

**MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE OF THE
LIBERTARIAN PARTY OF NEW YORK HELD ON SUNDAY, DECEMBER 18, 2022
ON THE ZOOM MEETING APP**

MEMBERS PRESENT

Andrew M. Kolstee, Chair
Duane J. Whitmer, 1st Vice-Chair
Richard F. Purtell, 2nd Vice-Chair
Mark S. Braiman, Secretary
William Cody Anderson, Treasurer
Maura E. Botsford, Member-At-Large (JD8)
Justin N. Carman, Member-At-Large (JD3)
Keith C. Redhead, Member-At-Large (JD5)
William K. Schmidt, Member At-Large (JD9)
Karyn A. Keniry Thompson, Member-At-Large (JD4) (arrived 7:10 p.m.)

OBSERVERS

James Ziobro, Monroe County Libertarian Party Secretary
Michael R. Rebmann, State Committee Member, Judicial District 4
David S. Penner, State Committee Member, Judicial District 6
Paul M. Grindle, State Committee Member, Judicial District 2
Stephen Felano, Libertarian Party Member, Erie County
Christopher M. Olenski, State Committee Member, Judicial District 6
Steven G. Becker, State Committee Member, Judicial District 7

The meeting was called to order at 7:03 p.m. by Andrew Kolstee, Chair. Secretary Mark Braiman conducted a roll call and determined that a quorum was present.

The Chair opened a period of public comment.

Past Secretary Andrew Kolstee issued a report. **The reading of the minutes of the August 22, 2022 Meeting of the Executive Committee was waived** without objection; and the **said minutes were approved** without objection.

Secretary Mark Braiman issued a report. **The reading of the minutes of the October 16, 2022 Meeting of the Executive Committee was waived.** Approval of the minutes was postponed until the next meeting of the Executive Committee as they are not yet posted to the LPNY Party Resources page on lpny.org

Treasurer William Cody Anderson issued a Treasurer's Report in writing (**Exhibit 1**) and the report was accepted without objection. The Treasurer noted in summary that \$926.86 is in the housekeeping fund as of December 16, 2022. The Treasurer mentioned that outside the scope of this printed report, he is still awaiting a sponsorship payment from one of the sponsors of the State Convention held in September 2022.

Chair Andrew Kolstee issued a report. He has submitted Freedom of Information Act (FOIA) requests for write-in votes by individual name, to all 56 county Boards of Election in New York, as well as the New York City Board of Election. A majority have responded, but some with incomplete or obviously erroneous data. The largest county not to have provided any significant

data so far is Erie County. It is already clear, however, that 2022 Libertarian gubernatorial candidate Larry Sharpe received at least 1264 write-in votes, and that he was the only candidate to get write-in votes in essentially all counties reporting. The county where he has so far received the highest percentage of all Governor votes is Schuyler County.

William Schmidt expressed concern that many write-in votes for specific Libertarian candidates are not being reported accurately, appearing as “Unknown” or “Unattributed” or “Scattering” or “Irregular” votes. Andrew Kolstee agreed with such concerns. Some county Boards of Election gave specific reasons for their delays or other failures in responding fully so far. Judicial District 3 is in the middle of a recount for a judicial office, and needs more time to respond to us. Chautauqua County Board of Election’s response included statements that write-in votes are tallied only for individual candidates in a race received five votes or more; that they have already stored their ballots without having tallied all write-in votes by name, and that certain counties would require a court order in order for us to view the ballots and complete our own tally.

Andrew Kolstee stated that he is waiting to get reports from remaining counties, before reporting to the State Board of Elections that individual counties are failing to respond appropriately to legitimate FOIA requests. William Cody Anderson expressed the opinion that a lawsuit might have to be filed against all local Boards of Election, as well as the State Board of Elections.

Mark Braiman pointed out that this is the first time that write-in campaigns, in this case for both Larry Sharpe and Howie Hawkins, were run with the specific intention of gaining ballot access for a party rather than establishing the popularity of an individual candidate. It is therefore important to set a precedent, obliging local boards of election to record properly the number of individual write-in votes for Governor, no matter how small. Furthermore, in any statewide race, no local board of elections has the prescience to assert, before statewide certification, that write-in numbers in their individual jurisdiction are too few to affect the statewide outcome.

Karyon Thompson asked if it is known how expensive a court case might be. William Cody Anderson said that a lawsuit would likely cost around \$1000 per county.

Continuing the Chair’s Report, Andrew Kolstee announced that he intends to revive the LPNY Newsletter starting in January, and encourages everyone to send in editorials, reports of County Affiliate activities both completed and upcoming, etc.

Andrew Kolstee also reported on several legal matters. First, the Judicial Watch lawsuit achieved its goals without requiring support from the Libertarian Party of New York. Second, the appeal of our long ballot-access case was denied *en banc*, including a denial of our request for a reason for denial.

Communications Director Duane Whitmer issued a report focusing on several potential lawsuits that the Libertarian Party might be interested in bringing or joining.

Field Development Director Andrew Kolstee issued a report. The Field Development Committee met. Kolstee reported that pushing the “business” aspect of organizing counties is not going

well. He expressed that the committee is interested in the idea of encouraging County Contacts to build an informal libertarian community as a priority, and to choose local causes, perhaps holding outreach events, before trying to have four people get together for a convention, adopting rules, electing officers, etc. Another item of discussion at the committee's meeting was how to brand such an effort.

The report from the Field Development Committee also referred to documentation, available online, that the County Affiliates in Chautauqua, Chemung, Columbia, Dutchess, Madison, Monroe, Nassau, New York, Queens and Ulster Counties have met all required affiliation criteria. **Certifications that the County Affiliates in Chautauqua, Chemung, Columbia, Dutchess, Madison, Monroe, Nassau, New York, Queens, and Ulster Counties have met the criteria required in Article 11.2.3 of the Rules of the Libertarian Party of New York** were passed without objection.

The report from the Field Development Committee also included a list of six (6) counties that have held a convention but have not yet provided full documentation for certification: Erie, Kings, Onondaga, Orange, Putnam, and Suffolk. The report also included a list of twelve (12) county organizations that have previously been organized during the 2020-2022 period, but have not provided documentation of having held a convention: Albany, Chenango, Fulton, Montgomery, Otsego, Orleans, Richmond, Saratoga, Schoharie, Tioga, Wayne, and Westchester.

The Committee expects there will be a new round of County affiliate certifications at the January 16 Executive Committee Meeting.

The resignation of John Exner as County Contact of Cayuga County effective November 9, 2022 was accepted without objection.

The renewal of Jame Vandewalker's appointment as County Contact of Allegany County for a three-month term set to expire on March 22, 2023 was approved without objection.

The renewal of Zachary Remian's appointment as County Contact of Clinton County for a three-month term set to expire on March 26, 2023 was approved without objection.

The renewal of Christopher Lyndaker's appointment as County Contact of Lewis County for a three-month term set to expire on April 10, 2023 was approved without objection.

The renewal of Jennifer O'Connor's appointment as County Contact of Rensselaer County for a three-month term set to expire on April 4, 2023 was approved without objection.

The renewal of Keith Redhead's appointment as County Contact of Oneida County for a three-month term set to expire on March 18, 2023 was approved without objection.

The renewal of Steven Greene's appointment as County Contact of Warren County for a three-month term retroactively beginning on November 3, 2022 and set to expire on February 3, 2023 was approved without objection.

Jared Ey's term as County Contact of Jefferson County lapse and will not be renewed due to his unavailability for the required time commitment.

Information Technology (IT) Director Justin Carman issued a report. On November 28, an initial meeting was held with a representative from Humanitru. The IT Committee decided that for our Business model, Humanitru is superior to other Customer Relationship Management (CRM) programs, because it does not charge us for static memberships, only engaged members (donors/volunteers). A follow-up meeting with Humanitru is planned for a date to be determined. The Committee is also looking into free open-source systems in order to streamline requests and tasks pertaining to party business.

Legislative Affairs Division Director Richard Purtell issued a report. The Legislative Affairs Committee is holding weekly meetings on Wednesdays at 8 p.m. Subcommittees have been or will be formed to deal with specific topics. The four subcommittees already formed are: Education, chaired by Megan Mills-Hoffman; Energy, chaired by James Dayton; Health, chaired by Thomas Quiter; and Property Rights, chaired by Jonathan Lurke of the New York State Board of Realtors. Purtell says he would like also to start a Civil Justice Subcommittee. The Division requests to brainstorm on how to get information to interested members. Purtell suggests that several emails per week could go out to email recipients who express an interest. Andrew Kolstee suggests we could add a Legislative Affairs list category to our existing Constant Contact account. Mark Braiman expressed concern that if we do this through Constant Contact, we might have to replicate this work using our planned Customer Relationship Management (CRM) application. Justin Carman and Andrew Kolstee indicated that this opt-in could be used to create a new list of email addresses within Constant Contact, and that opt-in information implicit in list could easily be exported to a CRM system such as Humanitru. Cody Anderson suggests that a legislative affairs opt-in link could be included in every email sent out, like we currently do with a "donate" link.

Rules Committee Chair Andrew Kolstee issued a report. The Committee has had several meetings in November and December. Rules Committee membership was down to six after resignations of some members, but the Chair has added four new members: Justin Carman, Michael Rebmann, Daniel Costello, and the committee is now back up to ten members. Progress has been made on modifying the Conflict Resolution Committee article referred back to the Rules Committee by the Full State Committee. The next meeting is scheduled for January 10, 2023, and is open to observers.

Candidate Support Committee Chair Paul Grindle issued a report. Funds approved at the October 16, 2022 Executive Committee meeting were successfully transferred to both Nick Grasso's and Craig Colwell's candidate committees, one thousand dollars (\$1000) each. Neither candidate won their respective races. The Committee has received a request from Michael Rebmann, campaign manager for Charles Roggen, a candidate for Village Trustee in Akron, for funding for mailers. Petitioning starts on January 3. Erie County will likely support this candidate as well. **Allocation of \$100 to campaign of Charles Roggen for Akron Village Trustee** was moved out of Committee, was endorsed by Duane Whitmer as Erie County Chair, and passed by voice vote. William Cody Anderson requested that Whitmer send him the name

and address of the candidate. Whitmer asked Anderson to hold off sending a check until a campaign committee is officially named.

Paul Grindle was reappointed as Chair of Candidate Support Committee until January 15, 2023, without objection.

Mark Glogowski was appointed as Platform Committee Chair without objection.

Andrew Kolstee reported that two potential candidates, Paul Grindle and Rebecca Lau, have expressed interest in the position of Political Director, and that no candidates have yet expressed interest in the position of Finance Director

The Organizational Structure was amended with the insertion of an Outreach Division as section 5.2.6 to the Divisional Structure, without objection:

“5.2.6. OUTREACH DIVISION. The Outreach Division shall be led by the Outreach Director. The Division shall be responsible for developing and implementing strategies for content creation, activism opportunities, direct citizen action, networking with other organizations, and coalition building.”

Motion by Duane Whitmer to appoint Steve Felano as Outreach Director, and authorization for the Chair to sign a contract on behalf of the Libertarian Party of New York with Steve Felano for the purpose of providing a thirty percent (30%) commission for fundraising to said Steve Felano based on the activities of the Outreach Division, was seconded by Karyn Thomson, and debated.

The meeting was extended without objection.

Motion by Mark Braiman to amend the main motion to the effect that “The basis for the commission shall not include donations by any individuals who have donated to the Libertarian Party of New York between 2018 and 2022.” was seconded by Rich Purtell; and failed by voice vote.

The **main motion** passed by voice vote.

Andrew Kolstee directed Justin Carman to implement the mechanics of putting a donation link onto email notices.

A motion by Duane Whitmer was offered, that the Executive Committee recommend to the full State Committee at its next meeting, adoption of the following motion concerning the 2024 petitioning drive and election:

The Libertarian Party of New York shall only consider the nomination of statewide candidates, including a candidate for the United States Senate and a placeholder candidate for President and Vice President of the United States in the 2024 election in New York if at least three (3) out of the following five (5) criteria are met by December 31, 2023:

- 1) The ballot access thresholds are lowered to pre-2020 levels, specifically, requiring at least 15,000 petition signatures for an independent candidate to get on the ballot and 50,000 votes during the general election for a party to obtain ballot access in New York State.**
- 2) A total of \$300,000 is in the Libertarian Party of New York's Ballot Access bank account by December 31, 2023.**
- 3) The Libertarian Party of New York has a list of at least 2,000 volunteers willing to collect petition signatures to get the statewide candidates on the ballot in 2024.**
- 4) The Libertarian Party of New York's email list exceeds 50,000 emails.**
- 5) The Libertarian Party of New York has thirty (30) active County Affiliates, in that they hold meetings on average at least once per month.**

If less than three (3) of these criteria are met by December 31, 2023, the Libertarian Party of New York shall not organize a petition drive in 2024 and all such resources shall be diverted to the 2026 statewide petition drive.

William Cody Anderson objected, stating that this motion is out of order, due to being inconsistent with our Rules for nominating our statewide candidates. He argued that motion is worded much like a rule, and furthermore a rule that countermands our existing Rules; therefore it should be promulgated or at least referred first to the Rules Committee.

Chair Andrew Kolstee ruled the motion is in order

A motion to **Challenge the Ruling of the Chair** was made by Mark Braiman and seconded by Rich Purtell.

The ruling of the Chair was not sustained, by a roll-call vote of 4 in favor and 5 against:

Duane J. Whitmer, 1st Vice-Chair	AYE
Richard F. Purtell, 2nd Vice-Chair	AYE
Mark S. Braiman, Secretary	NAY
William Cody Anderson, Treasurer	NAY
Maura E. Botsford, Member-At-Large (JD8)	AYE
Justin N. Carman, Member-At-Large (JD3)	NAY
Keith C. Redhead, Member-At-Large (JD5)	AYE
William K. Schmidt, Member At-Large (JD9)	NAY
Karyn A. Keniry Thompson, Member-At-Large (JD4)	NAY

Motion by Mark Braiman to establish a process for holding a series of straw-vote elections during 2023 as follows failed due to lack of a second:

That the Libertarian Party of New York shall hold a series of "straw-vote" electronic polls for President over the course of 2023.

That these polls shall be conducted as secret elections via the Porcupine App, and that they be open to all LPNY members who have supplied an email address through which they can access this app.

That the first two of these shall be scheduled for Monday, January 18 and February 20 (Martin Luther King Jr. Day and Presidents' Day) in honor of the role these people played in advancing the cause of liberty, and that the polls shall remain open for 24 hours during these days.

That the January 18 poll shall have no preprinted names on the ballot, nor NOTA, with only the possibility of write-ins.

That the February 20 poll list on the ballot, in order, the top five finishers from the January 18 poll who are identifiably Libertarians by virtue of membership in the Libertarian Party of New York or another state or by virtue of being dues-paying members of National Libertarian Party; but that this list shall be expanded as needed to accommodate ties for fifth place, as well as NOTA.

That the February 20 poll list additionally the name of any candidate, Libertarian or not, who pays by noon on February 15 a \$1,000 fee to the Libertarian Party of New York (housekeeping account).

That the Party Chair and/or Secretary be instructed to make timely arrangements for the Porcupine polls.

That the Chair and/or Secretary of the Party be instructed to e-mail Party members, likely prospective Party members, and likely Libertarian candidates, for whom e-mail addresses are immediately available, the following information:

- a. An invitation to participate in these straw-poll elections.**
- b. A description of the polling guidelines as provided above; instructions on how to register in the Porcupine App and to access the voting screen; and other such information as may be necessary to help these prospective voters and candidates to participate.**
- c. A mention of the three-fold purpose of these straw votes: (i) to help future New York delegates to the 2024 Libertarian National Convention understand the desires and likely voting propensities of our rank-and-file membership; (i) to help guide us in determining whether and how to carry out a petition campaign in April-May 2024 for getting a Libertarian Presidential candidate**

on the New York ballot; and (iii) to increase membership in, and awareness and enthusiasm for, the Libertarian Party of New York.

Andrew Kolstee expressed a wish to refer to the full State Committee the cases for potential removal of members who have failed to appear at two successive meetings. There are five such members, but Anthony D’Orazio and Lyza Feint have resigned. Three other members have not responded to his emails. Kolstee plans to contact them by telephone to ask their intentions.

Motion by Karyn Thompson to **adjourn** was seconded by William Cody Anderson and passed without objection.

Meeting was adjourned at 8:20 p.m.

Mark Stephen Braiman,
Secretary.

Exhibit 1

LPNY Treasurer's Report
December 18, 2022

Housekeeping Committee account balance as of 12.18.22: \$926.86 (-\$1716.04 since 11.20.22)

Constituted Committee account balance as of 12.18.22: \$21,141.50 (+\$1850.32 since 11.20.22)

LPNY 2022 Petitioning Committee account balance as of 12.18.22: \$4,335.95 (-\$2695.00 since 11.20.22)

Disbursements from Housekeeping account since 11.20.22:

Grasshopper - \$33.39

Constant Contact - \$200.07

Disbursements from CC account since 11.20.22:

None

Deposits to CC account since 11.20.22:

Net Donations - \$1850.32

Disbursements from petitioning account since 11.20.22:

Paul Grindle - \$1975.00

Respectfully submitted,

W. Cody Anderson
Treasurer