

**MINUTES OF THE MEETING OF THE STATE COMMITTEE  
OF THE LIBERTARIAN PARTY OF NEW YORK  
HELD ON WEDNESDAY, APRIL 3, 2024  
ON THE ZOOM MEETING APP AND PORCUPINE APP**

**MEMBERS PRESENT (33)**

Mark N. Axinn (JD1)<sup>1</sup>  
Paul M. Grindle (JD2)  
William Cody Anderson (JD3)<sup>1</sup>  
Justin N. Carman (JD3)<sup>1</sup>  
Lora L. Newell (JD3)<sup>1</sup>  
Jennifer L. O'Connor (JD3)<sup>1</sup>  
Daniel J. Castello (JD5)<sup>1</sup>  
Erinn Rose Leatherman (JD5)<sup>1</sup>  
Mark S. Braiman (JD6)<sup>1</sup>  
Craig L. Colwell (JD6)<sup>1</sup>  
Christopher M. Olenski (JD6)<sup>1</sup>  
David S. Penner (JD6)<sup>1</sup>  
Steven G. Becker (JD7)<sup>1</sup>  
Justin M. Pelletier (JD7)<sup>1</sup>  
Sean C. Phelan (JD7)<sup>1</sup>  
James M. Ziobro (JD7)<sup>1</sup>  
Erin M. Becker (JD8)<sup>1</sup>  
Maura E. Botsford (JD8)<sup>1</sup>  
Andrew M. Kolstee (JD8)<sup>1</sup>  
Frances Law (JD8)<sup>1</sup>  
Leonard E. Morlock (JD8)<sup>1</sup>  
Michael R. Rebmann (JD8)<sup>1</sup>  
Charles R. Roggen (JD8)<sup>1</sup>  
Jame J. VanDewalker (JD8)<sup>1</sup>  
Duane J. Whitmer (JD8)<sup>1</sup>  
Juan R. Ayala (JD9)<sup>1</sup>  
Daniel P. Donnelly (JD9)<sup>1</sup>  
Jeffrey J. Denecke (JD10)<sup>1</sup>  
Jonathan H. Gunther (JD10)<sup>1</sup>  
Robert E. Schuon (JD10)<sup>1</sup>  
Blay Tarnoff (JD10)<sup>1</sup>  
Irwin Mark Weinblatt (JD11)<sup>1</sup>  
Richard F. Purtell (ex-officio)<sup>1</sup>

**MEMBERS ABSENT (28)**

Morry C. Davis (JD1)  
David B. "Chance" Haywood (JD1)  
Matthew I. Morgan (JD2)  
Gary S. Popkin (JD2)  
Amanda H. Ellithorpe (JD4)  
Stephen C. Healey (JD4)  
John A. Janes (JD4)  
Karen A. Keniry-Thompson (JD4)  
Zachary D. Remian (JD4)  
Shawn C. DeGrand (JD5)  
James B. Fitch (JD5)  
Matthew K. Guilianelli (JD5)  
Amber L. Nunes (JD5)  
Keith C. Redhead (JD5)  
Michael T. Gately (JD6)  
Samuel Hordeski (JD6)  
Jeffrey C. Bradley (JD7)  
Marc A. Smith (JD7)  
Robert J. Cocomello (JD9)  
Robert J. Greibesland (JD9)  
William K. Schmidt (JD9)  
Christian J. Vondras (JD9)  
Vincent O'Neill (JD10)  
George T. Ostrowski (JD10)  
Christian L. Padgett (JD10)  
Randyn Tarnoff (JD10)  
John Clifton (JD11)  
Francisco Olvera (JD11)

**OBSERVERS (1)**

Timothy "TJ" Ferreira, Porcupine Administrator

**KEY**

(1) Present at first roll call.  
(O) Present online.

The meeting was called to order at 6:43 p.m. by Andrew Kolstee, Chair. Secretary Mark Braiman conducted a roll call and determined that a quorum was present.

The Credentials and Nominations Report (**Exhibit 1**) indicated that there were thirty-two (32) of sixty-one (61) voting members of the State Committee present at the time of roll call. Paul Grindle later entered the meeting. The Secretary determined that a quorum was present at all times during the meeting.

Motion by Justin Carman to adopt the **Agenda (Exhibit 2)** was seconded by Michael Rebmann and passed without objection.

Chair Andrew Kolstee called for the filling of two (2) State Committee vacancies from Judicial District 5. Secretary Mark Braiman reported that no one had been nominated in advance. Chair Andrew Kolstee, hearing no nominations from the floor, postponed filling these vacancies until the next meeting of the State Committee.

Chair Andrew Kolstee called for the filling of three (3) State Committee vacancies from Judicial District 7. Secretary Mark Braiman reported that no one had been nominated in advance. Chair Andrew Kolstee, hearing no nominations from the floor, postponed filling these vacancies until the next meeting of the State Committee.

Chair Andrew Kolstee called for the filling of two (2) State Committee vacancies from Judicial District 12. Secretary Mark Braiman reported that no one had been nominated in advance. Chair Andrew Kolstee, hearing no nominations from the floor, postponed filling these vacancies until the next meeting of the State Committee.

Chair Andrew Kolstee called for the filling of two (2) State Committee vacancies from Judicial District 13. Secretary Mark Braiman reported that no one had been nominated in advance. Chair Andrew Kolstee, hearing no nominations from the floor, postponed filling these vacancies until the next meeting of the State Committee.

Chair Andrew Kolstee called for the filling of five (5) vacancies on the Elections Oversight Committee from Judicial Districts 3, 5, 8, 12, and 13. Secretary Mark Braiman reported that no one had been nominated in advance. Chair Andrew Kolstee, hearing no nominations from the floor, postponed filling these vacancies until the next meeting of the State Committee.

Treasurer William Cody Anderson issued a Treasurer's Report in writing (**Exhibit 3**) and the report was accepted without objection.

Motion by Mark Axinn to **reimburse Michael Rebmann \$164.15 for costs associated with travel to the venue in Watkins Glen leading up to the convention** was seconded by Justin Carman, debated, and passed by voice vote.

Motion by Justin Carman to **reimburse Andrew Kolstee \$167.12 for costs associated with the convention in Watkins Glen (Exhibit 4)** was seconded by Leonard Morlock and passed by voice vote.

Nominating Convention Planning Committee Chair Michael Rebmann reported that the convention generated net proceeds of \$3,975.89 for the LPNY.

Chair Andrew Kolstee issued a report. He announced that the organizing meeting will be September 21-22, 2024.

Petitioning Committee Chair Andrew Kolstee issued a report. The Petitioning Portal is now open. There will be a training meeting on April 10 at 6:30 p.m. A petitioning pledge form was distributed by email and there are currently 4,335 signatures pledged.

**The demotions of resigned Delegates Roger Cooper, Richard Cooper, and Adam Magoon, promotion of Alternate Delegates James Melloen, Paul Schaffenberger, and Chuck Dorgan to Delegates, demotions of resigned Alternate Delegates Russell Nelson, Alexander Tollner, Sarah Shuster, and Brandon Larsen, and promotion of Erinn Rose Leatherman, Jeffrey Monheit, Vladimir Vizner, and Dennis Consorte as Alternate Delegates passed without objection.**

Thomas Quiter has declined to be reappointed as County Liaison for Chenango County

Adam Magoon has declined to be reappointed as Acting County Chair and County Liaison for Niagara County.

Brian Wells has declined to be reappointed as Acting County Chair and County Liaison for Washington County.

**The retroactively renewal of the appointment of Jame VanDewalker as County Liaison of Allegany County on March 31, 2024, which will expire on June 30, 2024 passed without objection.**

**The retroactively renewal of the appointment of Zachary Remain as Acting County Chair and County Liaison of Clinton County on March 31, 2024, which will expire on June 30, 2024 passed without objection.**

**The retroactively renewal of the appointment of Jennifer O'Connor as Acting County Chair and County Liaison of Rensselaer County on March 31, 2024, which will expire on June 30, 2024 passed without objection.**

**The retroactively renewal of the appointment of Justin Carman as County Liaison of Albany County on March 31, 2024, which will expire on June 30, 2024 passed without objection.**

The **retroactively renewal of the appointment of Rajib Maitra as Acting County Chair and County Liaison of Westchester County on March 31, 2024, which will expire on June 30, 2024** passed without objection.

The **appointment of Wendi Szabo as Acting County Chair and County Liaison of Niagara County** passed without objection.

The **appointment of Jason Muckey as Acting County Chair and County Liaison of Steuben County** passed without objection.

Rules Committee Chair Andrew Kolstee issued a report (**Exhibit 5**).

Motion by Michael Rebmann on behalf of the Rules Committee to **amend the Rules of the Libertarian Party to adopt Proposal 1** passed by a voice vote.

Motion by Christopher Olenski on behalf of the Rules Committee to **amend the Rules of the Libertarian Party to adopt Proposal 2** was debated. Motion by Christopher Olenski to refer the motion back to the Rules Committee was seconded by Daniel Castello and passed by a voice vote.

Motion by Mark Braiman on behalf of the Rules Committee to **amend the Rules of the Libertarian Party to adopt Proposal 3** was debated. Motion by Robert Schuon to **refer the amendment back to the Rules Committee** was seconded by William Cody Anderson and debated.

Christopher Olenski made a **point of order objecting to consideration of the motion on the grounds that it was offered in the Rules Committee without a proper second**. Andrew Kolstee overruled the point of order on the grounds that motions in small committees do not require seconding.

Motion by Christopher Olenski to **challenge the ruling of the Chair that Proposal 3 was not properly passed by the Rules Committee** was seconded by Jeffrey Denecke. The Chair's ruling was sustained by voice vote.

Motion by Mark Axinn to **call the question** was objected by Jeffrey Denecke. The motion to call the question passed by voice vote. The original motion to **amend the Rules of the Libertarian Party to adopt Proposal 3** failed 10-18-0 (see Appendix **XX** for details). This total includes a no vote by James Ziobro, who was unable to vote by Zoom and asked to have his No vote recorded by the Secretary.

Motion by Mark Axinn to **amend the Rules of the Libertarian Party to adopt the Kolstee Amendment** was seconded by Daniel Castello and debated. Motion by Mark Braiman to **refer the amendment back to the Rules Committee** was seconded by Daniel Castello. and failed 11-15-3 by voice vote. Motion by Robert Schuon to **postpone the Kolstee Amendment to the next meeting of the State Committee** was seconded by Christopher Olenki and passed by voice vote.

A point of order was made by Michael Rebmann Call to **call for a quorum**. The Secretary determined that thirty-one (31) members were present as of the vote to postpone, which is (just barely) a majority of the 61 currently seated members of the State Committee.

The Director Search Committee Acting Member Justin Pelletier issued a report in the absence of Chair Michael Gately. He reported that the committee is prepared to make a recommendation and to have that individual interviewed by the State Committee.

Motion by Christopher Olenki to restore to the Agenda the hearings on revocation of affiliations of Schoharie and Richmond County failed due to lack of a second.

Motion Michael Rebmann to **adjourn** was seconded by Mark Axinn passed without objection.

The meeting was adjourned at 8:35 p.m.

Mark Stephen Braiman,  
Secretary.

# Exhibit 1

## CREDENTIALS REPORT

### ROLL CALLS. P=Present

JD	State Committee Member	1	JD	State Committee Member	1	JD	State Committee Member	1
EO	Richard F. Purtell	P	5	VACANT		8	Duane J. Whitmer	P
1	Mark N. Axinn	P	6	Mark S. Braiman	P	9	Juan R. Ayala	P
1	Morry C. Davis		6	Craig Colwell	P	9	Robert J. Cocomello	
1	David B. "Chance" Haywood		6	Samuel J. Hordeski		9	Daniel P. Donnelly	P
2	Paul M. Grindle		6	Christopher M. Olenski	P	9	Robert J. Greibesland	
2	Matthew I. Morgan		6	David S. Penner	P	9	William K. Schmidt	
2	Gary S. Popkin		6	Michael Gately		9	Christian J. Vondras	
3	William Cody Anderson	P	7	Steven G. Becker	P	10	Jeffrey J. Denecke	P
3	Justin N. Carman	P	7	Jeffrey C. Bradley		10	Jonathan H. Gunther	P
3	Lora Newell	P	7	Justin Pelletier	P	10	George T. Ostrowski	
3	Jennifer L. O'Connor	P	7	Sean C. Phelan	P	10	Robert E. Schuon	P
4	Amanda H. Ellithorpe		7	Marc A. Smith		10	Blay Tarnoff	P
4	Stephen C. Healey		7	James M. Ziobro	P	10	Randyn Tarnoff	
4	John A. Janes		7	VACANT		10	Christian Padgett	
4	Karyn A. Keniry-Thompson		7	VACANT		10	Vincent O'Neill	
4	Zachary D. Remian		7	VACANT		11	John Clifton	
4	VACANT		8	Erin M. Becker	P	11	Francisco Olvera	
5	Daniel J. Castello	P	8	Maura E. Botsford	P	11	Irwin Mark Weinblatt	P
5	Shawn C. DeGrand		8	Andrew M. Kolstee	P	12	VACANT	
5	James Fitch		8	Francis Law	P	12	VACANT	
5	Matthew K. Guilianelli		8	Leonard E. Morlock	P	13	VACANT	
5	Erinn Rose Leatherman	P	8	Michael R. Rebmann	P	13	VACANT	
5	Amber Nunes		8	Charles R. Roggen	P		# Present at roll call.	32
5	Keith C. Redhead		8	Jame J. VanDewalker	P		(out of 61 State Committee members)	

## Exhibit 2 (page 1 of 3)

### LIBERTARIAN PARTY OF NEW YORK AGENDA OF THE STATE COMMITTEE OF WEDNESDAY, APRIL 3, 2024

**6:30 P.M. Call to Order (Andrew Kolstee, Chair)**

**6:40 P.M. Roll Call and Confirmation of Quorum (Mark Braiman, Secretary)**

Note: Adam Magoon and Brian Wells have resigned from the State Committee since the last meeting. Quorum is down to 31.

**6:45 P.M. Adoption of Agenda**

**6:50 P.M. Filling of Vacancies on the State Committee**

Judicial District 7 (3 vacancies)  
Judicial District 12 (2 vacancies)  
Judicial District 13 (2 vacancies)

**7:00 P.M. Filling of Vacancies on the Elections Oversight Committee (1 in each district)**

Judicial District 3  
Judicial District 5  
Judicial District 8  
Judicial District 12  
Judicial District 13

**7:10 P.M. Treasurer's Report (Cody Anderson)**

**7:15 P.M. Reimbursements**

Consideration of reimbursement of Michael Rebmann \$164.15 for costs associated with mileage to check the venue in Watkins Glen ahead of the nominating convention.

Consideration of reimbursement of Andrew Kolstee \$167.12 for costs associated with balloting at State Committee meetings and the nominating convention in Watkins Glen.

**7:20 P.M. Nominating Convention Report (Michael Rebmann)**

**7:30 P.M. Chair's Report (Andrew Kolstee)**

**7:40 P.M. Petitioning Committee Report (Andrew Kolstee)**

## Exhibit 2 (page 2 of 3)

### **7:50 P.M. National Delegation Changes**

#### Demote as a Delegate:

Roger Cooper (resigned as a Delegate on March 20, 2024)  
Richard Cooper (resigned as a Delegate on March 21, 2024)  
Adam Magoon (resigned as a Delegate on March 26, 2024)

#### Promote as a Delegate:

James Melloen (1st Alternate)  
Paul Schaffenberger (6th Alternate)  
Chuck Dorgan (7th Alternate)

#### Demote as an Alternate:

Russell Nelson (resigned as an Alternate Delegate on March 22, 2024)  
Alexander Tollner (resigned as an Alternate Delegate on February 16, 2024)  
Sarah Shuster (resigned as an Alternate Delegate on February 16, 2024)  
Brandon Larsen (resigned as an Alternate Delegate on February 16, 2024)

#### Appoint as Alternate Delegates:

1. Erinn Rose Leatherman (#3 National Platform Committee Representative)
2. Jeffrey Monheit (#25 Former member of the State Committee, 2006-10)
3. Vladimir Vizner (#28 Former Brooklyn Secretary)
4. Dennis Consorte (#33 National member beginning May 14, 2018)

### **8:00 P.M. Appointment of Acting County Chairs/County Liaisons**

Thomas Quiter has declined to be reappointed for Chenango County.

Adam Magoon has declined to be reappointed for Niagara County.

Brian Wells has declined to be reappointed for Washington County.

Consideration to **retroactively renew the appointment of Jame VanDewalker as County Liaison of Allegany County on March 31, 2024, which will expire on June 30, 2024.**

Consideration to **retroactively renew the appointment of Zachary Remian as Acting County Chair and County Liaison of Clinton County on March 31, 2024, which will expire on June 30, 2024.**

Consideration to **retroactively renew the appointment of Jennifer O'Connor as Acting County Chair and County Liaison of Rensselaer County on March 31, 2024, which will expire on June 30, 2024.**



## Exhibit 2 (page 3 of 3)

Consideration to **retroactively renew the appointment of Justin Carman as County Liaison of Albany County on March 31, 2024, which will expire on June 30, 2024.**

Consideration to **retroactively renew the appointment of Rajib Maitra as Acting County Chair and County Liaison of Westchester County on March 31, 2024, which will expire on June 30, 2024.**

Consideration to **appoint Wendi Szabo as Acting County Chair and County Liaison of Niagara County.**

Consideration to **appoint Jason Muckey as Acting County Chair and County Liaison of Steuben County.**

### **8:20 P.M. Rules Committee Report**

See [here](#) for the report.

### **9:00 P.M. Old business**

### **9:15 P.M. New business**

### **9:30 P.M. Adjournment**

## Exhibit 3

LPNY Treasurer's Report  
April 3, 2024

Housekeeping Committee account balance as of April 3, 2024: **\$1941.22**  
(no change since March 16)

Constituted Committee account balance as of April 3, 2024: **\$30,651.49**  
(-\$4,850.80 since March 16)

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**Deposits to Housekeeping account since March 16:**

3/6 – Transfer in from CC - \$8,307.62

**TOTAL DEPOSITS: \$8,307.62**

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**Disbursements from Housekeeping account since March 16:**

3/25 – Watkins Glen Harbour Hotel - \$8,307.62

**TOTAL DISBURSEMENTS: \$8,307.62**

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**Deposits to CC account since March 16:**

Net Donations - \$3,677.91

**TOTAL DEPOSITS: \$3,677.91**

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**Disbursements from CC account since March 16:**

3/25 – Transfer to Housekeeping - \$8,307.62

**TOTAL DISBURSEMENTS: \$8,307.62**

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Respectfully submitted,

W. Cody Anderson  
Treasurer

## Exhibit 4

**LIBERTARIAN PARTY OF NEW YORK  
REQUEST FOR REIMBURSEMENT  
FOR THE STATE COMMITTEE MEETING  
OF WEDNESDAY, APRIL 3, 2024**

**Requestor:** Andrew Kolstee

<b>Date</b>	<b>Source</b>	<b>Description</b>	<b>Amount</b>	<b>Balance</b>
1/22/2024	OpaVote	Elections Oversight Committee	\$10.00	\$10.00
2/13/2024	OpaVote	JD6 vacancies – Round 1	\$10.00	\$20.00
2/13/2024	OpaVote	JD10 vacancies – Round 1	\$10.00	\$30.00
2/13/2024	OpaVote	Elections Oversight Committee	\$10.00	\$40.00
2/13/2024	OpaVote	Elections Oversight Committee	\$10.00	\$50.00
3/13/2024	JRSC Digital	Programs for convention	\$226.43	\$276.43
3/15/2024	JRSC Digital	Prints (nametags/debate cards)	\$14.69	\$291.12
3/16/2024	Election Runner	JD5 vacancies – Round 1	\$19.00	\$310.12
3/16/2024	Election Runner	JD7 vacancies – Round 1	\$19.00	\$329.12
3/16/2024	Election Runner	Stand-In for President	\$19.00	\$348.12
3/16/2024	Election Runner	Stand-In for Vice President	\$19.00	\$367.12
3/16/2024	Pat Ford	Auction prize*	-\$200.00	\$167.12

\* Pat Ford paid me \$200.00 through Venmo for an auction prize

## Exhibit 5 (page 1 of 2)

### REPORT OF THE RULES COMMITTEE FOR THE STATE COMMITTEE MEETING OF APRIL 3, 2024

#### Proposal 1 (C). Cleanup provisions in agenda for organization meetings.

8.5.2. **AGENDA.** The order of business shall be as follows:

- (a) The current Chair shall call the meeting to order.
- (b) ~~The Chair shall call the roll~~ Roll call to identify the elected State Committee members present.
- (c) The Chair shall serve as the Presiding Officer and Secretary shall serve as the Recording Secretary, respectively, of the Organization Meeting, unless they decline or are unable to serve, at which point a Temporary Chair and/or Temporary Secretary shall be elected for the duration of the meeting.
- ~~(d) Report of Rules Committee and adoption of the Special Rules of Order of the Organization Meeting.~~
- ~~(d)~~ (d) Filling of vacancies on the State Committee.
- ~~(e)~~ (e) Supplemental credentials report.
- ~~(f)~~ (f) Report of Rules ~~Subcommittee~~ Committee and adoption of the Rules of the Libertarian Party.
- ~~(g)~~ (g) Election of the officers and five Members-At-Large of the Executive Committee.
- ~~(h)~~ (h) Discussion and consideration of Platform amendments.
- (i) Treasurer's report
- (j) Other reports
- ~~(j) Report of Resolutions Subcommittee.~~
- (k) Adjournment.

#### Proposal 2 (D). Avoid using ballots for uncontested elections to speed up the process.

9.5. **UNCONTESTED ELECTIONS.** If any election is uncontested, normal voting procedures in accordance with these Rules may be suspended by a majority vote in which the vote may then be conducted by a voice vote between the uncontested candidate(s) and "None of the Above" (NOTA).

#### Proposal 3 (A). Add a financial obligation for all State Committee members during in-person meetings regardless of in-person or remote attendance.

8.3.1. **FINANCIAL OBLIGATIONS OF STATE COMMITTEE MEMBERS.** All members of the State Committee, whether attending in-person or remotely, shall pay a minimum registration fee of \$20. Purchasing a meeting package fulfills this requirement. No person shall be provided with the means to speak or vote in the meeting until their individual registration fee is paid.

## Exhibit 5 (page 2 of 2)

**KOLSTEE AMENDMENT 1. Give the Executive Committee flexibility to choose a smaller committee on vacancies to prevent the need to mail the documents to change candidates to 10 different people.**

### 14.2. STATEWIDE CANDIDATES.

14.2.1. **GENERAL.** Candidates for statewide office shall be nominated at a special open meeting of the State Committee in accordance with these Rules and Election Law. The nomination process shall be conducted in the same manner as the election of party offices as provided in Article 9. ~~The Executive Committee of the State Committee shall constitute the committee to fill any vacancy in such designations that may occur after the State Committee has adjourned.~~

14.2.2. **ELIGIBILITY.** To be a candidate for nomination for any of the following offices to be filled by the voters of the entire state, one must be an LPNY Member: Governor/Lt. Governor, Attorney General, Comptroller, United States Senator, Presidential/Vice Presidential Elector. However, in the event that nominations have already closed for a particular statewide office, a motion may be made to reopen nominations exclusively to allow the nomination of a specific non-LPNY Member for that position. Such a motion requires a three-quarters (3/4) vote and is non-debatable. If the motion is passed, the candidate will be entered into nomination.

14.2.3. **COMMITTEE TO FILL VACANCIES.** The Executive Committee of the State Committee shall constitute the committee to fill any vacancy in such designations that may occur after the State Committee has adjourned. [moved from 14.2.1] The Executive Committee may, by majority vote, appoint a subset of the Executive Committee to serve as the committee to fill vacancies.

14.2.3. **STAND-IN CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.** The State Committee may nominate a stand-in candidate for President and Vice President of the United States for the purposes of selecting names for an official Libertarian Party independent nominating petition if the Libertarian National Convention in which such candidates are to be nominated, is scheduled to begin after the start of the petitioning period. ~~The Executive Committee shall be named on the petition as the committee to fill vacancies.~~

14.2.3.1. **OPTION TO RETAIN STAND-IN CANDIDATE(S) IN THE GENERAL ELECTION.** After the Libertarian National Convention and prior to the declination deadline of independent candidates as determined by the New York State Board of Elections, the State Committee may, by a two-thirds (2/3) vote, officially request that one or both stand-in candidate(s) remain as the candidate(s) through the general election.

14.2.3.2. **PROCEDURES TO FILL VACANCIES.** If a vacancy occurs in the independent nomination for President and/or Vice President, ~~the Executive Committee, acting as~~ the committee to fill vacancies, shall name the candidate(s) chosen at the Libertarian National Convention as substitute(s). In the event that the Libertarian National Convention fails to nominate a candidate for President or Vice President of the United States, or nominates None of the Above (NOTA), the Executive Committee, acting as the committee to fill vacancies, shall choose the nominee(s) according to their own discretion.