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## APPEAL TO THE JUDICIAL COMMITTEE

### **SUBJECT MATTER JURISDICTION AND INTERESTED PARTIES**

We, the undersigned, being the duly chosen and elected members of the State Board of the Libertarian Party of Delaware, acting by and through Will McVay, the Chair of the Libertarian Party of Delaware (LPD), appeal to the Libertarian Party Judicial Committee decisions of the Libertarian National Committee (LNC) and the Region 5 body as constituted by the Region 5 Agreement to effectively disaffiliate the Libertarian Party of Delaware, namely the passage of a motion on December 5th, 2021 (“the resolution,” Appendix A) and the election and seating of Otto Dassing after refusing to accept an outcome-altering vote on behalf of the Libertarian Party of Delaware. This appeal is brought under the Judicial Committee’s subject-matter jurisdiction as provided in the Bylaws of the Libertarian Party in Article 8, Paragraph 2, Section a, and in line with previous Judicial Committee rulings that this jurisdiction applies to cases of constructive disaffiliation.

### **REQUESTED RULINGS**

The LNC resolution repeatedly violates Party Bylaws and should be voided in its entirety. Separately, we challenge the claimed election of Otto Dassing as the Region 5 Alternate on the LNC, conducted under the disenfranchisement of LPD in violation of the regional agreement and the Party Bylaws, and as part of the LNC’s de facto disaffiliation of LPD. This election should be voided or the LPD should be permitted to withdraw from Region 5 for breach of the Regional Agreement.

## **FACTUAL BACKGROUND**

In recent weeks, the duly elected and constituted Board of the LPD, consisting of the persons elected to seats constituting a majority of the Board (Appendix K), acted under the LPD's Bylaws and Articles of Association ("LPD Bylaws") to adopt various amendments to LPD's internal rules, as they are empowered to do. The Board then removed the now-former Chair of LPD, Mr. Bill Hinds, as well as two other members, for reasons similar in many respects to the LNC in their own recent removal of an LNC officer, including disruptive conduct interfering with the business of the State Board and attempts to overreach the authority of any one Board member in order to dictate the policies and practices of the LPD. Subsequently, the Board has also adopted various other changes, including combining the Bylaws and Articles of Association into a single document with a more stringent amendment process, and strengthening the "seasoning" requirements for party members similar to those in place as anti-takeover measures in several other states.

Mr. Hinds, together with the other removed Board members, has argued that he is still the Chair and that he can disregard the elected Board's decisions, in effect creating his own new organization impersonating the Libertarian Party of Delaware ("Hinds Organization"). The Hinds Organization sought to have the LNC intervene and overturn the outcome of LPD's internal processes and rules because they did not like the outcome, an outcome which came from having been a minority on the LPD Board as it was elected by the LPD's members. To reiterate the point: starting from the Board members Mr. Hinds himself recognized and accepted when he was Chair, there is no way to reach any other conclusion except that he is no longer the Chair, and there is no way the Hinds Organization can constitute a quorum of the LPD's Board under any version of the LPD Bylaws.

On November 21st, the LNC met to consider recognizing the Hinds Organization in place of the Libertarian Party of Delaware. That motion failed. It was then proposed to disaffiliate the Libertarian Party of Delaware, with several members acknowledging that was their only other option under the Party Bylaws. That motion also failed. Subsequently, at the LNC meeting in Boston on December 5, the LNC adopted the resolution which is at issue in this appeal, effectively disaffiliating the Libertarian Party of Delaware and violating its autonomy, and in the process trampling nearly every limit which the Party Bylaws impose on the LNC with regard to the rights of state parties.

This resolution purports to recognize two different organizations as the Libertarian Party of Delaware. It gives affiliate status to the Hinds Organization, which is incapable of acting as a quorate LPD Board even under their own claimed version of the LPD Bylaws. It imposes on the Libertarian Party of Delaware a procedure with no basis in the LPD's Bylaws, either as currently amended or as they stood previously. It purports to impose on the LPD the LNC's preferred definition of LPD membership, demands that a meeting of these LNC-designated members be called, and states that the LPD's status as an affiliate is dependent on the outcome of this procedure, which is entirely of the LNC's own making. In fact, this procedure was not authorized by and is not being conducted on the authority of a single person who even lives in Delaware.

The LPD finds itself in the position of violating its own bylaws or violating the invalid orders of the LNC and thereby losing its affiliate status.

We also wish to address the improper election and seating of Otto Dassing as a Regional Alternate on the LNC. At the behest of the Region 5 Representative, Ms. Susan Hogarth, the LPD was denied the ability to vote in the election of a new R5 Alternate to fill a vacancy created by the resignation of Mr. David Valente. Had the LPD been allowed to vote, as is required by the regional agreement (Appendix B), Mr. Dassing would have failed to receive the requisite majority. A regional affiliation agreement may only be changed by the unanimous consent of the state parties who voluntarily form a region, and only within certain time limits set by the Party Bylaws. No such change was made or was permissible at the time in question, and the regional agreement does not provide any such mechanism for the disenfranchisement of a state for any reason.

We understand that the actions taken by the LPD are controversial. We are not happy about the situation, either. We entirely understand any desire to keep the national party out of it, which has been our stated position all along. The actions we have taken as the LPD's elected leadership are a consequence of the most contentious internal political issue in the party today, the proclaimed effort to mount a "takeover" of the Libertarian Party by the political action committee known as the Mises Caucus. Having seen the consequences of such takeovers in other states, the legal and reputational risks to the party, the behavior of the ex-chair Mr. Hinds and other removed Board members, the ways in which they had made misleading statements regarding their intentions and associations at the time of their respective elections, and cognizant of LPD's obligation to uphold the Libertarian Party's Statement of Principles, the LPD Board decided to exercise its authority and discretion to remove them. The Board, duly elected by LPD's members under the LPD Bylaws, took other actions as we saw fit to preclude further attempts at a hostile takeover by this PAC or any other hostile organization, which operates outside of and, we believe, in opposition to the principles of the Libertarian Party. You might not agree with these decisions, but they are the LPD's to make and the LPD's alone.

That the LNC does not like what LPD has done is irrelevant to the issues at stake in this appeal. The same issues could be, and very recently were in New Hampshire, raised with the factional affiliation of the sides reversed. In New Hampshire, a claim by an (ex-)Chair of the state party to be able to unilaterally purge and remove the duly elected board or to claim that they had "constructively resigned" was widely rejected. There is no way to endorse the claims of the Hinds Organization without taking the exact opposite position in this case. And more importantly, aside from that hypocrisy, the LNC's actions are wildly and indefensibly in violation of the Party Bylaws. This is not a matter of ambiguity or interpretation. The LNC's actions violate the black-letter commands of the Bylaws no differently than if the LNC attempted to rewrite the Statement of Principles, amend the Platform, or to say the LNC and not the national convention would choose the nominee for President. These are simply powers the LNC does not have.

Other than a mere censure resolution, the Bylaws permit one and only one method for the LNC to express its disapproval of a state affiliate: disaffiliation, which was attempted and which the LNC rejected. Some might argue it would be desirable to give the LNC a range of other authorities short of disaffiliation, but that is not what the Bylaws currently provide. The LNC is not empowered to depose state party boards and officers at its whim. The LNC is not empowered to rewrite state party bylaws and membership criteria to fit the LNC's own preferences. The LNC is not allowed to disaffiliate state parties except by following a specific procedure under specific time limits as provided in the Bylaws. The LNC is not empowered to adjudicate internal state party disputes over bylaws and election outcomes.

Our state parties are not, as one LNC member has erroneously asserted, mere “franchisees”, subordinate in all matters to the LNC. State parties, as is made clear in the Bylaws, are pre-existing organizations which apply for and are granted affiliate status. The existence of state parties, as both corporate entities and under state election laws governing political parties, does not depend on the endorsement or favor of the LNC. That is why the LNC resolution is entirely without effect on LPD, other than the Bylaws-violating actions it has directed to be taken within the national Party.

That the LPD is the same entity today as it has always been, that this entity and its assets are under the control of LPD’s elected Board in accordance with the established policies of that Board, and that the state-law political party status, ballot access, and campaign finance filings attach solely to the LPD, will not be affected by either the LNC’s actions nor the Judicial Committee’s decision. The only matter at stake is whether the LPD’s rights within the national Party will be respected pursuant to the national Party Bylaws or if the LPD will be constructively disaffiliated in favor of another organization, relying on ignoring the will of a majority of its putative Board members as elected at the 2021 LPD Convention for its claim to even exist.

As was recently stated, “Bylaws > Drama” (*In re Suspension of Caryn Ann Harlos, 2021*, LP Jud. Com., Vermin Supreme concurring). That is precisely right. Opinions about the actions the LPD has taken do not create any authority for the LNC to overturn the LPD’s decisions or to set itself up as the arbiter of the LPD’s Bylaws. The national Party Bylaws expressly forbid it. And as the Judicial Committee has previously recognized, a de facto disaffiliation by another name is not a backdoor which lets the LNC bypass the procedures and limits on disaffiliation in the Bylaws.

## **STATEMENT OF FACTS: Count 1, LNC Resolution**

We submit the following point by point explanation of the LNC's violations of the Party Bylaws with its action against the Libertarian Party of Delaware, each of which stands on its own as a reason for the Judicial Committee to annul the entire resolution. Since the LNC seemingly adopted this resolution as a coherent scheme, and has given no indication it would have adopted only parts of it, we regard the resolution's Bylaws violations as non-severable.

1. Party Bylaws, 5.3, provide in part "There shall be no more than one state-level affiliate party in any one state." The resolution, point 1, offers affiliate support to "...both of the claimed chairs of the Libertarian Party of Delaware...", even though the two chairs lead two different organizations with different memberships and bylaws. The LNC is therefore acting as though it has two affiliates in the same state, in violation of the Party Bylaws and the rights of the existing Libertarian Party of Delaware.
2. Party Bylaws, 5.5 provide in part "The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee..." The resolution repeatedly violates this part of our Bylaws:
  - a. The resolution, Point 2, abridges the autonomy of the Delaware Party by instructing it ("encourages" is an affectation; the rest of the resolution makes clear coercive penalties are being imposed in the event of LPD's non-compliance) to use a general membership meeting (as opposed, for example, to a mail ballot or state convention) to determine its leadership. Furthermore, the Resolution, Point 2, abridges the autonomy of the Delaware Party by telling it to hold a "general membership meeting," a process nowhere allowed for in the LPD Bylaws, either as they currently exist or in any previous version. Even if LPD Bylaws did encompass such a procedure, it would not be up to the LNC to invoke it.
  - b. The resolution, Point 2, abridges the autonomy of the Delaware Party by instructing it to use a particular definition of membership, "...the definition of "membership" as defined in the Articles of Association and Bylaws of the Libertarian Party of Delaware as of the 2021 annual convention of the Libertarian Party of Delaware;...", thus denying LPD the autonomous right to choose its own membership qualifications. Furthermore, the Resolution denies the established process at an LPD state convention to credential their own attendees.
  - c. The resolution is also vague and unclear in its violative orders. It does not specify if members who have joined LPD since the previous convention, under whatever set of membership criteria, are permitted to participate in this LNC ordered meeting. It is also vague as to the timeframe and verification procedures that will be used to evaluate compliance with the LNC's unauthorized orders. Among the reasons for the requirement not to abridge the autonomy of affiliate parties is that doing so with unclear instructions causes even more problems.
  - d. The resolution, Point 2, claims that the LNC can require LPD to use its Bylaws in place as of a certain date, even when those Bylaws have since been amended. The resolution therefore abridges the autonomy of the Delaware Party, by claiming that the LPD can be denied the right to amend its own Bylaws by a process provided for in those Bylaws.
  - e. The resolution, Point 3, claims that a "general membership meeting" shall have the power to choose who LPD's leadership is, thus potentially removing party leaders by LNC fiat. However, LPD Party Bylaws assign the power to remove members of the State Board to a vote of the State Board or a 2/3 vote at a convention.

- f. Even by this removal process, the LPD Bylaws do not allow for a “general membership meeting” or any other event outside of the Annual Conventions taking place in odd years to choose leadership. By contravening LPD Party Bylaws, Resolution Point 3 abridges the autonomy of the Delaware Party.
  - g. The resolution, Point 4, proposes that if there are two general membership meetings then the one with larger attendance shall take precedence. There is no basis for this process in the LPD Bylaws, so by claiming to impose it on the LPD the LNC is abridging the autonomy of the LPD. There is also no mechanism of evaluating compliance with the membership requirements prescribed by the LNC, verifying attendance reports, or establishing a fixed timeline that respects the already scheduled Annual Convention of the LPD on March 12th, 2022.
- 3. The resolution, point 3, proposes that a majority vote of the Libertarian National Committee can determine which group is the national Party Affiliate. However, removing the current affiliate to install a new one requires a 3/4 vote of the entire National Committee, following a procedure and requirements laid out in the Bylaws which have not been followed.
- 4. The resolution de facto disaffiliates the Libertarian Party of Delaware in that the rights of the LPD as an affiliate have been abrogated, in violation of Party Bylaws 5.6 “The National Committee shall not revoke the status of any affiliate party within six months prior to a Regular Convention.” This deadline expired on November 27, 2021, prior to the LNC’s adoption of the resolution on December 5, 2021.
- 5. The resolution de facto disaffiliates the Libertarian Party of Delaware, in that the LPD is treated as a servant to be given orders rather than an independent affiliate which selects its own leadership under its own rules. However, Party Bylaws 5.6 provide “A motion to revoke the status of an affiliate party for cause must specify the nature of the cause for revocation.” The resolution does not specify any cause for abrogating LPD’s status and rights as an affiliate and language which would have specified a cause was explicitly removed by amendment prior to adoption of the final resolution.

6. The resolution falsely claims that there is a legitimate dispute as to who is the Delaware Party State Chair. However, an examination of the record clearly and unambiguously shows that the processes in the LPD Bylaws have led to Will McVay being the one and only legitimate LPD state chair, with the support of the undisputed elected majority of the Board as it stood while Mr. Hinds was chair, and with the support of the Board as it is now constituted with several new members elected by county affiliates to replace those who have been removed or succeeded to other positions. By lending resources and support to a false competitor, the Resolution undermines the existence of our legitimate party affiliates. This record (Appendix D), as provided by LPD as a courtesy to the LNC prior to its meeting on November 21st at which recognition of the Hinds Organization and disaffiliation of LPD were both rejected, shows:
  1. The Bylaws of the LPD allow the State Board to amend them following 30 days notice by a motion receiving a majority vote (Appendix E).
  2. Such notice was posted in accordance with the requirements enumerated in the governing documents and a motion was adopted with the support of a majority of the State Board to amend the existing disciplinary procedures. The only basis of the claimed dispute is that this notice, which satisfied the letter of the LPD Bylaws, was deficient in spirit. This point is moot even if it was true, as the process was repeated and the same actions ratified again at an LPD Board meeting under which there can be no dispute about sufficient notice.
  3. In accordance with those amended procedures, three members of the State Board, including the former Chair, were removed from the State Board.
  4. Following their removal, under the LPD Bylaws concerning succession, Will McVay became the State Chair of the LPD.
  5. Over the course of the next several weeks, additional amendments to LPD's governing documents were made in accordance with the required procedures and with the required support to ultimately lead to the State Board as it is constituted now with the Bylaws it now follows (Appendix C).
  
7. If there were a legitimate dispute as to who is the Delaware state chair, the LNC has no authority or power under the Party Bylaws to insert itself into the dispute and mandate its preferred outcome. Nor does the LNC have any role in credentialing delegates to a national convention, as that decision is left to the convention in its adoption or amendment of its credential report, as was proven at the most recent national convention and at previous ones.

## **STATEMENT OF FACTS: Count 2, Region 5 Alternate**

In addition to the illegitimate actions of the LNC under its December 5th motion, by seating Otto Dassing as the Alternate Representative for Region 5, the LNC has likewise engaged in the de facto disaffiliation of the Libertarian Party of Delaware, even prior to adopting the December 5 resolution. Thus, at the time the December 5 resolution was adopted, the LPD was not even able to exercise its full rights of representation on the LNC. This was done at the behest of the Region 5 Representative Susan Hogarth, by refusing to count Delaware's vote in that election based on the false claim of a legitimate dispute over leadership addressed in Count 1 at item 6. If the LPD's vote had been properly tallied, it would have affected the outcome as Mr. Dassing only "won" the election by a vote of 4-3, where Delaware's vote should have gone to his chief opponent, Steve Scheetz, and created a tie which might have been resolved without Mr. Dassing being elected.

These actions do not fall within the bounds of the Region 5 Agreement (Appendix B) nor the Bylaws of the National Party concerning the formation and activities of Regions or the election of their Representatives and Alternates. This election should likewise be voided, as part of the same improper constructive disaffiliation of Delaware which the LNC subsequently furthered and reinforced on December 5.

Alternatively and preferably, given the other Region 5 Chairs' assent to this disenfranchisement (excepting Jenn Moore of the LPPA), this should be construed as an expulsion or withdrawal of Libertarian Party of Delaware from Region 5 as if it had been carried out properly under the Regional Agreement. If the Judicial Committee chooses this latter option, it establishes an important precedent that disenfranchised states cannot count towards the 10% of national party sustaining membership required to form a region. In this case, Delaware does not make the difference to Region 5 hitting that threshold, but under the precedent Ms. Hogarth has created, nothing would stop a majority of the states in a region from disenfranchising one of their own and yet still claiming and locking in that state's membership towards the threshold, even in cases where that state's members are necessary to maintain the region..



## **SUMMARY**

The Libertarian Party of Delaware has no desire to end its affiliation with the Libertarian National Committee and the national Libertarian Party. However, we are faced with the reality that we have been effectively disaffiliated by the LNC, in violation of our rights and the procedures provided under the Party Bylaws, forced to either violate our own bylaws or to ignore illegitimate orders from the LNC. If these actions are not undone, it will not affect the continuing operations of LPD as the only political party by that name in the state of Delaware. It will not replace the LPD with the Hinds Organization under the laws of the state of Delaware, nor with regards to control of any of LPD's assets including ballot access, bank accounts, campaign finance filings, social media accounts, voter and contact lists, and our website (Appendix F-J). We will continue to nominate principled Libertarian candidates and to carry out our important work to advance liberty on a range of issues, including cannabis legalization and self-defense rights.

Other than Delaware's allotted four delegates to the national convention, and the termination of any cooperation and mutual support between LPD and the LNC, the only substantive effect will be that the LPD will no longer be bound to the national Libertarian Party's selection of nominees for President and Vice President. In that event, we will decide in a manner of our own choosing which candidates, if any, will appear as the Libertarian nominees on the ballot in Delaware in 2024 and subsequent elections. We bring this appeal in the hopes of avoiding that outcome, and ask that the Judicial Committee uphold the Bylaws of the Libertarian Party by affirming LPD's status as the Delaware affiliate of the Libertarian Party.

Respectfully submitted by the Board of the Libertarian Party of Delaware (Appendix K),  
([signatures](#))

## **APPENDIX A**

LNC Resolution of December 5, 2021

WHEREAS, Article 5 Paragraph 3 of the Bylaws of the Libertarian Party require that the Libertarian National Committee only recognize one state-level affiliate party in any one state;

WHEREAS, Article 5 Paragraph 5 of the Bylaws of the Libertarian Party prevents the abridgement of the autonomy of the affiliate parties;

IT IS HEREBY RESOLVED, the National Committee of the Libertarian Party takes the following actions:

1. The National Committee will continue all support activities, data sharing, and other services for and with both of the claimed chairs of the Libertarian Party of Delaware, subject to the limitations of the law and campaign finance regulations regarding such information, and the requirements of the Non-Disclosure Agreement for access to such information;
2. The National Committee encourages a general membership meeting to be held to determine which leadership is the rightful leadership of the Libertarian Party of Delaware, with participation both open to and limited to all those who meet the criteria to be a member, under the definition of "membership" as defined in the Articles of Association and Bylaws of the Libertarian Party of Delaware as of the 2021 annual convention of the Libertarian Party of Delaware;
3. Upon the completion of the general meeting of the membership, the National Committee shall recognize that leadership which is recognized by the body of that general meeting and, upon majority vote of the National Committee, shall consider the matter resolved and return to normal relations with the Libertarian Party of Delaware;
4. If there are competing general meetings or conventions, the National Committee shall recognize the convention or general meeting of the membership with the greatest number of those who qualify as members, using the definition of "membership" as defined in the Articles of Association and Bylaws of the Libertarian Party of Delaware as of the 2021 annual convention of the Libertarian Party of Delaware;
5. Upon resolution, the National Committee shall enforce the provisions of the Bylaws of the Libertarian Party, Article 5 Paragraph 1.

## **APPENDIX B**

[Region 5 Agreement](#)

## **APPENDIX C**

[The Bylaws of the Libertarian Party of Delaware](#)

## Libertarian Party Region Formation Agreement

The state affiliates of the Libertarian Party listed below hereby form a representative region for the purpose of electing the number of members and alternates of the Libertarian National Committee that are allocated by the Libertarian Party bylaws to the region based on the number of national party sustaining members associated with the region.

To facilitate the gathering of signatures, signatures may appear on separate versions of this agreement. All versions together shall constitute the agreement.

A regional caucus shall be held at each regular national convention. Each registered National Convention delegate of states party to this agreement who are present at the caucus shall have one vote. If there is more than one nominee for any office, voting shall be by ballot.

This agreement shall become effective upon filing with the Secretary of the national Libertarian Party a number of versions of this agreement signed by states with enough national party sustaining members to form a representative region. After this agreement has come into effect and before nominations have been opened at the regional caucus, a state affiliate may join or withdraw from this agreement with the written consent of a majority of the other state affiliates party to this agreement if the bylaws of the national Libertarian party so permit. Once nominations have opened, a state affiliate may join or withdraw from this agreement with the written consent of all other state affiliates party to this agreement if the bylaws of the national Libertarian party so permit.

The term of office for a regional representative or alternate shall commence at the close of the convention at which a representative region may be formed and shall end at the close of the next convention at which a representative region may be formed.

Once the elections have been completed, a person elected as a regional representative member or alternate of the LNC may be removed from office by:

- 1) a vote of the region's registered national convention delegates at a regional caucus, or
- 2) the signature of state chairs who are both a) a majority of the state chairs in the region and b) chair states which had a majority of the national party sustaining members in the region as determined for the formation of this region.

A vacancy may be filled by:

- 1) a vote of the region's registered national convention delegates at a regional caucus, or
- 2) a majority of the state chairs in the region without regard to the number of sustaining members in each state.

The Libertarian Party of the state of North Carolina agrees, in accordance with the terms above to enter into a representative region with the Libertarian Parties of the states of District of Columbia, Delaware, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia.

I attest that I am authorized by my state party bylaws to enter into this agreement and contractually bind my state party thereby.

Name: Susan Hogarth

Office: Chair, Libertarian Party of North Carolina

Signature: 

Date: 05/17/20

# Libertarian Party of Delaware

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## [State Board Poll] - Pull out of R5 and adopt JC Appeal

7 views

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Dec 8, 2021, 6:13:53 AM (8 days ago)  
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### Pull out of R5 and adopt JC Appeal

[Appeal](#)

### Vote Results (as of 12/8/2021, 9:16:42 AM):

Machurek - aye  
Wendy Jones, SCLP - aye  
HotLiberTea - aye  
Joe Dipasquale - aye  
boyslayer01 - aye  
MaryPat - aye  
jimmyjambrittingham - aye  
Brandi - aye  
Will McVay - aye



### William McVay

Dec 8, 2021, 6:16:09 AM (8 days ago)  
to lpdel...@googlegroups.com

I, Will McVay, Chair of the Libertarian Party of Delaware, affirm the accuracy of this vote tally.

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**Will McVay**

Dec 8, 2021, 6:16:44 AM (8 days ago)

to lpdel...@googlegroups.com

From this email address too.

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**Brandewyne.kerchevall**

Dec 8, 2021, 6:30:38 AM (8 days ago)

to lpdel...@googlegroups.com

Confirmed

Sent from my iPhone

On Dec 8, 2021, at 9:16 AM, Will McVay <[will....@lpdelaware.org](mailto:will....@lpdelaware.org)> wrote:

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[https://groups.google.com/d/msgid/lpdelaware/CAJ3M%3DQP4Yhhc9H%3DUguztSZLniigNW kQpvKvCXkD7o\\_YgMY2HgA%40mail.gmail.com](https://groups.google.com/d/msgid/lpdelaware/CAJ3M%3DQP4Yhhc9H%3DUguztSZLniigNW kQpvKvCXkD7o_YgMY2HgA%40mail.gmail.com).

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**Spectrum\_DE**

Dec 8, 2021, 6:31:56 AM (8 days ago)

to lpdel...@googlegroups.com

I, Gwendolyn Jones, SCLP vice-chair & county delegate to the SB of LPDE, hereby Confirm both my vote Aye, & the accuracy of the poll.

"In matters of style, swim with the current; In matters of principle, stand like a rock." -Thos. Jefferson

[https://groups.google.com/d/msgid/lpdelaware/CAJ3M%3DQP4Yhhc9H%3DUguztSZLniigNWkQpvKvCXkD7o\\_YgMY2HgA%40mail.gmail.com](https://groups.google.com/d/msgid/lpdelaware/CAJ3M%3DQP4Yhhc9H%3DUguztSZLniigNWkQpvKvCXkD7o_YgMY2HgA%40mail.gmail.com)

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**Spectrum\_DE**

Dec 8, 2021, 6:32:21 AM (8 days ago)

to lpdel...@googlegroups.com

I, Gwendolyn Jones, SCLP vice-chair & county delegate to the SB of LPDE, hereby Confirm both my vote Aye, & the accuracy of the poll.

"In matters of style, swim with the current; In matters of principle, stand like a rock." -Thos. Jefferson

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**aarikarnelson84**

Dec 8, 2021, 6:35:03 AM (8 days ago)

to lpdel...@googlegroups.com

Confirmed.

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<https://groups.google.com/d/msgid/lpdelaware/CAJ3M%3DQOTH-Vjd4zF0QwTBHMvzREKml0QrFTEbQrAZNXHKcJPA%40mail.gmail.com>.

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**mcvay.marypat**

Dec 8, 2021, 6:42:54 AM (8 days ago)  
to lpdel...@googlegroups.com  
Confirmed

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**squallyboy121389**

Dec 8, 2021, 7:11:19 AM (8 days ago)  
to lpdel...@googlegroups.com  
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**nmshaw1985**

Dec 8, 2021, 8:04:42 AM (8 days ago)  
to lpdel...@googlegroups.com  
Consented and agreed

Nicole Shaw

On Dec 8, 2021, at 9:16 AM, Will McVay <[will....@lpdelaware.org](mailto:will....@lpdelaware.org)> wrote:

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**Johnmachurek**

Dec 8, 2021, 9:35:06 AM (8 days ago)

to lpdel...@googlegroups.com

I, John Machurek, chair of New Castle County and County Representative to the State Board, confirm my aye vote and the accuracy of the vote total.

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**jimmyjambrittingham**

Dec 8, 2021, 9:36:16 AM (8 days ago)

to lpdel...@googlegroups.com

Yes on this

To view this discussion on the web visit

[https://groups.google.com/d/msgid/lpdelaware/CALpJfjH61mDn01J%3DQu9gATSK2dNxZipy-fkLY1stq4V\\_Fo%2BLCg%40mail.gmail.com](https://groups.google.com/d/msgid/lpdelaware/CALpJfjH61mDn01J%3DQu9gATSK2dNxZipy-fkLY1stq4V_Fo%2BLCg%40mail.gmail.com).



# Libertarian Party of Delaware

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## [State Board Poll] - Adopt Motion

21 views

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### LP Delaware

Oct 9, 2021, 3:38:17 PM  
to LPD Bot Addressee

### Adopt Motion

[Motion](#)

#### Vote Results (as of 10/9/2021, 6:40:39 PM):

jimmyjambrittingham - aye  
MaryPat - aye  
Joe Dipasquale - aye  
Will McVay - aye  
Brandi - aye



### LP Delaware

Oct 15, 2021, 4:04:24 PM  
to LPD Bot Addressee

### Adopt Motion

[Motion](#)

#### Vote Results (as of 10/15/2021, 7:06:45 PM):

Joe Dipasquale - aye

MaryPat - aye

jimmyjambrittingham - aye

Brandi - aye

Will McVay - aye

[lpdelaware.org](https://lpdelaware.org)

# Bylaws of the Libertarian Party of Delaware

12-15 minutes

---

## Article I: Name

This organization shall be known as the Libertarian Party of Delaware, hereinafter referred to as the LPD.

## Article II: Purpose

The Republican and Democratic parties dominate the exercise of electoral politics in the United States. The purpose of the LPD is to provide the voters of Delaware with an alternative political party. That alternative shall be based upon the principles of smaller government and greater personal freedom.

The goals of the LPD include, but are not limited to:

1. Building LPD voter registration and maintaining ballot access
2. Nominating candidates for political office
3. Public education and outreach

## Article III: Affiliation

The LPD is affiliated with the National Libertarian Party, however we reserve the right to act independently and develop our own by-laws and our own political platform.

## Article IV: Leadership and Organization

### Composition of the State Board

The leadership of the LPD shall consist of a State Board to include an Executive Committee composed of a Chair, Vice Chair, Secretary, and Treasurer; and two further members from each of the three counties. The county representatives may be selected based on rules and procedures established by the individual counties,

and their election may take place either at a county meeting or at a caucus of the members from the individual counties at the State Convention. All members shall be elected in odd numbered years for a two year term. Any vacancies may be filled by the county affiliate to complete the existing term.

## **Meetings**

Meetings of the State Board shall be held quarterly and broadcast electronically to allow remote attendance. In addition, ad hoc meetings may be convened upon the motion and second of any main motion by two members of the Board and the successful completion of a quorum call. Said ad hoc meetings shall take place on a publicly viewable internet forum established by the State Board for that purpose, and all motions and votes for said ad hoc meetings must be reported on a publicly shared email thread showing how each member voted if a physical meeting is not practical.

## **Quorum**

A quorum shall consist of a simple majority of Board members or their proxies. Unless stated otherwise a simple majority of members voting will be required to pass measures before the State Board. All votes conducted at regular meetings shall be by roll call and a report shall be published to a public email list.

## **Proxies**

Any member of the State Board who is unable to attend a meeting of the Board may appoint a proxy. Proxies for a county representative must be chosen from among other members of that county. Under no circumstances may any one member of the State Board be allowed to cast more than one vote. The proxy shall possess all powers, rights, duties, and responsibilities held by the appointing member of the State Board. The proxy and all powers, rights, duties, and responsibilities inherent therein shall expire at the termination of the State Board meeting for which the proxy was appointed.

## **Article V: County Affiliates**

Each of the three counties shall organize local chapters of the LPD. These county chapters may develop, if they choose, their own Articles of Association, By-Laws, and Political Platforms as long as they meet the following criteria:

1. They do not conflict with any State LPD operating documents,
2. They provide an equitable method for selecting members of the State Board, and
3. Separate individuals must be Chair and Secretary.

4. All county Articles of Association and By-Laws shall be recorded and linked to the state LPD website for ease of access.
5. County affiliate membership shall be determined by membership in the LPD and residence in that county. No other membership criteria may expand or limit membership.
6. All county affiliates must hold monthly meetings open to all members with notice provided as to the time and location at least one week in advance. No business may be conducted by any county affiliate that does not provide transparency to the public and the opportunity to provide input to all members.

The State Board reserves the right to adjudicate any issues in the county affiliates in order to ensure that all county affiliates reflect the highest ideals of the Libertarian Party. The State Board may take action including but not limited to:

1. Removal/Reappointment of County Officers
2. Veto of County Motions
3. Amending of County AoA or Bylaws
4. Reassignment of Responsibility for County Assets
5. Disaffiliation of the County

Such actions may be taken by a 2/3 vote of the State Board. If a county is disaffiliated, the State Board shall establish a process for reconstituting the county affiliate by majority vote and all county assets shall be held in trust by the State Board to benefit the new affiliate.

#### **Article VI: Duties of the State Board**

1. Conduct fundraising, secure LPD resources, and make spending decisions.
2. Complete required campaign finance filings with the Commissioner of Elections.
3. Update Commissioner of Elections on current Officers of the Executive Committee.
4. Recruit potential political candidates and submit nominating documents to the State.
5. Coordinate activities with the National LP.
6. Conduct an annual Statewide Convention to:
  - a. Select National LP Convention delegates (even years),
  - b. Nominate candidates,
  - c. Select LPD officers and board members (odd years), and
  - d. Conduct other business.

7. Establish rules for the convention including credentialing of attendees.
8. Propose an agenda.
9. Administer web pages and social media pages.
10. Other day to day operations of the LPD.
11. Establish temporary standing or special committees for no more than two years except by an amendment to these Articles and to codify their duties, composition, and reporting requirements.

### **Article VII: Membership**

Any person who agrees to abide by the terms of these articles is a member of the LPD provided they have met at least one of the following criteria for at least 60 days:

1. Is a registered Libertarian according to the Commissioner of Elections.
2. Is a sustaining member of the National LP residing in Delaware.

Members must also be approved by a majority of the State Board, and may be approved on a temporary or permanent basis. Membership may be revoked by a 2/3 vote of the State Board.

### **Article VIII: Credentialing**

The credentials committee for the LPD Annual State Convention shall be comprised of the county chairs of all three counties. They shall be responsible for certifying that all voting members of the convention meet the criteria outlined in the Bylaws for membership in the Libertarian Party of Delaware and reporting the names and numbers to the convention members for approval by a quorum of the State Board.

Non credentialed individuals may attend the convention as guests, but will be required to be seated in a segregated area so as to insure the integrity of voting eligibility.

### **Article IX: Voting Procedures**

Election of party officers, delegates to the national convention, and nominations of candidates for public office shall require a majority of those voting. "None of the Above" shall always be a candidate. If there is not a majority, the candidate (excluding None of the Above) with the least number of votes shall be dropped and a new vote shall be taken. If there is a tie vote for the last two candidates, there shall be a ten-minute recess and the vote shall be repeated. This procedure shall continue until the tie is broken. If "None of the Above" wins, the party office shall be

vacated for the next year or no one shall be nominated for public office.

Delegates to the national convention shall be elected by each member writing their slate of desired delegates on a secret ballot and with the individual delegates receiving the most votes being selected. Uncontested delegate elections need not be conducted by secret ballot.

### **Article X: Notice**

Many actions described in these Bylaws require notice of that pending action be provided to members. Any one of the following methods shall constitute proper notice:

1. Posting on the LPD Facebook page
2. Posting to the LPD Facebook group
3. Posting on the LPD webpage

### **Article XI: Amendment**

1. The State Board shall appoint and remove members of a Bylaws Committee by majority vote.
2. Members of the Bylaws Committee shall review all amendment proposals submitted by any member and release a report containing:
  - a. the originally submitted amendment,
  - b. any revised version which may receive a majority vote of committee members,
  - c. any recommendations regarding the proposal written by committee members.
3. Any five members of the LPD may petition the Bylaws Committee between 90 and 60 days prior to an annual convention to review a proposed amendment, in which case a report shall be released no less than 30 days prior to the convention.
4. The State Board may also pass a motion with a majority vote to generate its own report.
5. This report shall be published to the State website and distributed through social media.
6. These Bylaws may be amended 30 days after publication of the report in either of two ways:
  - a. A 2/3 vote of the entire State Board as long as notice of proposed changes was made at least 30 days in advance.
  - b. A 2/3 vote of members present at a State Convention as long as notice of proposed changes was made at least 30 days in advance.

7. Pending notifications shall expire following a failed vote to adopt the noticed amendment.

## **Article XII: Other Rules and Procedures**

### **1. Executive Committee Succession**

The Chair shall have the power to fill vacancies on the Executive Committee by appointment with the consent of a majority of the State Board. Such appointments shall last until the next election of party officers.

### **2. Chair Succession**

If the Office of Chair is vacated, it shall pass to the Vice Chair. If there is no Vice Chair, the Chair shall next pass to the Chair of the County with the greatest number of members according to Delaware Commissioner of Elections lists.

### **3. Convention and State Board Meeting Rules**

- A. A Convention of the LPD will be held annually as per the Bylaws.
- B. Conventions and State Board Meetings shall be conducted in accordance with Roberts Rules of Order except where superseded by these Articles and Bylaws.
- C. The Chair of the State Board or his designee will serve as Chair of the Convention.
- D. Voting for candidates, delegates, and officers of the executive committee will be by secret ballot. Uncontested elections may be conducted by voice vote with “nay” votes indicating a vote for None of the Above.
- E. Further rules for conducting the convention may be designated by the Convention Chair

### **4. Disciplinary Action**

Members of the State Board may be removed from office in one of two ways:

- A. By a majority vote of all current State Board members on a motion to remove, or
- B. At Convention by a motion to sanction and a vote of 2/3 of members present.

### **5. Online State Board Meetings**

Any votes conducted online shall remain open for 48 hours unless a sufficient number of votes has been recorded to determine the result of the vote as if the entire State Board had responded, in which case the Chair may direct the Secretary to record remaining votes at their discretion. After 48 hours, votes shall be ruled on based on the quorum of members who have responded.

*This version of the Bylaws is current as of November 20th, 2021.*

---



**Change Log:**

- Change Log created on November 20, 2021 following adoption of several amendments at the [2021 Q4 Board Meeting](#)

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## **APPENDIX D**

Record of actions taken in compliance with the Articles of Association and Bylaws of the Libertarian Party of Delaware as they stood prior to Mr. Hinds' removal

- [First Notice of Bylaw Change](#)
- [State Board Actions to Adopt Change and Effect Succession of Will McVay](#)
- [Notice of Q4 Meeting](#)
- [Second Notice of Bylaw Change](#)
- [Q4 Meeting with Adoption of Second Bylaw Change and Ratification of all Actions](#)

## **APPENDIX E**

[The Articles of Association and Bylaws of the Libertarian Party of Delaware, as they stood prior to Mr. Hinds' removal as Chair](#)

## **APPENDIX F**



The [most recent campaign finance report](#) and [Statement of Organization](#) filed by LPD Treasurer Mary Pat McVay

## **APPENDIX G**

Debit Card showing the authorized persons on the LPD's bank account



https://www.facebook.com/groups/lpdFB/permalink/6392407380769452/




Group by Libertarian Party of Delaware

### Libertarian Party of Delaware

Public group · 775 members

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 **Steve Newton**  
August 11 · 🌐

**\*Change B/Law 4:**  
For members of the State Board accused of misconduct, they may face a similar range of sanctions as those listed above for members at large and the additional option of removal from office. This may occur in one of two ways:  
A. By a vote of 2/3 of the sitting County Chair; or  
B. At Convention by a motion to sanction and a vote of 2/3 of members present.

👍 Like    📤 Share    1 Share

Steve Newton turned off commenting for this post.

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Facebook discussion group administered by the Libertarian Party of Delaware. The views presented are those of the posters and do not necessarily... See more

- 🔓 **Public**  
Anyone can see who's in the group and what they post.
- 👁 **Visible**  
Anyone can find this group.
- 📍 **Delaware**
- 🗨 **General**



### Libertarian Party of Delaware

Public group · 775 members

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**Will McVey**  
October 21 · 🌐

There's an extremely tenuous argument being made that the original notification was not a notification because it didn't conform to a non-existent specification. Because there were quotation marks. Because there was a question mark. Because comments were turned off. Because other things were posted in the group at the same time and our extremely attentive former chair didn't see it.

OK, those are all extremely weak arguments not based on the notification requirements in the A&A, but if we want to play pretend for a little bit and cover some bases to move on with our lives, these complaints are extremely easy to address. How's this:

**NOTIFICATION:**  
Amend Bylaw 4 Subsection A to read:  
"A. By a majority vote of all current State Board members on a motion to remove, or" ~~And strike the phrase "accused of misconduct" from the third paragraph.~~

The Q4 Board meeting has been scheduled for November 20th. That's 30 days from today. If the removed Board members would like to join on Discord so they can impudently vote no while the same thing happens to them again, they're welcome to. Consider this notice of the meeting.

**About**

Facebook discussion group administered by the Libertarian Party of Delaware. The views presented are those of the posters and do not necessarily... [See more](#)

🌐 **Public**  
Anyone can see who's in the group and what they post.

👁 **Visible**  
Anyone can find this group.

📍 **Delaware**

🗨 **General**



Opinions expressed by content contributors do not necessarily reflect the opinions of the Libertarian Party of Delaware.  
Official LPD releases will be denoted as such.

Previous AoA

## Articles of Association

### Article I: Name

This organization shall be known as the Libertarian Party of Delaware, hereinafter referred to as the LPD.

### Article II: Purpose

The Republican and Democratic parties dominate the exercise of electoral politics in the United States. The purpose of the LPD is to provide the voters of Delaware with an alternative political party. That alternative shall be based upon the principles of smaller government and greater personal freedom.

The goals of the LPD include, but are not limited to:

1. Building LPD voter registration and maintaining ballot access
2. Nominating candidates for political office
3. Public education and outreach

### Article III: Affiliation

The LPD is affiliated with the National Libertarian Party, however we reserve the right to act independently and develop our own by-laws and our own political platform.

### Article IV: Leadership and Organization

#### Composition of the State Board

The leadership of the LPD shall consist of a State Board to include an Executive Committee composed of a Chairman, Vice Chairman, Secretary, and Treasurer; and two further members from each of the three counties. The county representatives may be selected based on rules and procedures established by the individual counties, and their election may take place either at a county meeting or at a caucus of the members from the individual counties at the State Convention. All members shall be elected in odd numbered years for a two year term. Any vacancies may be filled by the county affiliate to complete the existing term.

#### Meetings

Donate



- News & Updates
- [Donate](#)
- [LPD Discord Server](#)
- Newsletters
- State Board Votes
- Staff and Meetings
- Register
- [LP Delaware Convention](#)
- [Election Guides](#)
- [Candidates](#)
- [Legislation](#)
- [Announcements](#)
- [Events](#)
- [LPD Event Calendar](#)
- [Minutes](#)
- Articles of Association and Bylaws
- [Libertarian Party National Platform](#)
- [New Castle County LPD Page](#)
- [Kent County LPD Page](#)
- [Sussex County LPD Page](#)
- [LPD Store](#)

Meetings of the State Board shall be held quarterly and broadcast electronically to allow remote attendance. In addition, ad hoc meetings may be convened upon the motion and second of any main motion by two members of the Board and the successful completion of a quorum call. Said ad hoc meetings shall take place on a publicly viewable internet forum established by the State Board for that purpose, and all motions and votes for said ad hoc meetings must be reported on a publicly shared email thread showing how each member voted if a physical meeting is not practical.

### Quorum

A quorum shall consist of a simple majority of Board members or their proxies. Unless stated otherwise a simple majority of members voting will be required to pass measures before the State Board. All votes conducted at regular meetings shall be by roll call and a report shall be published to a public email list.

### Proxies

Any member of the State Board who is unable to attend a meeting of the Board may appoint a proxy. Proxies for a county representative must be chosen from among other members of that county. Under no circumstances may any one member of the State Board be allowed to cast more than one vote. The proxy shall possess all powers, rights, duties, and responsibilities held by the appointing member of the State Board. The proxy and all powers, rights, duties, and responsibilities inherent therein shall expire at the termination of the State Board meeting for which the proxy was appointed.

### Article V: County Affiliates

Each of the three counties shall organize local chapters of the LPD. These county chapters may develop, if they choose, their own Articles of Association, By-Laws, and Political Platforms as long as they meet the following criteria:

1. They do not conflict with any State LPD operating documents,
2. They provide an equitable method for selecting members of the State Board, and
3. Separate individuals must be Chair and Secretary.

### Article VI: Duties of the State Board

1. Conduct fundraising, secure LPD resources, and make spending decisions.
2. Complete required campaign finance filings with the Commissioner of Elections.
3. Update Commissioner of Elections on current Officers of the Executive Committee.
4. Recruit potential political candidates and submit nominating documents to the State.
5. Coordinate activities with the National LP.
6. Conduct an annual Statewide Convention to:
  - a. Select National LP Convention delegates (even years),
  - b. Nominate candidates,
  - c. Select LPD officers and board members (odd years), and
  - d. Conduct other business.
7. Establish rules for the convention including credentialing of attendees.
8. Propose an agenda.
9. Administer web pages and social media pages.
10. Other day to day operations of the LPD.
11. Establish temporary standing or special committees for no more than two years except by an amendment to these Articles and to codify their duties, composition, and reporting requirements.

### Article VII: Membership

Any person who agrees to abide by the terms of these articles is a member of the LPD provided they have met at least one of the following criteria for at least 60 days:

1. Is a registered Libertarian according to the Commissioner of Elections.
2. Is a sustaining member of the National LP residing in Delaware.

### Article VIII: Credentialing

The credentials committee for the LPD Annual State Convention shall be comprised of the county chairs of all three counties. They shall be responsible for certifying that all voting members of the convention meet the criteria outlined in the Articles of Association for membership in the Libertarian Party of Delaware and reporting the names and numbers to the convention members for approval by a quorum of the State Board.

Non credentialed individuals may attend the convention as guests, but will be required to be seated in a segregated area so as to insure the integrity of voting eligibility.

### Article IX: Voting Procedures



### Articles

- ▼ 2021 (43)
  - ▼ October (3)
    - In Support of Common Cause against Gerrymandering
    - Steve Scheetz for Region 5 Alternate State Board Turnover
  - ▶ September (3)
  - ▶ August (4)
  - ▶ June (2)
  - ▶ May (7)
  - ▶ April (8)
  - ▶ March (9)
  - ▶ February (3)
  - ▶ January (4)
- ▶ 2020 (14)
- ▶ 2019 (1)
- ▶ 2018 (13)

### National Party Links

- [National Libertarian Party](#)
- [National Party History](#)
- [National LP Platform](#)
- [National LP Bylaws and Convention Rules](#)
- [National LP FAQ](#)

### Facebook Links

- [National LP](#)
- [Libertarian Party of Delaware](#)
- [New Castle County LPD](#)
- [Kent County LPD](#)
- [Sussex County LPD](#)
- [LPD Discussion Group](#)

### State of Delaware Links

- [State of Delaware](#)
- [Delaware State Code](#)
- [Delaware General Assembly](#)
- [Delaware State Courts](#)

### Commissioner of Elections Links

- [Commissioner of Elections Home Page](#)
- [Voter Registration Tools](#)
- [Election Calendars](#)
- [Ballot Qualified Candidates](#)
- [Campaign Finance Reporting System](#)
- [Candidate Services](#)
- [New Castle County Department of Elections](#)
- [Kent County Department of Elections](#)

Election of party officers, delegates to the national convention, and nominations of candidates for public office shall require a majority of those voting. "None of the Above" shall always be a candidate. If there is not a majority, the candidate (excluding None of the Above) with the least number of votes shall be dropped and a new vote shall be taken. If there is a tie vote for the last two candidates, there shall be a ten-minute recess and the vote shall be repeated. This procedure shall continue until the tie is broken. If "None of the Above" wins, the party office shall be vacated for the next year or no one shall be nominated for public office.

Delegates to the national convention shall be elected by each member writing their slate of desired delegates on a secret ballot and with the individual delegates receiving the most votes being selected. Uncontested delegate elections need not be conducted by secret ballot.

#### **Article X: Notice**

Many actions described in these Articles of Association and the accompanying By-Laws require notice of that pending action be provided to members. Any one of the following methods shall constitute proper notice:

1. Posting on the LPD Facebook page
2. Posting to the LPD Facebook group
3. Posting on the LPD webpage

#### **Article XI: Amendment**

These Articles of Association may be amended in either of two ways:

1. A 2/3 vote of the entire State Board as long as notice of proposed changes was made at least 30 days in advance.
2. A 2/3 vote of members present at a State Convention as long as notice of proposed changes was made at least 30 days in advance.

---

## **By-Laws**

#### **By-Law 1: Executive Committee Succession**

The Chair shall have the power to fill vacancies on the Executive Committee by appointment with the consent of a majority of the State Board. Such appointments shall last until the next election of party officers.

#### **By-Law 2: Chairman Succession**

If the Office of Chair is vacated, it shall pass to the Vice Chair. If there is no Vice Chair, the Chair shall next pass to the Chair of the County with the greatest number of members according to Delaware Commissioner of Elections lists.

#### **By-Law 3: Convention and State Board Meeting Rules**

- A. A Convention of the LPD will be held annually as per the Articles of Association.
- B. Conventions and State Board Meetings shall be conducted in accordance with Roberts Rules of Order except where superseded by these Articles and Bylaws.
- C. The Chairman of the State Board or his designee will serve as Chairman of the Convention.
- D. Voting for candidates, delegates, and officers of the executive committee will be by secret ballot. Uncontested elections may be conducted by voice vote with "nay" votes indicating a vote for None of the Above.
- E. Further rules for conducting the convention may be designated by the Convention Chairman

#### **By-Law 4: Disciplinary Action**

From time to time it may become necessary for the Party to take disciplinary action against an individual member who has acted in a manner that harms or misrepresents the interests of the party.

For members at large, the State Board has the authority to sanction those members by a majority vote. The sanctions may take a number of forms from a simple warning to cease the offending actions, up to and including expulsion from the Party. Any such sanction may be appealed at the next State Convention and overturned by a majority of the members present at the Convention with an up or down vote.

For members of the State Board accused of misconduct, they may face a similar range of sanctions as those listed above for members at large and the additional option of removal from office. This may occur in one of two ways:

- A. By a vote of 4/5 of the members of the State Board confirmed at the next Convention by a majority vote to remain in effect, or
- B. At Convention by a motion to sanction and a vote of 2/3 of members present.

- [Sussex County Department of Elections](#)
- Election Results
- Election District Maps

## By-Law 5: Amendments

These By-Laws may be amended in either of two ways:

- A. A simple majority vote of members present (quorum required) at a meeting of the State Board as long as notice of proposed changes was made at least 30 days in advance.
- B. A simple majority vote of members present at a State Convention as long as notice of proposed changes was made at least 30 days in advance.

## By-Law 6: Online State Board Meetings


Any votes conducted online shall remain open for 48 hours unless a sufficient number of votes has been recorded to determine the result of the vote as if the entire State Board had responded, in which case the Chair may direct the Secretary to record remaining votes at their discretion. After 48 hours, votes shall be ruled on based on the quorum of members who have responded.

*This version of the Articles of Association and the By-Laws is current as of April 18th, 2021.*



No comments:

Post a Comment

 Comment as: Will McVay (Gc   
    Notify me

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Campaign Finance Section
Financial Report

Financial Reports are required to be submitted to the Campaign Finance Section of the Office of the State Election Commissioner by all Candidates, Committees, and Organizations. Late or incomplete reports are subject to fines levied by the Commissioner's Office, so please be sure to check all applicable deadlines and file on time. Add extra sheets if necessary.

FULL ORGANIZATION NAME: Libertarian Party of Delaware
ACCOUNT NUMBER: 03000632 DATE OF THIS REPORT: 01/12/2021
REPORTING PERIOD START: 10/27/2020 REPORTING PERIOD END: 12/31/2020
OFFICE SOUGHT:

CHECK THE BOX THAT APPLIES TO THIS REPORT :

PRIMARY ELECTION [ ] 8-DAY [ ] 30-DAY OTHER ELECTION [ ] 8-DAY [ ] 30-DAY
GENERAL ELECTION [ ] 8-DAY [ ] 30-DAY SPECIAL ELECTION [ ] 8-DAY [ ] 30-DAY
[ ] YEAR END

THIRD-PARTY ADVERTISERS [ ]

FINAL ORGANIZATION CLOSING : [ ] YES [ ] NO
AMENDMENT : [ ] YES [ ] NO

CLOSING DATE :

I authorize that all information included in this Financial Report package is accurate and correct. I agree to abide by all rules and regulations regarding Campaign Finance and the election process in the State of Delaware. I understand that representatives from the Office of the State Election Commissioner will perform an audit of all information provided on this report.

Mary Pat McVay

TREASURER SIGNATURE

DATE

Legend: Current, Amended, Deleted, Amended New



STATEMENT OF ACCOUNT BALANCE

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/2020 12/31/2020  
FROM TO

1. BEGINNING BALANCE (Ending Balance from last reporting period)	<u>\$5,363.88</u>
2. RECEIPTS :	
A. SCHEDULE A - TOTAL RECEIPTS	<u>\$358.25</u>
B. SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS	<u>\$54.40</u>
C. SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED	<u>\$0.00</u>
D. SCHEDULE E - TOTAL EXPENSE REIMBURSEMENTS RECEIVED	<u>\$0.00</u>
E. SUBTOTAL (Total of A,B,C,D)	<u>\$412.65</u>
3. EXPENDITURES :	
F. SCHEDULE B - TOTAL EXPENDITURES	<u>\$128.50</u>
G. SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES	<u>\$54.40</u>
H. SCHEDULE D-2 - LOAN AND DEBT PAYMENTS	<u>\$0.00</u>
I. SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES	<u>\$0.00</u>
J. SUBTOTAL (Total of F,G,H,I)	<u>\$182.90</u>
4. ENDING BALANCE (Beginning Balance plus 2E minus 3J)	<u>\$5,593.63</u>
5. VALUE OF NON-CASH ASSETS (From Schedule F)	<u>\$0.00</u>
6. VALUE OF DISPOSED/TRANSFERRED ASSETS (From Schedule G)	<u>\$0.00</u>
7. VALUE OF LOANS AT END OF PERIOD (Loan Balance From Schedule D-2)	<u>\$0.00</u>

■ Current   ■ Amended   ■ Deleted   ■ Amended New



**SCHEDULE A - TOTAL RECEIPTS**

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/2020 12/31/2020  
FROM TO

Itemize all receipts over \$100 for the reporting period. Receipts from sales of items must be itemized if they are over \$50. NOTE: If you receive funds from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

**RECEIPTS :**

Date Received	Contributor Name	Contributor Mailing Address	Aggregate Amount	Amount Received
10/30/2020	Sean Goward	19 W. Inner Circle, Dover, Delaware, 19904	\$1,800.00	\$100.00
11/30/2020	Sean Goward	19 W. Inner Circle, Dover, Delaware, 19904	\$1,900.00	\$100.00
12/30/2020	Sean Goward	19 W. Inner Circle, Dover, Delaware, 19904	\$2,000.00	\$100.00
<b>TOTAL ITEMIZED RECEIPTS</b>				\$300.00
<b>TOTAL OF CONTRIBUTIONS NOT EXCEEDING \$100</b>				\$58.25
<b>GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2A)</b>				\$358.25

■ Current ■ Amended ■ Deleted ■ Amended New



**SCHEDULE B - TOTAL EXPENDITURES**

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/2020 12/31/2020  
 FROM TO

Itemize all expenditures over \$100 for the reporting period. All expenditures to Political Committees must be itemized, regardless of the amount. NOTE: IF you expend funds to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

**EXPENDITURES :**

Date Expended	Payee Name	Payee Mailing Address	Vendor	Aggregate Amount	Amount Expended
12/23/2020	USPS	55 Loockermann PLZ, Dover, Delaware, 19901		\$118.00	\$118.00
<b>TOTAL ITEMIZED EXPENDITURES</b>					\$118.00
<b>TOTAL OF EXPENDITURES NOT EXCEEDING \$100</b>					\$10.50
<b>GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3F)</b>					\$128.50

■ Current  
 ■ Amended  
 ■ Deleted  
 ■ Amended New



**SCHEDULE C-1 - TOTAL IN-KIND RECEIPTS**

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/2020 12/31/2020  
 FROM TO

Itemize all goods and services contributed at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you receive in-kind contributions from the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

**IN-KIND CONTRIBUTIONS :**

(NOTE: ESTIMATED VALUE RECEIVED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU MADE FOR THE GOODS OR SERVICES)

Date Received	Contributor Name	Contributor Mailing Address	Description of Contribution	Est. Amount Received
11/08/2020	Jesse T. McVay	72 Sackarackin Ave, Dover, Delaware, 19901	meeting lunch	\$54.40
<b>TOTAL ITEMIZED IN-KIND CONTRIBUTIONS</b>				\$54.40
<b>TOTAL OF IN-KIND CONTRIBUTIONS NOT EXCEEDING \$100</b>				\$0.00
<b>GRAND TOTAL RECEIPTS (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2B)</b>				\$54.40

■ Current ■ Amended ■ Deleted ■ Amended New



**SCHEDULE C-2 - TOTAL IN-KIND EXPENDITURES**

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/2020 12/31/2020  
 FROM TO

Itemize all goods and services expended at no charge or less than fair market value in excess of \$100 for the reporting period. NOTE: If you pay in-kind expenditures to the same person or organization several times during the reporting period, each item must be listed if the aggregate amount is over \$100, even if the individual amounts are not.

**IN-KIND EXPENDITURES :**

(NOTE: ESTIMATED VALUE EXPENDED IS FAIR MARKET VALUE LESS ANY PAYMENTS YOU RECEIVED FOR THE GOODS OR SERVICES)

Date Expended	Person or Activity Name	Person or Activity Location or Mailing Address	Vendor	Description of Expenditure	Est. Amount Expended
11/08/2020	Jesse T. McVay	72 Sackarackin Ave, Dover, Delaware, 19901	Pizza Time 1255 S. State St, Dover, Delaware, 19901	meeting lunch	\$54.40
<b>TOTAL ITEMIZED IN-KIND EXPENDITURES</b>					\$54.40
<b>TOTAL OF IN-KIND EXPENDITURES NOT EXCEEDING \$100</b>					\$0.00
<b>GRAND TOTAL EXPENDITURES (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3G)</b>					\$54.40

■ Current ■ Amended ■ Deleted ■ Amended New



**SCHEDULE D-1 - TOTAL LOANS RECEIVED AND DEBTS INCURRED**

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/2020 12/31/2020  
FROM TO

All loans in excess of \$50 RECEIVED DURING THIS REPORTING PERIOD should be itemized on this schedule. NOTE: These loans must also be listed on Schedule D-2.

**LOANS RECEIVED IN EXCESS OF \$50 :**

Transaction Id	Date Received	Lender	Endorser	Description of Security	Int. Rate	Amount Received
<b>TOTAL LOANS RECEIVED</b> (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2C)						\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New



**SCHEDULE D-2 - TOTAL LOANS AND DEBTS OUTSTANDING**

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/2020 12/31/2020  
FROM TO

All outstanding loans in excess of \$50 must be listed. This includes loans from Lending Institutions, Candidates Personal Funds and Other Contributors.

**LOANS IN EXCESS OF \$50 :**

Transaction Id	Date Received	Lender	Endorser	Description	Int Rate	Previous Loan Balance	Payments Made	Balance
<b>TOTAL LOANS</b> (TOTAL PAYMENTS MADE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 3H. TOTAL LOAN BALANCE SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCT BALANCE, ITEM 7.)						\$0.00	\$0.00	\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New





**SCHEDULE E - INTER COMMITTEE (SHARED) EXPENSES**

ACCOUNT NUMBER : 03000632

REPORTING PERIOD : 10/27/2020  
FROM

12/31/2020  
TO

All expense reimbursements received by you and paid by you must be itemized.

**REIMBURSEMENTS RECEIVED (Monies paid to you as reimbursements for expenses you incurred.)**

Date Received	Reimburer	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS RECEIVED (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 2D.)				\$0.00	\$0.00

**REIMBURSEMENTS PAID (Monies paid by you to reimburse others for expenses they incurred.)**

Date Paid	Payee	Description of Activity	Activity Date	Total Expense	Reimbursement
TOTAL REIMBURSEMENTS PAID (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 3I.)				\$0.00	\$0.00

■ Current   ■ Amended   ■ Deleted   ■ Amended New



**SCHEDULE F - NON-CASH ASSETS**

ACCOUNT NUMBER : 03000632 REPORTING PERIOD : 10/27/20 12/31/2020  
FROM TO

Itemize all non-cash assets owned by the organization including those paid for by the organization, lent to the organization and contributed to the organization.

**LIST ALL NON-CASH ASSETS**

Date Received	Description of Asset	Location of Asset (Physical Address)	Value of Asset
<b>TOTAL ASSET VALUE</b> <b>(TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 5.)</b>			\$0.00

■ Current ■ Amended ■ Deleted ■ Amended New



**SCHEDULE G - ELIMINATION OF ASSETS**

ACCOUNT NUMBER : 03000632

REPORTING PERIOD : 10/27/2020  
FROM

12/31/2020  
TO

Itemize all non-cash assets disposed of, transferred or sold by the organization during the reporting period.

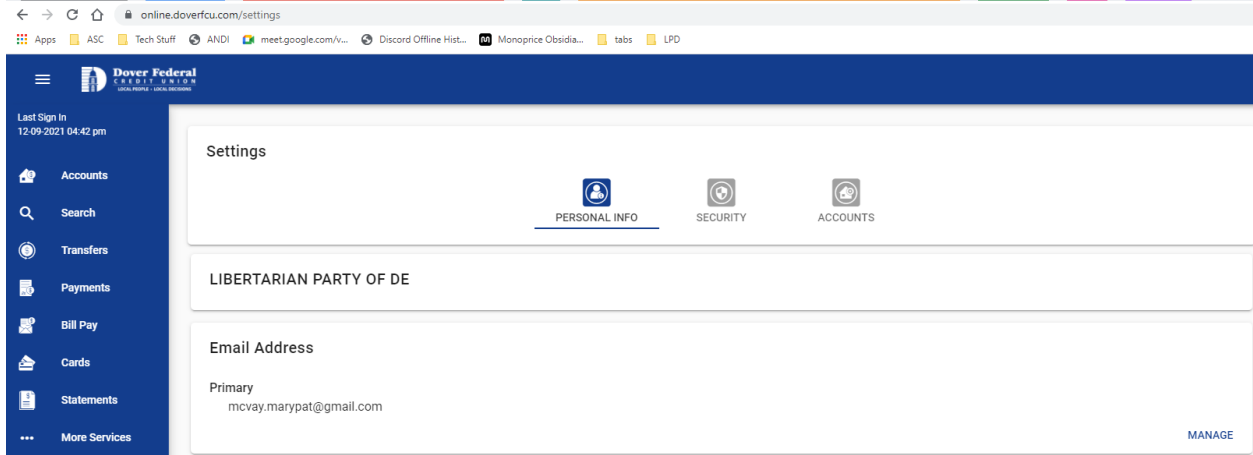
**LIST ALL ELIMINATED ASSETS**

Date Eliminated	Description of Asset	Disposition of Asset	Value of Asset
<b>TOTAL ASSETS ELIMINATED</b> (TOTAL SHOULD ALSO APPEAR ON PAGE 2, STATEMENT OF ACCOUNT BALANCE, ITEM 6.)			\$0.00

■ Current   ■ Amended   ■ Deleted   ■ Amended New

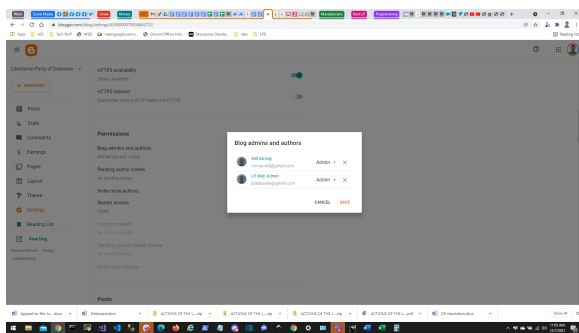
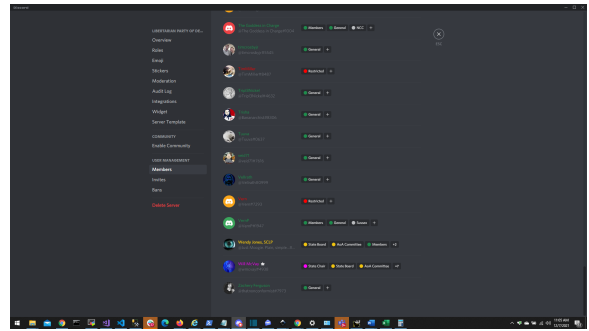
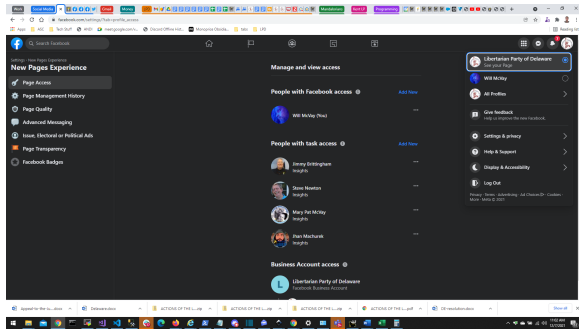
## APPENDIX H

Screenshot of the Dover FCU website showing the LPD Treasurer Mary Pat McVay's access to the Libertarian Party of Delaware's bank account.



## APPENDIX I

Screenshots showing administrative access by the LPD State Chair/IT Director to the LPD's social media assets





**ORGANIZATIONAL DATA (Continued)**

NAME OF PARTY IF ENTIRE TICKET IS SUPPORTED:

DEMOCRATIC     REPUBLICAN     OTHER    Libertarian

SHORT STATEMENT OF PURPOSE :

**Political Party**

PARTY AFFILIATION :

DEMOCRATIC     REPUBLICAN     OTHER    Libertarian  
LIST FULL NAME OF PARTY

**OFFICER DATA**

NAME OF TREASURER : Mary Pat McVay

PHYSICAL HOME ADDRESS :

<u>72 Sackarackin Ave</u>	<u>Dover</u>	<u>Delaware</u>	<u>19901</u>
ADDRESS	CITY	STATE	ZIP

MAILING ADDRESS :

<u>72 Sackarackin Ave</u>	<u>Dover</u>	<u>Delaware</u>	<u>19901</u>
ADDRESS	CITY	STATE	ZIP

CONTACT INFORMATION :

<u>(302) 670-1565</u>	WORK PHONE	HOME PHONE
<u>(302) 670-1565</u>		
	CELL PHONE	FAX NUMBER
<u>mcvay.marypat@gmail.com</u>		
	EMAIL ADDRESS	



**OFFICER DATA(Continued)**

NAME OF ADDITIONAL OFFICER : **William McVay**

ROLE : **Chairperson**

PHYSICAL HOME ADDRESS :

<b>10 Greenview Dr</b>	<b>Dover</b>	<b>Delaware</b>	<b>19901</b>
ADDRESS	CITY	STATE	ZIP

MAILING ADDRESS :

<b>10 Greenview Dr</b>	<b>Dover</b>	<b>Delaware</b>	<b>19901</b>
ADDRESS	CITY	STATE	ZIP

CONTACT INFORMATION :

WORK PHONE	HOME PHONE
<b>(302) 670-1971</b>	

CELL PHONE	FAX NUMBER
<b>will.mcvay@lpdelaware.org</b>	

EMAIL ADDRESS

**CERTIFICATION**

I authorize that all information included in this Statement of Organization is accurate and correct. I agree to abide by all rules and regulations regarding Campaign Finance and the election process in the State of Delaware. I understand that the Office of the State Election Commissioner will perform periodic audits of all information provided by the candidate and treasurer listed on this report as well as other officers of my organization. I understand that all advertising signs must comply with the Delaware DOT Sign Law.

Mary Post McVay  
TREASURER SIGNATURE

29 Nov 2021  
DATE

STATE OF Delaware

COUNTY OF Kent

SWORN AND SUBSCRIBED BEFORE ME THIS 29 day of Nov, 2021

[Signature]  
NOTARY PUBLIC





- CANDIDATE COMMITTEE
- POLITICAL COMMITTEE
- POLITICAL ACTION COMMITTEE
- 3rd PARTY ADVERTISER

In order to register with the Campaign Finance Section of the Office of the State Election Commissioner, you must complete a Statement of Organization. If any information for your organization changes, you must complete an amended Statement of Organization and submit it to the Campaign Finance Section.

NEW       AMENDED      REVISION NUMBER : ( 12 )      DATE OF ORIGINATION :      12/05/2005

**ORGANIZATIONAL DATA**

FULL ORGANIZATION NAME :      **Libertarian Party of Delaware**

OTHER NAME :

PHYSICAL ADDRESS :

<b>P.O box 1472</b>	<b>Dover</b>	<b>Delaware</b>	<b>19903</b>
ADDRESS	CITY	STATE	ZIP

MAILING ADDRESS :

<b>P.O box 1472</b>	<b>Dover</b>	<b>Delaware</b>	<b>19903</b>
ADDRESS	CITY	STATE	ZIP

CONTACT INFORMATION :

<b>(302) 670-1565</b>	OFFICE PHONE	FAX NUMBER
<b>lpdtreasurer@gmail.com</b>	EMAIL ADDRESS	<b>lpdelaware.org</b>
	WEB ADDRESS	



# [The Delaware Code Online](#)

- [Laws of Delaware](#)
- [Regulations](#)
- [Administrative Code](#)
- [Municipal Charters](#)
- [FAQ](#)

## [Title 15 Authenticated PDF](#)

- [§ 301.](#)
- [§ 302.](#)
- [§ 302A.](#)
- [§ 303.](#)
- [§ 304.](#)
- [§ 305.](#)
- [§ 306.](#)
- [§ 307.](#)
- [§ 308.](#)

## **TITLE 15**

### **Elections**

### **Administrative Agencies**

#### **CHAPTER 3. State Election Commissioner**

§ 301. Appointment; term and compensation.

(a) The State Election Commissioner shall be appointed by the Governor for a term of 4 years and confirmed by a majority of the members elected to the Senate. Until such appointment and confirmation the State Auditor shall serve as the State Election Commissioner without additional compensation. In the event of a vacancy in the office, the Governor shall appoint a successor to fulfill the unexpired term and said successor shall be confirmed by a majority of the members elected to the Senate.

(b) The salary of the State Election Commissioner shall be as provided in the Budget Act.

(c) The State Election Commissioner shall serve in this capacity on a full-time basis and the State Election Commissioner's powers and duties prescribed by this title shall remain with the Election Commissioner and shall not be delegated to any other individual or group.

(d) The State Election Commissioner shall not hold or be a candidate for any:

(1) Federal, state, county, city or incorporated municipality elective office; or

(2) Elective office or position of a political party nor shall the State Election Commissioner be an appointed official to any federal, state, county, city or incorporated municipality, commission or administrative body. This limitation shall not apply to persons selected to serve on or appointed to the Election Assistance Commission's Standards Board or Board of Advisors established by P.L. 107-252 (The Help America Vote Act of 2002 [52 U.S.C. § 20941 et seq.]).

(e) The State Election Commissioner shall not directly or indirectly use or seek to use the State Election Commissioner's authority or official influence to control or modify the political action of another person or at any time participate in any political activities or campaigns.

15 Del. C. 1953, § 302; [50 Del. Laws, c. 168, § 1](#); [57 Del. Laws, c. 181, § 15](#); [58 Del. Laws, c. 215, § 2](#); [70 Del. Laws, c. 186, § 1](#); [76 Del. Laws, c. 115, § 1](#); [77 Del. Laws, c. 227, § 12](#);

§ 302. General powers and duties of Commissioner.

The Commissioner shall have the following powers and duties:

(1) To furnish, by purchase, lease, or otherwise, such equipment, supplies and services that may be required in order to conduct the Commissioner's own powers and duties prescribed in this title;

(2) To order any department, board, commission or agency of this State to transfer to the Commissioner any equipment or supplies to the Commissioner's custody that are owned by the State and not in use by the department, board, commission or agency concerned, which may be used by the Commissioner in conducting the functions of the Commissioner's office;

(3) To select and maintain in the City of Dover, preferably in a building owned by the State, suitable office space;

(4) To make reasonable rules and regulations with respect to the functions of the Commissioner's office and with respect to the manner of making entries in registration and election records to be followed by the Department and all registration and election officers;

(5) To have the sole responsibility for the security of the records in the Commissioner's office which shall not be delegated to anyone;

(6) To prescribe the form of the registration and election records which under this title are to be uniform throughout this State so long as they are not in conflict with this title;

(7) To supply necessary instruction and assistance to the Department and all registration and election officers in order to insure uniform operation of this title throughout the State. In addition, the Commissioner may develop standards and operating procedures for the purpose of having a statewide uniform election system. These standards shall be directed toward ensuring

consistency in the redistricting process, the use of technology and the conduct of general, primary special and school elections. The Commissioner shall collaborate with the Department in developing additional standards or amending or revising existing standards;

(8) Such other powers and duties as may be necessary in order for the Commissioner to carry out the Commissioner's own functions under this title;

(9) To be an ex officio member of the State Board of Elections;

(10) To attend each State Board of Elections meeting at which time the Commissioner may do the following:

a. Participate in any and all discussions; and

b. Cast a vote only in the event of a tie;

(11) To collect unofficial results for each primary, special and general election for each election district used in the said election and to tabulate, report and disseminate the results of the election as soon as possible to the public;

(12) Subject to the policies and directives of the State Board of Elections, to have general supervision over the county directors, deputy county directors, and other employees of the Department of Elections in carrying out their respective duties and responsibilities;

(13) To establish procedures to allow citizens to report possible violations of this title to the Commissioner, to any county director, or to deputy county director, which shall include procedures for anonymous reporting of possible violations thereto;

(14) To investigate information coming to the attention of the Commissioner that, if true, would constitute a violation of Chapter 80 of this title; and

(15) To prepare and publish manuals and guides explaining the duties of individuals covered by this title, including without limitation Chapter 80 of this title hereof, and to promulgate instructions and public information materials to facilitate compliance with, and enforcement of this title.

15 Del. C. 1953, § 303; [50 Del. Laws, c. 168, § 1](#); [57 Del. Laws, c. 181, § 16](#); [57 Del. Laws, c. 384](#); [57 Del. Laws, c. 567, § 4](#); [58 Del. Laws, c. 215, § 3](#); [70 Del. Laws, c. 186, § 1](#); [73 Del. Laws, c. 306, § 2](#); [77 Del. Laws, c. 227, §§ 13, 14](#); [79 Del. Laws, c. 275, § 10](#);

§ 302A. Investigatory authority.

(a) In connection with his or her authority pursuant to § 302(14) of this title hereunder to investigate possible violations of Chapter 80 of this title, the State Election Commissioner:

(1) May appoint 1 or more investigators, having such experience and qualifications as shall be established by the Board of Elections, to investigate information coming to the attention of the Commissioner that, if true, would constitute a violation of Chapter 80 of this title. The activities of any investigator appointed hereunder shall be directed solely by the Commissioner, and such investigator shall not be deemed to be an employee of, or otherwise answerable to, the Board of Elections;

(2) Shall have the authority to subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of books, papers, records or other evidence needed for the performance of the Commissioner's duties or exercise of his or her powers pursuant to this section; and

(3) May refer any possible violation to the Attorney General or the United States Attorney for investigation and prosecution, either directly or following an investigation or preliminary investigation by the Commissioner hereunder.

(b) The authority of the Commissioner to investigate possible violations of Chapter 80 of this title shall not abrogate the right of the Attorney General to investigate or prosecute any violation or possible violation of this title.

[79 Del. Laws, c. 275, § 11](#); [70 Del. Laws, c. 186, § 1](#);

§ 303. Duties upon receipt of a registration application.

(a) Upon receipt of a registration application from the Department, the State Election Commissioner shall have the registration application verified for completeness and accuracy. If the Commissioner's staff identifies a discrepancy with the application, the Department shall be notified and then correct the discrepancy.

(b) The State Election Commissioner shall use appropriate technology to maintain a permanent record of each registration application. Paper applications shall be retained for a minimum of 24 months and then maintained in accordance with the appropriate document retention schedule. A permanent copy of each electronic transaction shall be retained.

(c) The State Election Commissioner, in collaboration with the Department, may establish a program where the Department may create and archive an image of each paper registration application.

[15 Del. C. 1953, § 304](#); [50 Del. Laws, c. 168, § 1](#); [70 Del. Laws, c. 186, § 1](#); [75 Del. Laws, c. 232, § 3](#); [77 Del. Laws, c. 227, § 2](#); [79 Del. Laws, c. 275, § 12](#);

§ 304. Lists and files of registered voters.

(a) The State Election Commissioner shall deliver or cause to be delivered to each major political party in the State without charge the following:

- (1) A file of all registered voters in the State once per month.
  - (2) A file of all registered voters in the State current as of the registration deadline before a primary or general election no later than 7 working days following the registration deadline for a primary or general election.
  - (3) Upon request, up to 8 copies of the list of registered voters for each election district in the State current as of the registration deadline before a primary or general election no later than 7 working days following the registration deadline for a primary or general election. These lists shall contain, as a minimum, the name, address, political party affiliation, and election district of each registered voter in each election district.
- (b) The state chair of each major political party, or county chairs if there is no state chair, may designate in writing other persons, not exceeding 2 in each county, to whom all or specified portions of the party's lists are to be made available from the Commissioner.
  - (c) Upon request but no more than once per month, the State Election Commissioner shall provide without charge a file of all registered voters in the State to any minor political party eligible to place candidates on the ballot.
  - (d) The State Election Commissioner, in collaboration with the Department, shall prepare supplemental poll lists for each election district in the State that contain corrections and names of registered voters who have updated their registration records between the registration deadline and a date or dates selected by the Department. The Department shall make available 2 copies of the supplemental poll lists for the election districts within their jurisdiction to the principal political parties on the Saturday before a primary or general election.
  - (e) The State Election Commissioner shall, upon request, provide free of charge to any candidate for election who has qualified to appear on an upcoming primary or general election ballot a file and/or list of registered voters for the jurisdiction for which that person has qualified as a candidate.
- (1) The request for a file and/or lists may be made by the candidate or by a member of the candidate's committee listed on the appropriate form filed in accordance with Chapter 80 of this title.
  - (2) The State Election Commissioner shall designate the file and lists that shall be provided free of charge.
  - (3) Requests for files or lists in accordance with this section shall be made no later than the last day of registration for an upcoming primary or general election. Requests made after this deadline will be produced as soon as possible, but so as not to interfere with production of files or products required by this title for the conduct of the election or those requested prior to the deadline stated above.

(f) The State Election Commissioner shall, upon request, but no more frequently than once per month, provide files of registered voters in the State to any State agency, county or local government for use in conducting State, county or local government business.

(g) The State Election Commissioner, in collaboration with the Department, shall establish a reasonable cost for files and lists of registered voters requested by persons or organizations not eligible to receive lists in accordance with this section. These costs shall be reviewed at least once every 2 years and updated as appropriate.

(h) Files and lists provided to members of the General Assembly and state agencies or county or local governments pursuant to subsection (f) of this section shall include voter names, addresses, political party affiliation, voting history, telephone numbers and dates of birth. Files and lists provided to major and minor political parties pursuant to subsections (a) through (d) of this section and to candidates for elective office pursuant to subsection (e) of this section shall be limited to voter names, addresses, political party affiliations, voting history, legislative district information, telephone numbers and years of birth. Files and lists provided to the public shall be limited to voter names, addresses, political party affiliations, voting history, legislative district information, and years of birth. The Delaware Freedom of Information Act, Chapter 100 of Title 29, shall not apply to information contained in voter lists and files created and maintained pursuant to this title.

(i) The State Election Commissioner, in collaboration with the Department, shall develop and implement policies and procedures for protecting the information about persons in the State's election management system, and on records and electronic media in the possession of the State Election Commissioner's office and the Department.

[15 Del. C. 1953, § 305](#); [50 Del. Laws, c. 168, § 1](#); [52 Del. Laws, c. 221, § 1](#); [57 Del. Laws, c. 181, § 17](#); [57 Del. Laws, c. 567, §§ 5, 6](#); [58 Del. Laws, c. 215, § 4](#); [58 Del. Laws, c. 397, § 1](#); [70 Del. Laws, c. 186, § 1](#); [75 Del. Laws, c. 232, § 4](#); [77 Del. Laws, c. 227, §§ 2, 15-17](#); [79 Del. Laws, c. 275, § 13](#);

#### § 305. Duplicate registrations.

At least monthly and within 10 days following the last registration day for each primary and general election, the Commissioner shall notify the county director and county deputy director of suspected duplicate registrations in any county where such duplicate registration is suspected to have occurred. The applicable county director and county deputy director shall review the list of suspected duplicate registrations and correct the registration records as appropriate.

[15 Del. C. 1953, § 306](#); [50 Del. Laws, c. 168, § 1](#); [75 Del. Laws, c. 232, § 5](#); [79 Del. Laws, c. 275, § 14](#);

#### § 306. Coordination with state agencies.

The State Election Commissioner, in collaboration with the Department, shall implement as soon as practical automated transfers or exchanges of voter registration information and information

necessary to maintain an accurate list of registered voters between the State's election management system and other state databases.

[75 Del. Laws, c. 232, § 6](#); [77 Del. Laws, c. 227, § 2](#); [79 Del. Laws, c. 275, § 15](#);

§ 307. Supplying lists to political party chairs and other persons.

Repealed by 77 Del. Laws, c. 227, § 18, effective Feb. 1, 2010.

§ 308. Political activity limited; penalty.

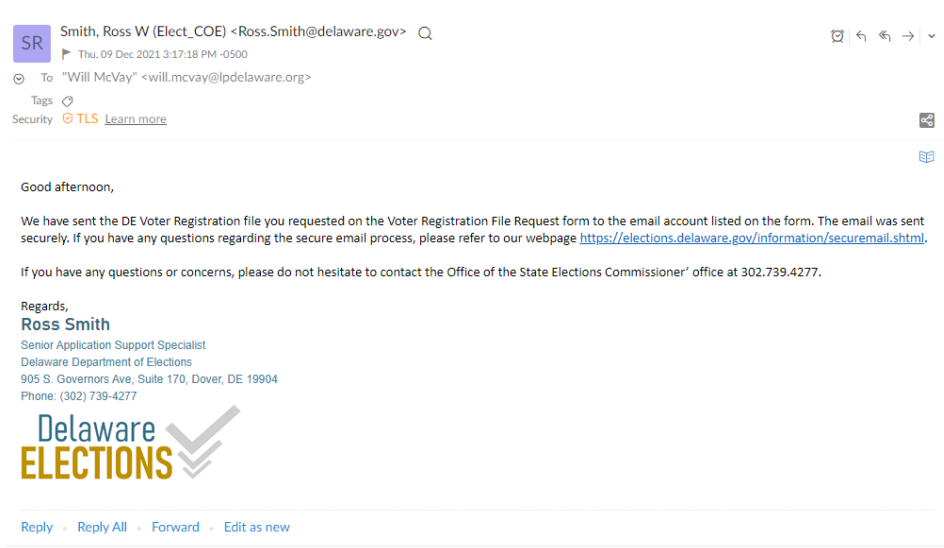
(a) No employee of the Office of the State Election Commissioner shall directly or indirectly use or seek to use that employee's own authority or official influence to control or modify the political action of another person or at any time actively participate in any political activities or campaigns.

(b) Any person who shall violate this section shall be fined not more than \$500 and shall forfeit that employee's position or employment.

[74 Del. Laws, c. 229, § 1](#); [70 Del. Laws, c. 186, § 1](#);

## APPENDIX J

Accepted request to the Delaware Commissioner of Elections for the voter file [provided to ballot qualified “minor” political parties](#) from LPD State Chair Will McVay



## APPENDIX K

The list of members of the LPD Board as it stood at the time of Mr. Hinds' removal, and the list of members of the LPD Board as it now stands

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>● Bill Hinds - Former Chair</li><li>● Amy LePore - Former Vice Chair</li><li>● Dave Casey - Former New Castle Rep</li><li>● Dylan Griffith - Former New Castle Rep</li><li>● <b>Mary Pat McVay - Treasurer</b></li><li>● <b>Will McVay - Former Kent Rep</b></li><li>● <b>Brandi Kerchevall - Kent Rep</b></li><li>● <b>Jimmy Brittingham - Former Sussex Rep</b></li><li>● <b>Joe DiPasquale - Sussex Rep</b></li></ul> | <ul style="list-style-type: none"><li>● <b>Will McVay - Chair</b></li><li>● <b>Jimmy Brittingham - Vice Chair</b></li><li>● <b>Mary Pat McVay - Treasurer</b></li><li>● <b>Brandi Kerchevall - Kent Rep</b></li><li>● <b>Joe DiPasquale - Sussex Rep</b></li><li>● John Machurek - New Castle Rep</li><li>● Nicole Shaw - New Castle Rep</li><li>● Aarika Nelson - Kent Rep</li><li>● Wendy Jones - Sussex Rep</li></ul> |
|--|--|