

Libertarian Party of California 2007-2008 Bylaws Committee Report

Report adopted December 10, 2007

Delivered in Convention, February 23-24, 2008

Committee Members:

Michael Seebeck, Chair

M Carling

Dan Wiener

Mike McMahon

Don Cowles

The Bylaws Committee met on December 10, 2007 to consider proposals and published a Report with notice sent to county officers. The Bylaws Committee considered feedback to the report and met again on February 22, 2008 for any amendments to the report to the Convention. At that time, new proposals and amendments then included in this report will require a 2/3 majority vote of delegates to pass per Bylaw 25 and are so noted.

Report Semantics:

All report text is in Arial font, except for Bylaws language, which is in Times New Roman font.

Purpose statements will all be in *Italics*.

Proposal headers will all be in **bold underline**.

Proposal subsection headers will all be in underline.

All additions will be in blue underline.

All deletions will be in ~~red strikeout~~.

Deletions will precede additions.

Proposals 1-3 are No Debate Items which are uncontroversial changes of a technical nature, per Convention Rule 8.

Bylaw section and subsection renumbering is reflective of that specific proposal and not of others, and numbering conflicts between proposals shall be resolved by the Style Committee per Bylaw 14, Section 4.

Bylaw sections not relevant to a specific proposal have been omitted.

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Proposal 1 (Recommended 5-0)

No Debate Item

This proposal would clean up and clarify language regarding county central committee candidate endorsements for partisan elections. This proposal would not impact non-partisan elections.

Bylaw 8: COUNTY ORGANIZATIONS

Section 3.

County central committees shall conduct their business in any manner they choose consistent with these Bylaws and national Bylaws. ~~particularly in that county central committees may not endorse any candidate who is a member of, or otherwise affiliated with, another political party for public office in any partisan election.~~
County central committees may endorse only those candidates for public office in any partisan election whose political party affiliation is either "Libertarian" or "Decline to State".

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Proposal 2 (Recommended 5-0)

No Debate Item

This proposal would amend Bylaw 8, Section 6, to correct a technical oversight from 2007's change in the Bylaws regarding delegate selections.

Bylaw 8: COUNTY ORGANIZATIONS

Section 6.

A county is deemed as having selected its officers ~~and convention delegates~~ only if an election notice has been mailed to the members at least thirty (30) days but no more than sixty (60) days in advance of the election. The election notice must also be sent to and received by the Party Secretary at least thirty (30) days in advance of the election. Such notice shall specify the reason for the meeting and a time and place reasonably accessible to its membership. An election must be held every year. The results of the election must be reported to the Party Secretary within fifteen (15) days after the election. Any member of the central committee of that county may challenge the legality of an election by bringing the issue before the Judicial Committee. The Executive Committee may declare a county inactive if it fails to hold county officer elections in accordance with this section.

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Proposal 3 (Recommended 5-0)

No Debate Item

This proposal would remove the word "audit" which seems to engender members invoking \$5,000 audits by CPAs by renaming the Audit Committee to the Financial Standards Committee.

Bylaw 10: FINANCE AND ACCOUNTING

Section 7.

The Executive Committee shall select ~~an Audit~~ a Financial Standards Committee during the first three months after a convention. The ~~Audit~~ Financial Standards Committee shall review the financial records and processes of the Party and report at each subsequent Executive Committee meeting and at the next state convention.

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Proposal 4 (Recommended 5-0)

This proposal is intended to increase attendance by California delegates at national conventions, and to correct the language.

Bylaw 23: ~~PRESIDENTIAL~~ NATIONAL CONVENTION DELEGATES

Section 1.

Delegates to the national ~~nominating~~ convention shall be selected at the state convention preceding the national ~~nominating~~ convention. The procedures in Rule 13 shall be used for such election.

Section 2.

After the state convention has selected delegates, the Executive Committee may fill any vacancies in the delegation prior to the deadline for reporting the names of delegates to the national party.

Section 3.

Sections 6760 through 6798 of the California Election Code are superseded.

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Proposal 5 (Recommended 5-0)

This proposal indicates when resolutions expire. Currently it is open-ended. Resolutions can be renewed annually at conventions.

Rule 11: RESOLUTIONS

Section 1.

All resolutions expire at the start of the next convention. Adoption of a resolution shall require approval of two-thirds of the votes cast, but not less than a majority of all delegates registered.

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Proposal 6 (Recommended 5-0)

This proposal would clearly define the scope of Party activities.

Bylaw 3: SCOPE

Section 1.

The Party shall endeavor to elect Libertarians to state and local office within California. The Party may also support or oppose changes to California law.

Section 2.

The Party shall conduct its activities primarily within the state of California. Any Party activities taking place outside of California must be coordinated with and approved by the state or national Libertarian Party organizations having jurisdiction over the areas affected.

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Proposal 7 (Recommended 5-0)

This proposal would simplify membership recruitment and effectively lift a barrier to people giving the Party money, while keeping the higher standard for those put in positions of trust and responsibility. It allows a person to be a central committee member (county or state) without signing the Pledge.

Bylaw 4: DEFINITIONS

C. Certification: "I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving political or social goals." Certification shall be required to be ~~a member of the state central committee~~ any of the following:

- A. An Officer of the state Party.
- B. An Officer of a county Party.
- C. A member of the Executive Committee.
- D. A member of the Judicial Committee.
- E. A member of the Platform Committee.
- F. A member of the Program Committee.
- G. A National Committee Regional Representative or Alternate.
- H. A delegate to the state or national convention, or
- I. A candidate for public office to receive the Party's endorsement.

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Proposal 8 (Recommended 5-0)

This is a dues-sharing proposal designed to better capture the costs of acquisition and renewal of memberships on behalf of the state or counties involved.

Bylaw 7: DUES SHARING

The state or county Party organization that acquires a new state central committee member shall receive the first year dues. ~~Each active county central committee shall receive 60% of subsequent year dues attributable to the state central committee members and associate members associated with that county party. Dues shall be distributed to any active county central committee upon request, or whenever the total amount owed to the county central committee exceeds \$50.~~ If a member has lapsed for over one year, they will be considered a new member upon resumption of dues payment. The state or active county central committee which processes a renewal shall retain 60% of that year's dues. Dues sharing shall be distributed to any active county central committee or to the state on a quarterly calendar basis.

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Proposal 9 (Recommended 5-0)

This proposal would combine and make consistent Executive Committee endorsement and rescinding criteria. It would change from 2/3 to majority vote of the Executive Committee to rescind an Executive Committee endorsement. It would add specific language to require a 2/3 vote of the Executive Committee to rescind a convention endorsement. It would add language to include public policy positions, which includes ballot initiatives and legislation.

Bylaw 11: EXECUTIVE COMMITTEE

Section 6.

A two-thirds majority of the eligible positions on the Executive Committee shall be required to pass the following:

A. Removal from office, censure, or suspension of a Party officer, Operations Committee member, Executive Committee member, Libertarian National Committee representative or county or state central committee member, or reinstatement of a county central committee member.

~~B. Endorsing or rescinding the endorsement of any candidate for public office.~~

~~C. Endorsing or opposing any proposed ballot measure, but rescinding such action shall be considered a normal main motion.~~

B. Endorsing or opposing any proposed ballot measure, or endorsing any candidate for public office; however, rescinding such action shall be considered a normal main motion.

C. Rescinding the state convention's endorsement of any candidate for public office.

D. Adopting a motion or resolution which expresses the Party's position with regard to a public policy matter; however, rescinding such action shall be considered a normal main motion.

~~D. E.~~ Annual budget, financial liability or contractual obligation lasting more than three months.

~~E. F.~~ Providing the Party mailing list to non-Libertarian groups or individuals, or to candidates for public office not endorsed by the Party.

Libertarian Party of California 2007-2008 Bylaws Committee Report

Proposal 10 (Recommended 5-0)

This change would protect the state Party from BCRA problems. These types of activities typically fall under a PAC.

Bylaw 3: SCOPE

Section 2.

The Party shall not make any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, for the purpose of influencing any election for federal office.

Section 3.

The Party shall conduct its activities primarily within the state of California. Any Party activities taking place outside of California must be coordinated with and approved by the state or national Libertarian Party organizations having jurisdiction over the areas affected.

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Proposal 11 (Recommend 5-0)

This proposal would add Section 7 to Bylaw 8, to give the county organizations full discretion in compliance with BCRA. It would allow each county party to decide for itself in what way to comply with BCRA and afford significant protection for county parties choosing to concentrate on state and local elections. It requires counties that wish to do so to have language allowing it in their bylaws.

Bylaw 8: COUNTY ORGANIZATIONS

Section 7.

County organizations may make any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, for the purpose of influencing any election for federal office if their county bylaws expressly so authorize.

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Proposal 12 (Recommended 5-0)

This proposal would focus the state platform on state issues and leave national issues to the national platform.

Bylaw 19:

Section 1.

The Party Platform shall consist of a number of planks which state the Party position on specific state ~~and~~ ~~national~~ issues. The Platform may be amended by deletion, substitution, or addition of any plank at any Party convention. A plank may be deleted by a simple majority vote of the convention. The substitution of a new plank for an old plank, or the addition of a new plank, shall require approval of two-thirds of the votes cast, but not less than a majority of all delegates registered.

Proposal 13 (Recommended 5-0)

This proposal would not limit the scope of activities in which the Party may engage. Rather, it would serve to give us focus as a real political party. Party activity scope is defined in Bylaw 3.

Bylaw 2: PURPOSE (2/3 required to amend)

~~The Party exists to uphold, promote, and disseminate the philosophy and principles of libertarianism. To that end, it will proclaim and implement the Statement of Principles of the national Libertarian Party by engaging in political and informational activities in California.~~

~~The Party shall do so by:~~

~~A. Developing an on-going political strategy to identify, expose, combat, and defeat the opponents of liberty in the political arena.~~

~~B. Engaging in political activity in all segments of the population.~~

~~C. Identifying, persuading, and recruiting influential individuals and opinion leaders to become members of the Party.~~

~~D. Identifying and developing coalitions with other organizations in order to realize the ideas of liberty as proclaimed in the Statement of Principles.~~

~~E. Employing media experts, political tacticians, field workers and others, as needed.~~

~~F. Preparing a statewide political environment to enhance the election of Party candidates pledged to the Principles for the singular purpose of abolishing statist law, and restoring civil and economic liberty and property rights as proclaimed in the Principles and defined in the Platform.~~

~~G. Nominating, endorsing and promoting registered Libertarians who pledge to proclaim and implement the Statement of Principles of the Libertarian Party of California as candidates for public office in California.~~

~~H. Promoting, chartering, and coordinating county central committees throughout the state.~~

The Party exists primarily to elect Libertarians to public office in California.

Proposal 14 (Recommended 4-0)

This proposal would enable Executive Committee members to effectively abstain. The current language causes abstentions to be counted the same as No votes. RONR pp. 390 recommends in favor of this change: "Since an abstention in such cases has the same effect as a negative vote, these bases deny members the right to maintain a neutral position by abstaining. For the same reason, members present who fail to vote through indifference rather than through deliberate neutrality may affect the result negatively."

Bylaw 11: EXECUTIVE COMMITTEE

Section 6.

A two-thirds majority of ~~the eligible positions on~~ the Executive Committee shall be required to pass the following:

- A. Removal from office, censure, or suspension of a Party officer, Operations Committee member, Executive Committee member, Libertarian National Committee representative or county or state central committee member, or reinstatement of a county central committee member.
- B. Endorsing or rescinding the endorsement of any candidate for public office.
- C. Endorsing or opposing any proposed ballot measure, but rescinding such action shall be considered a normal main motion.
- D. Annual budget, financial liability or contractual obligation lasting more than three months.
- E. Providing the Party mailing list to non-Libertarian groups or individuals, or to candidates for public office not endorsed by the Party.

~~Section 7.~~

~~On all other matters, main motions shall require a simple majority of the eligible positions on the Executive Committee.~~

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Proposal 15 (Recommended 3-0)

This proposal would protect the Party from hostile takeover attempts once a presidential candidate qualifies for taxpayer funds. It limits national convention delegate eligibility to members who were members prior to the last presidential election. There is a proviso that this amendment shall take effect at the close of the convention at which it is adopted.

Bylaw 23: PRESIDENTIAL CONVENTION DELEGATES

Section 1.

Delegates to the national nominating convention shall be selected at the state convention preceding the national nominating convention. The procedures in Rule 13 shall be used for such election.

Section 2.

No one may be selected as a delegate to a national Libertarian Party convention who was not either a member of the Party or a member of the national Libertarian Party prior to the most recent election of a President of the United States. This provision shall not apply to alternates. Except by unanimous vote, any amendments to this section shall take effect four years after enactment.

Section ~~2~~ 3.

Sections 6760 through 6798 of the California Election Code are superseded.

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Proposal 16 (Recommended 4-1)

This proposal would require elections and convention notices to be made at a minimum via postal mail.

Bylaw 4: DEFINITIONS

- D. All references in the Bylaws and Convention Rules to "mail" or "written notification" or similar terms shall be considered to include email or fax communications. Notifications of county elections and the state convention must include a mailing via conventional postal services.

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Proposal 17 (Recommended 4-1)

This proposal would ensure that elections always follow bylaws changes in order to ensure that elections are carried out in conformance with new bylaws. Consideration of the Platform Committee report would continue to alternate with bylaws and elections.

Rule 6: AGENDA

D. Platform Committee report in even-numbered years, ~~to be followed by elections.~~

E. Bylaws and Convention Rules Committee report, ~~in odd numbered years, followed by elections.~~

E F. Elections, in the following order: ...

F G. Platform Committee report in odd-numbered years, ~~Bylaws and Convention Rules Committee report in even numbered years.~~