

# 2013 Bylaws Committee Report

## *Libertarian Party of California*

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## Proposal 1: Amend Bylaw 4: Definitions, Item C: Certification

Submitted by Beau Cain, July 13, 2011

<b><i>Committee Recommendation</i></b>
<b>The bylaws committee voted 3-1-1 to recommend a yes vote on this proposal. This is a no debate item.</b>

### Current Definition

Currently, Bylaw 4: Definitions, item C: Certification reads as follows:

"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."

### Proposed Definition with and without additions and strikeouts (for improved readability)

"C. Certification: 'I ~~hereby~~ certify that I ~~do not believe in or advocate~~ oppose the initiation of force to achieve political or social goals.' Certification shall be required to be a member of the State Central Committee."

C. Certification: 'I certify that I oppose the initiation of force to achieve political or social goals.' Certification shall be required to be a member of the State Central Committee."

### Reason

The current definition of Certification constrains only those who sign the certificate, and it has been construed by some to mean that Libertarians should not fight in self-defense.

The proposed revision more clearly states that Libertarians believe in defense.

The term "...I oppose the initiation of force..." states positively and unequivocally that Libertarians will fight in whatever manner necessary against those who initiate force to achieve political or social goals. This proposal matches the certification that is used by the National Libertarian Party.

### Impact

The revised Certification should reduce or eliminate some prospective member's objection to a perceived disavowal of self-defense. This can increase membership and can expand our base of support.

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## Proposal 2: Add Bylaw 29: Operating Procedures Addendum

Submitted by Shawn Fox on Dec 17, 2011

<b><i>Committee Recommendation</i></b>
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<b>The bylaws committee voted 3-1-1 to recommend a yes vote on this proposal.</b>
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### Proposed Definition

The Secretary shall maintain an addendum to the bylaws that contains operating procedures that are created by a vote of the Executive or Operations Committees.

Furthermore, the addendum shall be published and made available in the same way as the bylaws so that anyone who can access the bylaws can also access the addendum.

### Reason

There are some bylaws that define a concept incompletely such as the membership bylaws. The bylaws provide the authority to the executive committee to implement or change the final policy such as the amount of the annual dues. Bylaw 5 Section 2 authorizes the executive committee to create an associate non-voting membership. I'm not aware of any such program. If such a program was created, then the details of it should be readily available to all members. These are very important concepts that affect our day-to-day operations within the party, and the county central committees won't be able to function effectively unless that information is easily available.

### Impact

There will be greater transparency and accountability since all members of the central committee will have access to this addendum as well as the bylaws. This is especially important for the county party executive committees, who are seldom present at the state party executive committee meetings.

## Proposal 3: Amend Bylaw 5: Membership, Section 1, Item A

Submitted by Beau Cain, July 13, 2011

<b>Committee Recommendation</b>
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<b>The committee voted 3-1-1 to recommend a yes vote on this proposal.</b>
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### Current Item

Currently, Bylaw 5: Membership, Section 1, reads as follows:

"Individuals may become members of the State Central Committee by:"

Item A, the item in question, reads as follows:

"Election to the Committee by Libertarian voters in a primary election pursuant to the relevant parts of the California Elections Code,"

### Proposed Definition

Delete the current item A, and revise the ensuing two items to be item A and item B.

The new bylaw would read as follows:

Individuals may become members of the State Central Committee by:

- A. Becoming a holder of California public office that is subject to election other than County Central Committee, or
- B. Making application and paying such dues as prescribed by the Executive Committee.

The Executive Committee may authorize participation in a joint membership arrangement with the national Libertarian Party for the purpose of satisfying the dues requirement.

### Reason

The State of California should not hold public elections that confer State Central Committee membership in the association named Libertarian Party of California. State Central Committee membership in the association should be determined by the criteria in the current Bylaw 5: Membership, Section 1, items B and C.

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Further, under Proposition 14's Top-two Balloting rule, the State of California no longer runs Primary Elections, despite the fact that the State of California still schedules a General Election in June and as-needed Run-off Elections in November. Primary Elections have become the *de facto* responsibility of the Parties that wish to nominate candidates for June General Elections.

### **Impact**

The revised Section of the bylaws clarifies that only those Libertarians who are elected to a California public office or who apply for State Central Committee membership and pay such dues as the Executive Committee requires are eligible to vote in Party business.

This prevents the California Secretary of State's office from allowing Registered Libertarians to become voting members in Party business without first sharing financial responsibility with other dues-paying members.

## Proposal 4: Amend Bylaw 4: Definitions, and Bylaw 5: Membership, Section 4

### **Committee Recommendation**

The bylaws committee voted 2-2-1 to recommend a yes vote on this proposal.

### **Current Definition of Bylaw 4 Definitions**

- A. “Registered Libertarian”: A person who is registered as Libertarian per the California Elections Code.
- B. “Central Committee member”: A person who is eligible to vote on Party business consistent with these Bylaws and Convention Rules.
- 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.
- D. All references in these Bylaws and Convention Rules to “mail,” “written notification,” or similar terms shall be considered to include email or fax communications.

### **Proposed Definition of Bylaw 4 Definitions**

The proposal is to add the following definitions to the bylaw.

- A. “Registered Libertarian”: A person who is registered as Libertarian per the California Elections Code.
- B. “Central Committee member”: A person who is eligible to vote on Party business consistent with these Bylaws and Convention Rules.
- 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.
- D. All references in these Bylaws and Convention Rules to “mail,” “written notification,” or similar terms shall be considered to include email or fax communications.
- E. “Lapsed Central Committee member”: A person who has failed to remit the annual dues by the due date which is one year after the initial join date, and

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one year after the previous lapsed date in subsequent years of membership. A lapsed member is a non-voting member of the central committee until the dues are paid.

- F. “Expired Central Committee member”: A person whose membership has lapsed for a period of greater than twelve months, and who is no longer a member of the central committee.

#### **Current Definition of Bylaw 5 Membership Section 4**

The Secretary automatically shall terminate a State Central Committee membership if that member requests in writing such termination, or if, except for elected Central Committee members, that member fails to remit prescribed dues by that member’s renewal date.

#### **Proposed Definition of Bylaw 5 Membership Section 4**

The Secretary shall terminate a State Central Committee membership if that member requests in writing such termination, or if, except for elected Central Committee members, that member fails to remit prescribed dues by that member’s expiration date.

#### **Reason**

In the past, it has taken the San Diego County Libertarian Party an excessive amount of time to determine how to resolve dues sharing issues with the LP of CA. The definitions above have been communicated to us and are consistent with current operating procedures. However, these are very important concepts that need to be clearly documented and understood by all of the county central committees. One of the primary functions of county organizations is to assist with voter outreach and recruitment. Therefore it is critical that these definitions be written into the bylaws so that they cannot easily be changed or incorrectly communicated to the county central committees. The proposal is to amend both of these bylaws because they are related.

The definition of expired member is needed so that the amendment to bylaw 5 section 4 can be understood. There are numerous bylaws related to membership and the amendments to these two bylaws are not severable. If they aren’t both amended then the other doesn’t make sense.

## **Impact**

Adding these definitions clarifies the concepts so that county central committees can do their jobs more confidently, and without having lengthy conversations in order to understand the rules. Another impact is that the secretary doesn't terminate a lapsed membership. We expect lapsed members to renew, where expired members could be expunged from the membership roster. The primary purpose of that rule is to allow life members to declare that they no longer wish to be members, and to allow the secretary to terminate the people that have chosen not to renew.



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## Proposal 5: Amend Bylaw 7: Dues Sharing

<b><i>Committee Recommendation</i></b>
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<b>The bylaws committee voted 2-1-2 to recommend a yes vote on this proposal.</b>
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### **Current Bylaw**

The state or county Party organization that acquires a new State Central Committee member shall receive the first year dues.

A member who has lapsed in membership for over one year shall 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 the appropriate active County Central Committee or to the State Central Committee on a quarterly calendar basis.

### **Proposed Bylaw**

The state Party and the county Parties are encouraged to actively pursue new members and renewing membership. As of July 1, 2013, dues collected by the state or county Parties shall be shared as follows.

#### Section 1: New Membership Dues

A new member is one who has no membership record in the state Party's database at the time they pay annual membership dues. The state or county Party organization that collects annual membership dues from a new member shall retain 100% of that member's dues for their first year of membership.

#### Section 2: Renewing Membership Dues

A renewing member is one who has a record of membership in the state Party's database at the time they pay their dues. The state or county Party organization that collects annual membership dues is responsible for paying any fees associated with processing the donation, and shall disburse 25% of the membership dues to the other Party organization at the end of the quarter in which the dues are collected.

#### Section 3: Collection Of Dues

Collection of dues includes receiving cash, checks, money orders, authorized billing information, or other consideration approved by the state Party Chair, as well as

donations through online services that are initiated directly from the organization's website or e-mail appeal.

#### Section 4: Duration Of Membership

Annual membership dues are good from the date the collecting organization receives the donation, or from the date of payment to an online payment service, until the end of that month one year later. Membership expires at the end of the last day of that month. Annual membership can be renewed for no more than one year from the end of the month in which the dues are collected.

#### Section 5: Qualification For Renewing Membership

Members may renew their expired membership if they are not removed from the Party for cause, or for as long as their record is not removed from the state Party's database, and their membership expiration date will be as described in Bylaw 7: Dues Sharing, B. Renewing Membership Dues. Donors who have no membership record shall join as new members.

### **Reason For the Changes**

The proposed amendment clarifies the conditions of new and renewing membership, simplifies the setting of membership expiration dates, and simplifies dues sharing between the state and county Parties.

### **Impact**

The revised Bylaw will eliminate disagreement about the duration of renewing memberships paid in arrears, and will eliminate disagreement about membership expiration dates by eliminating the current one-year lapse period before a membership expires.

The revised Bylaw will also add appropriate value to expanding Party membership through acquiring new members and eliminating the \$5.00 bounty for duplicating the effort and expense in getting lapsed members to renew their membership.

Deploying the changes on July 1, 2013 - the beginning of the third quarter - will allow the state and county Parties to complete their second quarter dues sharing under existing expectations.

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## Proposal 6: Remove Bylaw 21: Program

<b><i>Committee Recommendation</i></b>
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<b>The bylaws committee voted 3-0-1-1 to recommend a yes vote on this proposal.</b>
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### Current Bylaw

Bylaw 21: PROGRAM

#### Section 1

The Party Program shall consist of up to five planks which state interim measures and practical policies, designed to implement the Party position on issues of interest to California. The Program shall not conflict with the Statement of Principles or the Platform.

#### Section 2

The Program Committee shall be a standing committee of five State Central Committee members selected by the Executive Committee. The Program Committee may at any time, by a majority vote, recommend the adoption, amendment, or deletion of a plank.

Changes to the Program recommended by the Program Committee shall take effect immediately upon ratification by the Executive Committee. The Executive Committee may adopt or amend a plank by a two-thirds vote.

The Executive Committee may rescind a plank by a simple majority vote.

#### Section 3

If a delegate believes that an adopted plank is in conflict with the Statement of Principles of the national Libertarian Party, or with the Statement of Principles or Platform of the Party, then the delegate may challenge that plank in writing to the Judicial Committee. The challenger shall specify in the challenge the manner in which the delegate believes the plank is in conflict. The Judicial Committee shall decide whether the plank in question conforms to the respective Statement of Principles or Platform and make a report stating the justification of its decision to the floor of the convention. If the plank is vetoed by the Judicial Committee, it will be declared null and void; but the plank may be reinstated in the Program by a three-fourths vote of the convention.

## **Proposal**

Remove Bylaw 21: Program from the state Party's Bylaws and renumber the ensuing Bylaws accordingly.

## **Reason For the Changes**

There is no need for a standing committee to state interim measures and practical policies for implementing the Party's position on issues of interest to California, as evidenced by the fact that the Executive Committee has not appointed a Program Committee in at least five years, and has chosen instead to address pressing issues as the need arose.

The Program Committee's duty can be adequately addressed by concerned Party members and the Executive Committee with regard to the Party's Platform, or assigned to a temporary task team. There is no need for this standing committee.

## **Impact**

### **Administrative**

Eliminating Bylaw 21: Program will put the Party back into compliance with the Bylaws with no extra effort or expense. As well, by not appointing this standing committee, there will be a reduced need to record and track volunteers who are obligated on a long-term basis.

### **Practical**

Eliminating Bylaw 21: Program will put the onus of implementing our Party's Platform squarely on convention delegates and the Executive Committee.

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## Proposal 7: Amend Convention Rule 12: Election Of National Convention Delegates

<b><i>Committee Recommendation</i></b>
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<b>The bylaws committee voted 3-0-2 to recommend a yes vote on this proposal.</b>
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### Current Rule

#### Rule 12: ELECTION OF NATIONAL CONVENTION DELEGATES

National convention delegate nominations shall begin immediately following the call to order.

State convention delegates shall submit nominations to the Secretary by placing the name and county affiliation of the nominee on a ballot as designated by the Secretary. Such ballots shall be displayed conspicuously for easy review. State convention delegates shall only nominate and elect State Central Committee members.

The Party officers shall be automatically nominated as national convention delegates by reason of their official status within the Party.

The Secretary shall call for the nominating ballots at the close of business on the next-to-last day of the convention.

The Secretary shall provide a printed list of all nominees to each state convention delegate on the last day of the convention. Additional nominations may be made from the floor.

The Secretary shall calculate the number of votes each state convention delegate may cast by determining one-third of the number of national convention delegates allocated to California and rounding upward.

Each state convention delegate may cast either one Yes vote or one No vote per nominee up to the number determined by the Secretary.

The Secretary shall rank the nominees for national convention delegates in order of the votes received by each nominee and shall make this ranking, without the number of votes received, available to interested members within thirty days of the close of the convention.

After receiving notice of the number of national convention delegates allotted to California, and determining which nominees are eligible, the Secretary shall submit

to the national Secretary that number of nominees, starting at the top of the list, as national convention delegates, and the remaining nominees, in ranked order up to the number of allotted national convention delegates, as alternate national convention delegates. No nominee for national convention delegate or alternate shall be elected unless that nominee receives a minimum of three Yes votes greater than No votes.

### **Proposed Rule With Markup**

#### Rule 12: Election of National Convention Delegates

National convention delegate nominations shall begin immediately following the call to order.

The Party officers shall be automatically nominated as national convention delegates by reason of their official status within the Party.

State convention delegates shall only nominate and elect State Central Committee members in good standing who confirm to the Secretary their acceptance of their nomination and their intention to serve as a California delegate to the national convention. Nominations that are not confirmed by the time voting commences shall be removed from the ballot.

State convention delegates shall submit nominations to the Secretary by placing the name ~~and county affiliation~~ of the nominee on a ballot as designated by the Secretary. Such ballots shall be displayed conspicuously for easy review. ~~State convention delegates shall only nominate and elect State Central Committee members.~~

~~The Party officers shall be automatically nominated as national convention delegates by reason of their official status within the Party.~~

The Secretary shall call for the nominating ballots at the close of business on the next-to-last day of the convention.

The Secretary shall provide a printed list of all nominees to each state convention delegate on the last day of the convention. Additional nominations may be made from the floor of nominees who are members in good standing who confirm to the Secretary by the time of their nomination their acceptance of their nomination and their intention to serve as a California delegate to the national convention.

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The Secretary shall calculate the number of votes each state convention delegate may cast by determining one-third of the number of national convention delegates allocated to California and rounding upward.

Each state convention delegate may cast either one Yes vote or one No vote per nominee up to the number determined by the Secretary.

The Secretary shall rank the nominees for national convention delegates in order of the votes received by each nominee and shall make this ranking, without the number of votes received, available to interested members within thirty days of the close of the convention.

After receiving notice of the number of national convention delegates allotted to California, ~~and determining which nominees are eligible,~~ the Secretary shall submit to the national Secretary that number of nominees, starting at the top of the list, as national convention delegates, and the remaining nominees, in ranked order up to the number of allotted national convention delegates, as alternate national convention delegates. No nominee for national convention delegate or alternate shall be elected unless that nominee receives a minimum of three Yes votes greater than No votes.

### **Proposed Rule Without Mark-up**

#### Rule 12: Election of National Convention Delegates

National convention delegate nominations shall begin immediately following the call to order.

The Party officers shall be automatically nominated as national convention delegates by reason of their official status within the Party.

State convention delegates shall only nominate and elect State Central Committee members in good standing who confirm to the Secretary their acceptance of their nomination and their intention to serve as a California delegate to the national convention. Nominations that are not confirmed by the time voting commences shall be removed from the ballot.

State convention delegates shall submit nominations to the Secretary by placing the name of the nominee on a ballot as designated by the Secretary. Such ballots shall be displayed conspicuously for easy review.

The Secretary shall call for the nominating ballots at the close of business on the next-to-last day of the convention.

The Secretary shall provide a printed list of all nominees to each state convention delegate on the last day of the convention. Additional nominations may be made from the floor of nominees who are members in good standing who confirm to the Secretary by the time of their nomination their acceptance of their nomination and their intention to serve as a California delegate to the national convention.

The Secretary shall calculate the number of votes each state convention delegate may cast by determining one-third of the number of national convention delegates allocated to California and rounding upward.

Each state convention delegate may cast either one Yes vote or one No vote per nominee up to the number determined by the Secretary.

The Secretary shall rank the nominees for national convention delegates in order of the votes received by each nominee and shall make this ranking, without the number of votes received, available to interested members within thirty days of the close of the convention.

After receiving notice of the number of national convention delegates allotted to California, the Secretary shall submit to the national Secretary that number of nominees, starting at the top of the list, as national convention delegates, and the remaining nominees, in ranked order up to the number of allotted national convention delegates, as alternate national convention delegates. No nominee for national convention delegate or alternate shall be elected unless that nominee receives a minimum of three Yes votes greater than No votes.

### **Reason For the Changes**

Allowing delegates to nominate people who do not know that they are being nominated, or who do not intend to serve as California delegates to the national convention, or who are not qualified to serve as California delegates to the national convention, reduces the number of delegate slots available to qualified members who do intend to serve. A delegate or delegates who wish to prevent qualified delegates from being nominated and elected - that is, who wish to pack the delegation with names of people who do not know they're being nominated, or who might prefer not to serve, or who may not be qualified to serve - can do so merely by submitting as many members' names as there are delegate slots allotted



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to the Libertarian Party of California's delegation, which creates hours of unnecessary work for Party staff and volunteers who must then try to contact and confirm the absent nominee's intention to serve.

### **Impact**

Making delegates responsible for knowing that their nominees are qualified to serve as California delegates to the national convention, and for knowing that their nominees intend to serve, and for knowing that their nominees are aware that they are being nominated, will result in a reliable slate of nominees, so that the state Party can confidently predict not only how many California delegates will participate, but also how many, if any, available delegate slots they have well in advance of the opening of the national convention. Having additional delegate slots available can result in increased state Party membership.