

## LIBERTARIAN PARTY OF FLORIDA PRE-CONVENTION PARLIAMENTARY NOTES AND ADVICE

February 24, 2022

Steve and Josh:

It was great talking with you today, and I am glad I was able to alert you to some potential issues. As we discussed, my biggest concerns were clear ambiguities in the amendment provisions for both the LPF Constitution and Bylaws. Please feel free to share all or any part of this with Mr. Sellers or any other involved parties.

### Amendment of Bylaws

Article V

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A. When a proposed amendment is accepted by the Rules Committee and approved by majority of the voting members of greater than 50% of the county affiliates; or

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The issue is that the second part can be interpreted, at a minimum, in these ways:

1. The majority of voting members of a number of counties that is greater than 50% of the total counties even if one of those counties was vastly larger than the others and nearly every one of the votes came from that county.
2. There needs to an actual majority in each of the counties that make up at least 50% of the county affiliates.
3. The two prior scenarios can be applied either to voting members that are present at the LPF convention or are part of the voting members of the counties whether present at the convention or not (in order to determine if there are at least 50% of said members).
4. The majority of counties can mean the number of counties affiliated or the number of affiliated counties who sent members to the convention.
5. The issue of “present” at convention also presents the issue as to whether this means *present in the room* **or** *registered as being present at the convention*. The number from which the percentage is derived for quorum purposes per RONR is determined by the number of delegates registered as present, not the number who happen to be present in the room at any one time which would be incomprehensible.

I am not sure what was originally intended so I offer some proposed amendments depending on what is desired to be accomplished.

**I would highly recommend that wherever actual attendance or “presence” is used that it is calculated using registration numbers as that is a known and catalogued quantity, not the floating number of people actually present in the room.**

***If it is intended that an actual majority from each of the voting members registered at convention from a majority of the affiliated counties pass the amendment, then I would suggest this:***

A. When a proposed amendment is accepted by the Rules Committee and approved by a majority of the voting members registered at the annual convention from each of affiliated counties representing greater than 50% of the total number of affiliated county affiliates in the state; or

***If it is intended that an actual majority from each of the voting members registered at convention from a majority of the affiliated counties who actually have members present at convention pass the amendment, then I would suggest this:***

A. When a proposed amendment is accepted by the Rules Committee and approved by a majority of the voting members registered at convention from each of affiliated counties representing greater than 50% of the total number of affiliated county affiliates who have at least one member present at the annual convention; or

There are many other permutations, but I think one of the above is likely what was intended, but if I am mistaken, please let me know, and I can recommend other language.

#### **Amendment of Constitution**

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Section 2. Amendments to the Constitution may be made in the following manner:

A. Amendments must be published among the LPF’s official, public, and functioning website for notification of all members in good standing, thirty (30) days prior to the Annual Business Meeting and passed by two-thirds of the members present at that meeting.

The problem is (as described above in the Bylaws discussion) that the phrase “present” is ambiguous as to whether it means people present in the room or registered as present at convention. The latter meaning is recommended though it may not what was intended or how

most people would read this. I do believe registration is the correct interpretation because of the phrase “at that meeting.” I would recommend this be amended to be clear.

***If it is intended that it just means delegates present in the room at the time the vote was taken:***

A. Amendments must be published among the LPF’s official, public, and functioning website for notification of all members in good standing, thirty (30) days prior to the Annual Business Meeting and passed by two-thirds of the members present in the meeting room of the Annual Business Meeting at the time the vote is taken.

***If it is intended that it means registered delegates for the convention (I recommend this):***

A. Amendments must be published among the LPF’s official, public, and functioning website for notification of all members in good standing, thirty (30) days prior to the Annual Business Meeting and passed by two-thirds of the members registered as being in attendance at the Annual Business Meeting.

**SINCE THE BYLAWS DO ALLOW AMENDMENTS FROM THE FLOOR, I RECOMMEND FIXING AT LEAST THAT AMBIGUITY AND REFERING THE CONSTITUTION AMENDMENT AMBIGUITY FOR CONSIDERATION BY THE RULES COMMITTEE FOR PRESENTATION AT THE NEXT CONVENTION.**

\*Please note however, the Party may want to consider putting some stricter requirements on allowing un-noticed motions from the floor to amend Bylaws. The looseness of this provision in the Bylaws is generally not recommended.

### **Hierarchy of Authorities**

In Constitution Article VIII, Section 4, it mentions that the standing rules are subservient to the Party’s parliamentary authority. Typically “standing rules” are items that do not have anything to do with parliamentary issues but rather deal with administrative issues, but it is common to mix in parliamentary items in a document by that title though those are more accurately “special rules of order.” The purpose of standing rules and special rules of order is to modify your parliamentary authority to suit the specific needs of the Party. By making them subservient to the parliamentary authority, that purpose is defeated. To the extent that any of the standing rules are actually special rules of order (and it appears that a few are), passing them has no effect since they would be superseded by RONR as per the Constitution. This does not seem like what was intended, and the Party should consider making the parliamentary authority the least in the hierarchy as is typical.

### **SOME GENERAL NOTES**

The Party's governing documents use both the phrases "convention" and "Annual Business Meeting." The Party should pick one and stick with it or make it explicitly clear that the two terms are equivalent.

Reference material, such as when amendments were passed, should NOT be part of the Constitution and Bylaws as footnotes or in the text. If the Party wishes to keep a revision log, it should be a separate reference document.

Legacy time-limited language should not be part of the governing documents. A good example is Section 1 of the Amendments portions of the Constitution which mentions the initial adoption back in 1974.

### **MOTIONS FROM THE FLOOR**

In Motion Number 2022-ABM-BF02 by Ms. Slafter, the precise location where the paragraph on the proposed new Information Technology Committee is asked to be inserted.

In Motion Number 2022-ABM-CF01, there is a typo by Mr. Peele where it first says the amendment is Constitution Article III, Section 4, Subsection E but then says it is to Constitution Article III, Section 4, Subsection F.

### **RULES COMMITTEE PROPOSALS**

In Motion Number 2022-ABM-C04, it mentions deletion of this paragraph:

*A Deputy Secretary may be elected under the same conditions and procedures as the Secretary. If the Secretary office is vacant, the Deputy Secretary shall automatically become the Secretary.*

However, I cannot find that language anywhere in the published Constitution (or any other document).

It might also be advantageous to make it clear that unless they assume the actual positions of Secretary or Treasurer, the Deputy Secretary and Deputy Treasurer are not voting board members.

Regarding Motion Number 2022-ABM-B03 which codifies delegation selection procedures, it is often a good idea to put in a proviso that this would not take effect until the next convention rather than change or codify rules midstream and let the delegates at this convention decide on the rules for this convention. Much controversy can be traced to proposals that appear to change or create permanent rules midstream.

Regarding Motion Number 2022-ABM-B05, it seems that this would allow the board to select the delegates that would normally be elected at convention. This is not generally a good idea and causes resentment and challenges.

**AGENDA**

The election of national delegates and periodic credentials updates need to be added.

**DISCLAIMER:**

This all is simply my advice and observations. Only the Party and its delegates know what is best for the Party, and it is not my intention to interfere in any manner.

**SOME GENERAL NOTES FOR JOSH:**

Never hesitate to ask the convention to stand at ease while you consult with me as parliamentarian, but remember, no matter my advice, the decision is always yours. I am just there to advise you. I will have script cards for you to assist in motions that you may not be familiar with or are unusual in other ways. If there is anything else at all you need for me to prepare for you either before or during convention, please do not hesitate to ask.

In Liberty,  
Caryn Ann Harlos, Registered Parliamentarian