

2020 Libertarian Party Bylaws and Rules Committee

Meeting Minutes

May 3, 2020 & May 10, 2020

Credentialing

The following 10 members and 4 ranked alternates were appointed to the 2020 LP Bylaws and Rules Committee by the Libertarian National Committee at its October 26, 2019 electronic meeting held on Zoom. Mr. Rutherford was appointed interim chair of the committee by the LNC. Mr. Bishop-Henchman was elected chair and Dr. Moulton was elected secretary at the Bylaws and Rules Committee's December 29, 2019 electronic meeting held on Zoom.

- Joe Bishop-Henchman, Esq. (*chair*)
- Andy Craig
- Cris Crawford
- Richard Longstreth
- Alicia Mattson, PRP
- Dr. Chuck Moulton, Esq., RP (*secretary*)
- Dr. Brent Olsen
- Mark Rutherford, Esq.
- Paige Sexton, RN
- Christopher Thrasher
- Chris Wiest, Esq. (*1st alt*)
- David Blau, Esq. (*2nd alt*)
- Alex DeBenedetto (*3rd alt*)
- Shawn Levasseur (*4th alt*)

Call to Order

An electronic meeting of the 2020 LP Bylaws and Rules Committee came to order on Sunday, May 3, 2020 at 3:03 pm EDT on Zoom. Chair Bishop-Henchman presided.

Attendance

Present:

- **Committee:** Joe Bishop-Henchman, Andy Craig, Cris Crawford, Richard Longstreth, Alicia Mattson, Dr. Chuck Moulton, Dr. Brent Olsen, Mark Rutherford, Paige Sexton, Christopher Thrasher, Chris Wiest (*1st alt*), Shawn Levasseur (*4th alt*)
- **Gallery:** Erin Adams (OK), Dave Benner (TN), Eric Blitz (MD), Tyler Bratten (CA), Dalton Brown (ND), Robert Clarke (PA), Marc Douglass (GA), Suzanne Eltz (TN), Luke Ensor (PA), Archie Flower (VT), Pat Ford (RI), Sean Goward (DE), Tim Hagan (NV), Caryn Ann Harlos (CO), Matyas Lajos Homer (CA), Joseph Howe (IA), Jeff Kortsch (WI), Brooks Lester (VA), Michael Long (NY), Oliver Longstreth (AZ), Brandon Nelson (CA), Christopher Olenski (NY), Chase Oliver (GA), Reza (TX), Ryan Roberts (NY), Mimi Robson (CA), Nikolas Sarwark (NH), James Schumacher (CA), Mike Seebeck

(CO), Joshua Smith (CA), Sean Wells (NY), Francis Wendt (MT), Kathy Yeniscavich (AZ)

Absent:

- David Blau (*2nd alt*), Alex DeBenedetto (*3rd alt*)

Agenda

The chair submitted the following agenda in the call of the meeting.

The agenda as amended then read as follows:

1. Call to Order
2. Attendance
3. Approval of the Agenda
4. Approval of the minutes of our last meeting
5. Public comment
6. Bylaws and Rules relating to convention operation and elections, including convention voting process and adjustments advisable as a result of the present coronavirus pandemic
7. Other Bylaws and Rules proposals submitted for the Committee's consideration.

Mr. Thrasher moved to approve the agenda as submitted. Ms. Sexton seconded. The agenda was approved without objection.

Approval of Minutes

The secretary emailed a copy of the April 25-26, 2020 meeting's minutes to the committee on May 3, 2020 at 2:19 pm EDT with minor revisions from the copy distributed on April 26, 2020. Mr. Craig moved that minutes from the April 25-26, 2020 meeting via Zoom be approved as submitted. Mr. Thrasher seconded. The minutes were approved without objection.

Public Comment

Mr. Ford spoke to advocate for a hybrid approach with the presidential and vice-presidential candidates decided by ballot online on Memorial Day weekend, and other matters determined by a in-person convention later in the summer, perhaps allowing some online participation.

Mr. Sarwark spoke to advocate for a proposal he submitted suggesting the place of the convention be changed to a Zoom meeting on Memorial Day weekend to elect the presidential ticket and LNC, then the convention adjourn to an in-person convention in Las Vegas around the time of Freedom Fest for more deliberative things such as platform and bylaws, and a gala fundraising party.

Mr. Oliver spoke to advocate for an online component to select the presidential and vice-presidential candidates.

Ms. Harlos spoke concerned that the party chair is overstepping his authority by advocating for an online convention when the LNC has already voted for an in-person convention.

Ms. Robson spoke to reiterate that the LNC has already voted to cancel the Memorial Day convention and to re-schedule it to a later date as an in-person convention.

Mr. Wendt spoke to emphasize that this committee reports to the convention (not to the LNC) and to ask that the committee look into the possibility of an online convention.

Mr. Seebeck spoke to point out he emailed suggested amendments to the rump convention proposal. He also suggested a hybrid approach would be better than an all online convention.

Ms. Eltz spoke to ask for something more concrete than what the LNC decided yesterday, preparing the party for an online convention – for this year or a future year when this problem may repeat.

Mr. Long spoke to the timing of a possible postponed convention, worried it would disadvantage the party for campaigning and for ballot access.

Convention Proposals

Dr. Olsen moved Mr. Wiest's proposal for a hybrid convention (in-person convention, allowing in-person participation by some delegates). Dr. Moulton seconded.

The proposal is as follows:

Article 19: Special 2020 Convention Bylaws

1. Due to the present COVID-19, and the inability and/or desirability by certain delegates concerning their attendance, this hybrid Bylaws amendment is adopted for permitting certain delegates to vote electronically for 2020 national convention. This Article 19 shall take immediate effect, supersede any conflicting provisions of the Bylaws and Special Convention Rules, apply solely to the 2020 national convention, and be automatically repealed on December 31, 2020.
2. The entire business portion of the convention (except for periods of recess) shall be made available by video online to all participating delegates.
3. In the event that (i) any state delegation's state government authority prohibits travel to this convention for residents of that state; (ii) any state delegation's state government authority requires quarantine after travel to this convention; (iii) the state government authority where the convention is held prohibits travel from a particular state; or (iv) the state government authority where the convention is held requires quarantine after travel from a particular state, then that state's delegation shall be deemed "Legally Unable to Attend." In that event, the rules set forth in this paragraph shall apply to that delegation. Proof of the legal impediment shall be transmitted to the National Chair at least 48 hours prior to the

start of the convention, who shall then transmit it to the National Committee. In the event a delegation is Legally Unable to Attend:

- a. The delegation chair shall be responsible for transmitting to the credentials committee, electronically, the names of the delegates and alternates who are present and participating for purposes of inclusion in the credentials report, and may substitute delegates and alternates as provided in Article 10(6), and may check any such delegates out from the convention; in the event a delegation is Legally Unable to Attend, no floor fee shall be charged to any delegates of that convention for their attendance and participation.
 - b. The delegation chair shall also be responsible for arranging either an electronic meeting for his or her delegation to attend, or an in person convention in their state to attend or a combination of both; the delegation chair shall also be connected electronically to the in person assembled convention body via suitable electronic software to enable motions to be made and voting results to be transmitted. The delegation chair shall be permitted to make motions to the convention, and may choose to make motions on behalf of delegates in their delegation. All voting for that delegation shall be transmitted to, tallied, and through that delegation chair in the manner of their choosing, with totals transmitted to the Secretary of the Convention for each vote.
4. Each delegation chair shall also be permitted, in the event that a particular delegate has medical reasons (for themselves, or a family member) justifying their inability to attend in person, to excuse a particular delegate from participating in person within their delegation and permit them to attend electronically, which will be in the sole and unreviewable discretion of the delegation chair. In that event, that delegate will be determined to be “Medically Unable to Attend.” In the event one or more delegates from a delegation are Medically Unable to Attend:
- a. The delegation chair must be present in person, or a substitute delegation chair appointed by the affiliate to perform the duties of this paragraph 4.
 - b. The delegation chair shall be responsible for transmitting to the credentials committee, the names of the delegates and alternates who are present and participating under this Medically Unable to Attend exception, for purposes of inclusion in the credentials report, and may substitute delegates and alternates as provided in Article 10(6); each delegate or alternate who is participating but Medically Unable to Attend shall be charged a floor fee in the amount of \$179 to offset the costs of their participation and the convention costs; and delegate who purchased a Basic package for the convention and who has not requested a refund, shall be deemed to have met this requirement. The credentials committee shall collect this fee from each delegation chair at the time each delegate is checked in by the delegation chair, or shall verify the purchase of the Basic package, for each delegate Medically Unable to Attend.
 - c. The delegation chair shall be responsible for arranging an electronic meeting or method of obtaining the votes from those delegates Medically Unable to Attend. Any delegate Medically Unable to Attend shall be

limited to casting votes for offices on the National Committee (including Chair, Vice Chair, Secretary, Treasurer, and At-Large), for Judicial Committee, and for President and Vice President. The Secretary may require proof of those votes. The delegation chair may elect to make motions on behalf of those delegates transmitted by and through the delegation chair, but is not obligated to do so.

Dr. Moulton moved to amend section 4.b by striking “each delegate or alternate who is participating but Medically Unable to Attend shall be charged a floor fee in the amount of \$179 to offset the costs of their participation and the convention costs; and delegate who purchased a Basic package for the convention and who has not requested a refund, shall be deemed to have met this requirement. The credentials committee shall collect this fee from each delegation chair at the time each delegate is checked in by the delegation chair, or shall verify the purchase of the Basic package, for each delegate Medically Unable to Attend.” Mr. Longstreth seconded. The amendment passed without objection.

Dr. Olsen moved to amend by striking section 4 in its entirety. Ms. Mattson seconded. Mr. Craig moved to substitute for the amendment by striking section 4 and amending section 3 by striking “In the event that (i) any state delegation’s state government authority prohibits travel to this convention for residents of that state; (ii) any state delegation’s state government authority requires quarantine after travel to this convention; (iii) the state government authority where the convention is held prohibits travel from a particular state; or (iv) the state government authority where the convention is held requires quarantine after travel from a particular state, then that state’s delegation shall be deemed ‘Legally Unable to Attend.’ In that event, the rules set forth in this paragraph shall apply to that delegation. Proof of the legal impediment shall be transmitted to the National Chair at least 48 hours prior to the start of the convention, who shall then transmit it to the National Committee. In the event a delegation is Legally Unable to Attend:” and inserting “In the event that any delegate is unable to attend, the rules set forth in this paragraph shall apply to that delegation. In the event a delegate is Unable to Attend:”. Dr. Moulton seconded. Dr. Olsen objected that the substitute was not germane to the amendment. The chair ruled that the objection was not well founded. Dr. Olsen appealed from the ruling of the chair. Ms. Mattson seconded. The chair’s ruling was sustained by a roll call vote of 7-3-0. The substitute passed by a roll call vote of 6-4-0. Dr. Moulton moved to amend section 3.a by striking “Legally”. Mr. Craig seconded. The amendment to the amendment as substituted passed without objection. The amendment as substituted passed by a roll call vote of 6-4-0.

Motion (sustain ruling of the chair) roll call vote:

- *Aye:* Joe Bishop-Henchman, Cris Crawford, Andy Craig, Richard Longstreth, Dr. Chuck Moulton, Mark Rutherford, Paige Sexton
- *Nay:* Alicia Mattson, Dr. Brent Olsen, Christopher Thrasher
- *Abstain:* none

Motion (substitute: strike 4, strike/insert 3) roll call vote:

- *Aye:* Joe Bishop-Henchman, Cris Crawford, Andy Craig, Richard Longstreth, Dr. Chuck Moulton, Paige Sexton
- *Nay:* Alicia Mattson, Dr. Brent Olsen, Mark Rutherford, Christopher Thrasher

- *Abstain:* none

Motion (amend: strike 4, strike/insert 3) roll call vote:

- *Aye:* Joe Bishop-Henchman, Cris Crawford, Andy Craig, Richard Longstreth, Dr. Chuck Moulton, Paige Sexton
- *Nay:* Alicia Mattson, Dr. Brent Olsen, Mark Rutherford, Christopher Thrasher
- *Abstain:* none

Ms. Mattson moved to amend section 2 by inserting “Any delegates participating remotely shall not be counted for determining quorum or the presence of a quorum.” Dr. Moulton seconded. The amendment passed without objection.

Ms. Mattson moved to amend section 4 by inserting a new item c: “Participation by those not physically present in the convention hall shall be limited to voting for the selection of Presidential and Vice-Presidential nominees.” Dr. Olsen seconded. Dr. Moulton moved to amend the amendment by inserting “, for offices on the National Committee (including Chair, Vice-Chair, Secretary, Treasurer, and At-Large), and for Judicial Committee”. Mr. Craig seconded. The amendment to the amendment passed by a roll call vote of 7-2-1. Ms. Mattson moved to amend the amendment by inserting the word “ballot” before “voting”. Dr. Olsen seconded. The amendment to the amendment passed without objection. The amendment passed by a roll call vote of 10-0-0. Mr. Craig moved to postpone further consideration of this proposal until the next committee meeting. Ms. Sexton seconded. The postponement passed by a roll call vote of 6-4-0.

Motion (amend amendment: add LNC, JC) roll call vote:

- *Aye:* Cris Crawford, Andy Craig, Richard Longstreth, Dr. Chuck Moulton, Mark Rutherford, Paige Sexton, Christopher Thrasher
- *Nay:* Alicia Mattson, Dr. Brent Olsen
- *Abstain:* Joe Bishop-Henchman

Motion (amend: limit “unable to attend” to P, VP, LNC, JC votes) roll call vote:

- *Aye:* Joe Bishop-Henchman, Cris Crawford, Andy Craig, Richard Longstreth, Alicia Mattson, Dr. Chuck Moulton, Dr. Brent Olsen, Mark Rutherford, Paige Sexton, Christopher Thrasher
- *Nay:* none
- *Abstain:* none

Motion (postpone: Wiest hybrid proposal until next meeting) roll call vote:

- *Aye:* Joe Bishop-Henchman, Cris Crawford, Andy Craig, Richard Longstreth, Mark Rutherford (reconnected within 5 min), Paige Sexton
- *Nay:* Alicia Mattson, Dr. Chuck Moulton, Dr. Brent Olsen, Christopher Thrasher
- *Abstain:* none

The proposal as amended is as follows:

Article 19: Special 2020 Convention Bylaws

1. Due to the present COVID-19, and the inability and/or desirability by certain delegates concerning their attendance, this hybrid Bylaws amendment is adopted for permitting certain delegates to vote electronically for 2020 national convention. This Article 19 shall take immediate effect, supersede any conflicting provisions of the Bylaws and Special Convention Rules, apply solely to the 2020 national convention, and be automatically repealed on December 31, 2020.
2. The entire business portion of the convention (except for periods of recess) shall be made available by video online to all participating delegates. Any delegates participating remotely shall not be counted for determining quorum or the presence of a quorum.
3. In the event that any delegate is unable to attend, the rules set forth in this paragraph shall apply to that delegation. In the event a delegate is Unable to Attend:
 - a. The delegation chair shall be responsible for transmitting to the credentials committee, electronically, the names of the delegates and alternates who are present and participating for purposes of inclusion in the credentials report, and may substitute delegates and alternates as provided in Article 10(6), and may check any such delegates out from the convention; in the event a delegation is Unable to Attend, no floor fee shall be charged to any delegates of that convention for their attendance and participation.
 - b. The delegation chair shall also be responsible for arranging either an electronic meeting for his or her delegation to attend, or an in person convention in their state to attend or a combination of both; the delegation chair shall also be connected electronically to the in person assembled convention body via suitable electronic software to enable motions to be made and voting results to be transmitted. The delegation chair shall be permitted to make motions to the convention, and may choose to make motions on behalf of delegates in their delegation. All voting for that delegation shall be transmitted to, tallied, and through that delegation chair in the manner of their choosing, with totals transmitted to the Secretary of the Convention for each vote.
 - c. Participation by those not physically present in the convention hall shall be limited to ballot voting for the selection of Presidential and Vice-Presidential nominees, for offices on the National Committee (including Chair, Vice-Chair, Secretary, Treasurer, and At-Large), and for Judicial Committee.

Adjournment

Mr. Longstreth moved to adjourn this meeting until Sunday, May 10 at 3:00-6:00 pm EDT on Zoom. Dr. Moulton seconded. Dr. Moulton moved to amend the adjournment time by setting it to 12:00-3:00 pm EDT, 2-hour break, then 5:00-8:00 pm EDT. Ms. Crawford seconded. Ms. Mattson moved to substitute the amendment to the adjournment time, setting it to 3:00-8:00 pm EDT. Ms. Crawford seconded. The substitute to the amendment to the adjournment time failed by a roll call vote of 2-8-0. The amendment to the adjournment time failed by a roll call vote of

2-8-0. Mr. Thrasher moved to amend the adjournment date and time, setting it to Saturday, May 11, beginning 30 minutes following the conclusion of the LNC meeting and meeting for a period of 4 hours. Ms. Mattson seconded. The amendment to the adjournment date and time failed by a roll call vote of 3-6-1. The adjournment until Sunday, May 10 at 3:00-6:00 pm EDT on Zoom passed by a roll call vote of 9-1-0. Therefore, the meeting adjourned until that date at 6:18 pm EDT.

Motion (substitute for amendment: adjourn to 3/10/2020, 3-8 pm EDT) roll call vote:

- *Aye:* Cris Crawford, Alicia Mattson
- *Nay:* Joe Bishop-Henchman, Andy Craig, Richard Longstreth, Dr. Chuck Moulton, Dr. Brent Olsen, Mark Rutherford, Paige Sexton, Christopher Thrasher
- *Abstain:* none

Motion (amend: adjourn to 3/10/2020, 12-3 pm, break, 5-8 pm EDT) roll call vote:

- *Aye:* Cris Crawford, Dr. Chuck Moulton
- *Nay:* Joe Bishop-Henchman, Andy Craig, Richard Longstreth, Alicia Mattson, Dr. Brent Olsen, Mark Rutherford, Paige Sexton, Christopher Thrasher
- *Abstain:* none

Motion (amend: adjourn to 3/9/2020, 30 min after LNC for 4 hours) roll call vote:

- *Aye:* Alicia Mattson, Dr. Brent Olsen, Christopher Thrasher
- *Nay:* Joe Bishop-Henchman, Andy Craig, Cris Crawford, Richard Longstreth, Mark Rutherford, Paige Sexton
- *Abstain:* Dr. Chuck Moulton

Motion (adjourn: to 3/10/2020, 3-6 pm EDT) roll call vote:

- *Aye:* Joe Bishop-Henchman, Andy Craig, Cris Crawford, Richard Longstreth, Alicia Mattson, Dr. Chuck Moulton, Dr. Brent Olsen, Mark Rutherford, Paige Sexton
- *Nay:* Christopher Thrasher
- *Abstain:* none

Call to Order

An electronic meeting of the 2020 LP Bylaws and Rules Committee came to order on Sunday, May 10, 2020 at 3:11 pm EDT on Zoom, resuming the session from the adjourned meeting on May 3, 2020. Chair Bishop-Henchman presided.

Attendance

Present:

- **Committee:** Joe Bishop-Henchman, Andy Craig, Cris Crawford, Richard Longstreth, Alicia Mattson, Dr. Chuck Moulton, Dr. Brent Olsen, Mark Rutherford, Paige Sexton, Christopher Thrasher, Shawn Levasseur (*4th alt*)
- **Gallery:** Casey Copeland (AR), Paul Frankel (AL), Luke Griggs (AR), Jeff Nix (TN), Omar Recuero (FL), Mary Ruwart (TX), Mark Tuniewicz (SD)

Absent:

- Chris Wiest (*1st alt*), David Blau (*2nd alt*), Alex DeBenedetto (*3rd alt*)

Agenda

The meeting continued with the agenda from the first meeting of the session on May 3, 2020.

6. Bylaws and Rules relating to convention operation and elections, including convention voting process and adjustments advisable as a result of the present coronavirus pandemic
7. Other Bylaws and Rules proposals submitted for the Committee's consideration.

Convention Proposals

In light of the LNC's motion for a bifurcated convention with an online meeting followed by an in-person meeting, and in light of the absence of Mr. Wiest who had championed the hybrid convention proposal, the committee decided to resume discussion and amendment of the hybrid convention proposal on the email list or at a later meeting.

Other Proposals

Although several other proposals were drafted and ready for the committee's consideration, the committee preferred to consider those proposals on the email list or at a later meeting.

Public Comment

Mr. Recuero noted that online / hybrid convention procedures should be the purview of the bylaws committee rather than the LNC or the convention committee.

Mr. Tuniewicz told the committee he thinks the upcoming online meeting of the convention is likely to adopt a bylaw about hybrid convention or online convention procedures; therefore, the bylaws committee should get out in front of that desire and have a proposal ready rather than enduring a floor proposal.

Mr. Recuero suggested scheduling a bunch of meetings ahead of time, then canceling the ones we don't need (to satisfy notice requirements).

Proposals Being Workshopped

Dr. Moulton summarized his proposal to change committee and board procedures (require seconds, limit debate, no unilateral divides).

Mr. Levasseur noted he plans to draft a proposal clarifying whether there is a secret ballot for voting at the national convention.

Ms. Crawford noted she supports the ranked choice option of IRV for officers sent to the committee by Rob Latham, but does not plan to introduce the STV for at-large part because it is too complicated.

Ms. Mattson summarized the proposals she submitted: 1) clean up procedures to amend the platform, 2) if all JC seats are vacant, then the next convention would fill the vacancies [it already passed the committee], 3) assistant treasurer should be ineligible to serve on the audit committee. She is also considering proposals to a) handle multiple minority reports from the platform committee, b) require candidates to prove they are eligible when they are nominated (get a form from Robert Kraus saying they are an LP member or 4 years a member for JC), c) something to prevent 35 people from being joke nominated for at-large or JC.

Mr. Craig noted he wants to fix the problem of too many people running for at-large and JC by using a token system, weeding out the last minute non-serious candidates; and wants to move the JC election to regions [this again already passed the committee].

Mr. Thrasher said he has proposals to nominate LNC generally (officer nomination also counts as an at-large nomination) and get rid of approval voting.

Mr. Bishop-Henchman saw interest in changing the platform retention procedures to get rid of cumulative voting (1 token per plank, not allowing all of the tokens on one plank). He also noted he wants to change the Roberts Rules provision from "governing" to "guiding".

Adjournment

Dr. Olsen moved to adjourn. Dr. Moulton seconded. The meeting adjourned without objection at 4:09 pm EDT.

Respectfully submitted,
Dr. Chuck Moulton
Secretary, 2020 LP Bylaws and Rules Committee