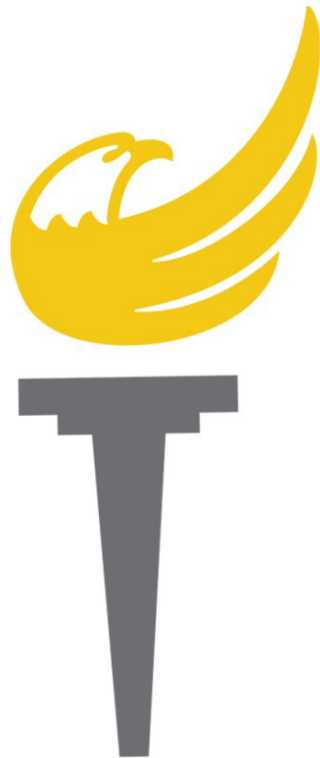


# **Bylaws and Convention Rules Libertarian Party of California**



**As Amended in Convention  
May 15-16, 2021**

**Bylaws and Convention Rules  
Libertarian Party of California**

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## **BYLAWS**

### **Bylaw 1: Name**

The organization shall be named the *Libertarian Party of California*, hereinafter referred to as the “Party.”

### **Bylaw 2: Purpose (2/3 required to amend)**

The Party exists to implement libertarian policy through political activities designed to win political office and implement libertarian policy, to uphold, promote, and disseminate the philosophy and principles of libertarianism. To that end, it shall engage in political activity designed to achieve those purposes. Also, it shall 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 Statement of 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; and
- H. Promoting, chartering, and coordinating County Central Committees throughout the state.

### **Bylaw 3: Scope**

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

## **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 certify that I oppose 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. Individuals who have executed previous versions of the certification shall also meet this requirement.
- D. All references in these Bylaws and Convention Rules to “mail,” “written notification,” or similar terms shall be considered to include electronic communications.

## **Bylaw 5: Membership**

### ***Section 1***

Individuals may become members of the State Central Committee by:

- A. Residing in California, and
- B. Being a registrant of the Libertarian Party if eligible, and either
  1. Becoming a holder of California public office that is subject to election other than County Central Committee, or
  2. 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.

No State or County Central Committee member shall be a registrant of or hold office in any political party other than the Libertarian Party.

All Party officeholders are required to be members of the State Central Committee.

Lifetime members shall retain their lifetime membership.

### ***Section 2***

The Executive Committee shall establish associate, non-voting membership for those persons ineligible or unwilling to become members of the State Central Committee.

### ***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.

#### ***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.

#### ***Section 5***

The Executive Committee shall have the power to suspend a County or State Central Committee membership for failure to maintain all the qualifications of membership established in Section 1, or for cause. Notification of the suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the membership. The Executive Committee may reinstate memberships terminated under this section. The term "cause" as used in this section shall include but not be limited to the following:

- A. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates; or
- B. Having unpaid debts over ninety days old outstanding to the Party.

A member subject to a suspension for cause shall be provided at least 15 days' notice before proceedings begin, in writing, of the cause. The member shall have the right to attend the proceedings and be given an opportunity to contest the cause, including the right to submit evidence, to call witnesses, and to have the assistance of counsel.

These meetings shall be held in executive session unless the member subject to suspension affirmatively waives their right to privacy.

#### ***Section 6 (2/3 required to amend)***

Upon appeal by a County or State Central Committee member, the Judicial Committee shall hold a hearing concerning the suspension. Following the hearing, the Judicial Committee shall rule either to terminate the membership or to restore the membership.

#### ***Section 7***

- A. Any individual wishing to renew their membership, having previously requested the termination of their membership through the means prescribed in Section 4, shall do so in an associate, non-voting member role, and shall be eligible for full reinstatement as a Central Committee member following a period of 12 consecutive months.
- B. Full Central Committee membership status may be reinstated at any time by a majority vote of the Executive Committee or by a majority of those Central Committee delegates present and voting at Convention.
- C. This rule shall not apply to any membership terminated through Sections 5 or 6.

## **Bylaw 6: Membership Lists**

### ***Section 1***

The Executive Committee shall provide one copy of a County Central Committee's membership list monthly to that county organization's Secretary or designated officer at no charge, or by mutual arrangement, or to any other officer of that county at cost within ten days of a request.

The Executive Committee may also provide mailing lists to individuals or groups, but not to any government official or government agency. Counties may exchange lists.

### ***Section 2***

The Executive Committee shall provide a County Central Committee's membership list to the national Libertarian Party, a Libertarian candidate, campaign committee, or initiative committee, or an interested Party member in conjunction with Party activities that facilitate the Party organization under the following conditions:

- A. Three Party officers or two County Central Committee officers give approval to the request,
- B. The requesting individual or group agree to pay the amount for receiving the list in effect at the time of the request as established by a current Standing Resolution of the Executive Committee, and
- C. The requesting individual or group agrees to terms, in effect at the time of the request as established by a current Standing Resolution of the Executive Committee that are solely intended to assure that the membership list is not to be used for any other purpose, nor sold or furnished to any other group, organization, government official or agency.

### ***Section 3***

If maintenance of the State Central Committee membership database is delegated to someone other than the Secretary, the Secretary and the Chair shall be provided with current membership information in keeping with their Party duties.

## **Bylaw 7: Dues Sharing**

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 and Renewing 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. 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 and county Party organizations shall split the new and renewal



membership dues 50/50.

***Section 2: 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 3: Duration of Membership***

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

***Section 4: 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, Section 4: Duration Of Membership. Donors who have no membership record shall join as new members.

**Bylaw 8: Leadership Standards**

Notwithstanding any other provision of these Bylaws, no member who has been convicted of a felony against person or property shall be an endorsed candidate, officer, or hold any other position of leadership in either the Party or a County Central Committee without the consent of two-thirds of the eligible Executive Committee members.

**Bylaw 9: County Organizations**

***Section 1***

The Party shall be divided into county organizations. Each county organization shall have its own County Central Committee.

***Section 2***

State Central Committee membership shall be the only requirement for County Central Committee membership.

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.

A County Central Committee membership confers voting privileges for that member in that county.

***Section 3***

County Central Committees shall conduct their business in any manner they

choose consistent with these Bylaws and the national Bylaws. 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.”

#### ***Section 4***

The appropriate Area Coordinator may appoint a county Chair Pro Tem for any county in which there is no active county organization. It shall be the responsibility of said Chair Pro Tem to promote the development of a county organization within that county.

#### ***Section 5***

Each County Central Committee may maintain one or more campaign finance funds independent of any campaign finance funds maintained by the State Central Committee or any other Committees of the Party.

Each County Central Committee shall be responsible for compliance with any applicable election and campaign finance laws.

#### ***Section 6***

A county organization is deemed as having selected its officers only if an election notice has been mailed to its members at least thirty days but no more than sixty days in advance of that election. The election notice shall also be sent to and received by the Party Secretary at least thirty 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 shall be held every year. The results of the election shall be reported to the Party Secretary within fifteen days after the election. Any member of that County Central Committee may challenge the legality of an election by bringing the issue before the Judicial Committee. The Executive Committee may declare a county organization to be inactive if it fails to hold elections in accordance with this section.

### **Bylaw 10: Officers**

#### ***Section 1***

The Party officers shall consist of a Chair, a Vice-Chair, a Secretary, and a Treasurer. All of these officers shall be elected for two-year terms, beginning in odd-numbered years at an annual convention of the State Central Committee of the Party, by attending delegates, and shall take office immediately upon the close of such convention.

#### ***Section 2***

No state offices shall be combined. No state officer shall:

- A. Be a registrant of or hold office in any political party other than the Libertarian Party, or
- B. Use any office in the Party to support a candidate of another political party.

***Section 3***

The Chair shall be the Chief Executive Officer of the Party. The Chair or his or her designee shall preside at all Party conventions, all meetings of the Executive Committee, and at all meetings of the Operations Committee.

***Section 4***

The Vice-Chair shall act as an assistant to the Chair, performing such duties as the Chair shall prescribe, shall perform the duties of the Chair in the event that the Chair is, for any reason, unable to perform the duties of the office.

***Section 5***

The Secretary shall be responsible for maintaining the Party membership list, for receiving or sending formal notifications as 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 and of each state convention to appear on the Party website not more than thirty days after adoption. The Secretary shall email a summary of the results of the Executive Committee meetings, votes, and mail ballots to all county officers within ten days.

The Secretary shall cause the most recently adopted Platform, Program, and Bylaws and Convention Rules, as well as the Bylaws of all county organizations to appear on the Party website not more than thirty days after adoption.

***Section 6***

The Treasurer shall receive, disburse, and account for the funds of the Party, under the supervision and direction of the Chair and the Executive Committee.

The Treasurer shall compile a quarterly report which shall consist of a balance sheet and a profit and loss statement. The balance sheet and the profit and loss statement shall be available to members of the Party from the Treasurer upon written request.

***Section 7***

An officer or Operations Committee member may be suspended from office by the Executive Committee. The office of the suspendee shall be declared vacant unless the suspendee appeals such suspension to the Judicial Committee in writing within ten days of notification of such suspension. Upon written appeal by the suspendee, the Judicial Committee shall rule within three days to either uphold the suspension, thereby vacating the office, or restore the suspended member to full authority. A failure to rule shall be deemed as restoring the suspended member to full authority.

***Section 8***

The Executive Committee shall appoint new officers, including the Chair,

Executive Committee members or alternates, or Operations Committee members if vacancies occur. Such appointments shall be to complete the term of office vacated unless a convention meets sooner, in which case a new election shall be held for any position so filled.

## **Bylaw 11: Finance and Accounting**

### ***Section 1***

The fiscal term of the Party shall begin on January 1st of each year. The annual budget shall be provided to each member of the Executive Committee immediately following the close of each convention.

### ***Section 2***

The Treasurer may authorize expenditures for any item incorporated into the proposed budget until the Executive Committee has ratified the budget for the current year.

### ***Section 3***

The Executive Committee shall not enter into any contract lasting more than three months, incur any expense in a non-budgeted category, or incur any expense in a budgeted category greater than the amount budgeted by more than \$1,000 without a two-thirds vote of the entire Executive Committee. Anyone who incurs such financial liability without such approval shall be held personally liable.

### ***Section 4***

The Executive Committee shall not make any disbursements of \$100 or more using cash. The Executive Committee shall not make any disbursements without supporting documentation.

### ***Section 5***

The Executive Committee, or a county organization, when receiving contributions that do not have a designated purpose, shall decide how contributions shall be used; however, if the received contributions have a designated purpose, then the Executive Committee or the county organization shall use the contributions for that purpose. Neither the Executive Committee nor any county organization shall use dues to finance individual campaigns.

### ***Section 6***

The Executive Committee shall cause an annual budget to be projected at its final meeting of the fiscal year for ratification the following year.

### ***Section 7***

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

## **Bylaw 12: Executive Committee**

### ***Section 1***

The Executive Committee shall be responsible for the control and management of all of 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 its 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 four elected officers of the Party;
- B. Three Area Coordinators. The Northern Area Coordinator shall be affiliated in a county in the northern area of the state, the Southern Area Coordinator shall be affiliated in a county in the southern area of the state, and the Central Area Coordinator shall be affiliated in a county in the central area of the state (with the state divided as follows: The southern area shall be the 6 southern counties which end at Los Angeles and San Bernardino Counties; the central area shall be the 21 counties which begin north of the southern boundary and extend to the northern boundaries of Santa Cruz, San Benito, Stanislaus, San Joaquin, Amador and Alpine counties; and the northern area shall be the 31 counties that begin north of the central boundaries). Each Area Coordinator shall be responsible for coordinating activities in their respective area of the state and shall be elected by the delegates from that area for two-year terms.
- C. Eight at-large members, four elected for two-year terms at each convention; and
- D. Two alternates, each elected for one-year terms. There will be free substitution of alternates in ranked order at Executive Committee meetings.

### ***Section 2***

The Executive Committee shall have the primary duty of developing, funding, and implementing, either directly or through such committees as it shall appoint, a political strategy to elect Libertarians pledged to the Party Statement of Principles and to proclaim and implement those principles into public policy.

### ***Section 3***

The Executive Committee shall meet at such time and place as may be determined by action of the Executive Committee, by a call of the Chair, or by written request of one-third or more of the members of the Executive Committee. The Secretary shall mail to each member of the Executive Committee and to each county Chair, a notice of the time and place of each meeting, not less than fourteen days prior to such meeting.

The Executive Committee may also transact business by telephone conference or

other electronic communications where the members can meet in real time. In such meetings, the normal rules of the committee apply as to quorums and voting. At least 7 days' notice is required if business is to be transacted in such a fashion.

#### ***Section 4***

The Executive Committee may, without meeting together, transact business by mail by voting on questions submitted by the Secretary at the request of at least two members of the Executive Committee. Unless a secret ballot is requested when the question is moved, which will require either postal mail ballots or technical capabilities beyond standard e-mail, all such votes shall be counted and recorded by the Secretary as Roll Call votes. The Executive Committee will complete voting any time after forty-eight hours from the transmission time of the mail ballot:

- A. If the motion has received Yea votes from two-thirds of the Executive Committee members, or
- B. If the motion has received Nay votes from two-thirds of the Executive Committee members, or
- C. After one hundred twenty hours in all other cases.

An alternate's vote will not be counted towards the two-thirds requirement unless it is definitely known that a corresponding voting member will not be participating. Members may change their vote up to the close of the voting period. If, at the expiration of the applicable period, a quorum of the Executive Committee has not voted, the measure being voted upon shall be deemed to have failed.

The Secretary shall keep a record of the motions and votes made via email, telephone and electronic balloting, and make them available in the same fashion as minutes from Executive Committee meetings

#### ***Section 5***

A majority of eligible Executive Committee members shall constitute a quorum.

#### ***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 its 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. The annual budget, or any 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 to pass.

***Section 8***

Failure of an Executive Committee member to attend two consecutive Executive Committee meetings shall be cause for removal from the Executive Committee.

**Bylaw 13: Operations Committee**

***Section 1***

The Operations Committee shall consist of the Chair and four other State Central Committee members chosen by the Executive Committee.

***Section 2***

The Operations Committee shall have the powers of the Executive Committee between meetings of the Executive Committee, except for the following:

- A. Establishing or modifying the Party budget, except that the Operations Committee shall have a budgeted discretionary amount of \$10,000 per quarter. At least four members shall approve any expenditure over \$2,000.
- B. Creating, modifying, or repealing standing resolutions.
- C. Incurring any non-budgeted expense or debt.
- D. Suspending or censuring any member of the State or County Central Committees.
- E. Overturning any Executive Committee action.

The Operations Committee, may, by unanimous vote, approve any other action that would require a two-thirds vote of the Executive Committee.

***Section 3***

The Operations Committee may, by unanimous vote, fill any vacant Party officer or Operations Committee position on an interim basis until a meeting of the Executive Committee is held.

**Bylaw 14: Judicial Committee**

***Section 1***

The Judicial Committee shall consist of five State Central Committee members elected at a convention of the Party by the attending delegates. The term of a Judicial Committee member 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 after a new committee has been elected. Two Alternates, in ranked

order, shall be elected at a convention of the Party by attending delegates to ensure a full committee in the case of a vacancy or recusal.

***Section 2 (2/3 required to amend)***

A Judicial Committee member may not be a member of the Executive Committee, the Operations Committee, the Platform Committee, or the Program Committee. The Judicial Committee shall be the final body of appeal in all Party matters, subject to the provision that a decision of the Committee may be overturned by a three-quarters vote of a convention.

***Section 3***

The Judicial Committee review of a Party action or inaction shall be limited to the consistency of that action or inaction in accordance with the governing documents of the Party, including these Bylaws and documents to which they refer, with 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.

At least two Judicial Committee members shall agree to hold a hearing or to consider an appeal. The Judicial Committee may choose to hold hearings in person, by teleconference, or by videoconference.

***Section 4***

The Judicial Committee shall elect a Chair, who shall receive all appeals and petitions and schedule hearings so as to obtain a quorum of the Judicial Committee. When a hearing is requested, the Chair shall set a hearing date within seven days of receiving the request.

***Section 5***

The Judicial Committee shall provide at least ten days' notice to each of the parties to a hearing, unless an earlier date is agreed to by the Judicial Committee and the participants.

***Section 6***

The Judicial Committee shall hold a hearing within thirty days of receiving a request, unless otherwise specified.

***Section 7***

All parties to a hearing shall have the right to represent their own interests in the manner of their own choosing.

***Section 8***

The Judicial Committee shall provide a written ruling within seven days of the conclusion of the hearing, unless otherwise specified. The Judicial Committee report shall be confidential and reported to the next convention in executive session if the matter involves suspension of membership and the member requests



it. That ruling shall state either that no action is necessary, or shall state specifically what violation of the governing documents justifies the action or remedy sought by the appellant(s). In the event that the Judicial Committee fails to issue a written ruling within the timeframe required, the Judicial Committee shall be considered to have taken no action on the matter at hand.

### ***Section 9***

With the consent of all parties, the Judicial Committee Chair may call for written arguments and mail ballot of the Judicial Committee, with a ruling to be provided to all parties and to the Executive Committee no later than thirty days following the date of the initial petition.

## **Bylaw 15: Committees**

### ***Section 1***

As the Executive Committee deems appropriate, the Chair shall appoint working committees, which shall exist at the pleasure of the Executive Committee.

### ***Section 2: Bylaws Committee***

Not later than sixty days following the close of each convention, the Executive Committee shall appoint a Bylaws Committee of five State Central Committee members to recommend changes in these Bylaws and Convention Rules. The Bylaws Committee shall adopt its initial report not less than seventy days prior to the convention and the Secretary shall cause it to be published on the Party's website not less than sixty days prior to the convention. The Bylaws Committee shall adopt its final report, which may include corrections or improvements to proposals in the initial report but shall not introduce new proposals, not less than twenty days prior to the convention and the Secretary shall cause it to be published on the Party's website not less than fifteen days prior to the convention.

### ***Section 3: Platform Committee***

The Platform Committee shall consist of a coordinator and one delegate from each County Central Committee. A coordinator shall be appointed by the Executive Committee at least one hundred and twenty days before each convention. The county delegates shall be selected at least ninety days prior to the convention in such a manner as each County Central Committee shall provide. The Platform Committee shall adopt its initial report not less than thirty days prior to the convention and the Secretary shall cause it to be published on the Party's website not less than 20 days prior to the convention. The Platform Committee shall adopt its final report, which may include corrections or improvements to proposals in the initial report, but shall not introduce new proposals, not less than ten days prior to the convention and the Secretary shall cause it to be published on the Party's website five days prior to the convention.

### ***Section 4: Style Committee***

The Chair shall appoint a Style Committee of not more than five State Central

Committee members which shall propose stylistic changes to the Platform, the Program, and these Bylaws and Convention Rules. The proposed changes shall be submitted to the Executive Committee for ratification.

### **Bylaw 16: Campaign Financing**

The Executive Committee shall establish one or more Party campaign funds from which funds may be allocated to candidates of the Party. Such funds shall be independent of any campaign funds maintained by County Central Committees or other committees of the Party. The Campaign Committee shall have the discretion to allocate campaign funds among the various candidates. The campaign fund may also be used to support Party campaign publicity not specifically promoting an individual candidacy.

### **Bylaw 17: National Committee Regional Representation**

#### ***Section 1***

The Party may enter into an agreement with other affiliates of the national Libertarian Party (LP) in accordance with the LP Bylaws in order to form a region for representation on the Libertarian National Committee (LNC). The terms of any new agreement shall be reported by the Party Secretary to the Chair and Secretary of the LNC without delay.

#### ***Section 2***

Delegates to each Party convention that immediately precedes a national convention shall elect representatives to the LNC. Those elected representatives shall replace previous representatives and take office as soon as consistent with the LP Bylaws and the provisions of the LNC Representation Agreement. The Party Secretary shall report the election results to the Chair and Secretary of the LNC without delay.

#### ***Section 3***

Delegates to each Party convention that immediately precedes a national convention, in an election which is separate from that of the representatives shall elect two alternates to the LNC. Alternates shall be ranked by the number of votes received, provided that no alternate shall be ranked who does not receive a majority of the votes cast.

#### ***Section 4***

If a reduction occurs in the number of representatives that the Party is entitled to, the Party Executive Committee shall select the representatives from those elected at the convention. Any vacancy, including a vacancy resulting from a change in the LP Bylaws or the current LNC Representation Agreement, shall be filled by the Executive Committee. The Party Secretary shall report to the Chair and Secretary of the LNC any changes to Party representation to the LNC without delay.

### ***Section 5***

A National Committee Regional Representative may be recalled by the Executive Committee. A vacancy shall automatically occur whenever an LNC representative misses two consecutive meetings during a term. The Executive Committee may reappoint the previous holder of the vacated seat.

### **Bylaw 18: Write-In Votes for Partisan Office**

A person seeking the Party nomination for a partisan office by write-in votes in the direct primary election shall be deemed nominated and shall have his or her name printed on the general election ballot as Libertarian Party nominee if both of the following conditions are met:

- A. He or she receives more votes than anyone else for the Libertarian Party's nomination for that office, and
- B. He or she receives a total number of votes in the Libertarian Party direct primary election for that office equal to the number of signatures that he or she would have needed in order to have qualified to appear on the Party's primary ballot per the California Elections Code, Sec. 8062.

This Bylaw shall supersede the California Elections Code, Sec. 8605, for Libertarian Party direct primary nominations by write-in votes.

### **Bylaw 19: Convention**

#### ***Section 1 (2/3 required to amend)***

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

#### ***Section 2***

The Executive Committee shall be responsible for setting the time, place, and schedule of events for the convention. The Executive Committee shall provide to the membership at least one hundred twenty days advance notice concerning these arrangements.

#### ***Section 3***

Delegates to the convention shall be current State Central Committee members, and shall either hold public office or shall have been State Central Committee members for any ninety days prior to the convention.

Notwithstanding the above, each Executive Committee member may seat one current State Central Committee member as a delegate.

#### ***Section 4***

All delegates in good standing shall be eligible to vote on all matters. In order to

vote on a given matter, a delegate shall be present on the floor at the time that the vote is taken. Each delegate present shall have one vote.

### ***Section 5***

On all matters except elections and endorsements, voting shall 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 shall 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 for 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 for endorsements of candidates for public office, the voting shall include the option of "None of the Above."

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

## **Bylaw 20: Platform**

### ***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. The delegates may, by majority vote, delete a plank. The delegates, by a two-thirds vote, but not less than a majority of all registered delegates, may add a new plank, or substitute a new plank for an old plank.

### ***Section 2***

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

## **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.

## **Bylaw 22: Nomination for Partisan Public Office**

### ***Section 1***

Unless otherwise necessitated by the laws of the state of California, or by decision of the Executive Committee, nominations for partisan office shall be made by statewide nominating convention and by district caucus.

- A. Nomination for statewide office shall be made by a statewide nominating convention.
- B. Nomination for U.S. House of Representatives, California State Legislature, and California State Board of Equalization shall be made by district caucus.

### ***Section 2***

The Executive Committee shall set the date of the statewide nominating convention. The convention shall be governed by Bylaw 19, Sections 2 and 4, and by Bylaw 28. Unless a statewide nominating convention is held at the regular state convention, no other business shall be conducted at the statewide nominating convention.

### ***Section 3***

The Executive Committee shall be responsible for determining which county Party organizations shall be responsible for organizing the caucus nominations for particular House of Representatives, State Legislature, and Board of Equalization

seats.

***Section 4***

The Executive Committee shall set the dates of the district caucuses. County organizations shall be responsible for preparing their own rules governing nominations for House of Representatives, State Legislature, and Board of Equalization seats, but such rules shall provide for advance notice of at least thirty days to all County Central Committee members in the districts of the time and place of their nominating caucuses.

***Section 5***

The Chair shall forward a list of all candidates nominated in convention and caucuses to the Secretary of State no later than thirty days after the convention or caucuses.

***Section 6***

In the event the Party is legally required to participate in primary elections, only Party members shall be eligible to vote in the primary.

**Bylaw 23: Presidential Preference Primary**

***Section 1***

Candidates may appear on the presidential preference primary ballot as provided for in Sections 6720 through 6726 of the California Elections Code.

***Section 2***

The presidential preference primary election vote shall be advisory only.

***Section 3***

The candidates nominated for President and Vice-President at the Libertarian Party national convention shall appear on the California general election ballot as the Libertarian Party's nominees for those offices, regardless of the presidential preference primary results.

**Bylaw 24: National Convention Delegates**

***Section 1***

Delegates to the national convention shall be selected at the state convention preceding the national convention. The procedures in Rule 10 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 Elections Code are superseded.

### **Bylaw 25: National Convention Alternates**

In the event that duly selected California delegates or alternates are unable to attend or be seated at the national convention for which they were selected, additional alternates may be selected by a two-thirds vote of the California delegates and alternates then registered at the national convention.

- A. Those members seeking additional alternate delegate status under this section shall have been a State Central Committee member at least thirty days prior to the national convention.
- B. This provision shall be included in all written statements to the National Convention Credentials Committee whenever requests are made for seating newly-selected additional alternates.

### **Bylaw 26: Amendment of Bylaws**

Except as indicated in a particular Bylaw, these Bylaws may be amended by a majority vote of all the registered delegates present and voting at a convention with previous notice. Bylaws changes proposed from the convention floor without prior notice, or substantive, non-technical amendments made to the Bylaws Committee Report by the Bylaws Committee subsequent to the report adoption deadline, shall require a two-thirds vote of registered delegates present and voting to pass.

### **Bylaw 27: Conflicting Authority and Severability**

#### ***Section 1***

In the event of any conflict between these Bylaws and the California Elections Code, the Federal Elections Code, or any other law or regulation, these Bylaws shall govern the Party and its affairs.

#### ***Section 2***

In the event that any authority should declare any portion of these Bylaws void or invalid, the remainder of these Bylaws shall remain in full force and effect.

### **Bylaw 28: Parliamentary Authority**

The current edition of *Robert's Rules of Order, Newly Revised* shall be the parliamentary authority for all matters of procedure not specifically covered by these Bylaws or the Party's Special Rules of Order including those maintained in the Operating Procedures Manual and the Convention Rules.

### **Bylaw 29: Operating Procedures Manual**

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

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, including, publication of the page on the Party's website that is readily available to any member, to be updated in the manual within 30 days.



## **CONVENTION RULES**

### **Rule 1: Officers**

The incumbent Party Chair and Secretary shall be Chair and Secretary, respectively, of the convention. The Chair shall appoint a Parliamentarian.

### **Rule 2: Registration of Delegates**

#### ***Section 1***

Each delegate shall register personally at the convention with the Secretary or a duly authorized representative.

#### ***Section 2***

A delegate shall not be registered prior to the resolution of all challenges in which that delegate has been named.

#### ***Section 3***

Delegates shall register each day of the convention. Each day's quorum shall be a simple majority of those delegates registered for that day.

### **Rule 3: Debate Procedure**

#### ***Section 1: Floor Motions and Amendments***

For each main motion, the maker shall have two minutes immediately following to speak to the motion. For amendments to proposed changes to the Bylaws, these Convention Rules, the Platform, the Program, or to resolutions, the maker shall have thirty seconds to speak to the amendment. The Chair shall then request a standing second to the motion or amendment. If fewer than ten percent of the delegates stand, the motion or amendment shall die for lack of a second.

#### ***Section 2: Committee Reports***

Committee Reports that contain proposed changes to the Bylaws, these Convention Rules, the Platform, or the Program shall not require a standing second.

#### ***Section 3***

Debate shall be limited to two minutes per delegate and fifteen minutes total per main motion and all associated motions.

### **Rule 4: Agenda**

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

- A. Credentials report;
- B. Reports of the Party officers and working committees;

- C. Consent calendar;
- D. In even-numbered years, the Platform Committee report, and in odd-numbered years, the Bylaws Committee report;
- E. Elections, in the following order:
  - 1. In odd-numbered years, Party officers and Area Coordinators and in even-numbered years to fill the unexpired terms of vacated Party officers or Area Coordinators;
  - 2. At-large Executive Committee members;
  - 3. At-large Executive Committee alternates;
  - 4. Judicial Committee members;
  - 5. Judicial Committee Alternates;
  - 6. At Party conventions immediately preceding national conventions, national convention delegates, Libertarian National Committee representatives and alternates;
- F. In odd-numbered years, the Platform Committee report, and in even-numbered years, the Bylaws Committee report;
- G. In a Presidential election year, the Presidential Straw Poll, roll call vote, one vote only;
- H. Endorsements of candidates;
- I. Resolutions and other matters.

The Secretary shall cause the minutes of the previous day's session to be distributed or to be plainly posted each morning. The minutes of the convention shall be approved by the Executive Committee within ninety days of the convention's close.

## **Rule 5: Consent Calendar**

### ***Section 1***

The Chair may place resolutions on the consent calendar. Members wishing to place an item on the calendar shall submit the item in writing to the Chair at least two weeks prior to the opening of the convention. Items on the consent calendar shall be voted on as prescribed in these Convention Rules.

### ***Section 2***

Upon the written request of at least five delegates, the Chair may remove any item from the consent calendar, prior to when the delegates vote on that item.

### ***Section 3***

At the Chair's discretion, the delegates may vote on consent calendar items either singly or grouped together. The delegates shall not vote on any consent calendar

item more than once. The Chair shall read the text of each consent calendar item immediately before the delegates vote on the item. The delegates shall vote on each consent calendar item without debate.

#### ***Section 4***

Delegates may reconsider consent calendar items that have been voted on, whether passed or not, only if two-thirds of the delegates vote to reconsider, and only if such vote is done when resolutions are under consideration in the convention agenda.

#### **Rule 6: “No Debate” Items**

Both the Platform Committee and the Bylaws Committee shall designate each of its proposals as either a regular item or a “No Debate” item. The “No Debate” classification shall be reserved for proposals which are technical in nature rather than substantive. Upon motion of five delegates, any proposal designated a “No Debate” item by either Committee shall be reclassified as a regular item. Except for items proposed for immediate implementation, no debate shall occur on a Committee’s proposals until the delegates vote on all of that Committee’s “No Debate” items.

#### **Rule 7: Bylaws Committee**

The Chair of the Bylaws Committee shall report the Committee’s recommendations to the floor, proposal by proposal. The delegates shall vote on each proposal separately. After the delegates have debated and voted on all of the Committee’s recommendations, if time permits, any delegate may propose new bylaws, new convention rules, or additional amendments from the floor, which the delegates shall vote on separately.

#### **Rule 8: Platform Committee**

The Chair of the Platform Committee shall report the Committee’s recommendations to the floor, plank by plank. The delegates shall vote on each recommendation separately. After the delegates have debated and voted on all of the Committee’s recommendations, if time permits, any delegate may propose new planks or additional amendments from the floor, which the delegates shall vote on separately.

#### **Rule 9: Resolutions**

##### ***Section 1***

Adoption of a resolution shall require approval of two-thirds of the votes cast, but not less than a majority of all delegates registered.

##### ***Section 2***

If a delegate believes that an adopted resolution is in conflict with the Statement of Principles of the national Libertarian Party, then the delegate may challenge that adopted resolution in writing to the Judicial Committee. The challenger shall

specify in the challenge the manner in which the delegate believes the adopted resolution is in conflict. The Judicial Committee shall decide whether the adopted resolution 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 adopted resolution is vetoed by the Judicial Committee, it will be declared null and void; but the adopted resolution may be reinstated by a three-fourths vote of the convention.

## **Rule 10: 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.

## **Rule 11: Election of Party Officers**

### ***Section 1***

Delegates shall nominate and elect Party officers in the following order: Chair, Vice-Chair, Secretary, and Treasurer.

### ***Section 2***

Delegates shall make nominations from the floor. Each candidate shall be allowed one nominating speech and one seconding speech, made by delegates. The total time for both speeches shall not exceed five minutes. After delegates give the nominating and seconding speeches, the candidate may then speak for a maximum of ten minutes.

Elections will be conducted using Instant Runoff Voting (IRV). For each office, to be elected to the office, a candidate shall receive a majority vote of all of the ballots cast. Delegates may rank their candidate choices on their ballots in order of preference, such as First Choice, Second Choice, Third Choice, and so on. Delegates shall turn in all individual ballots to the Secretary. In cases in which no candidate receives a majority of First Choice votes, the candidate with the least number of votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots and the ballots are recounted. If no candidate yet has a majority of votes, the process of eliminating the candidate with the least number of votes, redistributing according to the next choice on those ballots and then recounting, shall be repeated until one candidate has a majority. Lack of a majority vote for one candidate or a majority vote for "None of the Above" shall cause nominations for that office to be reopened.

If there is only one candidate for an office, the election will be conducted by voice vote, with the choice between the candidate and None of the Above.

## **Rule 12: Election of Area Coordinators**

For the offices of Area Coordinators, delegates from each office's respective area shall make nominations from the floor. Each candidate shall be allowed one nominating speech and one seconding speech, made by delegates. The total time for both speeches shall not exceed five minutes. After delegates give the nominating and seconding speeches, the candidate may then speak for a maximum of five minutes.

Elections will be conducted using Instant Runoff Voting (IRV). For each office, to be elected to the office, a candidate shall receive a majority vote of all of the

ballots cast. Delegates from each office's respective area may rank their candidate choices on their ballots in order of preference, such as First Choice, Second Choice, Third Choice, and so on. Delegates shall turn in all individual ballots to the Secretary. In cases in which no candidate receives a majority of First Choice votes, the candidate with the least number of votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots and the ballots are recounted. If no candidate yet has a majority of votes, the process of eliminating the candidate with the least number of votes, redistributing according to the next choice on those ballots and then recounting, shall be repeated until one candidate has a majority. Lack of a majority vote for one candidate or a majority vote for "None of the Above" shall cause nominations for that office to be reopened.

### **Rule 13: Election of At-Large Executive Committee Members**

Delegates shall make nominations for the at-large Executive Committee members from the floor. All State Central Committee members shall be eligible for nomination. Each candidate shall be allowed one nominating speech no longer than two minutes, made by a delegate, and each candidate may also speak for no longer than two minutes. The election shall be conducted in the following manner:

- A. Each delegate may cast up to four votes, but not more than one vote for any one candidate.
- B. When all of the delegates have submitted their votes, the Secretary shall declare the voting closed.

### **Rule 14: Nominations and Endorsements of Candidates for Public Office**

#### ***Section 1***

Delegates shall make candidate nominations from the floor. Each candidate shall be allowed one nominating speech and one seconding speech, made by delegates. The total time for both speeches shall not exceed five minutes. After delegates give the nominating and seconding speeches, the candidate may then speak for a maximum of ten minutes.

Delegates shall not nominate any candidate for public office who:

- A. Is not a member of the Libertarian Party.
- B. Is ineligible to serve in that public office.
- C. Has not expressed a willingness to accept the endorsement of the Party.

#### ***Section 2***

Delegates shall choose whom to endorse for any public office by a majority vote. Should no candidate or "None of the Above" receive a majority on a ballot, then a new ballot shall be taken. After every second ballot, if no candidate or "None of the Above" has received a majority vote, the candidate with the fewest number of

votes shall be removed from subsequent ballots.

## **Rule 15: Amendments**

### ***Section 1***

Delegates may amend these Convention Rules at any Party convention.

### ***Section 2***

Amendments to these Convention Rules shall normally take effect at the close of the convention in which the amendments were adopted, and shall require a majority vote of the convention.

### ***Section 3***

Amendments to these Convention Rules which take effect immediately upon adoption shall require a two-thirds vote of the convention.

### ***Section 4***

Delegates shall not amend, by a lesser vote than that specified, any Convention Rule which specifies a greater than majority vote.