

EXHIBITS TO THE  
PETITION OF  
CARYN ANN HARLOS

# EXHIBIT A

# **LIBERTARIAN PARTY**

***BYLAWS, CONVENTION SPECIAL  
RULES, AND JUDICIAL COMMITTEE  
RULES OF APPELLATE PROCEDURE***



**ADOPTED IN CONVENTION JULY 2020, ORLANDO, FLORIDA AND VIA ZOOM  
WITH STYLE CORRECTIONS ADOPTED SEPTEMBER 12, 2020**

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# **Bylaws of the Libertarian Party**

## **ARTICLE 1: NAME**

These articles shall govern the association known as the "Libertarian Party," hereinafter referred to as the "Party."

## **ARTICLE 2: PURPOSES**

The Party is organized to implement and give voice to the principles embodied in the Statement of Principles by:

1. functioning as a libertarian political entity separate and distinct from all other political parties or movements;
2. electing Libertarians to public office to move public policy in a libertarian direction;
3. chartering affiliate parties throughout the United States and promoting their growth and activities;
4. nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for political office; and
5. entering into public information activities.

## **ARTICLE 3: STATEMENT OF PRINCIPLES AND PLATFORM**

1. The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a vote of 7/8 of all registered delegates at a regular convention.
2. The Party platform shall include, but not be limited to, the Statement of Principles and the implementation of those principles in the form of planks.
3. The current platform shall serve as the basis of all future platforms. The existing platform may be amended only at regular conventions. A platform plank may be deleted by majority vote. New planks or amendments to existing planks require a 2/3 vote.

## **ARTICLE 4: MEMBERSHIP**

1. Members of the Party shall be those persons who have certified in writing that they oppose the initiation of force to achieve political or social goals.
2. The National Committee may offer life memberships and must honor all prior and future life memberships.
3. The National Committee may create other levels of membership and shall determine the contribution or dues levels for such memberships.
4. "Sustaining members" are members of the Party who:
  - a. During the prior 12 months have donated, or have had donated on their behalf, an amount of at least \$25; or
  - b. Are Life members.

## **ARTICLE 5: AFFILIATE PARTIES**

1. No person, group, or organization may use the name "Libertarian Party" or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws.
2. The National Committee shall charter state-level affiliate parties from any qualifying organization requesting such status in each state, territory, and the District of Columbia (hereinafter, state). Organizations which wish to become state-level affiliate parties shall apply for such status on a standard petition form as adopted by the National Committee, which petition shall be signed by no fewer than ten members of the Party residing in the appropriate state. Affiliate party status

shall be granted only to those organizations which adopt the Statement of Principles and file a copy of their constitution and/or bylaws with the Party Secretary.

3. There shall be no more than one state-level affiliate party in any one state. Each state-level affiliate party shall, in accordance with its own bylaws and these bylaws, determine who shall be its delegates to all regular conventions. A state-level affiliate party may charter sub-affiliate parties within the state, which will entitle such sub-affiliates to use the name "Libertarian Party."
4. No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws.
5. The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws.
6. The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee. A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation. The affiliate party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation. Failure to appeal within 30 days shall confirm the revocation and bar any later challenge or appeal. The National Committee shall not revoke the status of any affiliate party within six months prior to a regular convention. The Judicial Committee shall set a date for hearing the appeal within 20 to 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and submit evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party. The Judicial Committee shall issue its ruling within 30 days of the hearing and in no case later than 90 days prior to a regular convention. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's revocation of affiliate party status except when the last day of the 30 day period falls within 90 days prior to a regular convention, in which case the Judicial Committee's non-action shall result in reinstatement of affiliate party status.

## **ARTICLE 6: OFFICERS**

1. The officers of the Party shall be:
  - o Chair,
  - o Vice-Chair,
  - o Secretary, and
  - o Treasurer.

All of these officers shall be elected by a regular convention of the Party, shall take office immediately upon the close of the convention and shall serve thereafter until the final adjournment of the next regular convention. No person shall serve as an officer who is not a sustaining member of the Party.

2. No offices shall be combined.
3. The Chair shall preside at all conventions and all meetings of the National Committee. The Chair is the chief executive officer of the Party with full authority to direct its business and affairs, including hiring and discharging of National Committee volunteers and paid personnel, subject to express National Committee policies and directives issued in the exercise of the National Committee's plenary control and management of Party affairs, properties and funds.
4. The Vice-Chair shall be the chief assistant to the Chair, performing such duties as the Chair shall prescribe, and holding such executive powers as the Chair shall delegate and shall perform the duties of the Chair in the event that the Chair is, for any reason, unable to perform the duties of the office.
5. The Secretary shall be the recording officer of the Party and shall perform such duties as are assigned by the Chair or the National Committee. The Secretary shall attend all meetings of the National Committee and all Party conventions and shall act as Secretary thereof, keeping such minutes and records as necessary.
6. The Treasurer shall receive, expend, and account for the funds of the Party under the supervision and direction of the Chair and the National Committee. The Treasurer shall make an annual

financial report to the National Committee and shall perform all duties required of the office by applicable federal and state law. The Treasurer is responsible for oversight of all financial functions, including, but not limited to receipts, disbursements, internal and external reporting. The Treasurer shall report to the National Committee and the convention both the financial situation of the Party and the results of its activities. The report of the Treasurer to the convention, specified in Convention Rule 1 agenda item 4, shall include an independent auditor's report opining whether the financial statements present fairly, in all material respects, the financial position of the Party and the changes in its net assets and its cash flow for the years then ended, in conformity with accounting principles generally accepted in the United States of America. Unaudited interim financial statements shall also be presented. Such reports shall be made available to every delegate.

7. The National Committee may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee, excepting the officer that is the subject of the vote who may not participate in that vote. The suspended officer may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension. Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's suspension of the officer or order the officer's reinstatement within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the officer. At such time as the suspension is final, the office in question shall be deemed vacant.
8. The National Committee shall appoint new officers if vacancies occur, such officers to complete the term of the office vacated.

## **ARTICLE 7: NATIONAL COMMITTEE**

1. The National Committee shall have control and management of all the affairs, properties and funds of the Party consistent with these bylaws. The Libertarian National Committee shall establish and oversee an organizational structure to implement the purposes of the Party as stated in Article 2. The National Committee shall adopt rules of procedure for the conduct of its meetings and the carrying out of its duties and responsibilities. The National Committee may delegate its authority in any manner it deems necessary.
2. The National Committee shall be composed of the following members:
  - a. the officers of the Party;
  - b. five members elected at large by the delegates at a regular convention; and
  - c. any additional members as specified below:

Any affiliate party with 10% or more of the total national party sustaining membership within affiliate parties (as determined for delegate allocation) shall be entitled to one National Committee representative and one alternate for each 10% of national sustaining membership. Affiliate parties may, by mutual consent, band together to form "representative regions," and each such "region" with an aggregate national party sustaining membership of 10% or more shall be entitled to one National Committee representative and one alternate for each 10% of national party sustaining membership. "Representative regions" may be formed or dissolved once every two years during a period beginning 90 days before the beginning of and ending on the second day of the national convention, and notice of new formations or dissolutions must be given in writing to the national Secretary prior to the close of the convention at which they take place.
3. The National Committee shall take office immediately upon the close of the regular convention at which they are selected and serve until the final adjournment of the next regular convention.
4. A National Committee member shall be a sustaining member of the Party and shall not be the candidate of any party except the Party or an affiliate.
5. The National Committee may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee, excepting the member that is the subject of the vote who may not

participate in that vote. The suspended member-at-large may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension. Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's suspension of the member-at-large or order reinstatement of the member-at-large within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the member-at-large. At such times as the suspension is final, the office in question shall be deemed vacant.

6. A National Committee member who fails to attend two consecutive regular sessions of the National Committee shall be deemed to have vacated his or her seat. The appointing body shall be free to reappoint the member who vacated the seat.
7. The National Committee shall appoint new officers and members-at-large if vacancies occur, such officers and members-at-large to complete the term of the office vacated.
8. A National Committee Regional Representative or Alternate may be removed and replaced only by the act of the affiliate parties that constitute the subject region. The voting procedure for the removal and replacement of regional representatives or alternates shall be determined by the regions. In the absence of any such procedures, a majority vote of the state chairs comprising the region shall prevail.
9. The National Committee shall meet at such times and places as may be determined by: action of the Committee, call of the Chair, or written request of 1/3 or more of its members.
10. A majority of the membership of the National Committee shall constitute a quorum for the transaction of business at all meetings.
11. The National Committee may adopt public policy resolutions by a  $\frac{3}{4}$  vote with previous notice or by unanimous consent without previous notice.
12. Upon appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void.
13. The National Committee shall use roll call voting on all substantive motions. Additionally, the National Committee must have a roll call vote upon request of any single committee member present on any motion. On all roll call votes, the vote of each individual committee member shall be recorded in the minutes.
14. The Secretary or a designee shall promptly post notice for each session of the National Committee; any National Committee proposed agendas; and approved minutes of each convention and open National Committee session to a permanent archive section on the Party's website. Any person may record the National Committee's proceedings while in open session, or subscribe to a read-only email list on which National Committee votes are recorded.
15. The National Committee and all of its committees shall conduct all votes and actions in open session; executive session may only be used for discussion of personnel matters, contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality.

## **ARTICLE 8: JUDICIAL COMMITTEE**

1. The Judicial Committee shall be composed of seven Party members elected at each regular non-presidential convention and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. The Judicial Committee shall take office immediately upon the close of the regular non-presidential convention at which elected and shall serve until the final adjournment of the next regular non-presidential convention. All Judicial Committee members shall have been Party members at least four years at the time of their selection. The remaining members of the Judicial Committee shall appoint new members if vacancies occur, such appointees to serve until the final adjournment of the next regular non-



presidential convention. Should all Judicial Committee positions be vacant, an Intervening convention may fill such vacancies.

2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:
  - a. suspension of affiliate parties (Article 5, Section 6),
  - b. suspension of officers (Article 6, Section 7),
  - c. suspension of National Committee members-at-large (Article 7, Section 5),
  - d. voiding of National Committee decisions (Article 7, Section 12),
  - e. challenges to platform planks (Rule 5, Section 7),
  - f. challenges to resolutions (Rule 6, Section 2), and
  - g. suspension of Presidential and Vice-Presidential candidates (Article 14, Section 5).
3. Within 90 days following the regular convention at which elected, the Judicial Committee shall establish rules of appellate procedure to govern its consideration of matters within the scope of its jurisdiction. The existing Rules shall remain in effect until and unless the Judicial Committee submits new proposed rules to the National Committee for approval, which approval shall be deemed given unless denied by a 2/3 vote of the National Committee within 60 days of submission. A copy of the current rules of appellate procedure shall be maintained by the Secretary at the Party Headquarters and shall be available to any member at cost.

## **ARTICLE 9: FINANCE AND ACCOUNTING**

1. The fiscal term of the Party shall begin on January 1 of each year. From January 1 until the National Committee has approved a budget, the Treasurer may authorize expenditures for any item incorporated in the previous year's budget as long as the level of expenditure is consistent with that budget.
2. The National Committee shall cause an efficient double-entry system of accounts to be installed and maintained. Financial statements of the Party shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP). Audits shall be performed annually by an independent auditor. The non-officer members of the National Committee shall appoint a standing Audit Committee of three members with power to select the independent auditor. One member shall be a non-officer member or alternate of the National Committee and the other two shall not be members or alternates of the National Committee. The Assistant Treasurer is not eligible to serve on the Audit Committee. The Audit Committee shall present its findings to each regular convention and clarify for the National Committee any recommendations made by the auditor.
3. No disbursements exceeding \$100 may be made with cash.
4. The National Committee shall have the power to designate the depository of all funds of the Party and shall appoint such officers and employees as in its judgment may seem advisable to deposit and withdraw funds.
5. The Party shall not borrow in excess of \$2,000 total without prior approval by 2/3 vote of the National Committee. This shall not include current operating debt for trade payables.
6. The National Committee shall designate an Assistant Treasurer to temporarily serve in the event the Treasurer is incapacitated or unavailable, or vacates the position.

## **ARTICLE 10: CONVENTIONS**

1. Regular Conventions:

The Party shall hold a regular convention every two years, at a time and place selected by the National Committee. Regular conventions shall be held sometime during the period of July of an odd-numbered year through August of an even-numbered year. All business required to be conducted at regular conventions shall be conducted at regular conventions only.
2. Delegates:
  - a. Delegates shall be required to be members of either the Party or an affiliate party. At all regular conventions delegates shall be those so accredited who have registered at the convention.
  - b. Any federal or state law to the contrary notwithstanding, delegates to a regular convention shall be selected by a method adopted by each affiliate party; provided

however, that only members of the Party as defined in these bylaws, or members of the affiliate party as defined in the constitution or bylaws of such affiliate party, shall be eligible to vote for the selection of delegates to a regular convention.

3. Affiliate Party Delegate Entitlements:

Each affiliate party shall be entitled to send delegates to each regular convention on the following basis:

- a. One delegate for each 0.14 percent, or fraction thereof, of the total Party sustaining membership in that affiliate; provided that at least one such delegate must be a resident of that State or District.
- b. One delegate for each 0.35 percent, or fraction thereof, of the votes cast nationwide for the Libertarian Party candidate in the most recent presidential election, cast in that affiliate's state. If a state conducts its presidential election via Ranked-Choice or Instant Runoff Voting, the ballots for the Libertarian candidate as tabulated in the first round of ballot counting will be used for this purpose.

4. Delegate Allocation:

- a. In order to be counted for delegate allocation, sustaining membership applications must be sent to the National Headquarters by either the individual member or the affiliate party and received or postmarked no later than the last day of the seventh month prior to the regular convention.
- b. The Secretary shall make a count of the sustaining members qualified under the requirements set forth here and shall compute the delegate allocations for the affiliate parties. Notification of the sustaining membership totals and allocation totals shall be sent by the Secretary to the chair of each affiliate party no later than the last day of the sixth month prior to a regular convention.
- c. A list of the names and addresses of all delegates and alternates chosen by each affiliate party shall be sent to the Credentials Committee no later than one month prior to start of the first general session of the regular convention. Amendments to such lists may be made by the affiliate parties and submitted to the Credentials Committee until the close of the Credentials Committee meeting preceding the convention. The number of alternates' names submitted shall not exceed the greater of 50 or the number of delegates allocated.
- d. Failure to submit a listing of delegate/alternate names and addresses, as prescribed within these bylaws, shall cause no delegation to be registered from that affiliate party.
- e. By seven-eighths vote, the convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the convention.

5. Delegate List:

Any Party member shall be provided, upon request and payment of copying and mailing costs, a list of the names and addresses of all delegates selected to attend and those who actually attended the most recent two conventions, with those who attended clearly identified, and all delegates / alternates selected to the upcoming convention, if available.

6. Voting Eligibility:

- a. Use of the unit rule or unit voting is prohibited at national conventions.
- b. Duly selected alternates may be freely substituted for any members of their delegation who are temporarily or permanently absent from the floor, provided the procedure has been clearly specified by the affiliate party in advance of the convention, and the Credentials Committee has been provided with lists of the affiliate party's delegates and alternates as well as a copy of the affiliate party's rules governing substitutions.
- c. An alternate, upon certification by the Credentials Committee, may function as a delegate whenever a delegate of the same state has not been registered in attendance. This status shall continue until the absent delegate registers in attendance. If the affiliate party has made no provision for filling delegate vacancies, the alternate substitute shall be decided by drawing lots.
- d. If the affiliate party has made no other provision, an alternate may temporarily vote in place of a delegate from the same state while he or she has the written consent of that delegate; however, no delegate may cast more than one vote on a question.
- e. All members must wear the identification badge issued upon registration in order to be admitted to the convention hall.

7. Votes cast for "None of the Above" in voting on the Party's nominees for President and Vice-President, the Party officers, and at-large members of the National Committee, shall be considered valid. Should a majority of the votes be cast for "None of the Above" in the Presidential or Vice-Presidential balloting, no candidate shall be nominated for that office. Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the vacancy for that term of office.
8. Quorum:  
A quorum shall consist of 40% of the total number of delegates registered in attendance at the Convention.
9. The Convention Secretary shall produce draft convention minutes within 60 days of the adjournment of the convention and present them to the National Committee. Draft convention minutes shall be posted on the Party's website at least 14 days prior to being submitted to the National Committee for approval by a two-thirds vote.
10. Convention Rules:  
The Party's convention special rules of order may be amended only by a regular convention.

#### **ARTICLE 11: OTHER COMMITTEES**

1. There shall be a Platform Committee, a Bylaws and Rules Committee, and a Credentials Committee for each regular convention. The National Committee shall appoint a temporary chair of each committee to serve until each committee selects its own chair.
2. The Bylaws and Rules Committee shall consist of 10 Party members appointed by the National Committee no later than twelve months before a regular convention. No more than five of these members shall be members of the current National Committee.
3. The Platform Committee shall consist of 20 members selected as follows:
  - a. One member by each of the five affiliate parties having the greatest per capita sustaining membership as determined for convention delegate allocations at the most recent regular convention.
  - b. One member by each of the 10 affiliate parties having the largest sustaining memberships, excluding those affiliates from (a), as determined for convention delegate allocations at the most recent regular convention.
  - c. Five members selected by the National Committee.
  - d. These members shall be selected no later than the last day of the fifth month prior to the regular convention.
4. The Credentials Committee, composed of 10 members, shall be selected as follows.
  - a. Five members chosen by the National Committee no later than six months before a regular convention.
  - b. One member by each of the five affiliate parties having the largest sustaining memberships as determined for convention delegate allocations at the most recent regular convention. These shall be selected by each of the affiliate parties no later than three months prior to the regular convention.
5. Ranked alternates may be named by the appointing bodies to fill any vacancies or absences in the convention committees.
6. Committee Procedures
  - a. A majority vote of those Committee members present is necessary for a "do pass" recommendation, and in the case of the Platform Committee, a majority must approve each specific plank separately.
  - b. Four or more members of the Platform Committee may join together to issue a minority report regarding any plank reported to the floor of the convention. Two or more members of the Bylaws and Rules Committee or of the Credentials Committee may join together to issue a minority report regarding their business.

#### **ARTICLE 12: MEETINGS**

Boards and committees may conduct business by teleconference or videoconference. The National Committee shall have power to adopt special rules of order and standing rules to facilitate the conduct of business by teleconference or videoconference.

### **ARTICLE 13: ELECTRONIC MAIL BALLOTS**

Boards and committees may transact business by electronic mail. The Chair or Secretary shall send out electronic mail ballots on any question submitted by the Chair or co-sponsored by at least 1/5 of the members of the board or committee. The period for voting on a question shall remain open for seven days, unless all members have cast votes, or have stated an intention to abstain or be absent during the voting period, by electronic mail to the entire board or committee. Votes from alternates will be counted, in accordance with previously defined ranked order, in the absence of the corresponding committee member(s). The outcome of each motion shall be announced promptly and recorded in the minutes of the next meeting. The number of votes required for passage of any motion shall be the same as that required during a meeting. Motions dispensed through electronic mail ballots satisfy the requirement of giving previous notice.

### **ARTICLE 14: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS**

1. Nominations of candidates for President and Vice-President of the United States may be made only at the regular convention immediately preceding a Presidential election.
2. No candidate may be nominated for President or Vice-President who is ineligible under the United States Constitution, who has not expressed a willingness to accept the nomination of the Party, who served as a stand-in candidate during the current election cycle, or who is not a sustaining member of the Party. A stand-in is an individual who has agreed to be placed on a state affiliate's nomination petition prior to the selection of nominees by the Libertarian Party at convention.
3. In the event of the death, resignation, disqualification, or suspension of the nomination of the Party's nominee for President, the Vice-Presidential nominee shall become the Presidential nominee. Two-thirds of the entire membership of the National Committee may, at a meeting, fill a Vice-Presidential vacancy, and, if necessary, a simultaneous Presidential vacancy.
4. The National Committee shall respect the vote of the delegates at nominating conventions and provide full support for the Party's nominee for President and nominee for Vice-President as long as their campaigns are conducted in accordance with the platform of the Party.
5. A candidate's nomination may be suspended by a 3/4 vote of the entire membership of the National Committee at a meeting. That candidate's nomination shall then be declared null and void unless the suspended candidate appeals the suspension to the Judicial Committee within seven days of receipt of notification of suspension. The resolution of suspension must state the specific reasons for suspension and must be signed by each member of the National Committee agreeing thereto. The Judicial Committee shall meet and act on this appeal within 30 days and before the election.

### **ARTICLE 15: ALTERNATIVE VOTING PROCEDURES**

1. The convention special rules of order may authorize specified forms of preferential voting.
2. The convention special rules of order may provide a mechanism under which, when no candidate initially receives a majority, the candidate receiving the fewest votes is removed from consideration.

### **ARTICLE 16: PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party.

#### **ARTICLE 17: AMENDMENT**

1. These bylaws may be amended by a 2/3 vote of the delegates at any regular convention.
2. Article 3, Section 1, or this Section, shall not be amended by a vote of less than 7/8 of all registered delegates at a regular convention.

#### **ARTICLE 18: PROMULGATION OF BYLAWS**

The National Committee shall promulgate the bylaws in accordance with applicable law. A copy of these bylaws and convention rules shall be provided to each member of the National Committee, each member of the Judicial Committee and each Chair of an affiliate party within 90 days of adoption.

## Convention Special Rules of Order of the Libertarian Party

### **RULE 1: ORDER OF BUSINESS**

The standing order of business for a regular convention shall be as follows:

1. Call to order
2. Credentials Committee report
3. Adoption of agenda
4. Treasurer's report
5. Audit Committee report
6. Bylaws and Rules Committee report
7. Election of Judicial Committee (in appropriate years)
8. Election of Party officers and at-large members of the National Committee
9. Platform Committee report
10. Nomination of Party candidates for President and Vice-President (in appropriate years)
11. Resolutions
12. Other business

### **RULE 2: VOTING PROCEDURE AND MOTIONS**

1. On all matters, except the retention of platform planks, the election of Judicial Committee members, Party officers and at-large members of the National Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by either voice vote or rising vote. If any delegate objects to the Chair's ruling on the outcome of a voice vote, a rising vote shall be conducted. If 20 or more delegates object to the Chair's ruling on the outcome of a rising vote, a counted vote will be held.
2. The Chair may require any motion offered from the convention floor to be in writing, signed by the mover and submitted to the Secretary.

### **RULE 3: POLLING PROCEDURE**

1. The State Chair shall serve as chair of his or her delegation, unless that delegation selects another of its members to serve as its chair and so notifies the Secretary.
2. In cases where a roll call vote is required, polling shall be by state. The Secretary will ask for the vote from each state in alphabetical order, and the chair of each delegation shall report the vote for that state. The convention seating will be by state delegation. If someone challenges the vote reported by any state's chair, the Secretary shall poll the delegates from that state individually.
3. In cases where computer readable ballots are used, each delegate must sign the ballot and submit it to the delegation chair. After verifying that the number of votes cast does not exceed the number the state is entitled to, the chair of each delegation shall submit the ballots to the Secretary. During the period of time allotted for such votes, the business of the convention shall continue without interruption.

### **RULE 4: DEBATING AND VOTING -- BYLAWS AND RULES**

The Chair of the Bylaws and Rules Committee shall report each recommendation of the committee to the convention separately and shall have two minutes to explain the intent or purpose of the proposed amendment(s). The Convention Chair shall open each recommendation to discussion without amendment from the floor. Each recommendation shall be considered and adopted separately, with a maximum of eight minutes discussion on any recommendation. After the discussion, the Convention Chair shall bring the recommendation to a vote. If the recommendation fails, the Convention Chair shall open the recommendation to amendment for an additional 10 minutes.

## **RULE 5: DEBATING AND VOTING -- PLATFORM**

1. After the adoption of the convention agenda, the convention will vote whether to delete planks from the existing platform. This will be accomplished as follows:
  - a. The Credentials Committee shall issue five signature tokens to each delegate.
  - b. Tokens shall only be issued to delegates. Delegates are responsible for transferring possession of unused tokens to their alternates if necessary.
  - c. Each delegate may cast each token as a recommendation for deletion of one plank by noting on the token the plank to be deleted and signing the token.
  - d. A delegate may cumulate recommendations by casting any number of tokens for deletion of the same plank.
  - e. Delegates will be given until one hour prior to the scheduled start of the platform report to mark their tokens and deliver them to the Secretary.
  - f. Prior to the scheduled start of the platform report, the Secretary shall review the tokens received and tabulate and report the tokens submitted for deletion of each plank.
  - g. As its first item of platform business, the convention shall vote whether to delete each of those planks that received a number of tokens for deletion equal to 20% or more of the number of credentialed delegates. Such votes shall be cast without amendment or debate.
2. The Platform Committee shall meet before each regular convention and prepare a report containing its recommendations. At the convention, the Platform Committee's recommendations shall be reported to the floor and debated and voted upon separately. The Platform Committee shall set forth the order in which each recommendation shall be considered.
3. Recommendations for which there is no minority report shall be debated and voted upon in the following manner:
  - a. The Platform Committee Chair, or some other person designated by him or her, shall read the proposed recommendation and shall have up to two minutes to explain the recommendation.
  - b. The Convention Chair shall then open the recommendation to debate without amendment for a period of up to 15 minutes before bringing the matter to a vote. If the recommendation fails, the Convention Chair shall inquire if any amendments are proposed from the floor. If there are such proposals, the Convention Chair shall request a vote on whether to consider amendments, and with majority approval may consider amendments for a period of up to 10 minutes.
4. Recommendations for which there is a minority report shall be debated and voted upon in the following manner:
  - a. Spokespersons for both the majority and minority positions shall each have two minutes to present their views.
  - b. The Chair shall then open consideration of both positions for five minutes during which time any delegates may express their views without offering amendments. After five minutes, there will be a vote on which of the two reports shall be considered for purposes of adopting a recommendation. The report receiving the greater number of votes shall then be discussed and voted upon in the manner described in Section 3b.
5. After all committee recommendations have received initial consideration, any delegate may propose amendments to the platform. The delegate may take up to two minutes to state and explain the proposal, with debating and voting to proceed as described in Section 3b.
6. Finally, if time permits, proposals which were considered by the Platform Committee but which received an unfavorable vote from a majority of the committee, may be considered, with a spokesperson for the minority position giving the reasons in favor and the Platform Committee Chair or other representative of the majority position giving the reasons why it was voted down, before the proposal is taken to the floor for debate.
7. Challenges of adopted Party planks believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the convention, to the Judicial Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the plank is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to and report their findings

and reasons to the convention. If the plank is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the convention.

8. Should changes to the bylaws or platform result in a grammatical error in accordance with the latest edition of the Chicago Manual of Style, the National Committee presiding at the time of that discovery is authorized to make those grammatical corrections provided it does not change the meaning or intent of the item edited.

## **RULE 6: RESOLUTIONS**

1. Resolutions must be approved by a 2/3 vote.
2. Resolutions must not be in conflict with the Statement of Principles. Challenges of such adopted resolutions believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the convention, to the Judicial Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the resolution is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to, and report their findings and reasons to the convention. If the resolution is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the convention.

## **RULE 7: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES**

1. No person shall be nominated for President or Vice-President unless at least 30 registered delegates join in the nomination in writing submitted to the Secretary, and the nominee has submitted to the Secretary evidence of sustaining membership and a statement of willingness to accept the nomination. No delegate may join in nominating more than one candidate for each office. The affixing of signatures to a nominating petition per this requirement shall be effected by a transfer of signature tokens issued by the Credentials Committee.
2. The Party's nominee for President shall be chosen by majority vote. If no candidate has attained a majority, the candidate with the fewest votes and any candidates polling less than 5% shall be struck from subsequent ballots. This procedure shall be repeated after every ballot in which no candidate has received a majority vote, until one candidate attains a majority.
3. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all the delegations have submitted their votes, the Secretary shall declare the voting closed. Following the first presidential ballot, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation. For all ballots, the Secretary shall then display the results.
4. The Party's nominee for Vice-President shall be chosen by the same procedure as for the Presidential nominee except that the Presidential nominee shall have the privilege of addressing the convention for 5 minutes, after nominations have been made but before voting has begun, for the purpose of endorsing or objecting to any of the Vice-Presidential nominees. Nominations for Vice-President shall close after selection of the Presidential nominee.
5. Nominating and seconding speeches for each candidate shall be limited in duration as follows:
  - a. President: Total of 16 minutes;
  - b. Vice-President: Total of 11 minutes.

A delegate who collects the required number of nominating tokens so designated may speak up to 5 minutes in favor of voting for None Of The Above.

## **RULE 8: ELECTION OF OFFICERS AND NATIONAL COMMITTEE**

1. Nominations for Party officers shall be from the floor. The election shall be conducted in the following manner:
  - a. For each office, a majority vote will be necessary for election.



- b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed.
  - c. In cases where no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.
- 2. Nominations for the at-large members of the National Committee shall be from the floor. The election shall be conducted in the following manner:
  - a. Each delegate may cast a ballot with a vote for either none-of-the-above or one vote per candidate for any number of candidates. Every ballot with a vote for none-of-the-above or one or more candidates is counted as one ballot cast. A vote for none-of-the-above shall be ignored if the ballot also includes a vote for any other candidate.
  - b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary, along with the ballots cast.
  - c. When all delegations have submitted their votes, the Chair shall declare the voting closed. The top five candidates receiving a majority vote of the ballots cast shall be elected. Tie votes affecting the outcome shall be decided by lot.
- 3. No person shall be nominated unless at least 15 registered delegates join in the nomination submitted to the Secretary, and the nominee has submitted to the Secretary evidence of the required level of membership and a statement of willingness to accept the nomination. No delegate may join in nominating more than one candidate per seat. Nominating speeches shall be limited in duration as follows:
  - a. Chair: Total of 10 minutes;
  - b. All others: Total of 5 minutes.
- 4. In the event a region has not otherwise provided for the election of its National Committee representation then the delegates from the region shall elect its regional representative and alternate, provided there are at least five delegates present. Each Region's delegates may elect their representative and alternate in whatever manner they choose, provided all delegates present from that region are given equal voice in the selection.

## **RULE 9: ELECTION OF JUDICIAL COMMITTEE**

Nominations and elections for members of the Judicial Committee shall be conducted in the same manner as specified for at-large members of the National Committee.

## **RULE 10: VERIFICATION OF DELEGATION VOTE TOTALS**

For each vote in which subtotals are submitted by delegation, each delegation shall conduct its vote by written ballot. After each delegation has tabulated its own vote totals, before submitting the totals to the Secretary, tellers approved by the Secretary shall review the ballot tabulation for accuracy and cosign the delegation totals.

After the Secretary has recorded all delegation submissions, the state-by-state delegation totals for each candidate or choice shall be displayed on a projection screen for each delegation to review for accuracy.

# **Judicial Committee Rules of Appellate Procedure**

**As Amended 2020**

1. The Judicial Committee shall take action only when its Chair receives a written request for a ruling on a matter identified in the Party's Bylaws as being within the Committee's jurisdiction ("petition"). Such petition(s) shall identify: (a) the basis for the subject matter jurisdiction of the Committee; (b) the ruling requested; (c) the verifiable identity of the person or persons, affiliate, or Party committee petitioning for the requested ruling ("petitioner(s)"); and (d) the identity by individual name of any person, affiliate, or Party committee that would be directly affected by the requested ruling. Such a person, affiliate, or committee directly affected by the requested ruling, together with any other person, affiliate, or committee identified by the Judicial Committee members as likely to be so affected, will be considered a prospective "respondent." The petition(s) should be supported by such written and other evidence as the petitioner(s) believes supports the grant of the ruling requested.
2. If the Committee is called into action during a National Convention, the Chair shall convene the Committee as soon as is reasonably possible, and the Committee shall consider written petition(s), response(s), and evidence provided by petitioner(s) and respondent(s) in a meeting open to Convention delegates, who may observe, but not participate in, the proceedings and deliberations of voiding platform planks or resolutions. Upon request of either petitioner(s) or respondent(s), and/or at the Committee's direction, the Committee may hear arguments from petitioner(s) and respondent(s) in person.
3. When such petition(s) is received at any time other than during a National Convention, the Chair shall promptly forward the petition to the other Committee members by electronic mail, for which the member(s) shall acknowledge receipt.
4. Within seven days following receipt of such petition(s) (or promptly, if the request is received during a National Convention), the Committee Chair shall provide a copy of the petition(s) to each prospective respondent, along with any supporting material the Chair has been sent, and notice that if the prospective respondent(s) desires to respond to the petition(s) the prospective respondent(s) must do so in writing within seven days (or promptly, if the request is received during a National Convention) ("response").
5. The Chair shall promptly forward a copy of any response(s) received to each of the other Committee members at their last known electronic mail address (or postal mail address, if explicitly requested), along with any supporting material and counter-arguments he or she has been sent.
6. A copy of the petition(s) and any response(s) shall be made available electronically to any sustaining member upon request. The Committee may by a majority vote redact portions of the petition(s) and response(s) so made available.

7. When such petition(s) and response(s) are received at any time other than during a National Convention, the Committee members shall review all material they are sent within seven days of receiving it, and each member shall advise the Chair as soon as he or she has done so.

8. After the time period for responses has passed, and the Chair has been advised by at least two other Committee members that they have reviewed the petition(s) and response(s) provided, he or she shall set a time for a meeting of the Committee to decide the matter at hand and notify the Committee in writing of such time. Unless all of the Committee members request a physical gathering, the meeting shall take place by telephone conference or videoconference. Any meeting shall be open to sustaining members, who may observe (but not participate in) the proceedings. The Committee may by a 2/3 vote deliberate in open session; otherwise, deliberations shall be in executive session. However, any oral arguments shall be in open session and any decision shall be rendered in writing, which written decision shall be public. The Committee may in its discretion offer to the petitioner(s) and respondent(s) an equal opportunity to make their arguments orally via a telephone conference, videoconference, or physical meeting, under such rules as the Committee shall specify. Committee members who are unable to participate in the meeting shall retain the right to vote by electronic mail or by phone, provided their vote is received by the Chair no later than 10 days after the meeting.

9. When the Committee reaches a decision, the Chair shall notify the petitioner(s) who requested the ruling, any respondent(s) to the petition(s), the National Chair and the National Secretary. Preliminary notification may be made orally, either in person or by telephone; official notification shall be made in writing, as soon as all participating Committee members have voted on the matter in question, or 10 days after the meeting if all members have not voted.

10. Petitions, responses, supporting materials and notifications required to be provided in writing in connection with any proceeding may be delivered personally, or by United States mail, private delivery service, fax or electronic mail.

# EXHIBIT B

# JONATHAN M. JACOBS, PRP, CPP

## *Parliamentary Consultant*

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### Parliamentary Opinion

RE: Motion removing Secretary of the Libertarian National Committee

On June 18, 2021, at 4:32:50 PM [time zone not specified] Joseph Bishop-Henchman, the Chair of the Libertarian National Committee (LNC) submitted a motion via e-mail<sup>1</sup> to the LNC as follows:

Motion: The Libertarian National Committee hereby suspends Caryn Ann Harlos from her role of Secretary on the LNC for a pattern of repeated unprofessional behavior and conduct unbecoming of a national officer and removes her from all LNC committee appointments per Article 7.5 of the Libertarian Party's Bylaws.

On June 19, 2021, at 1:08 PM [EDT], Ms. Harlos authorize the parliamentarian to write an opinion on the procedural propriety of the stated motion.

### Works Cited

The Bylaws of the Libertarian Party are cited as "Bylaws" with the appropriate article and section numbers as needed.

Article 16 of the Bylaws states that, "The rules contained in the current edition of Robert's Rules of Order,[sic] Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party." The current edition of that work is the 12<sup>th</sup> edition of *Robert's Rules of Order Newly Revised*, published in 2020<sup>2</sup>. It will be cited as RONR with the appropriate section citations. Any other work cited will be cited in the end notes.

### Commentary

RONR does speak to the removal of officers (62:16, pp. 618-19). It requires that, in cases where there is specific term for a trial to be held. The Bylaws (Article 6, Section 1) provide for a fixed term "until the final adjournment of the next convention." There is no "and until" or "or until" a successor is elected. If the bylaws were otherwise silent, a trial would be required to remove an officer. The Bylaws are *not* otherwise silent.

Article 6, Section 7 of the Bylaws provide that, "The National Committee may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee, excepting the officer that is the subject of the vote who may not participate in that vote." Other than to note the requirement is "a vote of 2/3 of the entire National Committee, excepting the officer that is the subject of the vote who may not participate in that vote," a very high standard<sup>3</sup>, there is no other procedure listed for removing an officer. A simple clause, stating that this would be done "by motion," would have been sufficient to remove the RONR requirement; that wording, however, does not exist. All other procedural aspects of disciplinary action are therefor included in RONR. RONR effectively fills in any gaps in the bylaws.

RONR (63:5, p. 620) notes that "A member or officer has the right that allegations against his good name shall not be made except by charges brought on reasonable ground. If thus accused, he has

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the right of due process – that is informed of the charge and given time to prepare a defense, to appear and defend himself, and to be treated fairly.” What is considered to be being “treated fairly” is often times in the eye of the beholder<sup>4</sup>. The right to defend oneself, and to be informed of a charge are not. Further, they are each a “right” established for officeholders by RONR.

The word “right” is only rarely used in RONR, because adopting RONR creates very few in itself and because violating these rights may cause the action to be null and void; this is known technically as “breaches that are of a continuing nature, whereby the taken in violation of the rules is null and void (23:6, p. 236).” Some of the actions are “any action taken in violation ... of a rule protecting the basic right of an individual member (23:6e, 237). Ms. Harlos, as a member the LNC and as an officer of that body has these rights, as has every other member of the LNC. So the question is if they are being violated by this process.

The removal process, in general, is that an investigating be appointed, conduct an investigation, that charges be adopted, that the accused be notified, even if present when the charges are adopted, and a trial. If the process of using a special committee to hear the case, a fifth step is for the assembly (in this case, the LNC) to review the committee’s findings (63:7, p. 621).

Not all of these things are a basic of an individual member. The investigating committee, for example, need not be formed, as the assembly (in this case the LNC) could adopt a motion charging the member. A committee of one could be appointed to immediately report the charges; a committee of the whole could be formed to report the charges. Note that, however, until the charges are adopted, a member still retains all rights of membership. A separate motion would be needed to remove some or all of the rights of membership (except those relating to a trial) from the member charged (63:26, p. 626).

It is with the lack of specific charges that the violation of Ms. Harlos’s basic rights begins. RONR requires the accused to be notified of both the *charge*, i.e. the offense, that is alleged for guilt, and the specific wrongdoing (63:24, pp. 625-6). An example from the book shows a treasurer being charged with “neglect of duty in office,” and lists one of the specifications being that she failed to deposit \$10,000 of the organization’s funds (63:15, p. 623). Ms. Harlos is effectively charged with two different things “a pattern of repeated unprofessional behavior and conduct unbecoming of a national officer.” At no place is there even a suggestion of what she actually is accused of doing. This is the procedural equivalent of charging someone with armed robbery and not telling him who he supposedly robbed. The motion, even if worded as a charge alone, fails to adequately inform Ms. Harlos of what is what actions were found offensive by the maker of the motion. This ground, singularly, would be sufficient to render any removal null and void, but there is more.

Secondly, the charges and specifications must be sent to the accused, formally. RONR suggests that the secretary send this document out by registered mail with delivery confirmation (63:28, p. 627). This is required even if the person is present when the charges and specifications are adopted. This is supposed to be done by secretary, but, under suspension of the rules, this could be delegated to another member. Failure to give this notice, singularly, would be sufficient to render the notice null and void, but there is more.

Thirdly, a trial is required. As noted, the LNC bylaws only set the vote required to remove a member, not the method of removing them. A trial, in which the accused may present a defense and may have defense counsel, must make this decision. A motion is not a trial. Where the defendant pleads not guilty, RONR gives the member a right call witnesses (66:33d, p. 629) and requires, for a finding of guilt, for both the charge and for at least one of the underlying specifications (63:33e, pp. 630-31). There is not even the pretext that this has occurred. This, even singularly, would be sufficient to render any attempt to remove Ms. Harlos from her position as Secretary is null and void.

The parliamentarian must conclude that, even singularly, any of these grounds are sufficient to cause the motion to remove Ms. Harlos to be null and void. Collectively, they certainly do as well. The motion itself is out of order as it is null and void and should be immediately ruled out of order.

The parliamentarian anticipates some questions regarding the role of the Judicial Committee at this point in the process. The Judicial Committee serves, effectively, as a court of final review; the Bylaws actually refer to rules of “appellate procedure” for this committee (Article 8, Section 3). The LNC does not contemplate removing a member and send the matter to the Judicial Committee to make the decision, as thought it was a grand jury sending an indictment for trial. The LNC makes the decision to remove someone and then, if appealed, that decision is reviewed by the Judicial Committee. The fact that the Judicial Committee may serve as an additional safeguard for an individual member’s basic rights of membership, in no way diminishes the LNC’s responsibility for safeguarding the same right and for following correct procedure. It serves as, perhaps a very well needed, additional safeguard on those rights.

### Opinion

**1. RONR governs the procedure covering removal of officers of LNC. The only variation is the process is that “a vote of 2/3 of the entire National Committee, excepting the officer that is the subject of the vote who may not participate in that vote.”**

**2. The motion that, “The Libertarian National Committee hereby suspends Caryn Ann Harlos from her role of Secretary on the LNC for a pattern of repeated unprofessional behavior and conduct unbecoming of a national officer and removes her from all LNC committee appointments...,” is null and void (and as such out of order) on the following grounds, both singularly and collectively:**

**A. Ms. Harlos’ right to be notified of the specified acts of what she has been accused, the “specifications,” was violated.**

**B. Ms. Harlos’ right to be formally notified of the charges, generally, was violated.**

**C. Ms. Harlos’s right to offer a defense, receive counsel, and call witnesses, is being violated.**

Signed:

*Jonathan M. Jacobs*

Jonathan M. Jacobs, PRP, CPP

Date:

June 19, 2021

End notes:

<sup>1</sup> Article 13 of the Bylaws permits e-mail voting, which is being conducted at the time of the writing. The parliamentarian is obviously unaware of the outcome.

<sup>2</sup> Robert, Henry M., *Robert’s Rules of Order Newly Revised*, 12th Edition. Eds. Sarah Corbin Robert, Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Daniel E. Seabold, Shmuel Gerber, New York: Public Affairs, 2020.

<sup>3</sup> The RONR standard for removal from office is a majority vote. The Bylaws require a 2/3 vote of the entire membership, or at least 11, assuming that there are no vacancies.

<sup>4</sup> See, “A Question of Fairness,” *Parliamentary Journal*, Vol. XXXVIII, No 4, Oct., 1997, 147-155.

Résumé

## JONATHAN M. JACOBS, PRP, CPP

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EDUCATION:

**BS** – The Pennsylvania State University, 1981-85  
Major – Public Service Minor – Economics

PROFESSIONAL ACCREDITATIONS:

**Certified Professional Parliamentarian (CPP)** - The American Institute of Parliamentarians, 2012-present, recertified, 2019

**Certified Parliamentarian (CP)** - The American Institute of Parliamentarians, 2000-2012, recertified, 2004, 2008, 2011

**Professional Registered Parliamentarian (PRP)** - The National Association of Parliamentarians, 1999, recertified, 2001, 2011, 2016

**Registered Parliamentarian (RP)** - National Association of Parliamentarians, 1995-1999

EXPERIENCE:

Employment History:

**Parliamentary Consultant**, freelance, 1998-present

RELATED EXPERIENCE:

Public Sector:

**Board Secretary**, 1991-92 (bonded for position), **School Director**, Region One, 1989-92 (elected in 1989), Ferndale Area School Board

**Council Member**, 1984-86, Borough of Seward (elected in 1983)

**Conferee**, 12<sup>th</sup> Congressional District (PA) Republican Nominating Conference, 1982

Private Sector:

**Secretary**, 2014-16, **Member**, Board of Management, 2013-2016, 2010-12, Philadelphia Continental Chapter, Sons of the American Revolution

**Member**, Board of Direction, 2013-14, Pennsylvania Society of the War of 1812

**Member**, Board of Directors, Covenant House Health Services, 2001- 09

**Lay Deputy**, 2008, **Alternate Lay Deputy**, 2006-7, 2009, Episcopal Diocese of Pennsylvania Convention

**Bylaws Committee Member**, 1994, **Executive Board Member**, 1994-95, Philadelphia Chapter, Service Employees International Union, Local #668

**Parliamentarian**, 1982, **Senator**, 1981-82, Student Government Association, Altoona Campus, Pennsylvania State University



## **JONATHAN M. JACOBS, PRP, CPP**

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### PROFESSIONAL TRAINING:

#### Course Work:

- Professional Renewal Course, National Association of Parliamentarians, 2015
- Professional Recertification Course, National Association of Parliamentarians, 2011
- Course I, "Meeting Management Skills," American Institute of Parliamentarians, 2007-08
- Course II, "Participating in a Meeting," American Institute of Parliamentarians, 2003-04
- Professional Development Course, National Association of Parliamentarians, 2001
- Professional Qualifying Course, National Association of Parliamentarians, 1999
- Course IV, "Parliamentary Law," American Institute of Parliamentarians, 1999
- Course III, "Administrative Skills," American Institute of Parliamentarians, 1998
- Basic Correspondence Course, National Association of Parliamentarians, 1994-95

#### Seminars:

- Floyd R. Riddick Practicum (23 hours), 2004, sponsored by the American Institute of Parliamentarians
- Workshops , District 1, National Association of Parliamentarians, 2017 (2 hours), 2013, (3 hours), 2003, (1 hour), moderator of a panel discussion
- Workshops, National Association of Parliamentarians Convention 2011 (8 hours), 2001 (3 hours), 1997 (3 hours)
- Workshops, Pennsylvania Association of Parliamentarians, 2018 (2 hours) 2016 (1 hour), 2014 (3 hours), 2013 (2 hours), 2012 (2 hours); 2011 (3 hours), 2010 (2 hours), 2008 (1.5 hour), 2007 (2 hours), 2006, (2 hours) 2004 (3 hours), 2002 (1 hour), 2000 (3 hours), 1999 (1 hour), 1998 (6 hours), 1997 (2 hours), 1996 (4 hours); 1995 (2 hours), moderator of a panel discussion, 2013, 2002; participated in a panel discussion, 2013, 2002, 1996

### PROFESSIONAL ASSOCIATIONS:

- Society for Agricultural Education Parliamentarians, 2011-present, Accredited Parliamentarian (AP), 2011
- American Institute of Parliamentarians, 1995-present: Editor, *Parliamentary Journal*, 2017-18; member, CP Examiners Division, Accrediting Committee, 2011-16; member, Bylaws and Rules Committee, 2008; member, Educational Material Division, Department of Education, 2001-05; member, Member Services Committee, 2003-05
- National Association of Parliamentarians, 1987-present: Research Editor, *National Parliamentarian*, 2015-17, member, *National Parliamentarian* Review Committee, 2013-2015, Parliamentarian, District 1 meeting, 2013; delegate, Biennial National Convention, 1997, 2001, 2011, 2015
- Pennsylvania Association of Parliamentarians, 1987-present: President, 2012-2014; Vice President, 2021-present; First Vice President, 2010-12; Association Parliamentarian, 2014-18, 2006-08, 1997-98; Secretary, 2002-2006(re-elected 2004); Bylaw Chair, 2016-21; Education Committee Chair, 1998-2000; Nominating Committee Chair, 1997-98, member, 2004-06, 2000-02, 1996-98; delegate, Biennial State Convention: ex officio: 2021, 2018, 2016, 2014, 2012, 2006, 2004. unit: 2008, 2002, 2000.
- Delaware Valley Unit, National Association of Parliamentarians, 2008-present, President, 2015-18 (elected in 2014, 2016), Secretary, 2019-present, 2013-14 (elected in 2020, 2018, 2012), Vice-President, 2009-13 (elected in 2008, re-elected, 2010)
- Philadelphia Unit, National Association of Parliamentarians, 1999-2008: President, 2002, 2004-06 (re-elected, 2005), 2008; Vice -President, 2000-02 (re-elected 2001), 2006-08; Secretary-Treasurer, 2002-04 (re-elected, 2003)

## JONATHAN M. JACOBS, PRP, CPP

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- Commission on American Parliamentary Practice, 2003-2018

### PUBLICATIONS (in field):

#### Books and Book Contributions:

**Best of NP, 1990-1999, Volumes 1 and 2**, Contributor, Independence, MO: National Association of Parliamentarians 2010 [Anthology that includes ten articles previously published in the *National Parliamentarian*, 1990-99]

**Best of NP**, Contributor, Independence, MO: National Association of Parliamentarians 2007, [Anthology that includes ten articles previously published in the *National Parliamentarian*, 2000-07]

**Comparisons of Parliamentary Authorities**, Researcher, 1<sup>st</sup> Edition (primary author), Wilmington, DE: The American Institute of Parliamentarians, 2003 [A book of self study questions on parliamentary procedure comparing four different parliamentary authorities]

**Here is the Answer, What is the Question Volume 4**, Contributor, Wilmington, DE: American Institute of Parliamentarians, 2001 [a *Jeopardy*–style book of questions and answers based on *Robert's Rules of Order Newly Revised* (2000)]

**Update Parliamentary Opinions II**. Compiler. Wilmington, DE: American Institute of Parliamentarians, 2001 [an appendix of current citations for those published in *Parliamentary Opinions II*]

**Update Parliamentary Opinions**. Compiler. Wilmington, DE: American Institute of Parliamentarians, 2001 [an appendix of current citations for those published in *Parliamentary Opinions*]

#### Journal Articles:

**Retroactivity**, *National Parliamentarian*, Winter 2021, co-author C. J. Mills [methods for approving actions after the fact]

**Follow-up to the Penn State Scandal**, *Parliamentary Journal*, January 2018 [additional information about the possible penalties in that case]

**Parliamentary Law & Parliamentary Procedure**, *National Parliamentarian*, Fall 2017 [a description, with examples of how one parliamentary authority uses each term]

**The Whole Consideration**, *National Parliamentarian*, Summer 2017 [An explanation of how a committee of the whole can be used to draft main motions]

**Standing for Interrogation**, *Parliamentary Journal*, January 2017 [A discussion of a formalized practice for asking questions]

**Delaying Actions**, *National Parliamentarian*, Winter 2016 [a description of the effects of the motions "Postpone to a Certain Time" and "Lay on the Table."]

**Flexibility of Adjourned Meetings**, *National Parliamentarian*, First Quarter, 2015 [the methods for establishing, and the uses of, adjourned meetings]

## JONATHAN M. JACOBS, PRP, CPP

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**Procedural Aspects to the Penn State Scandal**, *Parliamentary Journal*, October, 2014 [Using the Penn State scandal to illustrate how disciplinary action functions in private organizations]

**The Chair and the Frame**, *National Parliamentarian*, Third Quarter, 2014 [a discussion of the role of the chair in framing motions]

**Making Parliamentary Law**, *Parliamentary Journal*, April, 2014 [A description of the sources and development of the “general parliamentary law”]

**Explaining and Defusing Tense Parliamentary Situations**, *National Parliamentarian*, First Quarter, 2014, [Examples of how explaining complex procedure can make a meeting run more smoothly]

**Follow, Fight, or Flee**, *National Parliamentarian*, Fourth Quarter, 2013 [An article on what an officer can do, and the ramifications of his action, if directed to carry out a motion he regards as harmful to the society]

**Mass Meetings in the Emergency of 1863**, *Parliamentary Journal*, October 2013 [A description and analysis of two public meetings held in Harrisburg, PA in the face of the Confederate invasion of Pennsylvania]

**Participatory Presiding**, *National Parliamentarian*, Third Quarter, 2013 [An article on the level of participation a presiding officer may engage during meetings]

**Fundamental Problems**, *National Parliamentarian*, Second Quarter 2013 [a description of the characteristics and development of “fundamental principles of parliamentary law.”]

**Changing Custom**, *Parliamentary Journal*, April, 2013 [an article on the treatment of custom in several parliamentary authorities over the last three decades]

**Translation into isiZulu**, *National Parliamentarian*, Fourth Quarter 2012 [a description of teaching parliamentary procedure to people whose native language is isiZulu. Part of the “Clients We Serve” series.]

**Precedent and RONR**, *National Parliamentarian*, Third Quarter 2012 [A description of the functioning of precedent in parliamentary procedure]

**The Prince and the Parliamentarian**, *Parliamentary Journal*, July 2012 [A description of the proper relationship between a parliamentarian and a client]

**Putting the Motion From the Floor**, *National Parliamentarian*, Second Quarter, 2012 [A description of the process, and the need, for a member to put a motion to a vote from the floor]

**Censure: Penalty versus Motion**, *Parliamentary Journal*, April 2012 [A comparison of the motion to censure to the disciplinary penalty of censure]

**The Hand Tying Effect**, *National Parliamentarian*, First Quarter 2012 [an explanation of the limits on the procedural effects of the actions of one session upon future sessions]

## JONATHAN M. JACOBS, PRP, CPP

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**Parliamentary Résumés**, *Parliamentary Journal*, January 2012, [an article on how to create a parliamentary résumé]

**Aside Orders**, *National Parliamentarian*, Fourth Quarter 2011 [a description of setting aside pending orders of the day]

**Ignorance of the Rules Does Not Excuse**, *National Parliamentarian*, Third Quarter, 2011 [an article about how failing to understand of the rules can cause the loss of procedural rights.]

**RONR Versus the Blizzard**, *National Parliamentarian*, Fourth Quarter, 2010 [an article looking at the expressed and implied actions an assembly can take in the absence of a quorum]

**Ambiguity**, *Parliamentary Journal*, July, 2010 [a description of the procedural effect of bylaw ambiguity]

**Multiple Candidate Election Surprises**, *Parliamentary Journal*, April 2010 [an article explaining counterintuitive results in elections for more than one position]

**No Motion is Dilatory ...**, *National Parliamentarian*, First Quarter, 2010 [an description of how the assembly is the final judge of if a motion is dilatory]

**A Quick and Accurate Count**, *National Parliamentarian*, Third Quarter, 2009 [a description of methods to improve the counting of ballots]

**Mixing Attendee and Absentee Ballots**, *Parliamentary Journal*, April 2009 [an article explaining the problems and solutions regarding the “mixing” ballots cast in person with absentee ballots.]

**An Election Missed**, *National Parliamentarian*, Fourth Quarter, 2007 [a discussion of the effects and remedies for a society that fails to have scheduled elections]

**Consensus and Voting With Your Feet**, *Parliamentary Journal*, October, 2007 [an article showing the use of consensus in creating individual rights within an assembly]

**The Missing “Fundamental Principle”**, *Parliamentary Journal*, July, 2007 [a description of the prohibition of transferring votes]

**The “Ferndale Roll Call” Procedure**, *Parliamentary Journal*, April 2007 [A description of an alternative roll call system used on a school board]

**An Election Postponed**, *National Parliamentarian*, First Quarter, 2007 [A discussion of legitimate reasons for postponing an election]

**Timeliness and Suspension of the Rules By Implication**, *Parliamentary Journal*, January 2007 [A discussion of the relationship between suspension of a rule and the timeliness requirement of a point of order]

## JONATHAN M. JACOBS, PRP, CPP

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**Extra Cameral Voting and Absentee Voting, a Definition of Terms**, *Parliamentary Journal*, April 2006 [a description of voting procedures for casting votes outside of the meeting process]

**The Device of Raising a Question of Privilege**, *National Parliamentarian*, First Quarter, 2006 [a description of the process of raising and disposing of the motion Question of Privilege]

**Secondary Motions as a Game of Solitaire**, *National Parliamentarian*, Fourth Quarter, 2005 [an analogous description of the applications of secondary motions]

**The Art of the Coup d'Etat**, *Parliamentary Journal*, October 2005 [a description of the strategy, limitations, and ethics involved in advising a faction]

**Time Constraints**, *National Parliamentarian*, Second Quarter, 2005 [a discussion of the preparation time needed to serve a visiting convention]

**Those Funny Fundamentals**, *District One Leader*, March, 2005 [a brief article on "fundamental principles of parliamentary law"]

**Parliamentary Authorities' Rule Shift Function**, *Parliamentary Journal*, January 2005 [a description of the principle that a parliamentary authority can require that some rules, to be effective, must be placed in the bylaws]

**The "Healed" Breach**, *National Parliamentarian*, Fourth Quarter, 2004 [an article explaining how some violations of the rules will naturally end without any additional action by the assembly]

**Taking From the Table**, *National Parliamentarian*, Third Quarter, 2004 [an article explaining at what points the motion "take from the table" can be made]

**"Motion To Deny," a Motion Whose Time Has Come... And Gone**, *Parliamentary Journal*, April, 2004 [an article about the procedural problems created by defeating a motion that "denies" approval for some action]

**Terms of Office and the Conjunction Function**, *National Parliamentarian*, First Quarter, 2004 [an article on the different effects of bylaw wording on removal of officers and vacancies in office]

**Surviving Doomsday: Emergency Bylaw Provisions**, *Parliamentary Journal*, October 2003 [an article on bylaw provisions covering emergency rescheduling of meetings and mass vacancies in office]

**Meetings of Members Working in Shifts**, *Parliamentary Journal*, July, 2003 [a discussion of the problems and solutions relating to meetings of employee groups operating around work shifts]

**Guest Speakers and the "Ramona Rule"**, *Parliamentary Journal*, January 2003 [a description of a rule relating to choosing guest speakers]

## JONATHAN M. JACOBS, PRP, CPP

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**Question of Privilege: Re-opening the Windows**, *National Parliamentarian*, Third Quarter 2002 [a description of reversing actions taken under a question of privilege]

**Parliamentary Minutes**, *National Parliamentarian*, Second Quarter, 2002 [an article describing additional items which may be placed in the minutes]

**The Suspension Paradox and *The Standard Code of Parliamentary Procedure***, *Parliamentary Journal*, April, 2002 [a comparison of the requirements of suspending the rules versus changing the rules according to *TSC* (4<sup>th</sup> edition)]

**Things Change: The *Updates of Parliamentary Opinions (1982)* and of *Parliamentary Opinions Two (1990)***, *Parliamentary Journal*, October 2001 [an article explaining the methodology used in writing the two indexes]

**“F” Class Motions**, *National Parliamentarian*, Third Quarter, 2001 [a description of the procedures for filling blanks and nominations]

**“34 Noes, 1 Doubtful, 4 Ayes”**, *Parliamentary Journal*, April 2001 [a study of the procedural effects of unconventional votes]

**School District Superintendent’s Participation in Board Meetings: A Pennsylvania Perspective**, *Parliamentary Journal*, October 2000 [a description of the superintendent’s procedural rights in board meetings]

**On the Record**, *National Parliamentarian*, Fourth Quarter 2000 [an article on procedural and legal aspects of recording individual votes; a legal defense is offered]

**Parliamentary Disharmony in Two Movements**, *Parliamentary Journal*, July 2000 [an evaluation of the role Henry M. Robert’s *Parliamentary Law* (1923) plays in interpreting *Robert’s Rules of Order Newly Revised (RONR)*]

**Basic Assembly Characteristics**, *Parliamentary Journal*, October 1999 [a summary of factors common to all assemblies]

**A Gate Keeping Motion**, *National Parliamentarian*, Third Quarter 1999 [a description of an alternative use for the motion “Objection to the Consideration of a Question”]

**Divergent Roles**, *Parliamentary Journal*, April 1999 [an article contrasting the adjudicative and facilitative roles of a parliamentarian]

**Associated Non-Member’s Rights**, *Parliamentary Journal*, January 1999 [an article defining the relationship between societies and non-members]

**The Suspension Paradox**, *National Parliamentarian*, Fourth Quarter 1998 [a comparison of the requirements of suspending the rules versus changing the rules]

**Disabilities and Procedure**, *Parliamentary Journal*, July 1998 [an article on procedural accommodations of member’s disabilities and its impact on the organization]

## JONATHAN M. JACOBS, PRP, CPP

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**Is It Really a Committee**, *National Parliamentarian*, Second Quarter 1998 [a discussion of the differences between assembly and committee functions and procedure]

**RONR/90 and a Member's Rights**, *Parliamentary Journal*, April 1998 [a description of individual member's rights established in the 1990 edition of *RONR*]

**Elections and Nominations Contrasted**, *National Parliamentarian*, First Quarter 1998 [a comparison of the rules controlling each procedure]

**A Question of Fairness**, *Parliamentary Journal*, October 1997 [an article on procedural fairness and the role of the parliamentarian]

**The Role of Custom**, *Parliamentary Journal*, July 1997 [a comparison of how four parliamentary manuals and an assembly's adopted rules determine the role of custom]

**"What Do You Mean You Don't Need To Vote"**, *National Parliamentarian*, First Quarter 1997 [a description of unanimous consent procedure]

**Censure and a Vote of No Confidence**, *Parliamentary Journal*, January 1997 [an article comparing these two motions and how two parliamentary manuals deal with each]

**The Troubling "To Lay On the Table"**, *Parliamentary Journal*, October 1996 [a commentary and comparison of how different authorities handle the procedures of "tabling" motions]

**"...a time to tear down..."**, *National Parliamentarian*, Third Quarter 1996 [an article describing the procedures for dissolving organizations]

**Custom, Usage, and *RONR***, *National Parliamentarian*, Second Quarter 1996 [an article on the applicability of custom in organizations using *RONR*]

**It Never Hurts to Ask**, *National Parliamentarian*, Fourth Quarter, 1995 [an article on the procedural and tactical uses of the motion "Parliamentary Inquiry"]

**To Murder a Motion**, *National Parliamentarian*, Second Quarter 1995 [an article on the parliamentary methods to defeat main motions]

**A Higher Authority**, *National Parliamentarian*, Third Quarter 1994 [an article on the relationship between parliamentary rules, statute, and bylaws]

### Book/Video Reviews:

**"That's What She Said," a Review of "The Cult of *RONR*,"** *National Parliamentarian*, Summer 2021 [a review of a YouTube series of educational videos]

**Review of *Henry Martyn Robert: Writer of the Rules***, *Parliamentary Journal*, April 2020, [a review of a biography of the original author of the "Robert's Rules" books]

**Review: *Parliamentary Law and Practice for Nonprofit Organizations, 3<sup>rd</sup> edition***, *National Parliamentarian*, Third Quarter, 2018 [a review of a reference book on meeting procedure]

## JONATHAN M. JACOBS, PRP, CPP

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**Review:** *In My Opinion*, *Parliamentary Journal*, January, 2011 [a review of a book on writing parliamentary opinions]

**Book Review:** *A History of Parliamentary Procedure*, *Parliamentary Journal*, January, 2007 [a review of the fourth edition of a book on parliamentary procedure]

**Review:** *Robert's Rules For Dummies*, *National Parliamentarian*, First Quarter, 2005 [a review of a *Dummies* series book on parliamentary procedure]

**Table This! a Review**, *Parliamentary Journal*, January 2005 [a review of a humor book]

Editorials (*Parliamentary Journal*):

**Don't Get Eaten by Cannibals! Write Something for *Parliamentary Journal***, April 2018

**Parliamentary Procedure is Where You Find It**, January 2018

**Two Observations**, October 2017

TEACHING EXPERIENCE:

"What is Parliamentary Law? How is Parliamentary Law Made," sponsored by the Pennsylvania Association of Parliamentarians, 2016, District 1 Conference, 2017

"Coups d'etat for Fun and Profit," sponsored by the National Association of Parliamentarians, 2015

"How To Murder a Motion" workshop, sponsored by the Pennsylvania Association of Parliamentarians, 2013

"Bylaws, Rules, *RONR*, Custom, and Precedent: How Do These All Fit" workshop, sponsored by the Pennsylvania Association of Parliamentarians, 2012

"Agenda and Program," workshop, sponsored by Delaware Valley and N.L. Carter Units of the National Association of Parliamentarians, 2010

"Suspending Rules of Order & Suspending Rules in the Bylaws," workshop, sponsored by the Pennsylvania Association of Parliamentarians, Inc., 2010

"Parliamentary Preparation," workshop, sponsored by the Pennsylvania Association of Parliamentarians, Inc., 2008

"A Parliamentary Coup: What is It and How Do We Do It," workshop, sponsored by the Pennsylvania Association of Parliamentarians, Inc., 2007

"Motions, What Are They and Should We Worry About Them" workshop, sponsored by Kappa Omega Zeta Chapter of Zeta Phi Beta Sorority, 2001, Power Council #5, AHEPA, 2002, for Alpha Eta Sigma Chapter of Sigma Gamma Rho Sorority, 2005, Reformation Lutheran Church, 2009. Scholar's Gild, 2015, Lower Merion Township Board of Commissioners, 2017, Rho Theta Omega Chapter of Alpha Kappa Alpha, 2018, PJM Interconnection, 2019

"Just the Facts ... Back to Basics" workshop, section on "Rules and Their Suspension," sponsored by Delaware Valley, Montgomery County, and N.L. Carter Units of the National Association of Parliamentarians, 2005

"Preparing for the Membership Examination" course, for the Uranus Chapter, International Training in Communications (ITC), 2002-03

"Standard Order of Business, What Is It (and What It Is Not)" workshop, sponsored by Council 5, Northeast Region, ITC, 2002

"Preparation and Presentation of Minutes" workshop, sponsored by the Pennsylvania



## **JONATHAN M. JACOBS, PRP, CPP**

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Association of Parliamentarians, 1999  
“Mass Meeting” class, 1998, and “Interpretation of Rules,” 1999, for the “Practical Aspects of *RONR*” course, sponsored by the Pennsylvania Association of Parliamentarians  
“Motions,” sponsored by the Marple-Newtown Study Group, 1997

### Judging:

Health Occupations Students of America (HOSA) national finals, 2021  
Family, Career and Community Leaders of America national finals, 2021  
Future Business Leaders of America state finals, 2008, 2009, 2010, 2017, 2021  
Business Professionals of America national semi-finals, 1999

### HONORARIA:

- President's Award for Excellence in Parliamentary Writing from the American Institute of Parliamentarians for the articles, “Procedural Aspects of the Penn State Scandal,” 2015, and for, “Timeliness and Suspension of the Rules by Implication,” 2009
- Meritorious Service Medal from the Philadelphia Continental Chapter, National Society Sons of the American Revolution, for services, including meeting procedure, to the Chapter, 2012
- listed in *Marquis Who's Who in America*, 2007-present, and *Marquis Who's Who in the World*, 2008-present
- included in author's acknowledgements: *A History of Parliamentary Procedure*, 4<sup>th</sup> edition (2006), *Robert's Rules for Dummies* 1<sup>st</sup> ed. (2005), 2<sup>nd</sup> ed. (2012),
- Long Term Service Award from the Pennsylvania Association of Parliamentarians, nominated by the Philadelphia Unit, 2000

### REPRESENTATIVE CLIENTS:

#### Meeting/Convention Parliamentarian:

American Association of Law Libraries  
Penn Center House  
American Dyslexia Association  
Pennsylvania Credit Union League (Association)  
Alliance of the American Dental Association  
National Funeral Directors Association  
Parson Russell Terrier Association of America  
Norwich Terrier Club of America  
National Community Pharmacy Association  
Cheyney University National Alumni Association

#### Bylaws/Rules Consultant:

Hope Alive! Clinic Ministries (original bylaws)  
2101 Cooperative, Inc.  
Club Valiants, Inc. (revision)  
National Association of Pediatric Nurse Practitioners (revision)  
Pennsylvania Dental Association, (revision)  
Millstone Township Parent Teacher Organization, (revision)  
Pennsylvania State Foster Parent Association, (revision)  
Lord's New Church Which is Nova Hierosolyma (revision)  
Myles A. Kauffman, Esq., Solicitor, East Hanover Township (rules)  
American Society of Multicultural Health and Transplant Professionals (revision)

## **JONATHAN M. JACOBS, PRP, CPP**

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West Chester Golf and Country Club (revision)

Professional President:

Society of Clinical and Medical Electrologists (a.k.a., Society of Clinical Hair Removal Specialists)  
Lord's New Church Which is Nova Hierosolyma (video meeting)  
Penn Center House

Written Parliamentary Opinions:

Jean Gaston-McGuire, Richland Township Board of Supervisors (Cambria County, PA)  
Delaware Valley Chapter, American Academy of Medical Acupuncture  
Club Valiants. Philadelphia, PA  
Stephen Pellechia, Treasurer, Holiday City West Homeowners Corporation (Toms River, NJ)  
Marple Township Republican Committee (Delaware County, PA)  
Sue Holloway, Green Meadows Services Association (Montgomery County, PA)  
Millstone Township Parent Teacher Organization (NJ)  
Pennsylvania State Foster Parents Association  
Haverford Township Republican Executive Committee (Delaware County, PA)  
Linda Rhym, AFSME Local #2187  
North American Beauceron Club, Inc.

Tactical and Strategic Planning:

William Shuster, Esq., 9<sup>th</sup> Congressional District Republican Nominating Conference (PA), et al.  
Members, Lord's New Church Which is Nova Hierosolyma  
Members, German Society of Pennsylvania  
Haverford Township Republican Executive Committee  
Members, Young Women's Christian Association of Philadelphia  
James R. (Jay) Clark, Pennsylvania Association for Gifted Education  
Vincent Fumo II, 6601 Apartments Condominium Association

# EXHIBIT C

Henry M. Robert III, P.R.P.  
109 Duke of Gloucester Street  
Annapolis, Maryland 21401-2528

November 30, 2008

Mr. William Redpath, Chair  
Libertarian Party  
2600 Virginia Avenue, N.W. Suite 200  
Washington, D.C. 20037

Dear Mr. Redpath:

This letter constitutes our professional opinion as parliamentarians concerning the following question with regard to the Libertarian Party: “One at-large member of the Libertarian National Committee has engaged in behavior that some National Committee members believe to be injurious to the party and its purposes. They desire to remove this member from the National Committee. What, in detail, is the correct procedure?”

This opinion is based on the Bylaws of the Libertarian Party, as adopted in convention May 2008, on the Judicial Committee Appellate Procedure Rules, adopted 1989, and on the current edition of *Robert's Rules of Order Newly Revised* (RONR),<sup>1</sup> which is the Society’s adopted parliamentary authority. Our qualifications for providing this opinion are that we are both members of the authorship team for the current edition of RONR, have been accorded the status of Professional Registered Parliamentarians (P.R.P.) by the National Association of Parliamentarians, and have each served as Parliamentarian for the National Association of Parliamentarians.

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<sup>1</sup> Henry M. Robert III, William J. Evans, Daniel H. Honemann, & Thomas J. Balch, *Robert's Rules of Order Newly Revised*, 10th ed. (Cambridge, Ma.: Perseus, 2000).

*Removal as a Member of the Libertarian National Committee—Role of National Committee.*

Article 13 of the Libertarian Party Bylaws states, “The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party.” Chapter XX of the current edition of Robert’s Rules of Order Newly Revised contains rules governing disciplinary procedures. However, these are superseded by the specific procedures for suspension and removal of at-large members of the Libertarian National Committee provided in Article 8, Section 5 and in Article 9 of the Party Bylaws, as well as in the Judicial Committee Rules of Appellate Procedure to the extent these comply with the bylaws.

Article 8, Section 5 of the Libertarian Party Bylaws states, “The National Committee may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee.”

Several things are clear from this sentence read in the context of the rest of the article and in the light of *Robert’s Rules of Order Newly Revised*.

First, under the bylaws provision, apart from the super-majority vote requirement and the subsequent appeal, no special procedural requirements are applicable to the deliberations and action of the Libertarian National Committee on such a matter (unlike, for example, the special procedures contemplated by Chapter XX of RONR). Thus, for example, no notice of intent to move to suspend is required, no investigating committee need be appointed or report, and no trial need be held. As with any other main motion, a motion to suspend a member-at-large is debatable under the usual rules for debate and is amendable (for example, so as to substitute a lesser penalty such as a reprimand). See RONR (10<sup>th</sup> ed.), p. 98. To end debate and move to an immediate vote would require adoption of the previous question by a vote of two-thirds of those present and voting, RONR (10<sup>th</sup> ed.), pp. 189-201; otherwise to limit debate would require a similar vote, RONR (10<sup>th</sup> ed.), pp. 183-189.<sup>2</sup>

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<sup>2</sup> The preceding two sentences are subject to the qualification that under Section 9 of Article 8, “The National Committee may, without meeting together, transact business by mail. . . on any question submitted by the Chair or by at least 1/5 of the members of the Committee.” The procedure there set forth, which calls for return of votes within fifteen days, does not appear to contemplate any possibility of amending a motion thus submitted. Any “debate” that could occur would presumably take the form of communications among National Committee members during

Second, although the motion is described by the bylaws as one to “suspend” the at-large member, because affirmation of the suspension by the Judicial Committee after appeal or failure to appeal within seven days effectively results in the office being “deemed vacant,” the motion in reality is one to remove from office which does not become finally effective until the appeals process is exhausted.

Third, the National Committee may only remove for “cause” but “cause” is left undefined, meaning that it is a matter for the sound judgment of the requisite number of members of the National Committee, subject to review by the Judicial Committee.

Fourth, the vote required is “2/3 of the entire National Committee.” The “entire National Committee” is functionally equivalent to what RONR calls the “entire membership,” defined as “the total number of those who are members of the voting body at the time of the vote.” RONR (10<sup>th</sup> ed.), p. 390, l. 25-27. Thus, for a motion to suspend an at-large member of the National Committee to prevail, it must receive an affirmative vote that equals or exceeds two-thirds of the total number of all the members of the National Committee, including the at-large member whose suspension is being sought and any members who are absent or abstaining, but not counting any vacancies. We are informed that there are 17 members of the National Committee now in office. If that is true at the time of such a vote, a minimum of 12 votes would be required.

One other point is pertinent. The last sentence of Section 1 of Article 8 states, “The National Committee may delegate its authority in any manner it deems necessary.” In light of the requirement that an at-large member may be removed (“suspended”) only by a two-thirds vote of all the members of the National Committee, theoretically the National Committee could delegate its authority to suspend an at-large member to some other entity, but the vote required for such a delegation would be that described in the preceding paragraph – that is (assuming there are 17 members of the National Committee in office at the time of the vote), a minimum of 12 votes would be required.

For example, continuing to assume there were 17 members of the National Committee in office, by a vote of 12 or more a resolution could be adopted that 1) directed an at-large member to issue an apology or take some other remedial action for stated offenses by a named date; 2) directed some other entity, pursuant

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the 15-day period. In that context, motions for the previous question or to limit or extend the limits of debate have no apparent application.

to a delegation of power thereby authorized, thereafter to determine by majority<sup>3</sup> vote whether the direction to apologize or take other remedial action was adequately complied with; and 3) provided that, if the designated entity determined that the directed apology or other remedial action was not adequately complied with, the at-large member would thereby automatically be suspended. In such a case, the time for appeal would run from the date of the designated entity's vote, rather than from the date of the National Committee vote, since the former would constitute the actual suspension.

*Removal as a Member of the Libertarian National Committee– Role of Judicial Committee.*

If a motion to suspend an at-large member of the National Committee is adopted, it is subject to appeal under the bylaws. "Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal." Article 8, Section 5. As noted above, this effectively means that if there is no appeal within seven days after a vote to suspend an at-large member is adopted, the member is thereby removed as a member of the National Committee.

To prevent this, under the bylaws an appeal must be made in writing within seven days, and under the Judicial Committee Appellate Procedure Rules (authorized by Article 9, Section 3 of the bylaws) this written appeal must be submitted in seven copies to the Chair of the Judicial Committee, who has seven days to forward copies to the other members of the Judicial Committee.

Article 8, Section 5, provides, "The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument."

By contrast, outside the context of a National Convention, the Judicial Committee Appellate Rules make no provision for a hearing but only for a meeting, which the rules attempt to provide will normally be by teleconference, of the Judicial Committee members, as follows:

Committee members shall review all material they are sent within

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<sup>3</sup> It should be noted that in this example the finding by the other entity is only a factual determination whether the apology or other remedial action specified by the National Committee has been complied with and is not a decision to suspend, and that is the reason why only a majority vote is required by the entity.

seven days of receiving it, and each member shall contact the Chair, by phone and/or in writing, as soon as he or she has done so. Any member who wishes to contact other members directly may of course do so.

After the Chair has been contacted by at least two other Committee members, he or she shall set a time for a meeting of the Committee to decide the matter at hand. Unless a majority of the members request a physical gathering, the meeting shall take place by telephone conference. Members who are unable to participate in the meeting shall retain the right to vote by mail or by phone, provided their vote is transmitted to the Chair no later than 72 hours after the meeting.

A very important point must be noted in this connection. Because the language from the Appellate Rules quoted immediately above is clearly inconsistent with the bylaws in this context, it is necessarily superseded by the bylaws to the extent of the conflict. Thus, it remains the case that, in accordance with the rules, the Judicial Committee Chair must distribute copies of an appeal to the other members of the Judicial Committee within the seven-day period, and the other members must review the material and contact the Chair within seven days of receiving their copies of the appeal.

However, instead of setting a teleconference to decide the appeal, the Chair must instead set the date, time, and place for a hearing on the appeal – a date which must be set to occur within the window “between 20 and 40 days of receipt of the appeal.”

The question could be raised whether the Chair may set the hearing date or whether he or she must instead call a meeting of the Judicial Committee at which it must do so by majority vote. Under RONR (10<sup>th</sup> ed.), p. 483-84, a committee generally meets at the call of its chairman, unless it has adjourned to meet at a specific time. The bylaws provide that the “Judicial Committee shall set” the hearing date. The Judicial Committee Rules—adopted in accordance with Article 9, Section 3 of the bylaws—authorize the Chair to “convene” the committee for what amounts to a hearing during a convention, and of course to call meetings of the committee between conventions. As a hearing is a meeting of the committee, albeit of a special type, it appears that the manner in which the Judicial Committee sets a hearing date may be by its Chair alone issuing a call for a Committee meeting that will include the conduct of a hearing during the meeting.



Although the Judicial Committee Rules specify that the “meeting” to be called by the Chair is to be a teleconference unless a majority of the Judicial Committee’s members request a physical gathering, the absence of such an applicable authorizing provision in the *bylaws* has, as we have already stated, a superseding effect which renders the section of the Judicial Committee Appellate Procedure Rules calling for a meeting by teleconference invalid. Under RONR (10<sup>th</sup> ed.), p. 482, l. 28-30, only the *bylaws* (or higher-ranking rules) may make such provision. Consequently, the hearing in this case must be a physical gathering in “one room or area.” RONR (10<sup>th</sup> ed.), p. 79.

The bylaws require that the Judicial Committee “shall notify all interested persons [of the hearing], which persons shall have the right to appear and present evidence and argument.” In this context, “all interested persons” evidently means all members of the National Committee.

At the hearing, therefore, all members of the National Committee who choose to do so must be able to attend, and present evidence if they wish (naturally including the at-large member who has been suspended). The exact process for hearing this evidence is not spelled out in the bylaws or in the Judicial Committee Appellate Procedure Rules. Since it is an appellate procedure, there is no basis for assuming that it need proceed in the form of a trial as delineated in Chapter XX of RONR. If a custom has been established by past practice, that should be followed. If not, the Judicial Committee may conduct the process according to a reasonable and fair approach (for example, with respect to reasonable time limits on testimony) that allows the hearing to proceed in an orderly fashion that preserves an adequate opportunity to be heard.

A quorum of the Judicial Committee is five of its members. Article 9, Section 1. Should the Committee fail to obtain a quorum, it should be called to order, whereupon measures may be taken to secure a quorum, the meeting may be recessed, an adjourned meeting may be scheduled, and the meeting may be adjourned, but no substantive business may be transacted. RONR (10<sup>th</sup> ed.), p. 336-37. If no hearing can garner a quorum within the required time limits, the suspension is upheld and becomes a removal.

Since “At the hearing the burden of persuasion shall rest upon the appellant,” the Judicial Committee begins with a presumption in favor of the judgment of the National Committee and is to give the benefit of the doubt to that judgment. After the appellant and other members of the National Committee wishing to do so have been afforded the opportunity to present their argument and evidence, the hearing proper is adjourned. The Judicial Committee’s own

deliberations and vote are conducted in executive session, that is, with no one but members of the Judicial Committee present. RONR (10<sup>th</sup> ed.), p. 483.

In accordance with Article 8, Section 5 of the bylaws, the Judicial Committee has the period within 30 days of the hearing either to affirm the suspension (thus creating a vacancy, effectively transforming the suspension into a removal) or to reinstate the at-large member; a failure to meet the deadline affirms the suspension and effects the removal. In accordance with the Judicial Committee Appellate Procedure Rules, the Chair notifies the appellant, the National Chair, and the National Secretary of the vote, preliminarily in person or by telephone, and thereafter in writing upon receiving signed verification of their votes from Judicial Committee members.<sup>4</sup>

We hope this opinion is responsive to your inquiry. Please do not hesitate to contact us to clarify it or with any questions or other matters concerning which we might be of service.

Very truly yours,

Henry M. Robert III, P.R.P.

Thomas J. Balch, P.R.P.

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<sup>4</sup> The rules provide that notice also be given to “any other person(s) directly affected by the ruling” but in the case of suspension/removal of an at-large member of the National Committee, no particular persons appear to fit this description.

# EXHIBIT D



# **Libertarian Party Bylaws and Convention Rules**

Adopted in Convention, May 2008, Denver, Colorado

## **Bylaws of the Libertarian Party**

### **ARTICLE 1: NAME**

These articles shall govern the association known as the "Libertarian Party," hereinafter referred to as the "Party."

### **ARTICLE 2: PERIOD OF DURATION**

The duration of the Party shall be perpetual.

### **ARTICLE 3: PURPOSES**

The Party is organized to implement and give voice to the principles embodied in the Statement of Principles by: functioning as a libertarian political entity separate and distinct from all other political parties or movements; moving public policy in a libertarian direction by building a political party that elects Libertarians to public office; chartering affiliate parties throughout the United States and promoting their growth and activities; nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for political office; and, entering into public information activities.

### **ARTICLE 4: STATEMENT OF PRINCIPLES AND PLATFORM**

1. The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a vote of 7/8 of all registered delegates at a Regular Convention.
2. The Party Platform shall include, but not be limited to, the Statement of Principles and the implementation of those principles in the form of planks.

### **ARTICLE 5: MEMBERSHIP**

1. Members of the Party shall be those persons who have certified in writing that they oppose the initiation of force to achieve political or social goals.
2. The National Committee may offer life memberships, and must honor all prior and future life memberships.

3. "Sustaining member" is any Party member who has given at least \$25 to the Party in the prior twelve months, or who is a life member.
4. The National Committee may create other levels of membership and shall determine the contribution or dues levels for such memberships.
5. Higher levels of contribution by or on behalf of a Party member qualify as sustaining member status for any provision of these Bylaws.
6. Only sustaining members shall be counted for delegate apportionment and National Committee representation. Only sustaining members shall be eligible to hold National Party office or be a candidate for President or Vice-President.

## **ARTICLE 6: AFFILIATE PARTIES**

1. No person, group or organization may use the name "Libertarian Party" or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws.
2. The National Committee shall charter state-level affiliate parties from any qualifying organization requesting such status in each state, territory and the District of Columbia (hereinafter, state). Organizations which wish to become state-level affiliate parties shall apply for such status on a standard petition form as adopted by the National Committee, which petition shall be signed by no fewer than ten members of the Party residing in the appropriate state. Affiliate party status shall be granted only to those organizations which adopt the Statement of Principles and file a copy of their Constitution and/or Bylaws with the Party Secretary.
3. There shall be no more than one state-level affiliate party in any one state. Each state-level affiliate party shall, in accordance with its own Bylaws and these Bylaws, determine who shall be its delegates to all Regular Conventions. A state-level affiliate party may charter sub-affiliate parties within the state, which will entitle such sub-affiliates to use the name "Libertarian Party."
4. No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these Bylaws.
5. The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these Bylaws.
6. The National Committee shall have the power to revoke the status of any affiliate party, for cause, by a vote of 3/4 of the entire National Committee. A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation. The affiliate or party may challenge the revocation of its status by written appeal to the Judicial Committee within 30 days of receipt of notice of such revocation. Failure to appeal within 30 days shall confirm the revocation and bar any later challenge or appeal. The National Committee shall not revoke the status of any affiliate party within six months prior to a Regular Convention. The Judicial Committee shall set a date for hearing the appeal within 20 to 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and submit evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's revocation of affiliate party status or order reinstatement of the affiliate party. The Judicial Committee shall issue its ruling within 30 days of the hearing and in no case later than 90 days prior to a Regular Convention. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's revocation of affiliate party status except when the last day of the 30 day period falls within 90 days prior to a Regular Convention, in which case the Judicial Committee's non-action shall result in reinstatement of affiliate party status.

## ARTICLE 7: OFFICERS

1. The officers of the Party shall be:
  - Chair,
  - Vice-Chair,
  - Secretary, and
  - Treasurer.

All of these officers shall be elected by a Regular Convention of the Party, shall take office immediately upon the close of the Convention and shall serve thereafter until the final adjournment of the next Regular Convention. No person shall serve as an officer who is not a sustaining member of the Party.

2. No offices shall be combined.
3. The officers shall be full voting members of the National Committee.
4. The Chair shall preside at all Conventions and all meetings of the National Committee. The Chair is the chief executive officer of the Party with full authority to direct its business and affairs, including hiring and discharging of National Committee volunteers and paid personnel, subject to express National Committee policies and directives issued in the exercise of the National Committee's plenary control and management of Party affairs, properties and funds.
5. The Vice-Chair shall be the chief assistant to the Chair, performing such duties as the Chair shall prescribe, and holding such executive powers as the Chair shall delegate and shall perform the duties of the Chair in the event that the Chair is, for any reason, unable to perform the duties of the office.
6. The Secretary shall be the recording officer of the Party and shall perform such duties as are assigned by the Chair or the National Committee. The Secretary shall attend all meetings of the National Committee and all Party Conventions and shall act as Secretary thereof, keeping such minutes and records as necessary. The Secretary shall make an annual report to the National Committee containing all information required by the Committee.
7. The Treasurer shall receive, expend and account for the funds of the Party under the supervision and direction of the Chair and the National Committee. The Treasurer shall make an annual financial report to the National Committee and shall perform all duties required of the office by applicable federal and state law. The Treasurer is responsible for oversight of all financial functions, including, but not limited to receipts, disbursements, internal and external reporting. The Treasurer shall report to the National Committee and the Convention both the financial situation of the Party and the results of its activities. The report of the Treasurer to the Convention, specified in Convention Rule 1 agenda item 5, shall include an independent auditor's report opining whether the financial statements present fairly, in all material respects, the financial position of the Party and the changes in its net assets and its cash flow for the years then ended, in conformity with accounting principles generally accepted in the United States of America. Unaudited interim financial statements shall also be presented. Such reports shall be made available to every delegate.
8. The National Committee may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee. The suspended officer may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension. Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal. The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's suspension of the officer or order the officer's reinstatement within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of

the officer. At such time as the suspension is final, the office in question shall be deemed vacant.

9. The National Committee shall appoint new officers if vacancies occur, such officers to complete the term of the office vacated.

## **ARTICLE 8: NATIONAL COMMITTEE**

1. The National Committee shall have control and management of all the affairs, properties and funds of the Party consistent with these Bylaws. The Libertarian National Committee shall establish and oversee an organizational structure to implement the purposes of the Party as stated in Article 3. The National Committee shall adopt rules of procedure for the conduct of its meetings and the carrying out of its duties and responsibilities. The National Committee may delegate its authority in any manner it deems necessary.
2. The National Committee shall be composed of the following members:
  - a. the officers of the Party;
  - b. five members elected at large by the delegates at a Regular Convention; and
  - c. any additional members as specified below:

Any affiliate party with 10% or more of the total national party sustaining membership within affiliate parties (as determined for delegate allocation) shall be entitled to one National Committee representative and one alternate for each 10% of national sustaining membership. Affiliate parties may, by mutual consent, band together to form "representative regions," and each such "region" with an aggregate national party sustaining membership of 10% or more shall be entitled to one National Committee representative and one alternate for each 10% of national party sustaining membership. "Representative regions" may be formed or dissolved once every two years during a period beginning 90 days before the beginning of and ending on the second day of the National Convention, and notice of new formations or dissolutions must be given in writing to the national Secretary prior to the close of the Convention at which they take place.
3. The National Committee shall take office immediately upon the close of the Regular Convention at which they are selected, and serve until the final adjournment of the next Regular Convention.
4. A National Committee member shall be a sustaining member of the Party, and shall not be the candidate of any party except the Party or an affiliate.
5. The National Committee may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee. The suspended member-at-large may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension. Failure to appeal within seven days shall confirm the suspension and bar any later challenge or appeal.

The Judicial Committee shall set a date for hearing the appeal between 20 and 40 days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument. At the hearing the burden of persuasion shall rest upon the appellant. The Judicial Committee shall either affirm the National Committee's suspension of the member-at-large or order reinstatement of the member-at-large within 30 days of the hearing. Failure of the Judicial Committee to rule within 30 days shall constitute an affirmation of the National Committee's suspension of the member-at-large. At such times as the suspension is final, the office in question shall be deemed vacant.

A National Committee member who fails to attend two consecutive regular meetings of the National Committee shall be deemed to have vacated his or her seat. The appointing body shall be free to reappoint the member who vacated the seat.

6. The National Committee shall appoint new officers and members-at-large if vacancies occur, such officers and members-at-large to complete the term of the office vacated.
7. A National Committee Regional Representative may be removed and replaced only by the act of the affiliate parties which constitute the subject region. The voting procedure for the removal and replacement of regional representatives shall be determined by the regions. In the absence of any such procedures, a majority vote of the state chairs shall prevail.
8. The National Committee shall meet at such times and places as may be determined by:
  - o action of the Committee,
  - o call of the Chair, or
  - o written request of 1/3 or more of its members.
9. The National Committee may, without meeting together, transact business by mail. The Secretary shall send out mail ballots on any question submitted by the Chair or by at least 1/5 of the members of the Committee. Fifteen days shall be allowed for the return of the votes cast, by mail, to the Secretary. The Secretary shall establish procedures for identifying voters in a mail ballot, and may accept votes through any mail system, including facsimile and electronic mail, for which such procedures have been established. Votes from alternate regional representatives will be counted, in accordance with the ranking procedure of the region, only if the regional representative fails to respond to the ballot. If, at the expiration of the applicable period, a quorum of the Committee have not returned their votes, the measure being voted upon shall be deemed to have failed; in all other cases, a majority of the votes returned shall carry the measure, except where a higher vote is required by the Bylaws. The Secretary shall preserve all such votes until the next meeting of the National Committee, at which meeting the Committee shall order the disposition of such votes.
10. A majority of the membership of the National Committee shall constitute a quorum for the transaction of business at all meetings.
11. Upon appeal by ten percent of the delegates credentialed at the most recent Regular Convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the Bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void. The National Committee shall use roll call voting on all substantive motions. Additionally, the National committee must have a roll call vote upon request of any single Committee member present on any motion. On all roll call votes, the vote of each individual Committee member shall be recorded in the minutes.
12. The National Committee may adopt public policy resolutions by a 3/4 vote with previous notice or by unanimous consent without previous notice.

## **ARTICLE 9: JUDICIAL COMMITTEE**

1. The Judicial Committee shall be composed of seven Party members elected at each Regular Convention, and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. The Judicial Committee shall take office immediately upon the close of the Regular Convention at which elected and shall serve until the final adjournment of the next Regular Convention.
2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:
  - a. suspension of affiliate parties (Article 6, Section 6),
  - b. suspension of officers (Article 7, Section 8),
  - c. suspension of National Committee members-at-large (Article 8, Section 5),
  - d. voiding of National Committee decisions (Article 8, Section 11),
  - e. challenges to platform planks (Rule 7, Section 8),
  - f. challenges to Resolutions (Rule 8, Section 2), and



- g. suspension of Presidential and Vice-Presidential candidates (Article 12, Section 5).
3. Within 90 days following the Regular Convention at which elected, the Judicial Committee shall establish Rules of Appellate Procedure to govern its consideration of matters within the scope of its jurisdiction. The existing Rules shall remain in effect until and unless the Judicial Committee submits new proposed rules to the National Committee for approval, which approval shall be deemed given unless denied by a 2/3 vote of the National Committee within 60 days of submission. A copy of the current Rules of Appellate Procedure shall be maintained by the Secretary at the Party Headquarters and shall be available to any member at cost.

## **ARTICLE 10: FINANCE AND ACCOUNTING**

1. The fiscal term of the Party shall begin on January 1 of each year. From January 1 until the National Committee has approved a budget, the Treasurer may authorize expenditures for any item incorporated in the previous year's budget as long as the level of expenditure is consistent with that budget.
2. The National Committee shall cause an efficient double-entry system of accounts to be installed and maintained. Financial statements of the Party shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP).
3. No disbursements exceeding \$100 may be made with cash.
4. The National Committee shall have the power to designate the depository of all funds of the Party, and shall appoint such officers and employees as in its judgment may seem advisable to deposit and withdraw funds.
5. The Party shall not borrow in excess of \$2,000 total without prior approval by 2/3 vote of the National Committee. This shall not include current operating debt for trade payables.

## **ARTICLE 11: CONVENTIONS**

1. Regular Conventions:  
The Party shall hold a Regular Convention every two years, at a time and place selected by the National Committee. Regular Conventions shall be held sometime during the period of July of an odd-numbered year through August of an even-numbered year. All business required to be conducted at Regular Conventions shall be conducted at Regular Conventions only.
2. Non-Regular Conventions:  
In any year which does not include a Regular Convention, a non-regular convention may be held at the discretion of the National Committee.
3. Delegates:
  - a. Delegates shall be required to be members of either the Party or an affiliate party. At all Regular Conventions delegates shall be those so accredited who have registered at the Convention. At all Non-Regular Conventions, any person who wishes to attend may do so.
  - b. Any federal or state law to the contrary notwithstanding, delegates to a Regular Convention shall be selected by a method adopted by each affiliate party; provided however, that only members of the Party as defined in these Bylaws, or members of the affiliate party as defined in the constitution or bylaws of such affiliate party, shall be eligible to vote for the selection of delegates to a Regular Convention.
4. Affiliate Party Delegate Entitlements:  
Each affiliate party shall be entitled to send delegates to each Regular Convention on the following basis:
  - a. One delegate for each 0.14 percent, or fraction thereof, of the total Party sustaining membership in that affiliate; provided that at least one such delegate must be a resident of that State or District.

- b. One delegate for each 0.35 percent, or fraction thereof, of the votes cast nationwide for the Libertarian Party candidate in the most recent presidential election, cast in that affiliate's state.
- 5. Delegate Allocation:

In order to be counted for delegate allocation, sustaining membership applications must be sent to the National Headquarters by either the individual member or the affiliate party and received or postmarked no later than the last day of the seventh month prior to the Regular Convention. The Secretary shall make a count of the sustaining members qualified under the requirements set forth here and shall compute the delegate allocations for the affiliate parties. Notification of the sustaining membership totals and allocation totals shall be sent by the Secretary to the Chair of each affiliate party no later than the last day of the sixth month prior to a Regular Convention. A list of the names and addresses of all delegates and alternates chosen by each affiliate party shall be sent to the Credentials Committee no later than one month prior to start of the first general session of the Regular Convention. Amendments to such lists may be made by the affiliate parties and submitted to the Credentials Committee until the close of the Credentials Committee meeting preceding the Convention. The number of alternates' names submitted shall not exceed the greater of 50 or the number of delegates allocated. Failure to submit a listing of delegate/alternate names and addresses, as prescribed within these Bylaws, shall cause no delegation to be registered from that affiliate party. By seven-eighths vote, the Convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the Convention.
- 6. Delegate List:

Any Party member shall be provided, upon request and payment of copying and mailing costs, a list of the names and addresses of all elected delegates/alternates to a Convention.
- 7. Convention Committees:

There shall be a Platform Committee, a Bylaws and Rules Committee and a Credentials Committee for each Regular Convention. The National Committee shall appoint a temporary chair of each committee to serve until each committee selects its own chair.

  - a. The Bylaws and Rules Committee shall consist of ten Party members appointed by the National Committee no later than three months before a Regular Convention. No more than five of these members shall be members of the current National Committee.
  - b. The Platform Committee shall consist of 20 members selected as follows:
    - One member by each of the ten affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations. These members shall be selected no later than the last day of the fifth month prior to the Regular Convention.
    - Ten members appointed by the National Committee, including no less than five members from states other than the ten having the largest Party memberships. These members shall be appointed no later than the last day of the fifth month prior to the Regular Convention.
  - c. The Credentials Committee, composed of ten members, shall be selected as follows:
    - Five members chosen by the National Committee.
    - One member by each of the five affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations. These shall be selected by each of the affiliate parties no later than one month prior to the Regular Convention.
  - d. Ranked alternates may be named by the appointing bodies to fill any vacancies or absences in the Convention Committees.
- 8. Quorum:

A quorum shall consist of 40% of the total number of delegates registered in attendance at the Convention.

9. Convention Rules:  
The Party's Convention Special Rules of Order may be amended only by a Regular Convention.

## **ARTICLE 12: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS**

1. Nominations of candidates for President and Vice-President of the United States may be made only at the Regular Convention immediately preceding a Presidential election.
2. No candidate may be nominated for President or Vice-President who is ineligible under the United States Constitution, who has not expressed a willingness to accept the nomination of the Party, or who is not a member of the Party.
3. In the event of the death, resignation, disqualification or suspension of the nomination of the Party's nominee for President, the Vice-Presidential nominee shall become the Presidential nominee. Two-thirds of the entire membership of the National Committee may, at a meeting, fill a Vice-Presidential vacancy, and, if necessary, a simultaneous Presidential vacancy.
4. The National Committee shall respect the vote of the delegates at Nominating Conventions and provide full support for all nominees for President and Vice-President as long as their campaigns are conducted in accordance with the Platform of the Party.
5. A candidate's nomination may be suspended by a 3/4 vote of the entire membership of the National Committee at a meeting. That candidate's nomination shall then be declared null and void unless the suspended candidate appeals the suspension to the Judicial Committee within seven days of receipt of notification of suspension. The resolution of suspension must state the specific reasons for suspension and must be signed by each member of the National Committee agreeing thereto. The Judicial Committee shall meet and act on this appeal within 30 days and before the election.

## **ARTICLE 13: PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party.

## **ARTICLE 14: AMENDMENT**

1. These Bylaws may be amended by a 2/3 vote of the delegates at any Regular Convention.
2. Article 4, Section 1, shall not be amended by a vote of less than 7/8 of all registered delegates at a Regular Convention.

## **ARTICLE 15: PROMULGATION OF BYLAWS**

The National Committee shall promulgate the Bylaws in accordance with applicable law. A copy of these Bylaws and Convention Rules shall be provided to each member of the National Committee, each member of the Judicial Committee and each Chair of an affiliate party within 90 days of adoption.

# Convention Special Rules of Order of the Libertarian Party

## **RULE 1: ORDER OF BUSINESS**

The standing order of business for a Regular Convention shall be as follows:

1. Call to order
2. Credentials Committee report
3. Adoption of agenda
4. Treasurer's report
5. Bylaws and Rules Committee report
6. Platform Committee report
7. Nomination of Party candidates for President and Vice-President (in appropriate years)
8. Election of Party Officers and at-large members of the National Committee
9. Election of Judicial Committee
10. Resolutions
11. Other business

## **RULE 2: VOTING ELIGIBILITY**

1. The Secretary, acting on behalf of the Credentials Committee, shall report the number of delegates registered in attendance and eligible to vote directly after the opening of the first business session, and at the beginning of each succeeding session.
2. All delegates shall be eligible to vote on all matters. In order to vote on a given matter, a delegate must be present on the floor at the time the vote is taken. Each delegate present shall have one vote. Use of the unit rule or unit voting is prohibited at national conventions.
3. Duly selected alternates may be freely substituted for any members of their delegation who are temporarily or permanently absent from the floor, provided the procedure has been clearly specified by the affiliate party in advance of the Convention, and the Secretary has been provided with lists of the affiliate party's delegates and alternates as well as a copy of the affiliate party's rules governing substitutions.
4. An alternate, upon certification by the Secretary, may function as a delegate whenever a delegate of the same state has not been registered in attendance. This status shall continue until the absent delegate registers in attendance. If the affiliate party has made no provision for filling delegate vacancies, the alternate substitute shall be decided by drawing lots.
5. If the affiliate party has made no other provision, an alternate may temporarily vote in place of a delegate from the same state while he or she has the written consent of that delegate; however, no delegate may cast more than one vote on a question.
6. All members must wear the identification badge issued upon registration in order to be admitted to the Convention hall.

## **RULE 3: VOTING PROCEDURE AND MOTIONS**

1. On all matters, except the retention of platform planks, the election of Party Officers and at-large members of the National Committee and the nomination of Presidential and Vice-Presidential candidates, voting will be by voice vote. If 20 or more delegates object to the Chair's ruling on the outcome of a voice vote, a counted vote will be held.
2. The Chair may require any motion offered from the Convention floor to be in writing, signed by the mover and submitted to the Secretary.

#### **RULE 4: POLLING PROCEDURE**

1. The State Chair shall serve as chair of his or her delegation, unless that delegation selects another of its members to serve as its chair and so notifies the Secretary.
2. In cases where a roll call vote is required, polling shall be by state. The Secretary will ask for the vote from each state in alphabetical order, and the chair of each delegation shall report the vote for that state. The Convention seating will be by state delegation. If someone challenges the vote reported by any state's chair, the Secretary shall poll the delegates from that state individually.
3. In cases where computer readable ballots are used, each delegate must sign the ballot and submit it to the delegation chair. After verifying that the number of votes cast does not exceed the number the state is entitled to, the chair of each delegation shall submit the ballots to the Secretary. During the period of time allotted for such votes, the business of the convention shall continue without interruption.

#### **RULE 5: COMMITTEE PROCEDURES**

1. A majority vote of those Committee members present is necessary for a "do pass" recommendation, and in the case of the Platform Committee, a majority must approve each specific plank separately.
2. Four or more members of the Platform Committee may join together to issue a minority report regarding any plank reported to the floor of the Convention. Two or more members of the Bylaws and Rules Committee or of the Credentials Committee may join together to issue a minority report regarding their business.
3. A member must be present in Committee to vote.
4. More than 1/2 of the membership of each committee shall constitute a quorum.

#### **RULE 6: DEBATING AND VOTING -- BYLAWS AND RULES**

The Chair of the Bylaws and Rules Committee shall report each recommendation of the Committee to the Convention separately and shall have two minutes to explain the intent or purpose of the proposed amendment(s). The Convention Chair shall open each recommendation to discussion without amendment from the floor. Each recommendation shall be considered and adopted separately, with a maximum of eight minutes discussion on any recommendation. After the discussion, the Convention Chair shall bring the recommendation to a vote. If the recommendation fails, the Convention Chair shall open the recommendation to amendment for an additional 10 minutes.

#### **RULE 7: DEBATING AND VOTING -- PLATFORM**

1. The current Platform shall serve as the basis of all future platforms. At Regular Conventions, the existing Platform may be amended. Additional planks, or additions to planks, must be approved by 2/3 vote. A platform plank may be deleted by majority vote.
2. After the adoption of the convention agenda, the convention will vote whether to delete planks from the existing platform. This will be accomplished as follows:
  - a. The Credentials Committee shall issue five signature tokens to each delegate.
  - b. Tokens shall only be issued to delegates. Delegates are responsible for transferring possession of unused tokens to their alternates if necessary.
  - c. Each delegate may cast each token as a recommendation for deletion of one plank by noting on the token the plank to be deleted and signing the token.
  - d. A delegate may cumulate recommendations by casting any number of tokens for deletion of the same plank.
  - e. Delegates will be given until one hour prior to the scheduled start of the platform report to mark their tokens and deliver them to the Secretary.

- f. Prior to the scheduled start of the platform report, the Secretary shall review the tokens received and tabulate and report the tokens submitted for deletion of each plank.
  - g. As its first item of platform business, the convention shall vote whether to delete each of those planks that received a number of tokens for deletion equal to 20% or more of the number of credentialed delegates. Such votes shall be cast without amendment or debate.
3. The Platform Committee shall meet before each Regular Convention and prepare a report containing its recommendations. At the convention, the Platform Committee's recommendations shall be reported to the floor and debated and voted upon separately. The Platform Committee shall set forth the order in which each recommendation shall be considered.
4. Recommendations for which there is no minority report shall be debated and voted upon in the following manner:
  - a. The Platform Committee Chair, or some other person designated by him or her, shall read the proposed recommendation and shall have up to two minutes to explain the recommendation.
  - b. The Convention Chair shall then open the recommendation to debate without amendment for a period of up to 15 minutes before bringing the matter to a vote. If the recommendation fails, the Convention Chair shall inquire if any amendments are proposed from the floor. If there are such proposals, the Convention Chair shall request a vote on whether to consider amendments, and with majority approval may consider amendments for a period of up to 10 minutes.
5. Recommendations for which there is a minority report shall be debated and voted upon in the following manner:
  - a. Spokespersons for both the majority and minority positions shall each have two minutes to present their views.
  - b. The Chair shall then open consideration of both positions for five minutes, during which time any delegates may express their views without offering amendments. After five minutes, there will be a vote on which of the two reports shall be considered for purposes of adopting a recommendation. The report receiving the greater number of votes shall then be discussed and voted upon in the manner described in Section 4b.
6. After all Committee recommendations have received initial consideration, any delegate may propose amendments to the Platform. The delegate may take up to two minutes to state and explain the proposal, with debating and voting to proceed as described in Section 4b.
7. Finally, if time permits, proposals which were considered by the Platform Committee but which received an unfavorable vote from a majority of the Committee, may be considered, with a spokesperson for the minority position giving the reasons in favor and the Platform Committee Chair or other representative of the majority position giving the reasons why it was voted down, before the proposal is taken to the floor for debate.
8. Challenges of adopted Party planks believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the Convention, to the Judicial Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the plank is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to and report their findings and reasons to the Convention. If the plank is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the Convention.

## **RULE 8: RESOLUTIONS**

1. Resolutions must be approved by a 2/3 vote.

2. Resolutions must not be in conflict with the Statement of Principles. Challenges of such adopted Resolutions believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the Convention, to the Judicial Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the Resolution is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to, and report their findings and reasons to the Convention. If the Resolution is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the Convention.

## **RULE 9: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES**

1. No person shall be nominated for President or Vice-President unless at least 30 registered delegates join in the nomination in writing submitted to the Chair. No delegate may join in nominating more than one candidate for each office. The affixing of signatures to a nominating petition per this requirement shall be effected by a transfer of signature tokens issued by the Credentials Committee.
2. The Party's nominee for President shall be chosen by majority vote. If no candidate has attained a majority, the candidate with the fewest votes and any candidates polling less than 5% shall be struck from subsequent ballots. This procedure shall be repeated after every ballot in which no candidate has received a majority vote, until one candidate attains a majority.
3. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all the delegations have submitted their votes, the Secretary shall declare the voting closed. At this point, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation.
4. The Party's nominee for Vice-President shall be chosen by the same procedure as for the Presidential nominee except that the Presidential nominee shall have the privilege of addressing the Convention for 5 minutes, after nominations have been made but before voting has begun, for the purpose of endorsing or objecting to any of the Vice-Presidential nominees. Nominations for Vice-President shall close after selection of the Presidential nominee.

Nominating and seconding speeches shall be limited in duration as follows:

- President: Total of 16 minutes;
- Vice-President: Total of 11 minutes.

## **RULE 10: ELECTION OF OFFICERS AND NATIONAL COMMITTEE**

1. Nominations for Party Officers shall be from the floor. The election shall be conducted in the following manner:
  - a. For each office, a majority vote will be necessary for election.
  - b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed.
  - c. For the first round of voting for Chair, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation. Subsequent announcements of each delegation's totals shall be made by the Secretary.
  - d. In cases where no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.
2. Nominations for the at-large members of the National Committee shall be from the floor. The election shall be conducted in the following manner:

- a. Each delegate may cast up to five votes, but no more than one vote for any one candidate.
  - b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed.
  - c. At this point, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation.
  - d. Those five candidates receiving the highest vote totals shall be declared elected. If a tie vote affecting the outcome of the election occurs, another ballot for the remaining offices shall be held with each delegate allowed to cast as many votes as there are offices to fill.
3. Nominations and elections for members of the Judicial Committee shall be conducted in the same manner as specified for at-large members of the National Committee.
4. Nominations for each candidate may be made by any delegate present on the floor, provided he or she has the candidate's permission. Nominating speeches shall be limited in duration as follows:
  - a. Chair: one five-minute nominating speech, two three-minute seconding speeches;
  - b. All others: one two-minute nominating speech, two one-minute seconding speeches.
5. In the event a region has not otherwise provided for the election of its regional representative to the National Committee then the delegates from the region shall elect its regional representative, provided there are at least five delegates present. Each Region's delegates may elect their representative in whatever manner they choose, provided all delegates present from that region are given equal voice in the selection.

#### **RULE 11: NONE OF THE ABOVE**

Votes cast for "None of the Above" in voting on the Party's nominees for President and Vice-President, the Party Officers, and at-large members of the National Committee, shall be considered valid. Should a majority of the votes be cast for "None of the Above" in the Presidential or Vice-Presidential balloting, no candidate shall be nominated for that office. Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the vacancy for that term of office.



## **Judicial Committee Appellate Procedure Rules (adopted 1989)**

### **LIBERTARIAN PARTY JUDICIAL COMMITTEE RULES**

The Judicial Committee shall take action only when its Chair receives seven copies of a written request for a ruling on a matter identified in the Party's By-Laws as being within the Committee's jurisdiction.

If the Committee is called into action during a National Convention, the Chair shall convene the Committee as soon as is reasonably possible, and shall hear arguments from interested parties in person, in a meeting open to convention delegates.

When such a request is received at any time other than during a National Convention, the Chair shall contact the other Committee members by phone (where possible) within seven days of receiving said request. During the same seven days, the Chair shall forward one copy of the request to each of the other Committee members, along with any supporting material and counter-arguments he or she has been sent.

Committee members shall review all material they are sent within seven days of receiving it, and each member shall contact the Chair, by phone and/or in writing, as soon as he or she has done so. Any member who wishes to contact other members directly may of course do so.

After the Chair has been contacted by at least two other Committee members, he or she shall set a time for a meeting of the Committee to decide the matter at hand. Unless a majority of the members request a physical gathering, the meeting shall take place by telephone conference. Members who are unable to participate in the meeting shall retain the right to vote by mail or by phone, provided their vote is transmitted to the Chair no later than 72 hours after the meeting.

When the Committee reaches a decision, the Chair shall notify the person(s) who requested the ruling, any other person(s) directly affected by the ruling, the National Chair and the National Secretary. Preliminary notification may be made orally, either in person or by telephone; official notification shall be made in writing, as soon as all participating Committee members have provided the Chair with a signed statement giving their vote on the matter in question.

*Document last updated 11-22-2009*

# EXHIBIT E

## CUMULATIVE POTENTIAL CONFLICTS OF INTEREST 3/10/18

Erin Adams

- Board Member, The Feldman Foundation
- Co-host of the Crossover TV show
- Elected Chair of Libertarian Party of Oklahoma 2018
- Elected Chair of the Libertarian State Leadership Alliance 2018
- Networking Director for Roads to Freedom Foundation

Phil Anderson

(none)

Whitney Bilyeu

- Member, Steering Committee of the Foreign Policy Alliance
- Husband is Vice-Chair of the Harris County Libertarian Party

Sam Goldstein

(none)

Tim Hagan

- Treasurer, Libertarian Party of Nevada

Caryn Ann Harlos

- Social Media Volunteer, national Libertarian Party
- Page Owner/Admin multiple FB groups/Pages, largest of which is Libertarian Party USA
- Husband Wayne Harlos was elected Chair of the CO affiliate in March 2017
- Runs a liberty activist YouTube channel (Pink Flame of Liberty)
- Runs a LP-centric podcast (The Big L Podcast)
- Co-Chair Convention Committee, Libertarian Party of Colorado
- Declared candidate for Membership Director, Libertarian Party of Colorado

Jeff Hewitt

- County Supervisor, Calimesa, California
- Member, Libertarian Millennial Caucus
- Member, West Riverside County Council of Governments

Susan Hogarth

- State Chair, Libertarian Party of North Carolina
- Board member, Libertarian Party Radical Caucus

Jim Lark

- Secretary, Board of Directors, Liberty International (formerly known as International Society for Individual Liberty)
- Board of Advisors, Students For Liberty

## CUMULATIVE POTENTIAL CONFLICTS OF INTEREST 3/10/18

- Board of Advisors, Freedom and Entrepreneurship Foundation (Fundacja Wolnosci i Przedsiębiorczosci) in Poland
- Secretary, Jefferson Area Libertarians
- Member, Faculty Network, Foundation for Economic Education
- Secretary, Libertarian Party of Virginia

Victoria Paige Lee

- Healthcare policy advisor- Larry Sharpe campaign
- Tennessee liaison- The Feldman Foundation
- Carroll County Chair- Libertarian Party of Tennessee

Richard Longstreth

- Works for Lowe's Home Improvement
- Member of the Libertarian Party Radical Caucus
- Platform Committee Member, Arizona Libertarian Party
- County Development Committee Member, Arizona Libertarian Party

Jeff Lyons

- Libertarian Association of Massachusetts, Executive Committee Member (Membership Director)
- Young Americans for Liberty: Chapter President at Bunker Hill Community College
- YAL Legacy Society
- Member of the LPCaucus
- Member of the Libertarian Veteran Caucus
- Thinks Bill Weld is a good libertarian

Alicia Mattson

- Secretary, Libertarian National Campaign Committee

Alex Merced

- Senior Policy Advisor for the Larry Sharpe for Governor Campaign
- Media Director of Manhattan LP

Dustin Nanna

(none)

Steven Nekhaila

- Treasurer, Libertarian Party of the Florida Keys
- At-large director, Libertarian Party of Florida
- Alumni member, Young Americans for Liberty

Justin O'Donnell

- Vice-Chair, Granite State Libertarians (a non-partisan NH PAC)

Brent Olsen

- Northern Vice-Chair, Libertarian Party of California

## CUMULATIVE POTENTIAL CONFLICTS OF INTEREST 3/10/18

- Chair, Kings County affiliate in the in Libertarian Party of California
- Employee, CA Dept of Corrections
- Wife is Treasurer for the Kings County affiliate of the Libertarian Party of California

John Phillips

- Candidate for County Board
- Candidate for VP
- County Chair
- Gas Station and Owner/Operator
- Executive Board (CFO) of Decatur Defenders - an anti-violence organization
- Secretary Libertarian Unity Caucus
- Incurable Smart Ass

Bill Redpath

- Treasurer of Fairvote (formerly the Center for Voting and Democracy)
- Treasurer, Citizens in Charge Foundation
- Treasurer, Citizens in Charge

Nick Sarwark

- Ex-officio member of the Executive Committee of the State Committee of the Arizona Libertarian Party

Elizabeth Van Horn

(none)

# EXHIBIT F



Caryn Ann Harlos <secretary@lp.org>

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## LNC Contact Form - Requested NH information

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Richard Longstreth <richard.longstreth@lp.org>  
To: Caryn Ann Harlos <secretary@lp.org>  
Cc: Whitney Bilyeu <whitney.bilyeu@lp.org>

Wed, Jul 14, 2021 at 3:09 PM

I apologize for the trauma. Sincerely. That was never my intention.

We were friends once so I believe we could be again but only if you can open up to criticism. I still trust and respect you even if right now I don't like you and believe you are acting very unprofessionally because we were friends for so long. I'm saddened to hear the feeling isn't mutual but honestly, I don't need friends who cause others to hate me without cause. If you don't like me personally, I understand all the reasons why. My problem is rallying troops for help when there is no help needed. I'm ignoring you and you are telling people I'm making your life a living hell by my not engaging. It is baffling. Are you trying to suspend me? I'll sponsor the motion if you need that help. Do you want me to resign? Lose my job? Commit suicide due to the contact I receive daily? All of these have been on my radar in the last 45 days.

I agree to ignore emails which I find are 'bitchy' as I have been. While I don't have the right to ask a favor, I ask anyway, that we bury the hatchet and you stop speaking ill of me publicly. I have been questioned at my job because of you. That's how public you are being! It isn't private at all despite what you think. You are causing real and personal harm to another person actively. I recognize that I did in a moment and the trauma that follows, you continue to do it daily!

I believe what Phillips told you about a setup, because I tried to stop it as he can verify. We did successfully for nearly a year. Ask him yourself and please consider that you have taken to a dialogue full of conspiracy but not based in any fact and where the reality shows a complete opposite reality to your painting of events.

I will tell you that my charges were not written until that Tuesday night and not refined until that Friday morning. I knew who wanted you gone and finding sponsors was not difficult but that doesn't mean it was planned in advance, by me anyway. Maybe I was used but I had enough. This board, as a whole, had enough. Stop shooting the messenger, please. I wouldn't have done it if I thought talking to you would have helped which, you've proven, is a fruitless task when you believe you are right and everybody else is wrong.

I dropped it when others didn't want me to as well, for the good of your mental health, for Ken as a new chair, and mostly for the benefit of our Party, hoping things could turn around and get better all around following the resolution of NH and the resignation of Coburn, Wendt, and JBH (who btw is NOT my best friend as you state, we've only hung out outside of a party event once and that was during an LNC meeting in DC. We are friends, but professional ones. He didn't even tell me about his resignation until late Wednesday night or early Thursday morning, days after he told other people, again, verify with Phillips who is one of my best friends).

I wish you well Caryn Ann. I have no ill personal feelings to you and hope you can see this through and re-establish relationships you've burnt across party. If you don't stop down this path, however, I'm not sure where our Party, the very thing we've both dedicated our lives to, will end up.

Richard Longstreth  
At Large Representative  
Libertarian National Committee  
[richard.longstreth@lp.org](mailto:richard.longstreth@lp.org)  
931.538.9300

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# EXHIBIT G



## STATEMENT OF PRINCIPLES

We, the members of the Libertarian Party, challenge the cult of the omnipotent state and defend the rights of the individual.

We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.

Governments throughout history have regularly operated on the opposite principle, that the State has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.

We, on the contrary, deny the right of any government to do these things, and hold that where governments exist, they must not violate the rights of any individual: namely, (1) the right to life — accordingly we support the prohibition of the initiation of physical force against others; (2) the right to liberty of speech and action — accordingly we oppose all attempts by government to abridge the freedom of speech and press, as well as government censorship in any form; and (3) the right to property — accordingly we oppose all government interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of robbery, trespass, fraud, and misrepresentation.

Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit of others. They should be left free by government to deal with one another as free traders; and the resultant economic system, the only one compatible with the protection of individual rights, is the free market.

**Note:** The Statement of Principles was approved at the Convention in Dallas in 1974.

# EXHIBIT H

Non-Coercion Principle  
(The Oath)

"I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals."

What does the pledge on the membership form mean?

We ask our members to disavow the initiation of force. This does not mean that you cannot defend yourself; you DO have a right to defend your life, liberty, and property. It does mean that you cannot use the coercive power of government to forcibly achieve your personal, ethical, or religious goals.

This commitment helps us maintain our principles and provides us with a measuring stick to determine if we have strayed from our common goal: a society where all relationships among persons are based on voluntary cooperation.

DAVE

YOUR COMMENTS WOULD BE APPRECIATED.

TAX

DAVE AITKEN

Reply on back

Dave —

This is a perfectly good explanation of what the "pledge" or "oath" means.

Interestingly, most people in the LP do not know why it was originally placed on membership applications. ~~but~~

We did it not because we believed that we could keep out "bad" people by asking them to sign — after all, evil people will lie to achieve their ends — but to provide some evidence that the LP was not a group advocating violent overthrow of the govt. In the early 70's, memories of Nixon's "enemies list" and the McCarthy hearings of the 50's were still fresh in people's minds, and we wanted to protect ourselves from future witch-hunts.

— DFN

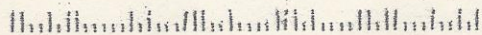
The Nolans  
26502 Montiel  
Mission Viejo, CA 92691



Dave Aitken

1240 Ogden #4

Denver, CO 80218



# EXHIBIT I





Susan Jane Hogarth

September 6 at 10:45 AM · 🌐

...

Thank you [TJ Ferreira](#) for writing this up so clearly.

For those who are still friends with CAH, please continue to be there for her. She's not in a good place.



TJ Ferreira ▶ Tim "TJ" Ferreira - LNC (R4 Alt)

September 6 at 8:41 AM · 🌐

Rationale for my vote yesterday to suspend Secretary Harlos.

I want to start by saying that Secretary Harlos is an amazing activist. She is a hard worker. She has a great attention to detail when she is performing her role as Secretary. She believes in the pledge she signed and the underlying Libertarian Statement of Principles. In most cases, Secretary Harlos is a model Libertarian. But we aren't here to talk about most cases... we are here to talk about the other times. Sometimes Secretary Harlos can be in a "dark place". She finds herself in that place when she is stressed due to any combination of factors, including: bad news, health problems, feeling attacked, being overworked, or other human conditions. In these times, Secretary Harlos lashes out - often spewing fraudulent mischaracterizations at anyone who has a different opinion than her. This is a good time to talk about words versus force. I grew up in a "sticks and stones may break my bones, but names will never hurt me" generation. Hurtful names were bullying, but not considered aggressions. Things have changed. In the current cancel culture world, being labeled - even falsely labeled - with certain terms can have grave social and financial implications. Labels are a way to dehumanize groups of people so we can treat them differently. Secretary Harlos tends to publicly apply labels to whomever she sees as a threat - especially when she is in her dark place.

As an example, in the past few months, Secretary Harlos has stated that I was "gaming our bylaws and emotions" but provided no facts to back this up. She called me an "ableist". I had to look that one up: it means to have a discrimination or social prejudice against people with disabilities. She provided no facts to back this up. She called me "sexist" with no facts to back it up. She accused me of "victim blaming" with no facts to back it up. There were others, but I'm not trying to cite an exhaustive list.

I'm also not citing these examples to justify a vote based on retaliation. Rather I'm using my own examples because I know the details best. Each member of the LNC has their own examples and many of our members also have examples. From my point of observation, the volume, frequency, and severity of the examples have increased during this LNC term. I don't know if there is a reason for the increase in the times that Secretary Harlos finds herself in her dark place. Maybe it is the isolation of the pandemic. Maybe there is some environmental factor. Maybe there is some underlying medical condition which has gotten worse. Maybe she finds herself with more obligations than she used to have. Maybe there

was some life-changing stressor that occurred. Whatever the cause, the effect is well observed. This is not the same person that I voted for at convention.

I've talked to many delegates from the 2020 convention. While their opinions on this suspension motion are varied, they all agree that Secretary Harlos acts and speaks in harmful ways. Some think it is harmful to the party and the liberty cause. Some think it is harmful to individuals. Most also recognize the increase in her hurtful statements. Each person has their own "excuse" for her actions, but none of them argue that the hurtful actions don't exist and none have told me that they aren't a problem.

The reasons I've been asked to vote "No" on the suspension is because people would like to give her another chance to change. They would like to see us try censure first. They aren't sure the incidents have raised to the level of "cause" that is required for suspension by the bylaws. They are concerned that without Secretary Harlos, the current LNC isn't diverse in thought. They are concerned about what precedent this sets for future boards. These are all valid approaches and concerns. In making my decision, these thoughts weighed heavily against the impact of her behavior.

I was also concerned that some might paint this suspension as retaliation against Secretary Harlos's recent activities regarding the Libertarian Party of New Hampshire and the resignation of three LNC members, including our former chair. Or that some would paint it as an outright attack on a faction of the party which was supporting Secretary Harlos. I can't speak for my colleagues on the board, but I can say that neither of those were reasons for my vote. In fact, my concerns over those perceptions were pressure against my vote.

I will add, that if I really wanted to hurt a faction that was coming into power, I would have voted to leave Secretary Harlos in place. She has a habit of attacking anyone in power that isn't her. I don't think any faction would be safe from her abuse. The longer any of us continue to prop her up, the longer all of us suffer from her abuse.

In the end, I decided to vote "Yes" to suspend Secretary Harlos because she started to turn her abuse towards our members. Her abusing fellow board members should have been enough, but I justified that away with the thought that these board members (including myself) voluntarily decided to be here and we could always leave. That is a terrible line of thought, but it is how I tried to rationalize a "No" vote. However, I couldn't rationalize away her continually abusing our members from the position of power in which she sat.

I contend that it doesn't matter how many good things you do or how many people voted for you and support you, if you are habitually abusing others from a position of power, you need to be removed. Even though I agree with most of the causes that Secretary Harlos was championing, and I think that she has done some amazing things, she cannot be allowed to continue using force against others to achieve her political and social goals.



# EXHIBIT J



secr...@lp.org

to Inc-business

Aug 13, 2021, 9:42:09 PM



To the general committee. I have laid out numerous specific things over the past over a year. Each time shot down. And then when I bring it up again, I get asked what specific actions. This really feels like gaslighting.

I gave a specific action in the opening email. We need to respond to that cato scholar.

I gave very specific actions in the past. Each time I am brushed aside. That is a description of how I see what happened. If the LNC wishes to work together rather than circling and pointing at me (this body has spent more time talking about ME than it has the civil rights violations which is a damning indictment) perhaps others start proposing things to work with. I have done so numerous times.

**In Liberty,**

*Carol Ann Hobbs*



Susan Jane Hogarth

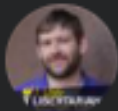
August 14 at 11:08 PM · 🌐



It's not gaslighting if you're actually crazy.

The bottom is Ms. Hogarth's public response to the Petitioner's LNC email in which she said she felt like she was being gaslighted.

# EXHIBIT K



**Richard Longstreth, Libertarian** ✓

September 7 at 10:23 AM · 🌐

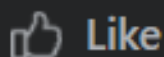


Just to be clear: I've never wanted to be Secretary of the LNC. I only briefly questioned Ms Harlos in her intention to run for Secretary noting I might have considered it if she wasn't. That question occurred at the end of 2019 or maybe early 2020, before I declared my run for Vice Chair at the Arizona State Convention. If this current LNC tries in anyway to get me to serve as Secretary pro tem, I will turn it down. If the suspension is upheld, I will not accept a nomination to fill the office. I have no interest nor ever have in being the LNC Secretary. Ms. Harlos is lying as she puts out this information.



27

13 Comments 1 Share



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**Justin O'Donnell**

weird, I remember a conversation being had in JBH's suite in Orlando at the winter 2019 LNC Meeting where you expressed your desire and intent to run for secretary, While JBH was brainstorming a slate to put together before he announced his run for chair. I clearly remember you stating that frustration with Ms. Harlos was a leading factor in your partner stating he was OK with you running for the job.

Like · Reply · 1m

# EXHIBIT L

<input type="checkbox"/>	Name 	Email 	Current Tier 	Lifetime 	Join Date 	Cancel Date 	Access Expiration 
<input type="checkbox"/>	 Susan Hogarth	<a href="mailto:Hogarth@gmail.com">Hogarth@gmail.com</a>	-	\$38	Nov 15, 2017	Dec 3, 2020	Dec 3, 2020