

**LIBERTARIAN PARTY OF NEW YORK
STATE COMMITTEE MEETING OF OCTOBER 23, 2022**

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.

ROLL CALLS (Table 1; Roll call #1 at 7:03 p.m.; #2 in response to quorum call; P=Present)

JD	State Committee Member	#1	#2
EO	Richard Purtell		
1	Mark Axinn	P	P
1	Chance Haywood	P	P
1	Morry Davis		
2	Paul Grindle	P	P
2	Matthew Morgan	P	P
2	Gary Popkin	P	P
3	Justin Carman	P	P
3	Jennifer O'Connor	P	P
3	Lora Newell	P	P
3	William Cody Anderson	P	P
4	Zachary Remian	P	P
4	Brian Wells	P	P
4	John Janes	P	P
4	Stephen Healey		
4	Karyn Keniry Thompson		
4	Amanda Ellithorpe		
5	Shawn DeGrand	P	P
5	Matthew Guilianelli	P	P
5	E. Rose Leatherman	P	P
5	Keith Redhead	P	P
5	Daniel Castello	P	P
5	Adam Magoon	P	P

JD	State Committee Member	#1	#2
5	Craig Shute	P	P
5	Jacob Cornell		
6	Mark Braiman	P	P
6	Christopher Olenski	P	P
6	Lyza Feint		
6	Timothy O'Connor		
6	David Penner		
6	Keith Price		
7	Steven Becker	P	P
7	James Dayton	P	P
7	Angela Einwachter	P	P
7	John Exner	P	P
7	Mark Glogowski	P	P
7	Sean Phelan	P	P
7	Mark Smith		
7	Kelly Durkin		
7	Jeffrey Bradley		
7	Anthony D'Orazio		
8	Maura Botsford	P	
8	Andrew Kolstee	P	P
8	Francis Law	P	P
8	Len Morlock	P	P
8	Michael Rebmann	P	

JD	State Committee Member	#1	#2
8	Jame VanDewalker	P	P
8	Duane Whitmer	P	P
8	Erin Becker		
8	Gerrit Cain		P
9	Juan Ayala	P	P
9	Robert Cocomello		
9	Daniel Donnelly		
9	Robert Greibesland		
9	William Schmidt		P
9	Christian Vondras		
10	Jeffrey Denecke	P	P
10	Jonathan Gunther	P	P
10	Blay Tarnoff	P	P
10	Robert Schuon	P	P
10	George Ostrowski		
10	Randyn Tarnoff		
10	Scott Thompson		
10	Angelo Veltri		
11	Mark Weinblatt	P	P
12	Freddy Calvache		
13	Richard Bell		
13	Thomas Pinkhasov		
	# Present	40	40

Susan Overeem, County Chair from Richmond County, was present as an **observer**

Chair Andrew Kolstee opened a period of public comment. Steven Becker from JD7 asked whether there would be an opportunity to discuss a possible resolution condemning CDC vaccine endorsement. The Chair responded that such a resolution could be introduced later in the meeting during New Business.

The proposed **Special Rules of Order (Exhibit 1)** were adopted without objection.

The proposed **Agenda (Exhibit 2)** was adopted without objection.

Secretary Mark Braiman announced that no nominations had been received to fill two (2) vacancies for Judicial District 11 representatives to the State Committee. The Chair

opened nominations from the floor. None were offered, so filling of these vacancies was postponed until the next meeting of the full State Committee..

Secretary Mark Braiman announced that no nominations had been received to fill one (1) vacancy for Judicial District 12 representative to the State Committee. The Chair opened nominations from the floor. None were offered, so filling of this vacancy was postponed until the next meeting of the full State Committee.

Andrew Kolstee, having taken over as Chair of the Rules Committee from Paul Grindle who had recently resigned. presented the Rules Committee Report (**Exhibit 3, 10 pages**)

The Rules Committee moved **Rules Proposal 1 (Exhibit 3, page 1)**.

Rules Proposal 1 received extensive debate. Mark Axinn moved to amend by changing 5.2.b to read "voters registered as members," but the Chair ruled this out of order as no prior notice had been given. A concern that came up during debate was whether the information the Rule called for to be provided by prospective members was sufficient to allow crossmatching to Board of Elections voter data. It was pointed out that name, address, and date of birth are required to become a member, and this information is to be shared with other members of the LPNY upon request; and this information matches the current requirements of the New York Board of Elections for recognized party membership. Concerns were expressed about the additional requirement of an email address for every voting member, but it was pointed out that with the LPNY an unrecognized Party, Boards of Election would no longer be assuming the cost of sending out US Postal mail to Libertarian Party membership to announce Party elections. Our bearing this mail cost ourselves would be expensive. Besides email, there is no other free mass communication method and database that could be stored and used with a reasonable amount of effort to announce Libertarian Party elections. Another concern expressed was that inclusion in 5.2 of data from New York City and county Boards of Election was potentially problematic, since these databases are reputed to be unreliable. **Rules Proposal 1 passed** by a vote of sixteen (16) in favor, eleven (11) against, with eight (8) announced abstentions.

The Rules Committee moved **Rules Proposal 2 (Exhibit 3, page 1)** and it passed without objection.

The Rules Committee moved **Rules Proposal 3 (Exhibit 3, page 2)** and it passed without objection.

The Rules Committee moved **Rules Proposal 4 (Exhibit 3, page 2)** and it passed without objection.

The Rules Committee moved **Rules Proposal 5 (Exhibit 3, page 5)**, and it was debated. The debate focused on the methods that could be used by a subset of the full

State Committee to call an in-person meeting, and whether these methods were described adequately in the Rules. Sean Phelan proposed an amendment to **add text "as in 8.5.2" to 8.4.3**. Chair Andrew Kolstee ruled that this would be out of order, as inadequate notice of a Rules Amendment proposal was provided. **Rules Proposal 5 passed** by a vote of twenty-two (22) in favor, six (6) opposed, five (5) explicit abstentions.

The Rules Committee moved **Rules Proposal 6 (Exhibit 3, page 3)**, and it passed without objection.

The Rules Committee moved **Rules Proposals 7-8 (Exhibit 3, pages 4-5)** were moved out of committee and it received some brief debate, then passed by a vote of twenty-four (24) in favor, four (4) opposed, four (4) explicit abstentions.

The Rules Committee moved **Rules Proposal 9 (Exhibit 3, page 5)** and it passed without objection.

The Rules Committee moved **Rules Proposal 10 (Exhibit 3, page 5)** and it passed without objection.

The Rules Committee moved **Rules Proposals 11-20 (Exhibit 3, page 6)**, as a group, since these could all be classified as minor changes to improve grammar or style. This motion passed without objection.

Chris Olenski **requested information** on how many people were still present in the meeting, and whether it might satisfy quorum. Chair Andrew Kolstee responded that the Zoom meeting still included thirty-eight (38) panelists including TJ Ferreira, so thirty-seven (37) State Committee members must be present, when quorum is 35.

Mark Braiman moved and Sean Phelan seconded to **amend the Rules by adding Article 10 on the Conflict Resolution Committee (Exhibit 3, pages 7-8)**. There was brief debate, with Michael Rebmann indicating a wish (rather than a formal motion to amend, which would have been out of order) to add three specific changes: **(a.) Strike the 3-year LPNY membership requirement to serve on the Conflict Resolution Committee. (b.) Add a requirement that each Judicial District should have no more than one member on the Conflict Resolution Committee. (c) Add a provision to prohibit members of the LPNY Executive Committee from membership on the Conflict Resolution Committee.**

Mark Axinn moved to **postpone indefinitely**. The Chair noted that there was a prior motion to **commit** already in the Porcupine queue that should take precedence.

Chris Olenski's moved, and Mark Axinn seconded, to **commit Braiman Amendment 1 to the Rules Committee**. The **motion to commit passed**, with twenty (20) in favor, seven (7) opposed, and two (2) formally abstaining.

Sean Phelan made a **point of order to call for quorum**, noting that the votes on Porcupine regarding the motion to commit totaled only twenty-nine (29).

Secretary Mark Braiman conducted a roll call, summarized in Table 1 at top. Forty (40) members were present, and twenty-nine (29) were absent. Current voting membership is 68. Quorum is 35. **Quorum was satisfied.**

Andrew Kolstee turned over the chairing of the meeting to Vice-Chair Duane Whitmer, who while serving as Temporary Chair could permit Kolstee to make a motion, and participate in the subsequent debate and vote.

Andrew Kolstee moved and Mark Axinn seconded to **amend the Rules by removing limits on use of certain parliamentary procedures by teleconferencing members (Exhibit 3, pages 9-10)**. There was significant debate. Supporting the motion, it was pointed out that these limits were cumbersome and perceived as unfair by members who could not attend meetings in person. Opposing the motion, several members were concerned that giving equal privileges to remote attendees would unfairly reduce the incentives for State Committee members to commit time and financial resources to travel to meetings that others had committed such time and resources to. **Kolstee Rules Amendment Proposal 1 passed** by a vote of twenty-four (24) in favor, five (5) opposed, three (3) explicit abstentions.

Duane Whitmer and Mark Axinn seconded **Resolution 1 on 2022 Ballot Proposal 1 (Exhibit 2, pages 1-2)**, and it was adopted without objection.

Mark Braiman moved, Mark Axinn seconded, **Resolution 2 on the Platform (Exhibit 2, page 2)**. This resolution received fifteen (15) votes in favor, ten (10) opposed, and six (6) formally abstaining. The Chair ruled that since the motion was worded as a resolution, it required a 2/3 majority, and therefore the motion failed.

Cody Anderson moved and Mark Braiman seconded **Resolution 3 on Use of Party Resources (Exhibit 2, page 2)**. There was significant debate. Mark Axinn moved and Craig Shute seconded to extend until 5:15 p.m. the time for adjournment, and this motion passed with twenty-three (23) in favor, six (6) opposed, and six (6) formal abstentions. Jimmy Dayton moved and Robert Cocomello seconded to **postpone Resolution 3 until after the November elections**, which passed with twenty-three (23) in favor, seven (7) opposed, and six (6) formal abstentions

Craig Shute moved and Stephen Becker seconded **Resolution 4 on Write-In Campaign (Exhibit 2, page 3)**. The resolution was debated. Mark Glogowski moved, and seconded, to amend the resolution to strike the last WHEREAS paragraph and to remove the word "only" before "Larry Sharpe" from the "Resolved" paragraph, so that the entire resolution would read:

WHEREAS the candidates nominated for statewide office by the Libertarian Party of New York at the Statewide Nominating Convention in Albany in February 2022 will not have their names printed on the ballot for the 2022 general election.

WHEREAS the Libertarian Party of New York, in support of Larry Sharpe for Governor, has exhausted all legal options in order for the statewide candidates to be printed on the ballot in said election.

WHEREAS the primary responsibility of the Libertarian Party of New York is to elect Libertarians to public office.

WHEREAS ballot access and recognized party status in New York State is crucial in order to place Libertarian candidates on the ballot through lower petitioning requirements.

WHEREAS the only options to place the Libertarian Presidential candidate on the ballot in 2024 is to 1) obtain more than 45,000 signatures and defeat a challenge, 2) continue litigation, 3) lobby for legislative change, and 4) obtain over 130,000 votes or 2%, whichever is more in the 2022 general election through a write-in campaign for Larry Sharpe for Governor.

WHEREAS the next immediate option for recognized party status is a write-in candidate for Larry Sharpe for Governor.

WHEREAS the success rate of a write-in campaign is low and the nature of such a campaign requires specific instructions to the average voter who are mostly unfamiliar with intricate details of the ballot access process.

~~WHEREAS a write-in campaign for all five statewide candidates nominated by the Libertarian Party of New York is likely to cause confusion and dilute any efforts to focus on the election of Governor, which is also the only race critical to ballot access.~~

THEREFORE, BE IT RESOLVED, the primary objective of the LPNY between now and Election Day is to promote a write-in campaign for ~~only~~ Larry Sharpe for Governor and that while writing-in the other statewide candidates is highly recommended but distracting in LPNY messaging and in conflict with the Larry Sharpe Campaign for Governor's messaging.

Chris Olenski made a point of order, **objecting to the main motion (Resolution 4) because it contradicts Resolution 3 that was postponed until after the election.** The Chair ruled that **Resolution 4 is in order.** Chris Olenski **appealed the ruling of the Chair,** and Lora Newell seconded. The Ruling of the Chair was sustained by a vote of twenty-four (24) in favor, seven (7) opposed, and four (4) formal abstentions.

Mark Axinn moved and Robert Shuon seconded **to extend the time to adjourn to 5:30**. This motion passed with twenty-nine (29) votes in favor, five (5) opposed, and four (4) formal abstentions.

Chris Olenski moved to **postpone the main motion until after Election Day 2022**. The Chair ruled this motion out of order because it will be moot at that time.

The amendment failed by a vote of seven (7) in favor, seventeen (17) opposed, and nine (9) formal abstentions.

The main motion (**Resolution 4**) received twenty (20) votes in favor, eleven (11) opposed, and four (4) formal abstentions. The Chair ruled that since the motion was worded as a Resolution, it required a 2/3 vote to pass, and therefore the motion failed.

Mark Braiman **objected that Resolution 4 does not pertain to an “issue of public concern” and therefore not subject to the 2/3 limitation of our Rules Article 18, and should pass by a simple majority**. The Chair overruled the objection.

Treasurer William Cody Anderson presented a Treasurer's Report in writing (**Exhibit 4**).

Steve Becker moved and Cody Anderson seconded a resolution to oppose the CDC's call for vaccination of children. The Chair asked for specific wording to be placed in the Zoom chat, but before this was done, Laura Newell called for **orders of the day**, since it was past the 5:30 time for adjournment.

Mark Axinn moved, and Mark Glogowski seconded, **to extend the time for adjournment to 5:43, in order to consider Steven Becker's resolution**. The motion passed, with fourteen (14) in favor, thirteen (13) opposed, five (5) formal abstentions. The wording of Steven Becker's resolution was not formulated in time, before James Dayton moved and Michael Rebmann seconded a motion to **adjourn**, which passed without objection.

The meeting was adjourned at 5:37 p.m.

Mark Stephen Braiman,
Secretary.

Exhibit 1 (Page 1 of 2)

Special Rules of Order of the Libertarian Party of New York for the State Committee Meeting of October 23, 2022

To be proposed to the State Committee on October 23, 2022.

Rule 1. **CREDENTIALS.** The Secretary, directly after the opening ceremonies of the business meeting, shall call the roll of the elected members of the State Committee.

Rule 2. **IDENTIFICATION OF VOTING MEMBERS.** To facilitate identification, seating, and voting, members and others shall be required to retain and display upon request the wristbands, voting cards, or other indicia issued by the organizers of the meeting upon registration. Division votes, whether simple or counted, shall be taken by members' standing and display of such voting member indicia. For meetings held by teleconference, voting members shall be identified within the platform or platforms used to conduct the meeting.

Rule 3. **DEBATE.**

Rule 3.1. No member shall speak in debate on the same question a second time until every other member who wishes to speak had the opportunity to do so.

Rule 3.2. No member shall speak in debate on the same question more than twice or longer than three (3) minutes in total without permission of the State Committee granted by a two-thirds vote without debate.

Rule 4. **FILLING OF VACANCIES.** If there is no candidate to fill a vacancy for a particular district, the Chair may move to the next district or item on the agenda.

Rule 5. **ADOPTION AND AMENDMENT OF PARTY RULES.**

Rule 5.1. If discussion on an amendment has begun, any recognized speaker may also discuss alternative proposed amendments that deal with the same issues and may use that text to propose a substitution to the current amendment.

Rule 5.2. If a member of the State Committee proposes more than one amendment, their subsequent proposals shall be taken up only after every other member's first proposed amendment has been considered.

Rule 5.3. Debate on each amendment shall be limited to ten (10) minutes. Each speaker is limited to one (1) minute at a time. The Chair shall alternately recognize those speakers in favor of and opposed to the amendment.

Exhibit 1 (Page 2 of 2)

Rule 6. **CANDIDATE SPEECHES.**

Rule 6.1. Candidates for Chair shall each be allowed five (5) minutes to speak; candidates for all other Party offices shall each be allowed three (3) minutes to speak. Candidates to fill vacancies on the State Committee shall be allowed ninety (90) seconds to speak. Candidates may cede their time only to other members of the State Committee to speak on their behalf during their allotted time. Speeches will not be allowed for uncontested positions, in which candidates are only running against NOTA.

Rule 6.2. Candidates seeking endorsement for the highest public office shall each be allowed five (5) minutes to speak; candidates seeking endorsement for all other public offices shall each be allowed three minutes to speak; candidates seeking endorsement for any public office shall also each be allowed one nominating speech and one seconding speech of one minute each.

Rule 7. **ENDORSEMENTS AND NOMINATIONS OF CANDIDATES.** Endorsements and nominations of candidates for public office shall be made in the same manner as elections for Party officers.

Rule 8. **PLATFORM.** When discussing the Platform, the previously adopted Platform shall be the base on which amendments, additions, or deletions shall be offered. Such changes to the Platform shall require a vote in accordance with the Rules of the Libertarian Party.

Rule 9. **RESOLUTIONS.**

Rule 9.1. A resolution offered by an individual member shall be submitted by the maker and the seconder – each of whom shall be a member of the State Committee – and shall be sent by email directly to the Secretary.

Rule 9.2. The Resolutions Subcommittee may convene during the main meeting to consider resolutions. Each member who offers a resolution shall be given an opportunity to explain it to the Resolutions Subcommittee if he so requests.

Rule 9.3. The Resolutions Subcommittee shall review all resolutions in the order they were submitted, and shall amend the text of each resolution to the satisfaction of the member that submitted the resolution, while satisfying formatting requirements, grammar, clarity, etc. The Resolutions Subcommittee shall present a report to the State Committee of all resolutions in the order they deem appropriate.

Rule 10. **PERMANENT RECORD.** All reports and other material for the permanent record or printed proceedings shall be typewritten and, immediately on presentation, shall be sent to the Recording Secretary in electronic form.

Rule 11. **SUSPENSION OF SPECIAL RULES OF ORDER.** These Special Rules of Order may only be suspended by a two-thirds (2/3) vote.

**LIBERTARIAN PARTY OF NEW YORK
AGENDA OF THE STATE MEETING OF OCTOBER 23, 2022**

2:00 P.M. Call to Order (Andrew Kolstee, Chair)

2:00 P.M. Roll Call and Confirmation of Quorum (Mark Braiman, Secretary)

2:05 P.M. Public Comment

2:20 P.M. Adoption of Special Rules of Order

Consideration to **amend the Special Rules of Order by inserting the following text**

Rule 5.4. When an Amendment to party Rules is on the floor, a proposal to amend the main motion is in order only if it includes a limit on the number of minutes for debate, after which time period the amendment will be automatically committed to the Rules Committee, while debate on the Main Motion will be permitted to continue.

2:25 P.M. Adoption of Agenda

2:30 P.M. Filling of Vacancies on the State Committee

3:00 P.M. Continuation of Rules Committee Report (Andrew Kolstee)

Consideration to adopt proposed amendments to the Rules.

4:00 P.M. Resolutions

Resolution 1 - 2022 Ballot Proposal 1

Consideration to **adopt the following resolution.**

WHEREAS, borrowing is likely to occur at a time of higher interest rates, resulting in more taxpayer burden to pay off the debt.

WHEREAS, wastewater and sewer management should be dominantly funded by local governments, and the trend of using increased state tax dollars, including the \$650 million allotted for such projects in this proposal, results in less local fiscal thrift and discipline.

WHEREAS, any municipality receiving over \$25 million is required to use market-restrictive project labor agreements.

WHEREAS, Buy American provisions will inflate project costs and not benefit New York State but other states in the United States.

Exhibit 2 (Page 2 of 4)

THEREFORE, BE IT RESOLVED the Libertarian Party of New York opposes Ballot Proposal 1 for the \$4.2 billion Environmental Bond Measure and urges New York voters to vote No on Proposal 1.

Resolution 2 - Platform Resolution

Consideration to **adopt the following resolution.**

WHEREAS, the Libertarian Party of New York (LPNY) should use its Platform, its only form of public resolution that requires a broad supermajority to put into place, to do all of the following in a way that distinguishes it clearly from other parties: (1) to shape its public identity; (2) to state its core values (3) to guide its choice of candidates; (4) to guide its stance on specific pieces of legislation and other government action; and (5) to attract like-minded members.

WHEREAS, the LPNY continues to support the Libertarian National Platform, but recognizes the importance of decentralized decision-making with respect to our state Platform, in order to address issues that may rise to greater importance here than in other portions of the US.

THEREFORE, be it resolved, the LPNY State Committee directs the Platform Committee to revise the LPNY Platform, using an overall format similar to the Libertarian National Platform, but containing state-specific positions that go beyond what is in the National Platform, to include both numbered principles as well as numbered planks pertaining to specific subjects.

Resolution 3 - Use of Party Resources

Consideration to **adopt the following resolution.**

WHEREAS, Libertarian Party of New York (LPNY) resources are generally quite limited now after ballot access struggles, and this pattern is expected to be repeated in other years;

THEREFORE BE IT RESOLVED, that in even-numbered years from June 1 through Election Day, LPNY resources may only be used to support (a) Candidates for state or local office who are both LPNY members and who will be listed on the Libertarian Party line for that office, (b) Non-LPNY members who were already nominated by the LPNY State Committee for statewide offices and who achieved ballot-access status, and (c) LPNY members who were nominated by the State Committee for Governor or for President but failed to get on the pre-printed ballot and are making an effort to gain ballot access for the LPNY through a write-in campaign; and the LPNY Candidate Support Committee and Executive Committee shall enjoy broad discretion to allocate previously-budgeted funds to support such candidates.

Exhibit 2 (Page 3 of 4)

Resolution 4 - Write-In Campaign

Consideration to **adopt the following resolution.**

WHEREAS the candidates nominated for statewide office by the Libertarian Party of New York at the Statewide Nominating Convention in Albany in February 2022 will not have their names printed on the ballot for the 2022 general election.

WHEREAS the Libertarian Party of New York, in support of Larry Sharpe for Governor, has exhausted all legal options in order for the statewide candidates to be printed on the ballot in said election.

WHEREAS the primary responsibility of the Libertarian Party of New York is to elect Libertarians to public office.

WHEREAS ballot access and recognized party status in New York State is crucial in order to place Libertarian candidates on the ballot through lower petitioning requirements.

WHEREAS the only options to place the Libertarian Presidential candidate on the ballot in 2024 is to 1) obtain more than 45,000 signatures and defeat a challenge, 2) continue litigation, 3) lobby for legislative change, and 4) obtain over 130,000 votes or 2%, whichever is more in the 2022 general election through a write-in campaign for Larry Sharpe for Governor.

WHEREAS the next immediate option for recognized party status is a write-in candidate for Larry Sharpe for Governor.

WHEREAS the success rate of a write-in campaign is low and the nature of such a campaign requires specific instructions to the average voter who are mostly unfamiliar with intricate details of the ballot access process.

WHEREAS a write-in campaign for all five statewide candidates nominated by the Libertarian Party of New York is likely to cause confusion and dilute any efforts to focus on the election of Governor, which is also the only race critical to ballot access.

THEREFORE, BE IT RESOLVED, the primary objective of the LPNY between now and Election Day is to promote a write-in campaign for only Larry Sharpe for Governor and that while writing-in the other statewide candidates is highly recommended but distracting in LPNY messaging and in conflict with the Larry Sharpe campaign for Governor's messaging.

Exhibit 2 (Page 4 of 4)

4:30 P.M. Old business

4:45 P.M. New business

5:00 P.M. Adjournment

Exhibit 3 (Page 1 of 10)

PROPOSED AMENDMENTS TO THE RULES FOR CONSIDERATION FOR THE STATE CONVENTION OF SEPTEMBER 17-18, 2022

Proposal 1 (AR3)

5.1. **General.** Members ~~is~~ of the Libertarian Party shall consist of registered voters who have enrolled in the Libertarian Party as provided by statute, unless otherwise provided in these Rules.

5.2. **Membership Under Unrecognized Party Status.** If at any time the Libertarian Party is not a recognized political party under New York State Election Law, the members of the Libertarian Party shall be defined as any of the following, provided that such voter is not enrolled in another political party: (a) voters enrolled in the Libertarian Party as listed by the New York State Board of Elections, the New York City Board of Elections, and/or individual County Boards of Elections and (b) voters as registered as a member of the Libertarian Party of New York through a membership form provided by the Libertarian Party of New York.

5.2.1. **Voting Eligibility.** Members of the Libertarian Party must provide an email address to be able to vote in any election or meeting for the purposes of conducting business of the Libertarian Party.

5.2.2. **Availability of Information.** The membership list including name, date of birth, county, and zip code for each member shall be available upon request to other members. Individual members may choose upon registration to indicate that any other information be omitted from general distribution to other members. Other information not requested for omission shall be included with the requested member list upon request.

5.2.3. **Restrictions on Party Use of Email Addresses of Members.** The email address provided by a member for voter eligibility purposes may be used exclusively for providing notice and mechanisms for participation in meetings and party elections, and for member solicitation of signatures for Libertarian candidate petitions, unless the member explicitly indicates their email address may be used for other purposes.

Proposal 2 (AU)

6.5.5. **ASSISTANTS.** The Secretary and Treasurer may appoint another member of the Libertarian Party to serve as Assistant Secretary and Assistant Treasurer respectively in order to assist in their duties. Such appointment shall only be effective if confirmed by the Executive Committee.

Exhibit 3 (Page 2 of 10)

Proposal 3 (F). Moved section to Article 8 on meetings and section renumbered.

~~7.5. MEETINGS. Meetings of the Executive Committee shall be held in-person or by teleconference and shall be open to observation by all members of the State Committee and officers of County Affiliates upon request, with the exception of Executive Session.~~

~~7.6.~~ 7.5. EXECUTIVE SESSION.

~~7.6.1.~~ 7.5.1. Executive Session may only be used for discussion of personnel matters, contractual negotiations, pending, active, or potential litigation, or political strategy requiring confidentiality, specifically excluding discussions of qualifications of candidates. The reasons for moving to Executive Session must be stated in the minutes of the Executive Committee.

~~7.6.2.~~ 7.5.2. No vote shall be conducted in Executive Session, except votes pertaining to the waiving of reading of minutes of Executive Session, approval of the minutes of Executive Session, and adjournment of Executive Session.

~~7.7.~~ 7.6. VOTING. Each member of the Executive Committee shall have one vote. There shall be no proxy voting. Voting on any issue before the Executive Committee may be conducted through electronic means or written ballot.

Article 8. Meetings

8.1. GENERAL. Meetings of the State Committee and of the Executive Committee shall be conducted in accordance with the provisions in this article. **Meetings shall be held in-person, by electronic means, or a combination thereof. Meetings of the Executive Committee shall be open to observation by all members of the State Committee and officers of County Affiliates upon request, with the exception of Executive Session.**

Proposal 4 (AF). Removing duplicate text as unnecessary. Vacancies on the State Committee are covered in Article 6.6.5 and election procedures are covered in Article 9.

~~8.2.4. FILLING OF VACANCIES. Any member of the newly elected State Committee may submit nominations for filling any vacancies on the State Committee. If such nominations are received by the Credentials Subcommittee at least seven (7) days in advance of the organization meeting, the Credentials Subcommittee shall distribute the names of the nominees and any statement regarding their candidacy of no more than two hundred words to all members of the newly elected State Committee at least five (5) days in advance of the organization meeting. Once the filling of vacancies begins, the Credentials Subcommittee shall present the nominations they received. Subsequent nominations may be made on the floor of the Organization Meeting, prior to the election to fill such vacancies. The Chair shall request that each nominee confirm that they are registered for the Organization Meeting, are qualified to fill the vacancy, and accept the nomination in order to be entered into nomination to fill the vacancy they seek.~~

Exhibit 3 (Page 3 of 10)

Proposal 5 (J2) Rewriting section pertaining to the call of meetings, including clarifications and procedures.

~~8.4 CALLING OF MEETINGS. In addition to regularly scheduled meetings, meetings of the state committee may be called by one of the following:~~

~~8.4.1. The Chair.~~

~~8.4.2. Majority vote of the Executive Committee.~~

~~8.4.3. A request in writing signed by one third (1/3) of the State Committee members, given to the Chair or Secretary. The request may be in email form, sent to the originator, the Chair, and the Secretary, indicating support of the call for a meeting.~~

8.4. CALLING OF MEETINGS. The date, time, and place of all meetings of the State Committee shall be determined by any of the following.

8.4.1. BY THE CHAIR. The Chair may call a meeting by sending a notification to the State Committee.

8.4.2. BY A VOTE. The voting members at any properly called meeting may, by majority vote, call a meeting to be held.

8.4.3. BY THE FULL STATE COMMITTEE. When not in session, any member of the State Committee may request a meeting be called at a certain date, time, and place. If the request is co-sponsored by one-third (1/3) of the members of the full State Committee and the notice is given to the full State Committee, the meeting has been called. The request, co-sponsorship, and notice must be in writing.

Proposal 6 (AT)

11.1.1. COUNTY CONTACTS. In any county where no County Affiliate exists, the State Committee may appoint ~~an~~ **one or more enrolled members of the Libertarian Party to serve as ~~the~~ County Contacts for the purpose of organizing a County Organization. ~~The~~ County Contacts shall have a term of three (3) months, subject to renewal or removal by the State Committee. **The State Committee shall also designate by appointment the Lead County Contact, who is responsible for organizing meetings.** Upon establishment of a County Organization, the duly elected Chair shall replace the County Contact as the State Committee's primary contact for a given county.**

Exhibit 3 (Page 4 of 10)

Proposal 7 (AJ3). Establishing a regular process for certification of County Affiliates.

~~11.2.3. COUNTY ORGANIZATIONS AFFILIATED BEFORE NOVEMBER 7, 2021.~~ All County Organizations affiliated prior to November 7, 2021 shall continue to be affiliated until October 6, 2022, provided that no revocation of such affiliation is authorized by the State Committee in accordance with Article 12. All such County Organizations shall adopt or amend Rules that meet the requirements set forth in Article 11.3 if such requirements are insufficient. A quorum of the Executive Committee shall certify by a majority vote that such requirements have been met, otherwise they shall have their affiliation automatically revoked on October 6, 2022.

~~11.2.4. CERTIFICATION.~~ The Executive Committee shall meet to vote on certification of a given County Affiliate in accordance with Article 11.2.3.

~~11.2.4.1.~~ County Affiliates which submit the necessary documents to the Secretary before the deadline shall remain affiliated pending certification by the Executive Committee.

~~11.2.4.2.~~ County Affiliates which submit the necessary documents within ten (10) days of the deadline and are denied certification by the Executive Committee shall remain affiliated for sixty (60) days after the deadline, after which they shall no longer be affiliated, unless the deficiencies preventing certification are rectified and documentation exhibiting this rectification is submitted to the Executive Committee to review.

11.2.3. **CERTIFICATION.** All County Affiliates shall be recertified as a County Affiliate to ensure they continue to meet the requirements of these Rules. All County Affiliates shall provide the latest copy of the County Rules and minutes of any convention or election to fill vacancies. A quorum of the Executive Committee shall certify by a majority vote that such requirements have been met by March 31 in each odd-numbered year. County Affiliates that fail to meet such requirements shall have their affiliation revoked in accordance with Article 12.

Proposal 8 (AM). Loosening the requirements; any county who is prepared to become a constituted county committee can adjust their rules in accordance with state law. Also, several counties have held annual conventions or conventions less than every two years.

11.3.2. **COUNTY RULES.** The adoption of County Rules at said convention, organization meeting, or special meeting which contain the following provisions:

11.3.2.1. **ELECTION OF OFFICERS.** A provision for the election of officers **to terms not exceeding twenty-five (25) months**, elected through single non-transferable votes ~~to be held no less than once every two years.~~

11.3.3. **ELECTION OF OFFICERS.** An election of ~~Election District Delegates and~~ officers of the County Committee.

11.4. RULES GOVERNING COUNTY ORGANIZATIONS.

11.4.1. **MEMBERS.** Voting members of the County Organizations **shall must** be members of the Libertarian Party as defined in Article 5, ~~who are appointed Election District delegates under Article 11.4.5. and are present at a given meeting of the affiliated County Organization.~~ Officers are voting

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members of the County Organization by virtue of their office, but no individual may cast more than one vote.

11.4.5. **ELECTION DISTRICT DELEGATES.** The County Organization **may appoint Election District Delegates. If they do so, they** shall appoint no more than two (2) enrolled members of the Libertarian Party to represent each Election District in their county. Any enrolled member of the Libertarian Party residing in the county containing such Election District shall be appointed as an Election District delegate as long as there is a vacancy. An election shall be held if there are more candidates than Election District delegate positions. County Organizations shall determine the manner in which Election District delegates are appointed. Such appointment is not intended to be subject to Election Law 2-104.

Proposal 9 (Q). Cleaning up the format and allowing counties to determine how they fill vacancies as is done in practice.

11.4.3. **VACANCIES.** ~~11.4.3.1.~~ In the event of a vacancy in the office of Chair, the Vice-Chair shall succeed as the Chair of the County Organization, **unless otherwise specified in the County Rules.** ~~11.4.3.2.~~ All other vacancies on the County Organization shall be filled by a majority vote of the County Organization or in a manner determined by the County Organization.

PROPOSAL 10 (AN). Provides flexibility for rules amendments when not a recognized party.

21.3. **EFFECT OF AMENDMENT.** Amendments to these Rules shall take effect immediately upon adjournment of the meeting in which they were adopted unless otherwise required by Election Law.

Article 22. Exclusivity

22.1. These rules shall be the exclusive rules of the State Committee of the Libertarian Party.

22.2. These rules supersede and replace any document previously **adopted filed** by the Party and shall remain in effect until such time that the State Committee of the Libertarian Party adopts new or amended Rules ~~and files such Rules with the New York State Board of Elections~~. No other rules shall be effective unless approved in writing by the State Committee.

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PROPOSAL 11 (D) [missing word]

7.2. MEMBERSHIP. The Executive Committee... Within three days after **the** election, a certificate stating the names and post office addresses of such officers shall be filed with the New York State Board of Elections as required by law.

PROPOSAL 12 (E) [missing hyphen]

7.4. TERM. All Executive Committee members ... in even-numbered years ...

PROPOSAL 13 (F) [missing hyphen]

11.4.2. OFFICERS. ... a Vice-Chair, ...

PROPOSAL 14 (U) [wrong word]

13.2. ELIGIBILITY. Each Delegate and each Alternate Delegate to Libertarian National Conventions must be ..., and a resident **in** of the State of New York.

PROPOSAL 15 (V) [missing period / word]

14.3.1. Candidates for statewide office shall be nominated at a special open meeting of the State Committee in accordance with these Rules and Election Law. ← add missing period

14.3.2. When multiple candidates are vying for **the** nomination for a single position, ...

PROPOSAL 16 (X) [missing hyphen]

14.10.2. CRITERIA. ... at the primary elections in even-numbered years...

PROPOSAL 17 (Y) [change word / style consistency]

14.12. CERTIFICATES OF NOMINATION. The State Committee has the sole authority to issue certificates of nomination when such are **allowed** **required** by Election Law. That authority may not be transferred. The State Committee shall issue certificates of nomination for all candidates selected in accordance with these Rules within **fifteen** (15) days of notification of the selection of the candidate...

PROPOSAL 18 (Z) [missing word]

15.4.2. If any County Affiliate is notified that an enrolled Libertarian is running for the same office within the first seven (7) days of petitioning, or prior to the meeting, no approval shall be given to a non-Libertarian candidate without a two-thirds (2/3) majority of **the** weighted vote for the given election district.

PROPOSAL 19 (AB) [missing hyphen]

Article 18. Resolutions

... by two-thirds (2/3) vote of the State Committee.

PROPOSAL 20 (AG) [remove unnecessary word]

Article 9. Elections

9.1. GENERAL. Elections of party offices shall be conducted **by-election** in accordance with this article. Such offices shall include the officers

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BRAIMAN AMENDMENT 1

Article 10. Conflict Resolution Committee

10.1. **ORGANIZATION.** The purpose of the Conflict Resolution Committee is to investigate, arbitrate, and mediate disputes within the Libertarian Party of New York, and recommend actions, including disciplinary actions, to the State Committee in accordance with these Rules, Robert's Rules of Order, and Election Law.

10.1.1. **COMPOSITION.** The Conflict Resolution Committee shall be composed of nine (9) members who have been enrolled in the Libertarian Party of New York for at least three (3) years. Members shall be elected by a majority vote of the State Committee at the first meeting of the full State Committee following the organization meeting for a term of two (2) years in the same manner as vacancies are filled on the State Committee.

10.1.4. **TERMS OF OFFICE.** The members of the Conflict Resolution Committee shall serve until the conclusion of the meeting at which their successors are elected unless removed by the State Committee.

10.2. INITIATION AND INVESTIGATION PROCEDURES

10.2.1. **COMPLAINT.** Any party may file a complaint in writing via electronic or physical methods to the Conflict Resolution Committee. The complaint must include a claim that these Rules, the Rules of a County Affiliate, and/or Election Law were violated and that the violation caused harm to the party, its members or its governing structure. Upon receipt of a complaint, the Conflict Resolution Committee shall decide by majority vote whether to initiate the notification and investigation process.

10.2.2. **NOTIFICATION.** The Conflict Resolution Committee shall notify all parties involved in the complaint via certified mail or other reasonable and effective method of communication.

10.2.3. **INVESTIGATION.** The Conflict Resolution Committee shall conduct an investigation into the complaint by collecting relevant evidence and testimony. The initial investigation shall be completed within thirty (30) days. A majority vote of the Conflict Resolution Committee is required to approve the report which shall then be submitted to the full State Committee. The investigation may be extended and the report may be amended by a majority vote of the Conflict Resolution Committee and submitted to the full State Committee, but no amendments shall be valid after sixty (60) days from the start of the investigation.

10.2.4. **REPORT TO THE STATE COMMITTEE.** The report approved by the Conflict Resolution Committee and any recommendations shall be presented at a meeting of the full State Committee and any further action is subject to approval by the full State Committee in accordance with the Rules, including further investigation. All parties shall be notified of any decision of the State Committee within ten (10) days.

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10.3. APPEAL OF STATE COMMITTEE DECISION. Within thirty (30) days following the decision of the State Committee, any party may request an appeal in writing to the Chair and Secretary of the Conflict Resolution Committee. A majority vote of the Conflict Resolution Committee is required to approve the request for appeal. Once an appeal has been approved, the Conflict Resolution Committee shall continue the investigation and approve a new report within thirty (30) days following the approval of the appeal.

10.3.1. GROUNDS FOR APPEAL. The Conflict Resolution Committee shall only be subject to approve an appeal based on one or more of the following criteria:

- (a) important and relevant information has surfaced which was not readily available during the initial investigation and reporting period prior to the State Committee decision;
- (b) clear evidence of undue influence or bias amongst the members of the State Committee;
- (c) the Parties involved in the complaint were not properly informed of the investigation.

10.4. ARBITRATION AND MEDIATION PROCEDURE.

10.4.1. MEDIATION REQUEST. Any member of the Libertarian Party may file a request for mediation or conflict resolution regarding these Rules, the Rules of a County Affiliate, Election Law, or other internal regulations. Mediation requests shall be approved by majority vote of the Conflict Resolution Committee.

10.4.2. MEDIATION. The Conflict Resolution Committee may appoint one or more of its members to conduct the mediation. Mediation shall be completed within thirty (30) days of the approval.

10.4.3. TRANSFER TO INVESTIGATION. If during the course of mediation the Conflict Resolution Committee discovers that further investigation is needed that may require action by the full State Committee, an investigation shall be approved and the process in Article 10.2 shall be initiated.

10.5. MEETINGS.

10.5.1. ORGANIZATION MEETINGS. Upon the election of the Conflict Resolution Committee, An organizational meeting shall be held within ten (10) days to elect the Chair, Vice-Chair and Secretary of the committee.

10.5.2. OTHER MEETINGS. The Chair shall call a meeting to address a complaint shall be held within fourteen (14) days of its filing.

10.6. RECUSAL OF CONFLICT RESOLUTION COMMITTEE MEMBER. A member of the Conflict Resolution Committee who is the subject of a matter brought before the committee shall not investigate, arbitrate, or mediate, nor discuss or participate in votes of the committee on that matter.

[RENUMBER ALL ARTICLES AFTER THIS]

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KOLSTEE AMENDMENT 1

Limiting parliamentary procedure is unnecessary and difficult to enforce, especially with using a platform like Porcupine that eliminates the need.

8.2.1. MEETING TO BE HELD IN PERSON.

~~8.2.1.1. The first meeting of each newly elected State Committee must be held in person with a provision for limited remote participation as described in Article 8.6.2. except in cases~~

~~8.2.1.2. If, as a result of *force majeure*; in which no member of the State Committee is able to attend at the time and location the meeting is called, remote participation with full parliamentary privileges shall be permitted and Article 8.6.2. shall be ignored.~~

~~8.2.1.3. If an individual member of the State Committee is unable to attend at the time and location the meeting is called due to a government mandate, remote participation with full parliamentary privileges shall be permitted and the provisions of Article 8.6.2 shall be ignored.~~

~~8.6. MEETINGS HELD IN-PERSON. The provisions in this section shall only apply to meetings called to be held in person and shall not apply to meetings called to be held by teleconference only.~~

~~8.6.1. Only the State Committee may approve meetings to be held in-person at dates, times, and locations to be determined by the State Committee.~~

~~8.6.2. At in-person meetings of the State Committee, teleconferencing is permitted; teleconferencing members shall have the same rights and privileges as those attending in-person, with the following clarifications and exceptions.~~

~~8.6.2.1. Teleconferencing members shall be counted towards quorum.~~

~~8.6.2.2. Teleconferencing members shall be allowed a vote on all main motions and amendments to main motions, as well as elections for any officer(s) whose term extends beyond the end of that particular meeting.~~

~~8.6.2.3. Teleconferencing members shall be allowed to speak on all main motions and amendments to main motions, with the exception that they may not make main motions unless these have been communicated to the Secretary via email at least 24 hours prior to the meeting.~~

~~8.6.2.4. Teleconferencing members may nominate and accept nominations and speak on nominations for all non-temporary officers and At-Large Executive Committee members on whose election they are entitled to vote.~~

~~8.6.2.5. Teleconferencing members may interrupt to make a point of order that quorum is not present, to request a roll call vote on any main motion or any amendment thereto, but not on any other type of motion.~~

~~8.6.2.6. Teleconferencing members may not make any other interrupting motions or points of privilege or order; or request information, make a parliamentary inquiry, or call for the orders of the day; and may specifically not make any of the following procedural motions: to adjourn or recess; to set a time for adjournment or recess; to amend the agenda; to postpone a matter, lay it on the table or take it from the table; or amend the Rules; to suspend or amend the rules; to appeal the decision of the Chair; to divide a~~

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~~question; to call the question; to extend or limit debate; to reconsider a question; to rescind or amend something previously adopted. All votes on these motions must be from the floor, unless a roll-call vote is called from the floor.~~

~~8.6.2.7. Teleconferencing members may not nominate, speak for or against, or take part in the election of a Temporary Chair, Temporary Secretary, or any other officer whose duties extend only for the duration of a convention or other in-person meeting.~~

Exhibit 4

LPNY Treasurer's Report October 23, 2022

Housekeeping Committee account balance as of 10.23.22: \$3,044.26 (no change since 10/16)

Constituted Committee account balance as of 10.23.22: \$20,321.34 (+302.89 since 10/16)

LPNY 2022 Petitioning Committee account balance as of 10.23.22: \$8,038.95 (-\$1297.50 since 10/16)

Disbursements from Housekeeping account:

Convention expenses incurred by D Whitmer: \$171.00

Convention expenses incurred by A Kolstee: \$459.27

Legal fees and costs to James Ostrowski: \$852.41

Housekeeping account balance after checks in transit: \$1561.58

Disbursements from CC account:

Contribution to Craig Colwell for Chemung County Legislator: \$1000

Contribution to Friends to Elect Nick Grasso: \$1000

CC account balance after checks in transit: \$18321.34

Disbursements from petitioning account:

Petitioner payments: \$5335.50

Petitioning account balance after checks in transit: \$4,000.95

Respectfully submitted,

W. Cody Anderson
Treasurer