

Report
of the 2006-7
Bylaws Committee
of the
Libertarian Party of California

4 March 2007

Proposals 1 through 6 are No Debate items which are uncontroversial changes of a technical nature, per Convention Rule 8. Additions are indicated by underlining. Deletions are ~~indicated by strikeout~~. Explanatory language is *indicated by italics*.

The Bylaws Committee met on 2 December to consider proposals and published a Draft Report with notice sent to county officers. The Bylaws Committee considered feedback to the draft report and then met again on 4 March to adopt this Report to the convention.

The Bylaws Committee will meet one last time, on April 20th at 4:00pm, to consider amendments to this report. At that time, new proposals may be considered if they are important, urgent, simple, uncontroversial, and unlikely to have unintended consequences. Otherwise, new proposals are likely to be deferred until the following year to ensure that both the Bylaws Committee and the convention delegates have sufficient time to consider them.

M Carling, Chairman
Zander Collier
Ray Strong
Bob Weber
Daniel Wiener

Proposal 1 (recommended 5-0)

No Debate Item

The 2005 and 2006 conventions moved all the requirements to be a delegate from the Convention Rules to the Bylaws. Hence, the references to the Convention Rules in Bylaws 18 are superfluous and obsolete.

Bylaw 18: CONVENTION

Section 5.

The following state central committee members may become delegates to the convention:

- A. Each holder of an elective public office who is registered to vote as a Libertarian shall be a delegate. Central committee membership shall not be considered to be holding of public office.
- B. Each member of the Party Executive Committee, at the time the convention is held, shall be a delegate.
- C. Each chair of a county central committee or a person appointed by the chair of that county central committee who is otherwise qualified to be a delegate ~~under Rule 3.~~
- D. One delegate for each 0.33% or fraction thereof of the total number of state central committee members associated with a county central committee. An active county central committee shall select these delegates as provided in its own bylaws. Any delegate or alternate to a Party convention must be a current member of the state central committee at the meeting at which delegates are selected. Any delegates from inactive county central committees shall be selected by the appropriate state Vice-Chair. Any delegate may be replaced by an alternate from that county with the consent of the county delegation. Certification of delegates and alternates selected for each county shall be submitted to the Party Secretary at least two weeks prior to the opening session of the convention by the person presiding over the meeting at which the delegates were selected. Failure by a county to submit certification at least two weeks prior to the opening session of the convention shall cause no delegates to be registered from that county central committee.
- E. The state convention itself may add any number of additional delegates and alternates with the approval of three-fourths (3/4) of the already-registered delegates present on the floor.
- ~~F. No person shall be a delegate who does not meet such requirements as may be stated in the Convention Rules.~~

Proposal 2 (recommended 5-0)

No Debate Item

The 2006 convention changed the Bylaws to move adoption of the Program out of the convention. This cleanup of the Convention Rules brings them into conformance with the Bylaws. Without this cleanup, it requires a 2/3 rather than simple majority vote to adopt a convention agenda.

Rule 6: AGENDA

The business of the convention shall consist of the following items, which shall be conducted in the following order:

~~G. Program Committee report.~~

~~Rule 11: PROGRAM COMMITTEE~~

~~The Chair of the Program Committee shall report the committee's recommendations to the floor, plank by plank, and each recommendation shall be voted upon separately. Consideration of the Program shall end once five planks have been adopted. After all recommendations of the Program Committee have been considered, and if fewer than five have been approved and if time permits, any delegate may propose a new plank or amendment.~~

Proposal 3 (recommended 5-0)

No Debate

Robert's Rules of Order provides that non-members may run for office within an organization unless the bylaws provide otherwise. This would require candidates for Party office to be members.

Bylaw 5: MEMBERSHIP

Section 3.

All Party candidates for public office, Executive Committee members, county party office holders, Libertarian National Committee representatives and Judicial Committee members shall be registered in the Libertarian Party in California if eligible.

[All holders of Party office are required to be members of the state central committee.](#)

Proposal 4 (recommended 5-0)

No Debate

Rescinding an endorsement should require only a simple majority vote. Any candidate who does not retain the confidence of a majority of the ExCom should not retain the Party's endorsement.

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:

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

Proposal 5 (recommended 5-0)

No Debate

This resolves a conflict between the older language below and the newer language in Bylaw 13, Section 3.

Bylaw 5: MEMBERSHIP

Section 6.

Upon appeal by a county or state central committee member, the Judicial Committee ~~shall~~may hold a hearing concerning the suspension. Membership shall be terminated unless reinstated by the Judicial Committee. Following the hearing, the Judicial Committee shall rule either to terminate or continue the membership of a member.
(2/3 required to amend)

Proposal 6 (recommended 5-0)

No Debate

This brings us into the 21st century.

Bylaw 8: COUNTY ORGANIZATIONS

~~Section 7-~~

~~Any county central committee member shall be provided a copy of the county or Party Bylaws upon request, at cost.~~

Bylaw 9: OFFICERS

Section 5.

The Secretary shall be responsible for maintaining the Party membership list, and for receiving or sending formal notifications as shall be specified in these Bylaws and Convention Rules, and shall be responsible for recording and promptly distributing minutes of Party proceedings. The Secretary shall be responsible for the maintenance of all Party records.

The Secretary shall cause the minutes of each Executive Committee meeting to appear on the Party website not more than thirty (30) days after adoption. A summary of the results of the Executive Committee meetings, votes, and mail ballots shall be emailed by the Secretary to all county officers within ten (10) days.

The Secretary shall ~~announce the availability of~~cause the most recently adopted Platform, Program, and Bylaws and Convention Rules as well as the bylaws of all county party organizations to appear on the Party website not more than thirty (30) days after adoption. ~~to all members of the Executive Committee and all county chairs within sixty (60) days of the convention's close.~~

Proposal 7 (recommended 5-0)

This proposal would codify the practice of the last three Bylaws Committees of doing its work early so that convention delegates have time to consider the proposals.

Bylaw 14: COMMITTEES

Section 2.

Not later than sixty (60) days following the close of~~For~~ each convention, the Executive Committee shall appoint a committee of five state central committee members to recommend changes in the Bylaws and Convention Rules. The Bylaws Committee shall adopt its report not less than seventy (70) days prior to the convention and the Secretary shall cause it to be published on the Party's website not less than sixty (60) days prior to the convention. Proposals not meeting these notice requirements shall require a two-thirds vote of the registered delegates to approve.

Proposal 8 (recommended 5-0)

This proposal changes Judicial Committee terms from one year to two years, saving time at every other convention. A Judicial Committee election would be held in an odd-numbered year only if necessary to fill a vacancy.

Bylaw 13: JUDICIAL COMMITTEE

Section 1.

The Judicial Committee shall be composed of five state central committee members elected at a convention of the Party by the attending delegates. The term of a member of the Judicial Committee shall begin at the close of each convention held in an even-numbered year and end at the close of the next convention held in an even-numbered year. ~~Vacancies in the committee shall be filled through appointment by t~~The remaining committee members shall fill any vacancy in the committee until a successor shall be elected at the next convention.

Proposal 9 (recommended 5-0)
Another step into the 21st century.

Bylaw 13: JUDICIAL COMMITTEE

Section 3.

The Judicial Committee review of a Party action or inaction is limited to the consistency of that action or inaction with the governing documents of the Party, including these Bylaws and documents to which they refer, the only exceptions being Judicial Committee duties mandated by these Bylaws and arbitration of Party contracts that explicitly call for arbitration by the Judicial Committee.

It shall require at least two members of the Judicial Committee to agree to hold a Judicial Committee hearing or consider an appeal to the Judicial Committee. [The Judicial Committee may choose to hold hearings in person, by teleconference, or by videoconference.](#)

Proposal 10 (recommended 5-0)

This proposal would set county parties free to charge their own dues and set their own membership requirements.

Bylaw 8: COUNTY ORGANIZATIONS

Section 2.

~~Membership in the Libertarian Party of California State Central Committee is the only requirement for membership in a county central committee~~

~~A Party member may be a member of only one county central committee, which does not have to be the committee of the county of the member's residence.~~

Membership in a county central committee confers voting privileges in that county.

The members of a county central committee shall be:

A. Registered Libertarian voters in that county who hold public office subject to election,

B. The state central committee members residing in that county, unless the county party bylaws provide otherwise, and

C. Any other persons, except for members of the state central committee whose membership has been suspended or terminated, as may be provided for in the county party bylaws.

~~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.~~

Proposal 11 (recommended 5-0)

This proposal would open the convention to all members in good standing who have been members for at least 90 days.

Bylaw 18: CONVENTION

Section 1.

The Party shall hold an annual convention of delegates of the State Central Committee to conduct such business as may properly come before it, at a time and place set according to the Bylaws and in conformance with the Bylaws and Convention Rules. (2/3 required to amend)

Section 2.

It shall be the responsibility of the Executive Committee to set the time, place, and schedule of events for the convention of delegates to the annual meeting of the State Central Committee. At least one hundred twenty (120) days' notice must be provided to the membership concerning these arrangements.

~~Section 3:~~

~~For the purpose of representation at the annual convention, the number of state central committee members affiliated with each county shall be determined by the Secretary as of the end of the fifth month prior to the opening session of the convention. The Secretary will notify each county central committee of its eligibility for delegates by mail, no later than the twentieth (20th) day of the fourth month prior to the opening of the convention.~~

Section 4.

Delegates to the Party's state convention must be current state central committee members and shall either hold public office or shall have been state central committee members at least ninety (90) days prior to the convention.

~~Section 5:~~

~~The following state central committee members may become delegates to the convention:~~

~~A. Each holder of an elective public office who is registered to vote as a Libertarian shall be a delegate. Central committee membership shall not be considered to be holding of public office.~~

~~B. Each member of the Party Executive Committee, at the time the convention is held, shall be a delegate.~~

~~C. Each chair of a county central committee or a person appointed by the chair of that county central committee who is otherwise qualified to be a delegate under Rule 3:~~

~~D. One delegate for each 0.33% or fraction thereof of the total number of state central committee members associated with a county central committee. An active county central committee shall select these delegates as provided in its own bylaws. Any delegate or alternate to a Party convention must be a current member of the state central committee at the meeting at which delegates are selected. Any delegates from inactive county central committees shall be selected by the appropriate state Vice-Chair. Any delegate may be replaced by an alternate from that county with the consent of the county delegation. Certification of delegates and alternates selected for each county shall be submitted to the Party Secretary at least two weeks prior to the opening session of the convention by the person presiding over the meeting at which the delegates were selected. Failure by a county to submit certification at least two weeks prior to the opening session of the convention shall cause no delegates to be registered from that county central committee.~~

~~E. The state convention itself may add any number of additional delegates and alternates with the approval of three-fourths (3/4) of the already-registered delegates present on the floor.~~

~~F. No person shall be a delegate who does not meet such requirements as may be stated in the Convention Rules.~~

~~Section 6-~~

~~Any county central committee's slate of delegates to a Party convention may be challenged by petition of ten percent (10%) of that county's central committee members. The petitions must be submitted to the Secretary of the Party and the Judicial Committee at least seven days prior to the convention. The petition must state the names of the delegates proposed to replace those challenged, and the reason for the challenge.~~

~~The Judicial Committee shall hear all the challenges on the day before the convention convenes and shall provide a ruling in each case to the Party Secretary before the convention convenes.~~

Section 7.

All delegates in good standing shall be eligible to vote on all matters. In order to vote on a given matter, a delegate must be present on the floor at the time that the vote is taken. Each delegate present shall have one vote.

Section 8.

On all matters except election and endorsements, voting will be conducted by voice vote or a show of hands. If ten or more delegates object to the Chair's ruling on the outcome of a vote, a division or counted vote will be held. On any vote, the Chair may satisfy the first call for a division or counted vote with order in the room and an uncounted show of hands.

All voting for Party officers or endorsements of candidates for public office, when more than one candidate has been nominated, shall be by secret ballot. In all voting for Party officers or endorsements of candidates for public office, there shall be the voting option of "None of the Above."

The Chair may require any motion offered from the convention floor to be in writing, signed by the maker, and submitted to the Secretary.

Proposal 12 (recommended 5-0)

This change would protect the Party from BCRA problems. 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.

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 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. This section shall be in effect only at times that Party members hold fewer than three seats in the California legislature.

Section 3.

County parties 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.

Section 4.

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.

Proposal 13 (recommended 5-0)

This proposal will ensure that our elected Libertarians have a modicum of representation on the Executive Committee.

Bylaw 11: EXECUTIVE COMMITTEE

Section 1.

The Executive Committee shall be responsible for the control and management of all the affairs, properties and funds of the Party consistent with these Bylaws, and any resolutions which may be adopted in convention. The Executive Committee may endorse any registered Libertarian candidate for public office, or it may rescind the endorsement of any candidate for public office.

The Executive Committee of the Party shall be composed of the following members of the state central committee:

- A. The five elected officers of the Party;
- B. Ten at-large members, five elected for two year terms at each convention, one of whom shall be elected exclusively by members holding public office; and
- C. Two alternates, elected for one-year terms. There will be free substitution of alternates in ranked order at an Executive Committee meeting.

Proposal 14 (recommended 5-0)

This will 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.~~

EE. Elections, in the following order:

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

Proposal 15 (recommended 5-0)

This proposal is intended to increase attendance by California delegates at national conventions.

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.

Proposal 16 (recommended 5-0)

This proposal does not limit the scope of activities in which the Party may engage. Rather, it serves to give us focus as a real political party rather than trying to be Bubba's Auto Parts and Day Spa.

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

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

Proposal 17 (recommended 5-0)

The proposed change 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 7.~~

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

Proposal 18 (recommended 5-0)

This would afford some protection against hostile takeover attempts.

Bylaw 13: JUDICIAL COMMITTEE

Section 1.

The Judicial Committee shall be composed of five state central committee members elected at a convention of the Party by the attending delegates. The term of a member of the Judicial Committee shall begin at the close of each convention and end at the close of the next convention. Vacancies in the committee shall be filled through appointment by the remaining committee members. No one shall be eligible to be elected or appointed who has not been a state central committee member for at least three years.

Proposal 19 (recommended 5-0)

This proposal adds a supermajority requirement for Executive Committee resolutions on public policy and eases the supermajority needed for the delegates in convention to pass such a resolution. Currently, it is easier for the Executive Committee to pass a resolution and more difficult for the convention, which is the reverse of good policy.

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. Adopting a motion or resolution which expresses the Libertarian Party of California's position with regard to a public policy matter, but rescinding such action shall be considered a normal main motion.
- E. Annual budget, financial liability or contractual obligation lasting more than three months.
- ~~FE~~. Providing the Party mailing list to non-Libertarian groups or individuals, or to candidates for public office not endorsed by the Party.

Rule 12: RESOLUTIONS

Section 1.

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

Proposal 20 (recommended 5-0)

The proposed change 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.

Proposal 21 (recommended 5-0)

This proposal adds members of the LPC Judicial Committee to those who automatically qualify as delegates to the state convention. This is important as the Judicial Committee may be called upon to issue a ruling during the convention. This will be moot if Proposal 11 passes.

Bylaw 18: CONVENTION

Section 5.

The following state central committee members may become delegates to the convention:

- A. Each holder of an elective public office who is registered to vote as a Libertarian shall be a delegate. Central committee membership shall not be considered to be holding of public office.
- B. Each member of the Party Executive Committee [and Judicial Committee](#), at the time the convention is held, shall be a delegate.
- C. Each chair of a county central committee or a person appointed by the chair of that county central committee who is otherwise qualified to be a delegate under Rule 3.
- D. One delegate for each 0.33% or fraction thereof of the total number of state central committee members associated with a county central committee. An active county central committee shall select these delegates as provided in its own bylaws. Any delegate or alternate to a Party convention must be a current member of the state central committee at the meeting at which delegates are selected. Any delegates from inactive county central committees shall be selected by the appropriate state Vice-Chair. Any delegate may be replaced by an alternate from that county with the consent of the county delegation. Certification of delegates and alternates selected for each county shall be submitted to the Party Secretary at least two weeks prior to the opening session of the convention by the person presiding over the meeting at which the delegates were selected. Failure by a county to submit certification at least two weeks prior to the opening session of the convention shall cause no delegates to be registered from that county central committee.
- E. The state convention itself may add any number of additional delegates and alternates with the approval of three-fourths (3/4) of the already-registered delegates present on the floor.
- F. No person shall be a delegate who does not meet such requirements as may be stated in the Convention Rules.

Proposal 22 (recommended 5-0)

The proposal adds national committee members to the list of those who automatically qualify as delegates to the state convention. This will be moot if Proposal 11 passes.

Bylaw 18: CONVENTION

Section 5.

The following state central committee members may become delegates to the convention:

- A. Each holder of an elective public office who is registered to vote as a Libertarian shall be a delegate. Central committee membership shall not be considered to be holding of public office.
- B. Each member of the Party Executive Committee, at the time the convention is held, shall be a delegate.
- C. Each member of the Libertarian National Committee and the Libertarian National Congressional Committee, at the time the convention is held, shall be a delegate.
- C. Each chair of a county central committee or a person appointed by the chair of that county central committee who is otherwise qualified to be a delegate under Rule 3.
- D. One delegate for each 0.33% or fraction thereof of the total number of state central committee members associated with a county central committee. An active county central committee shall select these delegates as provided in its own bylaws. Any delegate or alternate to a Party convention must be a current member of the state central committee at the meeting at which delegates are selected. Any delegates from inactive county central committees shall be selected by the appropriate state Vice-Chair. Any delegate may be replaced by an alternate from that county with the consent of the county delegation. Certification of delegates and alternates selected for each county shall be submitted to the Party Secretary at least two weeks prior to the opening session of the convention by the person presiding over the meeting at which the delegates were selected. Failure by a county to submit certification at least two weeks prior to the opening session of the convention shall cause no delegates to be registered from that county central committee.
- E. The state convention itself may add any number of additional delegates and alternates with the approval of three-fourths (3/4) of the already-registered delegates present on the floor.
- F. No person shall be a delegate who does not meet such requirements as may be stated in the Convention Rules.

Proposal 23 (recommended 4-1)

This proposal would simplify membership recruitment and effectively lift a barrier to people giving the Party money.

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 e~~Executive Committee.

Pending amendment:

Certification shall be required to hold Party office, ~~be a member of the Executive Committee~~.

Proposal 24 (recommended 4-1)

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

Bylaw 19: PLATFORM

Section 1.

The Party Platform shall consist of a number of planks which state the Party position on specific state ~~or 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.