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## | Bylaws

# BYLAWS

(As amended on May 29, 2018)

### Preamble

The purpose of these bylaws is to provide the Libertarian Association of Massachusetts (“Organization”) with an organizational structure that will:

1. Recruit candidates and help libertarians to run for office;
2. Organize and support local and topical libertarian groups;
3. Perform non-electoral political acts, e.g., referenda, lobbying, and litigation;
4. Recruit members, helping them to do politics;
5. Educate the public on libertarian political directions;
6. Create circumstances favorable to attaining the Organization’s objective, by creating politically-effective legally-independent PACs, 527 organizations, and nonprofit or for-profit organizations;
7. Raise and spend money to do its work; and

8. Perform needed internal operations.

## **Article I. Membership**

### 1. Eligibility for Membership

Members are all dues-paying persons in Massachusetts, and all non-dues paying Associate members.

### 2. Responsibilities of Members

Members are responsible for informing the Membership Secretary of address changes in a timely way.

### 3. Termination of Membership

All memberships expire on the last day of a calendar month.

The State Committee may for cause by 2/3 secret ballot vote of the entire State Committee expel a person from membership in the Libertarian Association of Massachusetts; an expelled person must receive a 2/3 secret ballot favorable vote from the State Committee to rejoin.

### 4. Memberships Generally

The State Committee may by majority vote set the dues for any category of membership.

### 5. Communications with Members

The Organization may from time to time send additional notices or items to some or all members. In doing so, it may use any transmission medium appropriate to the notice or item.

### 6. Interpretation of Article III section 3 of the Constitution

The Organization interprets the phrase "member of the National Libertarian Party, as defined by the Libertarian National Committee charter and bylaws," to mean that the

person has signed the membership pledge of the National Party, in the form extant on the date of adoption of the Organization Constitution.

## 7. Affiliates

An Affiliate is a person who has provided the Organization with their name and email address, and who wishes to be recorded as an affiliate. Affiliates are sent such information and publications as the State Committee may choose. Affiliates are not Members.

## **Article II. State Convention**

### 1. Date of Convention

The State Committee shall hold a state convention in October of each year. The State Committee is responsible for scheduling, organizing, and publicizing the convention. It may delegate tasks to such persons as it chooses, but remains responsible for the State Convention's conduct.

### 2. Notice To Include Writing

At least thirty days before a State Convention is held, the State Committee will notify all Organization Members whose dues are current, of the date, location, and time of the State Convention and the next National Convention. This notification may be sent by whatever forms of communication are likely to reach all members, which shall include printed notification to each member.

### 3. Eligibility To Participate

Only persons who are Members of the Organization whose dues are current, and who joined the Organization at least one month prior to the date of the state convention, are eligible to vote or participate in the business meeting at the state convention. Persons who were: 1) dues-paying Members of the Organization within the past three years, but whose dues are not current, or 2) persons who are Sustaining Members of the National Party, and who were Sustaining Members of the National Party at least one month prior to the state convention, may join or renew their Organization Membership at the state convention by paying their yearly dues. They may then participate in the business meeting at the State Convention.

#### 4. Required Agenda

It shall be out of order to adjourn the State Convention (i) before the new State Committee is elected, and (ii) if the national Convention occurs prior to the next State Convention, before at least one delegate to the next National Convention is elected.

The State Convention agenda shall include at least fifteen minutes for presentation of Amendments to the Constitution and Bylaws. All amendments must be presented to the Corresponding Secretary, by paper or electronic mail, at least 14 days prior to the day of the State Convention, must be posted by the Secretary in a publicly-accessible LPMA-controlled electronic forum at least seven days before the day of the state convention, and must be seconded from the convention floor, before they may be considered. Amendments to amendments made from the convention floor must be germane.

#### 5. Election of State Committee

To elect the new State Committee, the chair asks for nominations from the floor. Self nominations are allowed. Seconds are not required for nominations. Each nominee must accept nomination, or must have submitted to the Recording Secretary a written statement stating that their nomination will be accepted, before their nomination is valid. Nominations for persons ineligible to serve are invalid. When no more nominations are forthcoming from the floor, the Chair invites nominees to speak. Each nominee is allowed up to two minutes to speak. If a nominee is absent, they may designate a substitute to speak for them for up to two minutes. Persons eligible to vote are then given one hour to cast their votes. The Convention may recess or engage in other business during this time. If a recess is taken, the time counts toward the hour, but the convention must be back in session at least ten minutes prior to the close of voting. A ballot collector or collectors and location must be specified, and must remain supervised through the voting period. Votes for persons other than nominees are not valid.

#### 6. Voting for State Committee

Each person present and eligible to vote at the State Convention may cast a ballot for electing State Committee members. The ballot will list the names, and a vote of YES, NO, or ABSTAIN for each nominee. If a particular candidate is not listed on a particular ballot, the vote is recorded as "ABSTAIN".

## 7. Procedure in Case of Failure to Elect

The nominees who receive the most votes, computed as number of YES votes minus number of NO votes, are elected, up to a total of nine persons elected. If there is a tie, in such a way that not all persons in the tie can be elected without exceeding the size limit of the State Committee, a fresh vote is taken with only the persons in the tie placed on the ballot. The nominees who receive the most votes, computed as number of YES votes minus number of NO votes, are again elected, up to a total of nine persons elected in both rounds of voting. If there is a further tie, in such a way that not all persons in the tie can be elected without exceeding the size limit of the State Committee, the persons in the tie are not elected.

## 8. Manner of Voting

Proxy votes are not allowed at the State Convention. However, a person who is in attendance at the State Convention, and who is eligible to vote, may cast a ballot for state committee at any time prior to the close of voting, even if nominations have not yet been completed.

## 9. Special State Conventions

### a. Call by the State Committee

The State Committee may by two-thirds vote call a Special State Convention to resolve questions that in its judgement require a decision of the membership. The State Committee shall give thirty days notice to all members eligible to vote at the Special State Convention that there is a Special State Convention, including time and place. To be eligible to vote at a Special State Convention, a person must have been a member in good standing of the Libertarian Association of Massachusetts on the date of mailing of the call to the Special State Convention.

### b. Agenda

The Agenda of the Special State Convention, including necessary Rules of Business, shall be transmitted by the State Committee to all members with the call to the convention. The Agenda may not be amended by the insertion of topics or issues not germane to the issues proposed in the original agenda.

### **Article III. Candidates**

#### 1. (CONVENTION 2008) Declaration of Independence

Resolved that the Libertarian Association of Massachusetts is a free and independent body, and as such, it reserves the right to accept or reject any candidate chosen by the Libertarian National Party, or other entity with which the LAMA chooses to affiliate; and if a nationally chosen candidate is rejected, to run no candidate, or such alternative candidate as it may choose.

#### 2. (CONVENTION 2008) Candidate Prioritization

The State Committee shall prioritize running candidates for offices funded by the OCPF account over those funded by the FEC account.

### **Article IV. State Committee**

#### 1. Eligibility for State Committee

Eligibility to be elected or serve as a Member of the State Committee is governed by Article IV, section 8 of the Constitution.

#### 2. Privileges of State Committee Members

Each Member of the State Committee has one vote on all motions before the State Committee. At the Chair's discretion, votes taken by the Members of the State Committee may be cast electronically through a method prescribed by the Technology Director that meets the following requirements:

- a. Each Member of the State Committee shall be informed immediately upon the opening of voting for each vote taken.
- b. Voting shall not be open for a duration longer than seven (7) days.
- c. There shall be no mechanism by which a Member of the State Committee can alter their vote once it has been cast.

### 3. Responsibilities of State Committee Members

Each Member of the State Committee shall diligently work with all other Members to advance the interests of the Organization.

Each Member of the State Committee shall diligently seek to attend all State Committee meetings. A State Committee Member who misses three consecutive meetings shall be deemed to have resigned from the State Committee.

Each Member of the State Committee shall disclose in writing to the full State Committee any and all conflicts of interest.

No Member of the State Committee shall endorse or support a candidate of another party in a Libertarian party primary, or in a partisan race in which a Libertarian Party member is a candidate. This Bylaw does not apply to the immediate family or significant others of State Committee Members. This Bylaw does not apply to State Committee Members supplying commercial services as part of and during the course of their usual and regular business.

### 4. Discipline of State Committee Members

Discipline of State Committee Members is governed by Article IV, section 10 of the Constitution.

### 5. (CONVENTION 2007) Platform Presentation

In presenting the platform to the public, the State Committee shall re-order the planks to group them by subject and present them with appropriate subject headings.

### 6. (CONVENTION 2009) Use of Party Name

The name change from Libertarian Party to Libertarian Association was made out of an abundance of caution regarding the State law that defines a "political party." The Organization shall continue to publicly use the name "Libertarian Party of Massachusetts."

### 7. Restrictions on manner and use of funds

#### a. Appropriation required

State Committee funds may only be spent after authorization by the State Committee. Authorizations are by majority vote of the Committee. Consistent with FEC and OCPF reporting standards, the State Committee shall maintain all financial records and reports on a cash basis.

#### b. Long-term obligations

To make a contract that persists more than three months beyond the next Regular State Convention, the State Committee must sequester enough money from its current Treasury to pay the full cost of the contract. The State Committee may not vote to sequester in total more than 15% of the State Committee's funds to pay contracts. While, as a result of changes in fund balances, more than 15% of the State Committee's funds are sequestered, the sequestered funds remain sequestered, but no additional funds may be sequestered. If money has been raised to pay for a project, and is sequestered to pay for that project, that money when sequestered does not count against the 15% limit.

#### c. Neutrality

State Committee funds and employees may not be used to support candidates for election to the State Committee.

#### d. Employment

State Committee Members may not be paid for their work for the State Committee. They may be reimbursed for reasonable expenses if the State Committee approves funds for the purpose.

#### e. Self-dealing

Firms owned by State Committee Members may do business with the State Committee, but the State Committee or its designees shall demonstrate to the Membership that the State Committee is paying no more than normal commercial rates.

#### 8. Suspension



The State Committee may not vote to suspend the Bylaws.

## 9. Rules of Order

All State Committee Meetings are run under Francis and Francis Democratic Rules of Order as interpreted by the voting members of the Committee unless specifically otherwise provided. Application of the Rules of Order shall facilitate, not obstruct, the advance of business.

## **Article V. Bylaws, Rules, and Amendments**

[This section intentionally left blank.]

## **Article VI. Delegates to National Convention**

### 1. Eligibility

Eligibility of persons to be elected as delegates to a National Convention is governed by Article IV, section 6 of the Constitution.

### 2. Privileges of Delegates

A delegate may promise their vote for or against a candidate, but such promises are not enforceable except by the delegate's conscience.

### 3. Responsibilities of Delegates

No Region formation agreement involving Massachusetts may be approved by any person unless the exact agreement has already been approved by the State Committee or the National Convention Delegation; however the National Convention Delegation shall not form a region if a region including Massachusetts has already been formed.

State Committee approval or disapproval is by majority vote at a properly called State Committee meeting held in Massachusetts. National Convention Delegation approval requires an affirmative majority vote by an absolute majority of all persons appointed by the State Convention to serve as Massachusetts delegates, as described elsewhere in these Bylaws, and who are in attendance at the National Convention.

The Libertarian Association of Massachusetts henceforth deems any agreement purporting to bind Massachusetts but signed without voted approval to be invalid, as a violation of the party statement of principles, namely as a use of fraud for political purposes.

#### 4. Discipline of Delegates

[This section intentionally left blank.]

#### 5. Election at the State Convention

Delegates are nominated from the floor of the convention. Any person eligible to vote at the State Convention may make up to two nominations. Any person eligible to serve may rise and state that they volunteer to serve as a delegate; volunteering counts as a nomination. Nominations do not require seconds.

Before any votes are taken, each nominee may speak to, and be questioned by the delegates. The time allotted to each delegates for statements and questions shall be set by the chair, to be the same for all delegates and strictly enforced, but not to be less than one minute. After each nominee has spoken, nominations are declared closed. The time between which nominations are closed and ballots are accepted shall be at least two hours.

Election of National Convention delegates is made by approval voting. Each person in attendance at the State Convention and eligible to vote may cast votes for as many persons as Massachusetts is entitled to send delegates. The nominees who receive the most votes, up to the number of delegates that Massachusetts is entitled to send to the National Convention, are elected. No nominee shall be considered elected if they do not achieve 50% of the votes at the convention. Remaining nominees, up to a number equal to the number of delegates that Massachusetts is entitled to send to the National Convention, are elected as alternates.

If any part of the number of delegates that Massachusetts is entitled to send to the National Convention has not been computed by the National Libertarian Party prior to the State Convention, the Recording Secretary shall make the identical computation based on the most recent election or membership data available at least two weeks prior to the convention. Delegates will be chosen as stated in this section with the additional

consideration that the official delegate seats will be filled first by the ex Officio state committee members and the delegate candidates with the highest vote totals, and the conditional delegate positions will be filled next by the candidates with the next highest vote totals. If the official delegation is less than the conditional delegation, the delegates that were elected with the lowest vote totals will have their status changed to alternate, but they will have precedence over the other alternates for filling vacant delegate seats at the National Convention. In this case the number of alternates will be allowed to exceed the number of delegates.

The persons elected as Delegates or Alternates to the National Convention comprise the State Delegation.

## 6. Election Following the State Convention

Between the close of the most recent State Convention and the National Convention, the State Committee may by majority vote elect additional delegates or alternates to the National Convention as needed to complete the delegation. Within one week before the National Convention, the State Delegation may meet at the convention site and by two-thirds vote elect additional delegates or alternates to the National Convention as needed to complete the delegation. In the event that the number of delegates and alternates at the National Convention exceeds the number of delegates to which Massachusetts is entitled, delegates and alternates elected at the state convention shall be seated before delegates and alternates elected by the state committee, with delegates elected by the State Delegation being seated only after all other delegates are seated. To be elected as a Massachusetts Delegate by the State Committee or by the State Delegation, a person must have been eligible to be elected by the State Convention as a delegate.

## 7. Seating Order of Delegates

### a. Generally

In the event that more persons are present at the National Convention, wishing to be seated as delegates, than there are available seats, delegates shall be seated in the following order:

i. Current State Committee Members who exercised their right to be named as delegates ex-officio at the State Convention.

- ii. All other persons elected as delegates at the State Convention.
- iii. All persons elected as alternates at the State Convention.
- iv. Other State Committee Members.
- v. Any person elected as a delegate by the State Committee after the State Convention, but before the National Convention.
- vi. Any person elected as an alternate by the State Committee after the State Convention, but before the National Convention.
- vii. Any person elected as a delegate by the State Delegation at the National convention.
- viii. Any person elected as an alternate by the State Delegation at the National convention.

b. Intra-class order

With each of the above classes of person, the order of seating shall be:

- i. State Committee members-in order of total votes received for their own election.
- ii. Persons elected by the convention-in order of total votes received.
- iii. Persons elected by the State Committee or the State Delegation-in chronological order of election.

c. Remaining conflicts

Any conflict in seating remaining, after the above priorities have been applied, shall be resolved by the Chair of the State Delegation or their designee using a draw of playing cards or other agreeable method of random selection.

## **Article VII. State Committee Officers**

### 1. Eligibility

Pursuant to Article IV, section 2 of the Constitution, the Officers of the State Committee are: the Chair, the Treasurer, the Recording Secretary, the Membership Secretary, the Political Director, the Operations Director, the Fundraising Director, the Communications Director, the Technology Director, and the Archivist.

Eligibility to be elected or serve as an Officer of the State Committee is governed by Article IV, section 8 of the Constitution. Officers are elected by majority vote of the voting Members of the State Committee.

Only Voting Members of the State Committee may serve as Chair, Political Director, Operations Director, Fundraising Director, or Treasurer. All other Offices may be held by any member of the Organization. Officers who are not Voting Members of the State Committee may speak in State Committee debates involving their areas of responsibility on the same basis as Voting members.

No person may concurrently serve as more than one of Political Director, Operations Director, or Treasurer. The Chair may not serve as Treasurer.

## 2. Privileges of Officers

Each Officer may form a committee of Organization members and other volunteers to help perform their duties, but the Officer remains entirely responsible for seeing that those duties are performed.

The primary signatory on Organization bank accounts shall be the Chair, or another State Committee member designated by the Chair and approved by majority vote of the State Committee. The Treasurer shall be a signatory, but shall not serve as primary signatory once the primary signatory has been legally established.

## 3. Responsibilities of Officers

### a. Generally

No Officer may spend or commit the spending of Organization funds unless those funds first have been appropriated by the State Committee. The State Committee may appropriate contingency funds for an Officer or Officers, to be spent as the Officer or Officers specify, subject to State Committee rules on documentation of expenditures. The

State Committee may authorize the payment of regularly recurring bills without separate appropriations.

b. The Chair

i. presides at all State Committee meetings at which they are present, unless they recuse themselves;

ii. proposes the agenda for all State Committee meetings;

iii. is the honorary spokesperson for the Organization;

iv. assists and inspires LPMA Members and Chapters to work to achieve our political goals; and

v. is primary signatory on Organization bank accounts.

c. The Treasurer

i. maintains the Organization's financial records;

ii. manages the Organization's financial accounts and donation systems;

iii. files Federal, State and other financial reports as required by Federal or State law or regulation;

iv. is a co-signatory on Organization bank accounts;

v. provides a financial report monthly to the State Committee;

vi. serves as comptroller, ensuring that funds are received, spent, and reported in compliance with Law and Organization By-Laws and State Committee actions; and

vii. at each regular state convention, provides a financial report including income and expenditures for the immediately prior October 1 to September 30, and for any immediately prior year on which no report has yet been made.

d. The Recording Secretary

- i. takes minutes of all State Committee meetings;
- ii. circulates State Committee minutes to the Membership via the Organization Newsletter, web pages, and other means generally accessible to members; and
- iii. maintains the electronic archival record of state committee minutes in a form and location generally accessible to members.

e. The Membership Secretary

- i. maintains the membership and mailing list records of the Organization. Records include but are not limited to records of current and past members, people who contacted LPMA, donors, and volunteers, including names, addresses, other contact information, and volunteer tasks;
- ii. notifies members that their memberships have or will expire;
- iii. supplies membership and other information, for the good of the Organization, consistent with State Committee policy; and
- iv. reports monthly to the State Committee on new memberships, membership renewals, expirations, and current membership numbers.

f. The Political Director

- i. oversees and supports candidate recruitment, candidate support, public education, membership outreach, and other political activities;
- ii. reports monthly to the State Committee;
- iii. presides at State Committee meetings if the Chair is absent; and
- iv. performs the duties of Chair if the post is vacant.

g. The Operations Director

- i. oversees and supports the non-political activities of the State Committee; and

ii. reports monthly to the State Committee.

h. The Fundraising Director

i. conducts fundraising for the Organization.

i. The Communications Director

The Communications Director shall be in charge of official communications in print or electronic format from the LPMA, including the monthly Newsletter, Press Inquiries, and content represented on Social Media Platforms. The Communications Director shall have the ability to appoint deputies in the form of a Press Secretary, Newsletter Editor, Social Media Manager, and other assistants titled as necessary.

j. The Technology Director

i. maintains the Organization website and other electronic sites;

ii. ensures that Organization electronic sites are appropriately owned or registered by the Organization, and that multiple officers have an archival record of electronic site passwords and other needful ownership data; and

iii. reports monthly to the State Committee.

k. The Archivist

i. maintains a dated physical file of all State Committee minutes, mailings, and other documents, and associated audio and video recordings.

#### 4. Discipline of Officers

The State Committee may remove an Officer from office by a simple majority vote.

#### 5. Authorization to Create Subordinate Office

The State Committee and its Officers shall have the ability to create subordinate offices to facilitate organizational structure and tasking, to include deputies, assistants, and team



leaders who shall be given appropriate title, assigned specific duties and accountable to a particular Officer of the State Committee or designee. These positions shall have only that authority which is specifically delegated to them by their supervising Officer, which shall not exceed the authority given to that Officer by the Constitution or By-Laws of the Association and shall not include representing that Officer in any capacity on the State Committee.

#### Article VIII. Sub-Affiliates

The bylaws of the National Libertarian Party state:

“No person, group or organization may use the name ‘Libertarian Party’ or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws. (Article V section 1)

“There shall be no more than one state-level affiliate party in any one state. Each state-level affiliate party shall, in accordance with its own Bylaws and these Bylaws, determine who shall be its delegates to all Regular Conventions. A state-level affiliate party may charter sub-affiliate parties within the state, which will entitle such sub-affiliates to use the name ‘Libertarian Party.’” (Article V section 3)

#### 1. Charter

The State Committee upon majority approval at a State Committee meeting may charter a sub-affiliate when 3 members of LAMA file bylaws with the State Committee. Bylaws shall not be inconsistent with LAMA bylaws, and members shall qualify as members of LAMA according to Article IX, section 1 of the LAMA bylaws.

#### 2. Membership

All subsequent members of a sub-affiliate who qualify for membership in LAMA according to LAMA requirements shall be deemed members of LAMA unless they opt out.

#### 3. Revocation

The State Committee may revoke the charter of a sub-affiliate for cause by 3/4 vote of State Committee members at a State Committee meeting.

## Article IX. Statutory Libertarian Party of Massachusetts

### 1. Applicability

Article IX applies only when the Libertarian Party has recognized status as a “political party” according to the laws of the Commonwealth of Massachusetts.

### 2. Initial Statutory Party

When political party status is first obtained, the Commonwealth of Massachusetts authorizes only the LAMA State Committee to form a political party organization. At that time, the State Committee of LAMA shall form a “political committee” called the Libertarian Party of Massachusetts (LPMA) having bylaws in accordance with state law, the LAMA Constitution and Bylaws, and the National Party Bylaws. The State Committee of LAMA shall be the initial State Committee of LPMA.

### 3. Bylaws

LPMA shall submit its bylaws to the LAMA State Committee and be chartered as a sub-affiliate as specified in Article VIII.

### 4. Loss of Party Status

Upon loss of recognized status as a “political party,” the charter of the Libertarian Party of Massachusetts shall be revoked automatically.

## Standing Rules

### 1. Membership Dues

In setting dues for each category of membership, the State Committee shall regularly confirm that the amount paid more than covers the marginal cost of the membership.

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