

REPORT OF THE SPECIAL COMMITTEE ON STATE COMMITTEE ELECTIONS OCTOBER 31, 2023

COMMITTEE MEMBERS

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FORMAT

- The following are the comments and concerns brought up by the committee, followed by the proposed amendments to the Rules of the Libertarian Party of New York.

PROCESS

The following is the process by which the committee will conduct its business:

1. Build a plan for 2024 State Committee elections and beyond (for elections in which the LPNY does not have ballot access)
2. Draft language for rules amendments based on the plan.
3. Review language and tweak as necessary.
4. Create and distribute the survey to State Committee members and County Affiliate leaders.
5. Review survey results and tweak as necessary.
6. Hold a public hearing inviting State Committee members and County Affiliate leaders to learn more about the proposed plan and offer feedback.
7. Committee reviews public meeting comments and tweaks as necessary.
8. Language for rules amendments is finalized.
9. Proposed rules amendments is sent to the full State Committee for consideration.

OBSERVATIONS AND CONCERNS

- The current Rules require a certain number of representatives per votes for Governor in the last gubernatorial election. We currently have incomplete data for the 2022 election due to the write-in campaign, and it is uncertain if we will have complete data by the time of the 2024 State Committee elections.
- There are currently 70 positions on the State Committee of which 58 are members. There are concerns with the size of the State Committee being too large, especially when we have struggled for quorum over several meetings.
- Another concern is a lack of focus on County Affiliate development. Modifying the State Committee to incentivize County Affiliate development would ultimately help grow locally.
- Another concern is that not all State Committee members are active and there are some that only attend State Committee meetings without actively engaging in their County Affiliate or in any capacity on the state level.

PROPOSED CHANGES

- **Change JD Representation to County Representation.** The proposed change would change the composition of the State Committee to be of representatives from each recognized County Affiliate. For unorganized counties, this will give them an incentive to organize a local affiliate in their county before getting involved on the state level. Libertarians in unorganized counties do have an opportunity to be elected to the State Committee as an officer. As a result, the State Committee, as of October 24, 2023, would consist of a maximum of **39 members** instead of **70 members**: 1 representative from each organized County Affiliate (currently 29) plus the 5 officers and 5 Members-At-Large.
- **Require that State Committee members be a member of at least one state-level committee.** This would increase the standard and participation of State Committee members, to make the State Committee a working committee versus a representative committee. Removal and resignations from a committee are addressed in the proposed rules amendments. Exemptions from this requirement include those who already have specific jobs: Chair, Secretary, Treasurer, Directors, and those actively running for public office. County Chairs are not exempt and are encouraged to focus on their county affiliate, and appoint someone else to represent the county, if there is someone willing to do so.
- **County Affiliates shall vote for their representative.** The minutes of that meeting shall be sent to the Secretary of the State Committee to keep track of the membership of the State Committee. County Affiliates may also designate an Alternate.
- **Eliminate petitioning and the County Affiliates essentially elect the State Committee.** County Affiliates select their representatives, who, upon the organization meeting, elect the 5 officers and 5 Members-At-Large of the Executive Committee, who shall then become members of the State Committee.

HISTORICAL OVERVIEW OF STATE COMMITTEE ELECTIONS

- **Free Libertarian Party, Inc. (1972-2019).** LPNY members, who have paid dues (\$25 as of 2019) show up to convention to vote for officers and Members-At-Large.
- **LPNY under Ballot Access (2020).** Enrolled Libertarians petition to be a member of the State Committee in an election operated by the New York State Board of Elections. Unopposed candidates are elected while opposed candidates go through a primary. The elected State Committee members go to the organization meeting (which was held online) and vote for the Executive Committee.
- **LPNY without Ballot Access (2022).** Enrolled Libertarians petitioned to be a member of the State Committee in an election operated by the LPNY. Unopposed candidates are elected while opposed candidates go through a primary operated by the LPNY (no such primary was necessary in 2022 due to lack of contested races). The elected State Committee members go to the organization meeting (which was held in Niagara Falls) and vote for the Executive Committee.
- **New Proposal (for 2024 and beyond, in instances in which there is no ballot access).** County Affiliates elect their State Committee representatives. The representatives meet in an organization meeting and elected the Executive Committee (5 officers and 5 Members-At-Large).

REPORT OF THE SPECIAL COMMITTEE ON STATE COMMITTEE ELECTIONS PROPOSED AMENDMENTS

Items in **green** are proposed new language, while items ~~struck out in red~~ are proposed deletions.

Article 6. State Committee

6.1. **AUTHORITY.** The State Committee shall be the highest governing body of the LPNY. It shall have full authority to set policies and goals for the LPNY, establish committees, raise and allocate financial resources, and hire staff.

6.2. **MEMBERS.** Members of the State Committee must be LPNY Members and elected in accordance with these Rules. If at any time the LPNY is unable to elect a new State Committee under the auspices of the New York State Board of Elections, the members of the State Committee shall be elected in accordance with Article 6.4. Members of the State Committee shall also include any LPNY Member who fills a vacancy in the State Committee or is elected to the Executive Committee.

6.3. **ELECTION THROUGH THE BOARD OF ELECTIONS.** Members of the State Committee shall be elected by enrolled Libertarians at the primary elections in even-numbered years in accordance with Election Law. Members must reside in the Judicial District that they represent and shall be elected At-Large within that Judicial District.

6.3.1. **UNIT OF REPRESENTATION.** The unit of representation for the State Committee shall be the New York State Judicial District.

6.3.2. **REPRESENTATION.** Each Judicial District shall be entitled to two (2) voting members on the State Committee plus each of the following, except that the maximum number of State Committee members from a Judicial District shall be twelve (12) voting members. The party calls shall be filed in accordance with Election Law.

(a) One (1) additional voting member for every six hundred (600) LPNY Members in the district, up to a maximum of five (5) members. The number of LPNY Members in each district shall be based on data obtained by the Secretary between January 1 and January 15 directly preceding the election of a State Committee.

(b) One (1) additional voting member for every four thousand (4,000) votes for the most recent Libertarian Party candidate for Governor in the district, up to a maximum of five (5) members.

If at any time the LPNY is unable to elect a new State Committee under the auspices of the New York State Board of Elections, the members of the State Committee shall be elected in accordance with Article 6.4.

~~6.6.5. STATE COMMITTEE MEMBER.~~ 6.3.3. **VACANCIES.** If a vacancy exists on the State Committee, the position shall be vacant until filled by election by a majority vote of the State Committee. Nominations for filling any vacancy may be submitted to the Secretary at least seven (7) days in advance of the meeting in which the filling of the vacancy shall be considered. Once the filling of vacancies begins, the Secretary shall present the nominations received. Subsequent nominations may be made on the floor prior to the election to fill such vacancies. The Chair shall request that each nominee is qualified to fill the vacancy and accepts the nomination in order to be entered into nomination to fill the vacancy they seek.

6.4. **ELECTION ADMINISTERED BY THROUGH THE LPNY.** If at any time the LPNY is not eligible to elect a new State Committee at a primary election under Election Law 2-106, the State Committee shall be elected ~~in accordance with this section.~~ by the County Affiliates. Each County Affiliate shall elect a representative to serve on the State Committee and may also elect an alternate. The minutes of the meeting of the County Affiliate in which the election occurred must be provided to the Secretary of the State Committee, who shall keep a record of the members of the State Committee.

6.4.1. **COMMITTEE ASSIGNMENT REQUIREMENT.** Members of the State Committee must be active members of at least one state-level committee of the LPNY. The Secretary of the State Committee shall be responsible for maintaining accurate records of committee memberships.

6.4.1.1. **EXEMPTIONS.** The following positions are exempt from the committee membership requirement: the Chair, Secretary, Treasurer, Division Directors, individuals actively running for public office, and campaign managers of an active campaign.

6.4.1.2. **REMOVAL OR RESIGNATION FROM COMMITTEE.** If a State Committee member is removed or resigns from a committee position, they shall have a period of thirty (30) days to secure a position on another committee if they are not a member of another committee. Failure to do so may subject them to removal from the State Committee in accordance with Article 12.

6.4.2. **VACANCIES OF COUNTY AFFILIATE REPRESENTATIVES.** In the event that a County Representative position becomes vacant and a new appointment is made, the appointee has sixty (60) days to join a state-level committee otherwise their position on the State Committee shall be vacated and the County Affiliate will need to elect a new County Representative.

6.4.2.1. **APPOINTMENT BY STATE COMMITTEE.** In the event that a County Representative position remains vacant for more than ninety (90) days, the State Committee may appoint an LPNY Member residing in the county to serve as the County Representative until such time that the County Affiliate appoints a County Representative.

~~6.4.1. ELECTIONS OVERSIGHT COMMITTEE. An Elections Oversight Committee shall be constituted to oversee the election of a State Committee in accordance with this section.~~

~~6.4.1.1. SELECTION. The Elections Oversight Committee shall be elected at a meeting of the full State Committee and shall consist of the Chair of the State Committee and one (1) representative from each of~~

~~thirteen (13) Judicial Districts. A quorum for a meeting of the Elections Oversight Committee shall be fifty percent (50%). The election shall be conducted in the same manner for Members-At-Large of the Executive Committee as provided in Article 9.3.5.2.~~

~~6.4.1.2. **TERM.** Members of the Elections Oversight Committee shall serve until the conclusion of the next Organization Meeting.~~

~~6.4.1.3. **DUTIES.** The Elections Oversight Committee shall accept petitions, conduct prima facie reviews, accept general and specific objections, hold hearings, certify the validity of petitions, make appointments of the Collector(s) and Mailer(s) of Ballots, determine the online platform for the primary for contested Judicial Districts, and any other duty as determined by the State Committee and these Rules.~~

~~6.4.1.4. **APPOINTMENTS.** The Elections Oversight Committee shall appoint Collector(s) and Mailer(s) of Ballots as they shall deem necessary.~~

~~6.4.1.3.1. **COLLECTOR(S).** The Collector(s) shall be responsible for receiving, processing, and posting petitions, objections, and substitutions in accordance with these Rules.~~

~~6.4.1.3.2. **MAILER(S) OF BALLOTS.** The Mailer(s) of Ballots shall be responsible for mailing ballots to enrolled Libertarians requesting such in contested Judicial Districts in accordance with these Rules.~~

~~6.4.2. **SELECTION OF CANDIDATES:**~~

~~6.4.2.1. **PETITIONING.** Candidates for State Committee shall be selected by the designating petitioning process in accordance with Election Law, except for the provisions in this section. The petitioning period shall be held during the timeframe established by the political calendar as published by the New York State Board of Elections.~~

~~6.4.2.2. **SUBMISSION OF PETITIONS.** Candidates for State Committee shall submit their petitions to the Collector(s) as determined by the Elections Oversight Committee. The Collector(s) shall receive, stamp, scan, and post the submitted petitions to a public website as determined by the Elections Oversight Committee. The Elections Oversight Committee shall conduct a prima facie review of the petitions and determine whether or not such petitions are valid.~~

~~6.4.2.3. **SUBMISSION OF OBJECTIONS TO PETITIONS.** General objections and specifications to general objections must be mailed to the Collector(s) and the candidate by the deadline determined by the New York State Board of Elections and Election Law. The Collector(s) shall receive, stamp, scan, and post the submitted objections to a public website as determined by the Elections Oversight Committee. The Collector(s) shall furthermore notify the candidate(s) of the objection(s).~~

~~6.4.2.4. **REVIEW OF PETITIONS AND OBJECTIONS.** The Elections Oversight Committee shall meet at the Special Meeting held in person or by teleconference no later than eight (8) weeks prior to the date of the primary election as determined by the New York State Board of Elections and Election Law.~~

~~The Elections Oversight Committee shall review the objections. A three-quarters (3/4) vote of the Elections Oversight Committee is required to invalidate a candidate petition.~~

~~6.4.2.5. **DECLINATIONS AND SUBSTITUTIONS.** The Elections Oversight Committee shall also process declinations and substitutions as provided by Election Law.~~

~~6.4.2.6. **HEARINGS.** The Elections Oversight Committee shall conduct a public hearing to be held in-person or by teleconference, in which they shall (a) announce their determination for each petition, (b) allow the objectors and candidates to challenge the committee's ruling, and (c) conduct an additional vote after each hearing for each petition in which their original determination was challenged.~~

~~6.4.2.7. **ANNOUNCEMENT OF RESULTS.** The Elections Oversight Committee, upon adjournment of the Special Meeting, shall announce the results of their determinations by indicating the candidates who failed to obtain the requisite number of signatures, the candidates who won their election by default in the case of Judicial Districts with equal to or greater number of seats than candidates, and those candidates who will be contested by election in the case of Judicial Districts with fewer seats than candidates.~~

~~6.4.2.8. **ELECTION FOR CONTESTED DISTRICTS.** An election shall be held for Judicial Districts with fewer seats than candidates who successfully petitioned in accordance with these Rules.~~

~~6.4.2.8.1. **METHOD.** The election shall be conducted on an online platform as determined by the Elections Oversight Committee. The online platform shall be configured by the Elections Oversight Committee or its designee.~~

~~6.4.2.8.2. **VOTERS.** Only LPNY Members residing in the Judicial District are entitled to vote at the election for candidates for State Committee in their Judicial District.~~

~~6.4.2.8.3. **REQUESTS OF BALLOTS.** Voters shall begin requesting ballots the Tuesday immediately succeeding the Special Meeting of the Elections Oversight Committee. Voters must request a ballot in order to participate in the election. The online portal shall require the voter to provide their name, email address, their mailing address as it appears in the New York State Board of Elections records, county, and date of birth. A disclaimer shall be provided to indicate to voters that the purpose of the data is to confirm their identity with the information they provided to the New York State Board of Elections. Any ballot requests made two (2) weeks prior to the date of the primary election shall not be fulfilled.~~

~~6.4.2.8.4. **MAILING OF BALLOTS.** The Elections Oversight Committee shall authenticate the identity of the voter. Once authenticated, the Mailer(s) of Ballots shall send a unique password by postal mail to each voter who requested a ballot with instructions for logging into the online voting portal. Postcards shall be mailed no earlier than six (6) weeks prior to the date of the primary election.~~

~~6.4.2.8.5. **SUBMISSION OF BALLOTS.** Ballots shall be submitted on the online portal as determined by the Elections Oversight Committee. The first day for voters to cast their votes shall be seven (7) days prior to the date of the primary election as determined by the New York State Board of Elections. The~~

~~voting shall close on the date of the primary election at the time determined by the New York State Board of Elections.~~

~~6.4.2.8.6. **CERTIFICATION OF RESULTS.** The Elections Oversight Committee shall certify the results of the election.~~

~~6.4.2.9. **NUMBER OF SIGNATURES.** All petitions must be signed by not less than one and one-half per centum (1.5%), as determined by the party membership in accordance with these Rules, of the then LPNY Members residing within the Judicial District in which the candidate for State Committee is to be voted for, excluding voters in inactive status.~~

6.6. **VACANCIES.** If a vacancy occurs on the Executive Committee ~~or the State Committee~~, the position shall be filled in accordance with this section. Vacancies occur by death, resignation, removal, relocation out of state, or change of party enrollment to a choice other than Libertarian.

8.4. **VOTING.**

8.4.1. **VOTING MEMBERS.** The LPNY members elected to the State Committee ~~at the most recent election of the State Committee or elected to fill a vacancy during the term of the State Committee in accordance with these Rules~~ in accordance with Article 6 shall be the voting members, except that only LPNY Members elected to the Executive Committee shall be the voting members at the meeting of that body.