

The Constitution of the Libertarian Party of Massachusetts (As amended at State Convention, April 16, 2005)

Preamble, Name and Purpose

We, the Libertarians of Massachusetts, do hereby unite to form the Libertarian Party of Massachusetts, in order to give voice to and implement the fundamental principle of libertarianism: that no person, group of people, or government has the right to initiate force against any other person, group of people, or government. We shall do this by supporting candidates for public office, publicizing the principles and goals of libertarianism, and taking any actions that the state convention or the state committee deem will further our aims.

The Party, its By-Laws and State Committee exist solely as a path for reaching the objectives of this preamble.

We assert our rights of freedom of speech, press and association as guaranteed in the First and Fourteenth Amendments of the United States Constitution and the precedent set by the Supreme Court's decision in *Eu v. San Francisco County Democratic Central Committee, et al.*, 489 U.S. 214, 109 S.Ct. 1013, 103 L.Ed.2d 271 (1989), and the same rights, however worded, guaranteed in the Massachusetts Declaration of Rights, to govern this Party and participate in the electoral process as we deem fit.

Article I: Membership

1. Members are all dues-paying members in Massachusetts, and all other persons who may so qualify under uniform rules of non-dues paying membership for which the state committee may provide in its by-laws.

Article II: State Convention

1. A state convention shall be held in every year.
2. The delegates to the convention shall be those Members who have registered for same, according to provisions set by the state committee for timeliness, attendance limits, and cost defrayment, and who have also been Members for 90 days prior to the start of the convention.
3. The Chair and the Secretary of the state committee shall be respectively the chair and secretary of the convention, until and unless the convention chooses other officers. The convention shall adopt its own rules.
4. The convention shall have the authority to adopt a platform. The Statement of Principles of the national Libertarian Party shall be included as a part of such platform, and shall not be amended except by a vote of seven-eighths of the delegates present. The platform, other than the Statement of Principles, shall be the most recently adopted platform of the national Libertarian Party, provided that, any plank of such platform, excluding the Statement of Principles, may be

deleted in its entirety by a simple majority of the delegates present. The substitution of a new plank for an old plank, or the addition of a new plank, shall require approval by a vote of at least two thirds of the delegates present.

5. The convention shall have the authority to adopt or amend the bylaws by a majority vote.

#### Article III: Nominations of Candidates

1. The state convention shall have the authority to nominate a candidate for any office or a slate of candidates for any set of offices to be filled by the voters, or some portion thereof, of the state. If the Libertarian Party has party status and is required to participate in the Primary Election in order to be included in the General Election, or if the State Committee has so chosen to participate, then the secretary of the convention shall:

- prepare the certificates of nomination of all such candidates as required by Chapter 53 of the General Laws of Massachusetts,
- obtain the signature, oath and residence of the presiding officer, and affix his or her own signature, oath and residence to the same,
- obtain the written acceptance of the nominee in each case, and submit each such certificate to the secretary of state within the time required by Chapter 53, Section 5.

2. Except as stated in the preceding section, the responsibility for meeting the legal requirements for ballot access, as determined by state law according to the Party's status, shall rest with each candidate.

This shall be the case without regard to whether the Party holds a primary election. Such responsibilities include, but are not necessarily limited to, the number of signatures and the qualifications of petition signatories, and the manner and timeliness of their collection and submission to the correct town and state election officials.

3. A person's name shall not appear on any Libertarian primary ballot, nor shall any person receive the nomination of the Libertarian Party of Massachusetts, for any partisan elective office unless that person is a recognized member of the national Libertarian Party, as defined by the Libertarian National Committee charter and bylaws, or the state Libertarian Party.

4. In the event of the withdrawal, death, or ineligibility of any candidate to be elected by the voters, or some portion thereof, of the Commonwealth, the vacancy may be filled by the state committee, unless the convention which nominated said candidate shall have provided for a different method in the original certificate of nomination. In the event a convention is not held in time to allow the convention to exercise its authority to nominate a candidate to be so elected by the voters, the nomination may be filled by the state committee.

#### Article IV: State Committee

1. The delegates to the state convention, next succeeding the convention at which this Constitution is adopted, shall elect a state committee, composed of nine (9) representatives at large, from among the Party's Members at state convention.
2. The Representatives on the state committee shall within 30 days of the state convention, meet and organize by the choice of a Chair, a Secretary, a Treasurer and such other officers as they may decide to elect.
3. A vacancy in any office, or in any Representative position on the committee originally filled by the state convention, shall be filled by the state committee.
4. The State Committee may appoint additional Representatives.
5. Representatives of the State Committee, including the State Committee serving at the time of the adoption of this Constitution, shall hold office until adjournment of the next state convention at which their successors are chosen.
6. The state committee may make rules for its proceedings, and for the calling of state conventions, for the selection of delegates and alternates to the national convention. The rules made for the selection of delegates and alternates to the national convention shall be submitted to the secretary of state as provided by Chapter 53, Section 70B of the General Laws of Massachusetts, whenever said Section applies to this Party.
7. The state committee shall notify the secretary of state of its decisions whether or not to hold primaries to the extent required or allowed by Chapter 53, Section 2. To the extent the state committee has the option of whether to hold a primary under Chapter 53, Section 2, it shall notify the Secretary of State of its chosen option, and shall do so in a timely manner under that Section. In the event the state committee has failed, by two weeks before the date described in that Section, to make an affirmative choice to hold a primary, the Chair shall notify the Secretary of State that the state committee has chosen not to hold a primary.
8. The state committee shall nominate presidential electors as required by Chapter 53, Section 8.
9. The state committee shall have the authority to adopt or amend the bylaws by a two-thirds vote.
10. No person who is not a recognized member of the national Libertarian Party, as defined by the Libertarian National Committee charter and bylaws, shall hold the office of Chair, Secretary, or Treasurer of the State Committee, or any office in succession, such as Vice-Chair or Assistant Secretary.

#### Article V: Delegates to National Convention

1. In any year in which candidates for presidential electors are to be elected, the selection of delegates and alternate delegates to the national convention shall be by that system adopted by the state committee. The system adopted by the state committee shall be set forth in written rules and procedures covering all aspects of the delegate selection process and, if the state committee

has made a timely decision to hold a presidential primary, a copy of such rules and procedures shall be filed with the secretary of state on or before October first of the year preceding the year in which presidential electors are to be elected.

2. If there is a roll call vote-for president at the national convention, all the delegates and alternates whose selection is subject by party rule to the approval of a presidential candidate shall vote on the first such roll call for that presidential candidate unless released by such candidate.

#### Article VI: Bylaws, Rules and Amendments

1. Bylaws to implement and clarify the authority and duties of persons and bodies authorized by this charter may be adopted or amended by a majority vote at a state convention, or by a two-thirds vote of the state committee. When each State Committee meets for the first time to organize, any bylaws previously in force shall remain in force unless a two-thirds vote of the State Committee shall specify otherwise, provided that any amendments to the bylaws shall be consistent with this charter and with actions at State Conventions.

2. Each body authorized by this charter may adopt rules for its proceedings.

3. This charter may be amended by a two-thirds vote of the delegates present, whether or not voting, at a state convention, provided that there is a quorum, if and only if the following conditions are met:

a. The amendment has been approved beforehand by the state committee, or has been endorsed beforehand by the signatures of at least that number of representatives which is two more than a majority, which amendment and endorsement shall be submitted in writing to the secretary of the state committee, and

b. A copy of the proposed amendment has been sent to each delegate to the state convention by mail, postmarked at least two weeks prior to the date of the state convention in which the amendment is to be considered.

Article Two, Section 4, and this section, shall be amended only by a seven-eighths vote of the delegates present, whether or not voting, at a state convention.