chair of a Standing Committee as designated in the Party's Operating Procedures Manual, or
7. Being a past Chair of the Libertarian Party of California, or
8. Being appointed by an elected member of the State Executive Committee.

No State or County Central Committee member shall be a registrant or hold office in any political party other than the Libertarian party.

Section 2

The Executive Committee shall establish associate, non-voting membership for those persons ineligible or unwilling to become sustaining members.

Section 3

All Party candidates for public office, Executive Committee members, county Party office holders, Libertarian National Committee representatives, and Judicial Committee members shall be registered in the Libertarian Party in California if eligible.

Section 4

The Secretary automatically shall terminate a State Central Committee membership if that member requests in writing such termination, or if, except for State Central Committee members elected to public office, that member fails to remit prescribed dues by that member's renewal date.

Section 5

The Executive Committee shall have the power to suspend a State Central Committee membership for failure to maintain all the qualifications of membership established in Section 1, or for cause. The member under consideration of suspension shall be given notice prior to any action taking place. Notification of the cause of suspension shall be given to the individual member and the County Central Committee officers that the member is associated with within five days of the suspension. Notification of the suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the State Central Committee membership, but does not automatically suspend County Central Committee membership. The Executive Committee may reinstate memberships terminated under this section. The term "cause" as used in this section shall include but not be limited to the following:

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Additions are noted in blue bold underline.

- C. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates; or
- D. Having unpaid debts over ninety days old outstanding to the Party.

Section 6 (2/3 required to amend)

Upon appeal by a County or State Central Committee member, the Judicial Committee shall hold a hearing concerning the suspension. Following the hearing, the Judicial Committee shall rule either to terminate the membership or to restore the membership.

Bylaw 6: Membership Lists

Section 1

The Executive Committee shall provide one copy of a County Central Committee's sustaining membership list monthly to that county organization's Secretary or designated officer at no charge, or by mutual arrangement, or to any other officer of that county at cost within ten days of a request.

The Executive Committee may also provide mailing lists to individuals or groups, but not to any government official or government agency. Counties may exchange lists.

Section 2

The Executive Committee shall provide membership lists to the national Libertarian Party, a Libertarian candidate, campaign committee, or initiative committee, or an interested Party member in conjunction with Party activities that facilitate the Party organization under the following conditions:

- D. Three Party officers or two County Central Committee officers give approval to the request,
- E. The requesting individual or group agree to pay the amount for receiving the list in effect at the time of the request as established by a current Standing Resolution of the Executive Committee, and
- F. The requesting individual or group agrees to terms, in effect at the time of the request as established by a current Standing Resolution of the Executive Committee that are solely intended to assure that the membership list is not to be used for any other purpose, nor sold or furnished to any other group, organization, government official or agency.

Section 3

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If maintenance of the State membership database is delegated to someone other than the Secretary, the Secretary and the Chair shall be provided with current membership information in keeping with their Party duties.

Bylaw 7: Dues Sharing

The state Party and the county Parties are encouraged to actively pursue new sustaining and associate members and renewing memberships. As of July 1, 2013, dues collected by the state or county Parties shall be shared as follows.

Section 1: New Membership Dues

A new sustaining or associate member is one who has no membership record in the state Party's database at the time they pay annual membership dues. The state or county Party organization that collects annual membership dues from a new sustaining or associate member shall retain 100% of that member's dues for their first year of membership.

Section 2: Renewing Membership Dues

A renewing sustaining or associate member is one who has a record of membership in the state Party's database at the time they pay their dues. The state and county Party organizations shall split the renewal membership dues 50/50.

Section 3: Collection of Dues

Collection of dues includes receiving cash, checks, money orders, authorized billing information, or other consideration approved by the state Party Chair, as well as donations through online services that are initiated directly from the organization's website or e-mail appeal.

Section 4: Duration of Membership

Annual sustaining or associate membership dues are good from the date the collecting organization receives the payment, or from the date of payment to an online payment service. Membership expires at the end of the last day of that month in a subsequent year. Annual sustaining or associate membership can be renewed for no more than two years from the end of the month in which the dues are collected.

Section 5: Qualification for Renewing Membership

Members may renew their expired sustaining or associate membership if they are not removed from the State Central Committee for cause, or for as long as their record is not removed from the state Party's database, and their membership expiration date will be as described in Bylaw 7: Dues Sharing, Section 4: Duration Of Membership. Donors who have no membership record shall join as new members.

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Bylaw 9: County Organizations

Section 1

The Party shall be divided into County Central Committees with each county having no more than one recognized organization.

Section 2

Each County Central Committee shall select its State Central Committee members from its own members, as defined by the County Central Committee Bylaws. The number of State Central Committee members elected to represent each County Central Committee shall be determined as follows:

- E. One State Central Committee member for each 0.5%, or fraction thereof that its sustaining membership represents of the total number of sustaining members of all county central committees.
- F. One State Central Committee member for each 1% or fraction thereof of the total registered Libertarian voters in that county of the total number of registered voters in that county.
- G. The Party Secretary shall calculate the number of State Central Committee members that each County Central Committee can elect no more than thirty (30) days after each Party annual convention using the most current sustaining membership information and the most current voter registration records received from the California Secretary of State.
- H. The Secretary of each County Central Committee organization shall notify the Party Secretary of their State Central Committee members no less than one hundred and twenty (120) days prior to the Party's annual convention.

A County Central Committee shall elect its State Central Committee members in accordance with the County Central Committee's Bylaws, which could include Central Committee members being elected by the registered Libertarian voters in that county during the primary elections in even number years, caucus or convention. If the County's Bylaws doesn't specifically state the manner which State Central Committee Members are selected, they shall be selected at the Annual Meeting of the County Central Committee.

The County Secretary shall notify the State Chair one hundred and fifty (150) days prior to the Primary Election in even numbered years the method they will select their Central Committee Members. The State Chair shall notify

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the California Secretary of State and the County Registrars one hundred and thirty-five (135) days prior to the Primary Election in even numbered years, per the California Election Code §7770.

A State Central Committee member may be a member of only one County Central Committee, which does not have to be the Committee of the county of the member's residence.

Section 3

County Central Committees shall conduct their business in any manner they choose consistent with these Bylaws and the national Bylaws. County Central Committees may endorse only those candidates for public office in any partisan or non-partisan election whose political party affiliation is "Libertarian."

Section 4

The appropriate Area Coordinator may appoint a county Chair Pro Tem for any county in which there is no active county organization. It shall be the responsibility of said Chair Pro Tem to promote the development of a county organization within that county.

Section 5

Each County Central Committee may maintain one or more campaign finance funds independent of any campaign finance funds maintained by the State Central Committee or any other Committees of the Party.

Each County Central Committee shall be responsible for compliance with any applicable election and campaign finance laws.

Section 6

A county Central Committee is deemed as having selected its officers and State Central Committee members only if an election notice has been mailed to its sustaining members and registered Libertarian Voters in that county at least thirty days but no more than sixty days in advance of that election. State Central Committee members shall be elected by all members, which will include County Central Committee Members and registered Libertarian voters in the county that participate in the meeting. The election notice shall also be sent to and received by the Party Secretary at least thirty days in advance of the election. Such notice shall specify the reason for the meeting and a time and place reasonably accessible to its membership. An election shall be held every year. The results of the election shall be reported to the Party Secretary within fifteen days after the election. Any member of that County Central Committee may challenge the legality of an election by bringing the issue before the Judicial Committee. The Executive Committee may declare a county organization to be inactive if it fails to hold elections in

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accordance with this section.

Bylaw 10: Officers

Section 2

No state offices shall be combined. No state officer shall:

- A. Be ineligible to be a State Central Committee member as defined in Bylaw 5, Section 2.
- B. Use any office in the Party to support a candidate of another political party.

Bylaw 19: Convention

Section 3

Delegates and Alternates to the convention shall be elected by the County Central Committees. The number of delegates for each county is equal to the number of State Central Committee members in that county per Bylaw 9.

- A. Duly-selected Alternates may be freely substituted for any members of their delegation who are temporarily or permanently absent from the floor, provided the procedure has been clearly specified by the County Central Committee in advance of the Convention, and the Credentials Committee has been provided with lists of the County's Delegates and Alternates as well as a copy of the county's rules governing substitutions.
- B. An Alternate, upon certification by the Credentials Committee, may function as a Delegate whenever a Delegate of the same county has not been registered as being in attendance. This status shall continue until the absent Delegate registers as being in attendance.
- C. Each county delegation shall insure that only registered Delegates vote on party business and that no more than the county's allotment of Delegates is voting at any time during the convention.

CONVENTION RULES

Rule 3: Voting Eligibility (add and renumber)

All Delegates in good standing shall be eligible to vote on all matters. In order to vote on a given matter, a delegate must be present on the floor at the time that the vote is taken. Each delegate present shall have one vote. Any delegate from a county as provided in Bylaw 19, Section 3 may be replaced by an alternate from that county with the consent of the county delegation.

Rule 4: Polling Procedure (add and renumber)

- A. Convention seating will be by county. Each county's delegates shall elect a representative for their county to act as the delegation chair. If any

Legend

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- delegate challenges the vote reported by any county's representative, the Secretary shall poll the delegates from that county individually.
- B. In all cases where a roll call vote is required, polling shall be conducted by county. The Secretary will solicit the vote from each county delegation in alphabetic order. A representative for each delegation shall report the vote for that delegation.
 - C. In cases where ballots are used, each delegate must submit their ballot to the delegation chair. After verifying that the number of votes cast does not exceed the number the county is entitled to, the chair of each delegation shall submit the ballots to the Secretary. During the period of time allotted for such votes, the business of the convention shall continue without interruption.

Rule 5: Debate Procedure

Rule 6: Agenda

Rule 7: Consent Calendar

Rule 8: "No Debate" Items

Rule 9: Bylaws Committee

Rule 10: Platform Committee

Rule 11: Resolutions

Rule 12: Election of National Convention Delegates

Rule 13: Election of Party Officers

Section 2

Delegates shall make nominations from the floor. Each candidate shall be allowed one nominating speech and one seconding speech, made by delegates. The total time for both speeches shall not exceed five minutes. After delegates give the nominating and seconding speeches, the candidate may then speak for a maximum of ten minutes.

Elections will be conducted using Instant Runoff Voting (IRV). For each office, to be elected to the office, a candidate shall receive a majority vote of all of the ballots cast. Delegates may rank their candidate choices on their ballots in order of preference, such as First Choice, Second Choice, Third Choice, and so on. Each delegation Chair shall turn in all individual ballots to the Secretary along with the tabulation of the first choice votes. When all delegations have submitted their votes, the Secretary shall declare the voting closed. In cases in which no candidate receives a majority of First Choice votes, the candidate with the least number of votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the

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next choice indicated on those ballots and the ballots are recounted. If no candidate yet has a majority of votes, the process of eliminating the candidate with the least number of votes, redistributing according to the next choice on those ballots and then recounting, shall be repeated until one candidate has a majority. Lack of a majority vote for one candidate or a majority vote for “None of the Above” shall cause nominations for that office to be reopened.

If there is only one candidate for an office, the election will be conducted by voice vote, with the choice between the candidate and None of the Above.

Rule 14: Election of Area Coordinators

For the offices of Area Coordinators, delegates from each office’s respective area shall make nominations from the floor. Each candidate shall be allowed one nominating speech and one seconding speech, made by delegates. The total time for both speeches shall not exceed five minutes. After delegates give the nominating and seconding speeches, the candidate may then speak for a maximum of five minutes.

Elections will be conducted using Instant Runoff Voting (IRV). For each office, to be elected to the office, a candidate shall receive a majority vote of all of the ballots cast. Delegates from each office’s respective area may rank their candidate choices on their ballots in order of preference, such as First Choice, Second Choice, Third Choice, and so on. Each delegation Chair shall turn in all individual ballots to the Secretary along with the tabulation of the first choice votes. When all delegations have submitted their votes, the Secretary shall declare the voting closed. In cases in which no candidate receives a majority of First Choice votes, the candidate with the least number of votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots and the ballots are recounted. If no candidate yet has a majority of votes, the process of eliminating the candidate with the least number of votes, redistributing according to the next choice on those ballots and then recounting, shall be repeated until one candidate has a majority. Lack of a majority vote for one candidate or a majority vote for “None of the Above” shall cause nominations for that office to be reopened.

Rule 15: Election of At-Large Executive Committee Members

Delegates shall make nominations for the at-large Executive Committee members from the floor. All State Central Committee members shall be eligible for nomination. Each candidate shall be allowed one nominating speech no longer than two minutes, made by a delegate, and each candidate may also speak for no longer than two minutes. The election shall be conducted in the following manner:

Legend

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- C. Each delegate may cast up to four votes, but not more than one vote for any one candidate.
- D. Each delegation shall tabulate its total votes, and the delegation chair shall deliver a written total to the Secretary, along with the ballots cast. When all of the delegations have submitted their votes, the Secretary shall declare the voting closed.

Rule 16: Nominations and Endorsements of Candidates for Public Office

Rule 17: Amendments

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Legend

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Submitted By: Mimi Robson, Los Angeles County

Reason:

This amendment will only be presented if the amendment to redefine the State Central Committee fails. Amending Bylaw 5, Section 5 will ensure that in the case of a membership suspension both the suspended member and the County Central Committee the member is associated with will be given notification of the cause of suspension within five days of the suspension.

Bylaw Amendment Proposal:

Bylaw 5: Membership

Section 5

The Executive Committee shall have the power to suspend a County or State Central Committee membership for failure to maintain all the qualifications of membership established in Section 1, or for cause. The member under consideration of suspension shall be given notice prior to any action taking place. Notification of the cause of suspension shall be given to the individual member and the County Central Committee officers that the member is associated with within five days of the suspension. Notification of the suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the membership. The Executive Committee may reinstate memberships terminated under this section. The term “cause” as used in this section shall include but not be limited to the following:

- A. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates; or
- B. Having unpaid debts over ninety days old outstanding to the Party.

Bylaw as Amended:

Bylaw 5: Membership

Section 5

The Executive Committee shall have the power to suspend a County or State Central Committee membership for failure to maintain all the qualifications of membership established in Section 1, or for cause. Notification of the cause of suspension shall be given to the individual member and the County

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Central Committee officers that the member is associated with within five days of the suspension. The member under consideration of suspension shall be given notice prior to any action taking place. Notification of the suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the membership. The Executive Committee may reinstate memberships terminated under this section. The term "cause" as used in this section shall include but not be limited to the following:

- A. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates; or
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