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## Constitution of the Libertarian Party of Utah

(Adopted 4/20/2023)

### Article One: Name & Purpose

1. Name: This organization will be known as the Libertarian Party of Utah. In this Constitution, it may also be referred to as the UTLP or the "Party."

2. Purpose: The UTLP is a political party based on the principles of Libertarianism. The Party's purposes are to:

1. Nominate and support with all available resources candidates for political offices who subscribe to Libertarian principles;
2. Champion individual liberty and the philosophy and principles of Libertarianism within Utah; and
3. Promote and support Libertarian Party organizations in Utah.

3. Compliance: The Party will always be in compliance with local, state, and federal election laws. If there is any conflict between the Party's Constitution and Bylaws and prevailing election laws, the State of Utah's law supersedes this Constitution and Bylaws.

4. Affiliation: The Party is affiliated with the Libertarian Party, Libertarian National Committee and other similarly affiliated Libertarian organizations throughout the state and country.

## **Article Two: Statement of Principles**

1. Members of the Party subscribe to the Statement of Principles of the Libertarian Party, and specifically believe:

1. Each individual possesses the right to life and liberty, and justly acquired property including the right to defend them;
2. No person or organization, political or voluntary, has the right to initiate force or fraud against another person, nor to use force against another's property;
3. All individuals are entitled to exercise their right of agency, and to choose their own lifestyle as long as they do not forcibly interfere with the equal right of others to live their lives in whatever manner they choose;
4. The voluntary exchange of goods and services is a fundamental right of the individual; and
5. The only moral basis of government is to ensure the individual's freedom from force or fraud.

2. Violation of any one of these principles is cause for expulsion from the Party.

1. How or why a member is expelled from the Party shall be defined in the Party Bylaws.
2. Expulsion is reviewed & approved by the body of the CC and shall occur in accordance with applicable local, state, & federal laws.

## **Article Three: Officers and the Executive Committee**

1. Officers & Responsibilities: The Chair, Vice-Chair, Secretary, Treasurer, and two At Large Members are individually the Party officers and collectively its Executive Committee (EC).

1. The Chair is the Party's chief executive officer and presides at all Conventions and at all meetings of the Executive and Central committees. The Chair is responsible for appointing new EC members when such offices become vacant, subject to the consent of the EC. The Chair serves as the Party's liaison with the appropriate body for all matters relating to the Party's relationship with the State of Utah and other political organizations. The Chair is the Party's official spokesperson for the press and representative to the Libertarian National Committee.
2. The Vice-Chair performs the duties of the Chair when the Chair is, for any reason, unable to perform the duties of the office. The Vice-Chair will also carry out such other duties for the benefit of the Party as directed by the Chair.
3. The Secretary keeps the minutes and records of all Party Conventions and meetings of the Executive Committee and Central Committee. The Secretary will report at Conventions concerning such Party activities as The Central Committee or the Chair directs. The Secretary will make such reports as required by law to the State of Utah. The Secretary will provide in writing the names of all Party officers, delegates, and candidates to at least one general circulation newspaper within Utah and one news service as well as the national Libertarian Party headquarters, and the Chair for forwarding to the appropriate state political entity within five (5) calendar days after their election.
4. The Treasurer is responsible for the Party's financial activities. The Treasurer will report to each meeting of the EC and CC, and to Conventions, the current financial status, expenditures, and income of the party. The Treasurer will submit financial reports as required by law to the State of Utah and Federal filing agencies. A County Party Treasurer may request advice from the State Party Treasurer but the accuracy of reports shall be verified by County Party officers.
5. The At Large Members represent the general membership and may be assigned other duties by the Chair.
6. The Executive Director is appointed by the EC, an independent contractor of the Party and is an ad hoc, non-voting member of the EC and CC.

2. Terms of Office: Officers are elected for two-year terms at organizing conventions held during odd-numbered years and assume office at 12:01 a.m. one day following adjournment of the convention at which they are elected.

3. Vacancies: If the office of Chair falls vacant, the Vice-Chair succeeds to that office. In the event that both the offices of Chair and Vice-Chair fall vacant the line of succession will be the Party Secretary, the Party Treasurer, the At Large Members (determined by mutual agreement or coin toss) and each LP County Chair in descending order of the membership of each county. These parties will continue to hold their previously elected office until a replacement can be nominated and elected by the Central Committee or the respective LP county organizations. Other Party officer vacancies will be filled by nomination of the Chair and a vote of the Executive Committee. Officers so elected will complete the term of the office vacated.

4. Removal from Office: Any officer of the Party or member of the CC may be removed from office by a three-fourths vote of the entire CC: due to Article 2 Section A & B violation and or nonperformance of duties as outlined by Article 3.

5. Qualification: To be a member of the EC, an individual must be a member in good standing with at least thirty days membership in the Libertarian Party.

6. Ad Hoc Positions: The Chair may at his/her discretion and with the approval of the EC add ad hoc positions with specific responsibilities, such as campaigns chair, membership chair, publicity chair, fundraising chair, newsletter editor, et al. These ad hoc members may attend EC and CC meetings but have no vote.

7. Meetings & Quorums: The EC will meet at least once each quarter. Three officers compose a quorum, providing one of them is the Chair or Vice-Chair. At any time that there is not a full slate of elected Party officers, including a Chair or Vice-Chair, a simple majority of remaining officers will constitute an EC meeting quorum. Any officer who misses any three meetings in a year without satisfactory advance notification may be removed by majority vote of remaining officers.

8. In case any parts of the bylaws are, or become, inconsistent with Utah law, the EC is empowered to make revisions to bring them into compliance for immediate use. Such revisions will be immediately distributed to the Central Committee for review, approval, and distribution to County Party Officers as necessary for their compliance.

#### **Article Four: Central Committee**

1. Composition: The Central Committee (CC) consists of the Executive Committee and the County Chairs. County Party Chairs may delegate CC responsibilities to a County Party EC Officer whose State Party membership is in good standing.

2. Powers and Duties of the Central Committee: The Central Committee has general charge of the affairs of the Party and enjoys the powers usually exercised by such committees and officers thereof.

3. Vacancies: Vacancies in the CC will be filled by the affected county organization. If there is no county organization, the EC may fill the vacant position by appointment for the remainder of the vacated term.

4. Meetings & Quorum: The CC will meet at a schedule set by the EC provided that the CC meets at least once each quarter. CC meetings are open to all Party members in good standing, but only CC members may vote. All CC members attending constitute a quorum. Any meeting, regular or special, may be held by use of telephone or internet, or similar communications equipment, so long as all CC members participating can hear one another. CC meetings may be called by:

1. the Chair,
2. any three members of the Executive Committee,
3. any five members of the Central Committee, or
4. a petition signed by 25 Party members in good standing.

If the meeting is not regularly scheduled, notice must be delivered in writing to each member of the CC at least ten (10) days prior to the meeting. Receipted email is acceptable notification. The Secretary will make the names and addresses of CC members available on demand to any member in good standing who wishes to convene a CC meeting.

#### **Article Five: County Party Organizations**

1. Purpose: Each county with at least five (5) resident members may form a County Party. 3 resident members may form a Caucus organization until 5 or more resident members are able to form a County Party with the same purpose and affiliations as the Party.
2. Organization: Each County Caucus will elect at least three officers: Chair, Vice-Chair, and Secretary. Collectively they comprise the County Executive Committee (CEC). Each County Party will elect at least four officers: Chair, Vice-Chair, Secretary, & Treasurer.
3. A County Caucus is an outreach program headed by local residents with goal of gaining enough members to form a county party. The county caucus has direct access to the state party EC for party development purposes. A caucus can be formed by party pledging members and or dues-paying members.
4. To form a County Party:
  1. All elected officers must be Libertarian Party of Utah dues-paying members in good standing.
  2. An organizing convention must be held in accordance with state party Constitution and Bylaws with an Executive Committee member present to verify party officer eligibility from state party roster.
  3. County party bylaws & constitution must be drafted, voted, and adopted at Organizing Convention.
  4. The state EC membership in attendance will report to the EC Secretary copies of the county party constitution, bylaws, convention attending member roster, and vote record so the county party can be recognized by the state party and participation in the CC be guaranteed.
5. County parties are associated with the state party but are responsible for their own financial and business reporting with State and Local governments as required by law. It is the county party CEC responsibility to verify what financial and business reporting is required of them with the appropriate government agencies.
6. A county party organization less than 1 year old is not required to hold an organizing convention prior to the next state party organizing convention.
7. Meetings: county parties will meet at least once each quarter. One quarterly meeting must be a convention prior to the convention.
8. Reports: county chairs will report on the activities of their organizations at each CC meeting and each convention. County party reports shall be submitted to the state Secretary for electronic and paper filing so as to ensure a proper historical record of party activities. County party Reports shall include:
  1. Number of county party dues-paying members recruited.
  2. Number of county dues-paying and pledge members in attendance at business meetings.
  3. Brief outline of plans for county party growth.
  4. Note the financial record reporting shall occur directly with governing municipal, state, and federal agencies. The state EC or CC have no duty to make any business or financial reporting on behalf of county party organizations.
9. Membership: Party members in good standing who reside or vote in a county are automatically pledging members of their county party. County parties shall develop their own membership criteria as necessary for their local need.
10. Dues: County parties may charge dues. County party dues may be less than or equal to state party dues but shall not exceed state party dues.
11. Fund-Raising: County parties may raise funds to meet their operating expenses by any legitimate means consistent with our principles. The Party **may**, but is not bound to, help fund County Parties by allocating no more than 50% of the funds received from the Utah state income tax checkoff. Any party funding for county parties occurs at the discretion of the Central Committee.

## **Article Six: Finances**

1. Budget: The Party's fiscal year runs from May 1 to April 30. By the second quarterly CC meeting following a convention but no later than December 15, the Treasurer should submit a proposed budget to the CC which becomes the party's budget for the coming year on adoption. The budget may be revised at subsequent meetings by the CC. The EC may authorize expenditures outside of the budget.

2. Financial Procedures: With the budget, the CC should adopt a set of financial procedures, a copy of which will be made available to members of the Party. These procedures will include:

1. two signatures required for all checks other than payments pre-approved and recorded by the EC,
2. a bookkeeping system, and
3. a system for handling cash donations.
4. At a minimum the Party Banking transaction and online donation records shall be made available for review at the organizing convention or for any CC Meetings.

3. Designated Donations: Any individual may donate funds to the Party for a specific purpose. The Party guarantees such gifts will be used as directed, providing it is consistent with our mission and principles. All such designated donations and their disposition will be included in the regular Treasurer's report. If the CC decides the purpose for which the donation is made is inappropriate, the person making the gift will be given the opportunity to re-designate his/her gift or have it refunded in its entirety. Non-designated donations will be put in the Party's general treasury for use at the discretion of the EC.

4. Party Debt: The Party will not operate on a deficit budget or accrue monthly or yearly debt.

1. Executive Committee members may use personal credit cards to make payment for goods and services – not in excess of budgeted funding – for which receipts must be submitted for reimbursement within 30 days or such expense may only be noted as a designated donation.
2. All expense reimbursements shall be resolved prior to new officer assignments.
3. Monthly expenses shall not exceed bank account balance available for withdrawal.

5. Member Audit: The financial records of the Party may be reviewed once each year by a committee composed of three Dues-paying Members in good standing, none of whom are Party officers, elected for this purpose by the CC. The report of their review may be presented to the annual convention. The Party's financial and other records will made be available to Dues-paying Members in good standing by appointment.

#### **Article Seven: Membership**

1. Qualification: Membership in the Libertarian Party of Utah is open to anyone who:

1. pays the required membership dues and is a Utah resident,
2. manifests his/her agreement with the Statement of Principles of the Party by signing the Pledge and is a Utah resident, or
3. manifests his/her agreement with the Statement of Principles of the Party by signing the Pledge and is an appointed alternate delegate to the Libertarian Party national convention.

2. The Pledge: I do not believe in nor advocate the initiation of force or fraud as a means of achieving political or social goals. Any member who advocates or manifests behavior inconsistent with the Pledge or the Party's principles (see Article Two) may have his/her membership revoked.

3. Membership Classifications: Members are classed as:

1. Pledging: Pledging members may vote at county organization meetings only at the county chair's discretion and may attend Party functions. At conventions, Pledging Members may not vote on any matter relating to the Party's internal business, but may vote for candidates for public office. Pledging Members will be entered into the Party's membership list

and may receive mailings at the Party discretion. Pledging Members are not eligible for any Party member discounts. No dues are required but pledging members must sign the Pledge.

2. Dues-paying: Dues-paying Members have full voting rights at all conventions, and eligibility to be a candidate for partisan offices as a Libertarian, a delegate to the Libertarian Party national convention, and party officer candidate.

4. Good Standing: Effective March 1, 2007, a member will be considered to be in good standing provided:

1. his/her dues for the current year are paid as required;

and

2. his/her membership has not been revoked.

5. Acceptance and Revocation: The CC reserves the right to pass on the acceptability of membership applications and to revoke the membership of any individual who expresses or evidences principles contrary to the Party's principles.

6. Members with revoked membership status shall be retained on membership roster with a revocation status annotation. Terms for appeal and reinstatement shall be defined in Bylaws.

#### **Article Eight: Judicial Committee**

1. Purpose: The Judicial Committee arbitrates and decides on all disputes regarding the Party arising between members, the Party, County Caucus or CEC or auxiliary organizations. It is the final body of appeal in all matter regarding interpretation of the Constitution and Bylaws.

2. Composition: The Committee should be selected at the beginning of each year by the Chair and composed of from three to seven members who are past officers of the party and who are not currently serving in any other EC, CC, or CEC party office. They will in turn elect one of their number to be Chief Justice who will be responsible for reporting all Committee decisions to the EC after they are rendered and to the next convention.

3. Term of Office: Judicial Committee members will serve for two years. Vacancies will be filled by the vote of the EC. The Chair principally is responsible to nominate individuals to fill the position but other EC or CC members may recommend replacements when needed.

4. Sessions: The Committee is not required to meet except when called upon to decide a matter by at least three Dues-paying Members in good standing, or at the request of the EC.

5. Decisions: Judicial Committee decisions require a majority vote. Committee decisions may only be overruled at a convention by two-thirds vote. A two-thirds vote cannot overrule a decision in such a way as to make the party out of compliance with applicable municipal, state, or Federal law.

#### **Article Nine: Convention & Election Procedures**

1. Conventions: Every year the Party must hold a convention for all members. In odd-numbered years, the Party will hold an organizing convention to elect new officers. In even-numbered years, the Party will hold a nominating convention to choose candidates for political office and delegates to the Libertarian Party national convention as appropriate. Convention proceedings will be governed by the most recent edition of Robert's Rules of Order.

2. Direct Democracy: Only members in good standing and attending the convention may vote on issues or Party candidates that come before them. All Dues-paying Members attending constitute a quorum.

3. Nomination: Anyone who wishes to be a candidate for a Party or political office must be nominated by two individuals other than him/herself.

4. Majority Rule: In all elections for Party office, or delegate status, a simple majority is required to elect a candidate.

5. None of the Above: In all Party elections for political office, “none of the above” will be offered as an alternate choice until defeated. If that choice prevails, the Party will officially have no candidate in that election and the state Secretary will so notify the appropriate political entity.6. Given filing deadlines for candidates for office, should “none of the above” win over a candidate who has already paid filing fees the EC & CC shall note at convention the ability of the Party to reimburse candidate(s) filing fees.

1. This rule only applies for those candidates who are dues paying members in good standing and who were so at the time of fee filing.

2. Candidates with revoked membership or who are not dues paying members in good standing are not required filing fee compensation. The EC & CC may enter private session to evaluate any reimbursement.

3. A candidate convicted of criminal behavior who has paid the filing fees and loses to “none of the above” may appeal for fee reimbursement, but any such reimbursement shall be at the discretion of the EC.

7. Candidacy filing fees should be paid from candidate fund raising efforts and reimbursement should not be necessary as it is a candidate's responsibility to budget for such efforts.

#### **Article Ten: Ratification & Amendment**

1. Ratification: This Constitution becomes effective immediately upon being approved by a two-thirds majority of those members in good standing present and voting at the Party Convention to which it is presented. It repeals and supersedes any previous Constitution and/or By-Laws.

2. Amendment: This Constitution may be temporarily amended by a two-thirds majority vote of the CC subject to permanent ratification of the voters at any Party convention, with the exception of Article Two Statement of Principles which may be amended only by the three-fourths consent of those voting at the convention. Amendments may be proposed by any three (3) members in good standing by written notice to the Secretary 30 days prior to the next convention.

3. Bylaws: This Constitution may be supplemented by bylaws governing procedural matters. Bylaws may be proposed and adopted by the EC and or CC which are not immediately subject to approval by the general membership. The membership may alter or revoke bylaws at any annual convention providing such alteration or revocation is compliant with State and Federal law. The general membership shall not have the power to subject the members of the governing bodies in the EC or CC, or the Party, to legal action from municipal, state, or Federal governing agencies.

4. Notification: Written notice of all proposed Constitutional amendments must be mailed, and/or emailed, to all members in good standing at least ten days in advance of the Convention. Such notice need not be made separately from any publication regularly prepared by the Party. Social media and Party website posting is appreciated and encouraged but is not sufficient on its own to stand as acceptable notice.

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