

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

MEMBERS PRESENT

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

OBSERVERS

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

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

The Chair opened a period of public comment.

Past Secretary Andrew Kolstee issued a report. **The minutes of the August 22, 2022 Meeting of the Executive Committee, the September 17, 2022 Meeting of the State Committee, and the September 18, 2022 Meeting of the State Committee** were approved by voice vote.

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

Treasurer William Cody Anderson issued a Treasurer's Report in writing (**Exhibit 1**). The Treasurer noted in summary that \$926.86 is in the housekeeping fund as of December 16, 2022. The Treasurer mentioned that outside the scope of this written report, he is still awaiting a

sponsorship payment from one of the sponsors of the State Convention held in September 2022. **The Treasurer's report was accepted** without objection.

Chair Andrew Kolstee issued a report. He has submitted Freedom of Information Law (FOIL) requests for write-in votes by individual name, to all 56 county Boards of Election in New York, as well as the New York City Board of Elections. A majority have responded, but some with incomplete or obviously erroneous data. The largest county not to have provided any significant data so far is Erie County. It is already clear, however, that 2022 Libertarian gubernatorial candidate Larry Sharpe received at least 1,264 write-in votes, and that he was the only candidate to get write-in votes in essentially all counties reporting, except Hamilton County. The county where he has so far received the highest percentage of all votes for Governor is Schuyler County.

William Schmidt expressed concern that many write-in votes for specific Libertarian candidates are not reported accurately, appearing as "Unknown," "Unattributed," "Scattering," or "Irregular" votes. Andrew Kolstee agreed with such concerns. Some County Boards of Election gave specific reasons for their delays or other failures in responding fully so far. Judicial District 3 is in the middle of a recount for a judicial office and needs more time to respond. The Chautauqua County Board of Election response stated that write-in votes are tallied only for individual candidates in a race who received five votes or more; that they have already stored their ballots and that certain counties would require a court order in order to tally the write-in votes.

Andrew Kolstee stated that he is waiting to get reports from remaining counties, before reporting to the State Board of Elections that individual counties are failing to respond appropriately to legitimate FOIL requests.

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

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

Andrew Kolstee also reported on several legal matters. First, the Judicial Watch lawsuit achieved its goals without requiring support from the Libertarian Party of New York. Second, the appeal

of the ongoing ballot access case was denied *en banc*, including a denial of the request for a reason for denial.

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

Field Development Director Andrew Kolstee issued a report. The Field Development Committee held a meeting recently. Kolstee reported that pushing the business aspect of organizing counties is not yielding success. He expressed that the committee is interested in the idea of encouraging County Contacts to build an informal libertarian community as a priority, and to choose local causes, perhaps holding outreach events, before trying to have four people organize a convention, adopting rules, electing officers, etc. Another item of discussion at the committee's meeting was how to brand such an effort.

The report from the Field Development Committee also referred to documentation, available online, that several County Affiliates have met all the requirements for certification.

Certifications that the County Affiliates in Chautauqua, Chemung, Columbia, Dutchess, Madison, Monroe, Nassau, New York, Queens, and Ulster Counties have met the criteria required in Article 11.2.3 of the Rules of the Libertarian Party of New York passed without objection.

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

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

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

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

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

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

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

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

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

Information Technology (IT) Director Justin Carman issued a report. On November 28, 2022, an initial meeting was held with a sales representative from Humanitru. The IT Committee decided that Humanitru is superior to other Customer Relationship Management (CRM) programs, because it does not charge us for static memberships, only engaged constituents (those who donated within the past three years). A follow-up meeting with Humanitru is planned for a date to be determined. The committee is also looking into free open-source systems in order to streamline requests and tasks pertaining to party business.

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

suggested that a legislative affairs opt-in link could be included in every email sent out, as is done with the donate link.

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

Candidate Support Committee Chair Paul Grindle issued a report. Funds approved at the October 16, 2022 Executive Committee meeting were successfully transferred to both Nick Grasso's and Craig Colwell's candidate committees, one thousand dollars (\$1,000) each. Neither candidate won their respective races. The Committee has received a request from Michael Rebmann, campaign manager for Charles Roggen, a candidate for Village Trustee in Akron, for funding for mailers. Petitioning will begin on January 3, 2023. Erie County will likely financially support this candidate as well. A motion by the Candidate Support Committee to **allocate \$100 to the campaign of Charles Roggen for Akron Village Trustee** passed by voice vote.

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

Mark Glogowski was appointed Chair of the Platform Committee without objection.

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

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

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

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

Thompson and debated. The meeting was extended without objection. Motion by Mark Braiman to amend the motion and insert “**The basis for the commission shall not include donations by any individuals who have donated to the Libertarian Party of New York between 2018 and 2022**” was seconded by Richard Purtell and failed by voice vote. The **original motion** passed by voice vote.

Motion by Duane Whitmer **that the Executive Committee recommend to the full State Committee at its next meeting, adoption of the following resolution concerning the 2024 petitioning drive and election:**

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

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

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

William Cody Anderson raised a point of order, in that the motion requires an amendment to the Rules of the Libertarian Party Chair Andrew Kolstee ruled that the motion is in order indicating the motion is not an amendment to the Rules.

Motion by Mark Braiman to **appeal the ruling of the Chair** was seconded by Richard Purtell. **The ruling of the Chair was overturned 5-4** following a roll-call vote with William Cody Anderson, Mark Braiman, Justin Carman, William Schmidt, and Karyn Thompson in favor of overturning the ruling of the Chair and Maura Botsford, Richard Purtell, Keith Redhead, and Duane Whitmer in favor of sustaining the ruling of the Chair.

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

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

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

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

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

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

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

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

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

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

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

Andrew Kolstee expressed a wish to refer to the full State Committee the cases for potential removal of members who have failed to appear at two successive meetings. Three such members have not responded to his emails or messages. Kolstee plans to contact them by telephone to ask their intentions.

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

The meeting was adjourned at 8:20 p.m.

Mark Stephen Braiman,
Secretary

Exhibit 1

LPNY Treasurer's Report
December 18, 2022

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

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

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

Disbursements from Housekeeping account since 11.20.22:

Grasshopper - \$33.39

Constant Contact - \$200.07

Disbursements from CC account since 11.20.22:

None

Deposits to CC account since 11.20.22:

Net Donations - \$1850.32

Disbursements from petitioning account since 11.20.22:

Paul Grindle - \$1975.00

Respectfully submitted,

W. Cody Anderson
Treasurer