

CONVENTION OVERSIGHT COMMITTEE REPORT

LNC ELECTRONIC MEETING - MAY 2, 2020

INTRODUCTION

There has been a lot of discussion on whether to go forward with Memorial Day weekend, postpone the convention, have an online convention, or have the LNC choose the POTUS candidate.

The party's bylaws require that we hold a convention between July 2019 and August 2020 (Article 10 Section 1). The bylaws outline that a presidential nomination may only occur at a convention (Article 14 Section 1). The LNC has the power to fill a vacancy in regard to the presidential nomination in some circumstances (Article 14 Section 3).

This report provides background on the issues, and outlines the "For" and "Against" cases for each scenario, and outlines the COC recommendation for the next course of action.

MOTIONS

1. Due to the continuing Impossibility of holding a 1046 delegate convention in Austin, Texas from May 19th to May 26th, 2020 resulting from continuing government actions related to the Covid-19 pandemic both in Texas and across the country, the Libertarian National Committee hereby directs the invocation of the Impossibility clause, terminating the contract between itself and the JW Marriott without any further liability by either party.
2. We move to postpone the 2020 convention to an alternate date and/or location to be chosen by the LNC.

Option 1: Memorial Day Weekend Convention (original plan):

Description: The original convention plan.

Due to the continuing Impossibility of holding a 1046 delegate convention in Austin, Texas from May 19th to May 26th, 2020 resulting from continuing government actions related to the Covid-19 pandemic both in Texas and across the country, the Libertarian National Committee hereby directs the invocation of the Impossibility clause, terminating the contract between itself and the JW Marriott without any further liability by either party.

Option 2: Postponing the Convention

*** COC RECOMMENDED ***

Description: Move the date, and potentially switch the city, to early-to-mid July 2020. New venue would have square footage to provide for distancing.

Pro: Those in favor of postponement believe that our bylaws require an in-person convention by August 2020. July would be that last chance for in-person, and “impossible” past that date. (After “impossibility” the LNC can use one of the other alternatives with time to properly plan for those potential alternatives). New RFP responses are attractive and have lower F&B and lower risk. An in-person convention will have good attendance, as there will be a trade-off between those who bow-out and those who are excited to get out of lockdown, and Alternates can fill gaps. Current-year candidates always have to choose between National Convention on holiday weekends and campaigning. Ballot access has been addressed (except for Georgia, which Richard Winger of Ballot Access News and at least one Ballot Access attorney believe is a very winnable legal case to push the date). We believe all petitioning will need to be waived or significantly reduced if the virus is still a concern (as it was in Illinois), and a later convention date may assist in providing evidence of need for relief from petitioning. While Austin is the preferred location, it may be beneficial, financially and/or otherwise, to relocate. We can continue the good relationship with our current A/V provider and use their services at the rescheduled convention.

Some in favor want to move the convention to Las Vegas and make the convention co-terminus with FreedomFest, to increase promotional opportunities, though the Ballot Access Committee prefers July 4th weekend. There’s general agreement to avoid conflicts with FreedomFest.

Con: Those against postponement believe that the postponed convention will inevitably end with cancellation, either way, so “impossibility” has already been reached. Moving to Independence Day weekend, if proposed, would harm the ability of candidates to campaign if they’re at the National Convention instead. Delaying will cause unnecessary harm to our POTUS nominee’s campaign and fundraising. Attendance will be low, due to health concerns for the immunocompromised and especially among older members, and it’s not fair that those with those concerns are forced to choose between their health and a national convention. There is concern that there would be financial ruin due to low attendance. Ballot access may be at risk, either due to filing deadlines or petition deadlines. Party leadership in at least two states have passed a resolution to ask the LNC to cancel an in-person convention and to move immediately to an electronic convention.

Some people are specifically only against postponement to a different location, saying that the convention should remain in Austin. (Which is one option being pursued.)

Option 3: Multiple Remote Locations and/or an Online Convention

Description: A small convention (aka “rump” convention) would be held by a small convention body to allow altering the bylaws to permit online conventions, and then would adjournment/recess to bring convention delegates “online”.

Pro: Those in favor of this option believe that the postponed convention will inevitably end with cancellation, either way, so “impossibility” has already been reached. Even if not technically “impossible” from a government regulation standpoint, a gathering of 1,050 will create health concerns that make some delegates unable and/or unwilling to attend, and it is immoral to make people choose between health and participation. Technology can and should be leveraged to keep everyone safe, while respecting the convention delegates’ voting rights. A number of state parties used some form of this mechanism as the virus outbreak began. Some versions include a “webinar” broadcast for speeches and announcing results.

Some favor an email ballot solution, either multi-round or instant runoff. This would provide delegates with the flexibility to not have to be actively on the computer as votes trickle in or as technical problems are resolved. Within this group, some would propose to limit business to POTUS nomination and maybe LNC and JC nomination. This was used by the Utah GOP to conduct their primary over the course of several days.

Some favor a state-based configuration, with 51 delegations responsible for managing their delegates. This would reduce the burden on the national committee, and state parties are more in-touch with their members. This would mimic the voting process used in conventions, where votes are turned into the delegation chair first. This system has been adopted by the Constitution Party.

Some favor a 1046-participant Zoom-like meeting, with full participation and normal rules of order. This would permit full deliberation of convention business, and allow people to chime in instantly with privileged motions. No business would be delayed.

Con: All funds collected (approximately \$330,000) for the in-person convention would be subject to potential refund to donors. Those opposed have concerns with using this mechanism as a primary option at this time. There is no language that has been passed by the Bylaws Committee to even know how this might look like (email ballots? Online 1,050 deliberation via Zoom? Online 51 affiliates? Something else?). Electronic conventions are chaotic or disenfranchising (or both), as outlined by Roberts Rules of Order and based on experiences of other state parties. Some delegates have not and/or do not wish to provide email addresses, making communication more difficult. There is a concern that other delegates may not have the technology available to operate within an online convention, or the technical prowess to resolve issues if/when they arise. There are security concerns with an electronic convention. Are tokens still used for nominations? There would be costs for this option, which would need to be offset in some other way - likely through “floor fees” - and it is likely that the cost will increase based on the ability for more delegates to participate more directly.

There are also concerns about the so-called “rump” convention. This has many wildcard scenarios, and cumulatively it has a lot of risk. How does credentials work? What happens if more delegates are on-site than what is permitted by state or local laws? Who decides who gets credentialled? What are the ramifications? Will there be quorum problems? Will the venue be open? Will the hotel let us use their parking lot? Will the police run us off of the sidewalk for not social distancing? Will “bad actors” try to overrun the convention? Is there legal risk if delegates who are present aren’t certified?

Skipping the “rump” option (declaring the “place” to be “online”) will cause risk to ballot access in states where the law says nomination must be in accordance with party bylaws.

Those against email balloting point to a lack of the deliberative process. There’s no mechanism to call for privileged motions, such as a point of order, point of information, etc. This would seriously disrupt our normal process (tokens, debates, multiple rounds of voting, etc.). This would be a very slow process, if multiple rounds of voting were conducted via email. Further, email balloting inherently prevents secret ballots.

Those against “online by state delegation” point out the significant harm to the deliberative process. There would be a delay for privileged motions, such as a point of order, point of information, etc. This puts a burden on state affiliates to deal with technical issues for their delegates; a task they may not be able to execute. State delegations may need to reserve and pay for space for delegates without proper home computer equipment to participate.

Those against online deliberation of 1,046 point out that while this preserves the deliberative process it will have a number of other issues, including credentialing, background noise, and intentional filibustering. During POTUS and LNC debates, the audience microphones would need to be forcefully muted.

Option 4: LNC Chooses POTUS

Description: Stop trying to have a convention. Delegates vote in non-binding poll for POTUS. All “elections” would be advisory, and the LNC would agree to follow the guidance of the delegates. The rest of business would be handled in an in-person convention to be scheduled in the fall.

Pro: Those in favor of this option believe that the postponed convention will inevitably end with cancellation, either way, so “impossibility” has already been reached. Even if not technically “impossible” from a government regulation standpoint, a gathering of 1,050 will create health concerns that make some delegates unable and/or unwilling to attend, and it is immoral to make people choose between health and participation. Those in favor of using this option immediately believe this is the fastest way to nominate a candidate, without having to have a “rump” convention.

Some favor using this option in the case that a rescheduled convention in July becomes Impossible; the POTUS nomination would be resolved and the rest of deliberative business is handled in-person when possible to meet.

Con: All funds collected (approximately \$330,000) for the in-person convention would be subject to potential refund to donors. Those opposed have concerns with using this mechanism as a primary option prior to July as a blatant violation of bylaws. The existing bylaws require a National Convention, and POTUS nomination may “only” happen at the National Convention. Vacancies can only occur in certain circumstances, and only then can the LNC fill the vacancy.

ARTICLE 14: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

1. Nominations of candidates for President and Vice-President of the United States may be made **only** at the Regular Convention immediately preceding a Presidential election.

2. **No candidate may be nominated** for President or Vice-President who is ineligible under the United States Constitution, who has not expressed a willingness to accept the nomination of the Party, **who served as a stand-in candidate** during the current election cycle, or who is not a sustaining member of the Party. **A stand-in is an individual who has agreed to be placed on a state affiliate's nomination petition prior to the selection of nominees by the Libertarian Party at Convention.**

3. **In the event of the death, resignation, disqualification or suspension of the nomination of the Party's nominee for President**, the Vice-Presidential nominee shall become the Presidential nominee. **Two-thirds of the entire membership of the National Committee may, at a meeting, fill a Vice-Presidential vacancy**, and, if necessary, a simultaneous Presidential vacancy.

4. **The National Committee shall respect the vote of the delegates at Nominating Conventions** and provide full support for the Party's nominee for President and nominee for Vice-President as long as their campaigns are conducted in accordance with the Platform of the

Party.

So long as it is possible to hold a convention, this bylaw restriction remains in place. Violating bylaws before absolutely necessary, combined with the improper seating of the Judicial Committee in 2018, opens up the process - including the POTUS nomination - to outside legal challengers.

Some members fear that if the choice of a National Ticket is left to the LNC, no matter who they choose, the supporters of those not chosen will question the legitimacy of the process, perhaps leading to long term rifts in the party.

Ballot Access Filing Deadlines (President only)

STATE	FILING DEADLINES	DEADLINE
Alabama	5,000 signatures must be filed August 13th	08/13/2020
Alaska	3,212 signatures must be filed by August 5th	08/05/2020
Arizona	Electors due August 14th	08/14/2020
Arkansas	Electors due 2 days after convention and before Sept 15th. 1000 signatures due Aug 3rd	Depends **
California	Paperwork due October 1st	10/01/2020
Colorado	Paperwork due Sept 4	09/04/2020
Connecticut	Paperwork due Sept 2	09/02/2020
Delaware	Paperwork due 10 days after convention	Depends **
DC	Electors due Sept 1	09/01/2020
Florida	Paperwork due Sept 1	09/01/2020
Georgia	Paperwork due June 22-26 *** ES ***	06/26/2020
Hawaii	Paperwork due Sept 4	09/04/2020
Idaho	Paperwork due Sept 1	09/01/2020
Illinois	Won lawsuit - Paperwork due August 7	08/07/2020
Indiana	September 8th	09/08/2020
Iowa	Petition due August 14th	08/14/2020
Kansas	File after national convention	Depends **
Kentucky	Paperwork due Sept 4th	09/04/2020
Louisiana	Paperwork due August 18th	08/18/2020
Maine	August 1st	08/01/2020

STATE	FILING DEADLINES	DEADLINE
Maryland	Action ongoing. Signatures due 8/1. Paperwork due 10/4.	08/01/2020
Massachusetts	Paperwork due September 8th	09/08/2020
Michigan	Paperwork due 1 day after national convention	Depends **
Minnesota	2000 signatures due August 18th	08/18/2020
Mississippi	Paperwork due September 4th	09/04/2020
Missouri	Paperwork due August 4th	08/04/2020
Montana	Paperwork due August 19th	08/19/2020
Nebraska	Paperwork due September 8th	09/08/2020
Nevada	Paperwork due August 20th	08/20/2020
New Hampshire	Candidate Filing due 6/15, petition due 8/5 *** ES ***	06/15/2020
New Jersey	800 signatures due 7/27	07/27/2020
New Mexico	Paperwork due 9/7	09/07/2020
New York	Paperwork due 9/4	09/04/2020
North Carolina	Paperwork due 8/7	08/07/2020
North Dakota	Paperwork due 8/31	08/31/2020
Ohio	Paperwork due 8/5	08/05/2020
Oklahoma	Electors due 7/15. Paperwork due 8/19	08/19/2020
Oregon	Paperwork due 8/25	08/25/2020
Pennsylvania	Electors due 30 days post-conv. Petition due 8/1	08/01/2020
Rhode Island	Electors due 6/28. 1000 signatures due 9/4	09/04/2020
South Carolina	Electors due 9/4. Paperwork due 9/8	09/08/2020
South Dakota	Paperwork due 8/4	08/04/2020

STATE	FILING DEADLINES	DEADLINE
Tennessee	275 signatures and paperwork due 8/20	08/20/2020
Texas	Paperwork due 8/25	08/25/2020
Utah	Paperwork due 8/31	08/31/2020
Vermont	Paperwork due 9/9	09/09/2020
Virginia	10,000 signatures and paperwork due 8/21	08/21/2020
Washington	1,000 signatures and paperwork due 8/7	08/07/2020
West Virginia	Paperwork due 8/1	08/01/2020
Wisconsin	2000+ signatures and paperwork due 9/1	09/01/2020
Wyoming	Paperwork due 30 days post-convention	Depends **

New Hampshire requires candidates to file Statement of Candidacy in June. Per conversations between Bob Johnston (LNC Contractor) and Deputy SOS Scanlon, multiple candidates can file and the party submits paperwork with the actual nominee (assuming that nominee filed the Statement of Candidacy). Further discussion is appropriate only for Executive Session for conversation on legal actions.

Georgia would need legal action to push back the filing deadline. Further discussion is appropriate only for Executive Session for conversation on legal actions.

** States denoted as “depends” are states that are required to file after the national convention, whenever that is.

Questions to Consider With All Options:

What effect will our choice have on ballot access?

Violating bylaws creates legal risk. Specifically Kentucky, but reports from other states as well.

The longer we wait, the more at-risk we are of not achieving ballot access in some states. At this time, Georgia is the first deadline that can't be accounted for, in late-June. If a reschedule/postpone occurs, a lawsuit will need to be filed in GA to force the state to shift back the initial filing deadline.

What effect will our choice have on the decision making process in some future crisis or crises? Are we weakening the protection afforded by our bylaws? Are we letting our bylaws unduly handicap our actions?

Any decision made at this time may be argued as precedent in the future. Bylaws should be followed, until following the bylaws actually become impossible.

Issues list:

Issue: Coronavirus lock-downs and/or travel restrictions

Some states have restricted travel of their citizens to other places, or have restricted citizens of other states to enter without a mandatory quarantine. These restrictions are currently being loosened as the states follow the national “re-open” plan.

Issue: Bylaws cannot be amended outside convention, and don’t permit virtual conventions or online balloting

The National Party bylaws do not provide for the LNC to amend bylaws outside convention, even in the case of an emergency. There is no remedy under the bylaws to resolve this without an in-person convention.

Issue: We are required in the bylaws to have a convention between July 1, 2019 and August 31, 2020.

The Libertarian Party is required to have a convention every two years, in a window. This is defined in the National Party bylaws:

ARTICLE 10: CONVENTIONS

1. Regular Conventions: The Party shall hold a Regular Convention every two years, at a time and place selected by the National Committee. Regular Conventions shall be held sometime ***during the period of July of an odd-numbered year through August of an even-numbered year.*** All business required to be conducted at Regular Conventions shall be conducted at Regular Conventions only. [emphasis added]

While the current May 22nd-25th dates may be covered as an impossibility, July and August should be open to hold a convention; thus the LNC would be required to choose a new date in order to comply with the bylaws.

Issue: Verifying delegates are credentialed and “on the floor”.

In any scenario that isn’t in-person, do you really know who’s on the other end? Can someone sell their seat to an otherwise non-delegate, and never be discovered?

Issue: Potential LNC actions related to selection of nominee could conflict with some state laws

If the LNC violates bylaws to nominate a POTUS candidate, creates opportunity for attempts to have our candidate sued off the ballot in certain states, based on state law.

Kentucky – KRS 118.325 requires a candidate to be ***“nominated in convention, in accordance with that party’s constitution and bylaws.”***

Issue: Online voting presents risk to the integrity of the process.

Online voting is open to many risks. The process must be secured to only those entitled to vote, and know who is entitled to vote at any particular time. Security would be essential. There needs to be consideration for individual technological failure or individual lack of required technology.

Issue: Timing of the nomination could impact ballot access in some states

New Hampshire has a “Statement of Candidacy” filing deadline of June 12th. One option is to have all candidates file, and the LP only does petitioning or certifying of the actual nominee, selected on a weekend after June 12th. This could cause multiple candidates seeking the LP nomination to appear on the ballot, even though they did not get our nomination. The New Hampshire party should ask for an extension, regardless of the path chosen by the LNC, as Coronavirus has slowed everything down. A lawsuit would likely push the filing deadline back.

Litigation in Illinois has caused the deadline in that state to be moved back to August.

Georgia is the next deadline, in late June. Legal counsel and Richard Winger both believe this would be easy to get pushed back.

There are ballot access petition deadlines in August that will be tight, but we expect relief from the courts on most or all of those. We have access to petition contractors that have expressed interest in hitting the ground running on the day we nominate POTUS.

RONR provisions relevant to discussion:

§1. THE DELIBERATIVE ASSEMBLY

Nature of the Deliberative Assembly

A deliberative assembly—the kind of gathering to which parliamentary law is generally understood to apply—has the following distinguishing characteristics:

- It is a group of people, having or assuming freedom to act in concert, meeting to determine, in full and free discussion, courses of action to be taken in the name of the entire group.
- The group meets in a single room or area or under equivalent conditions of opportunity for simultaneous aural communication among all participants.¹ [page 2]
- Persons having the right to participate—that is, the members—are ordinarily free to act within the assembly according to their own judgment.
- In any decision made, the opinion of each member present has equal weight as expressed by vote—through which the voting member joins in assuming direct personal responsibility for the decision, should his or her vote be on the prevailing side.
- Failure to concur in a decision of the body does not constitute withdrawal from the body.
- If any members are absent—as is usually the case in any formally organized assembly such as a legislative body or the assembly of an ordinary society—the members present at a regular or properly called meeting act for the entire membership, subject only to such limitations as may be established by the body's governing rules (see "quorum of members," however, p. 21; also 40).

The rules in this book are principally applicable to meeting bodies possessing all of the foregoing characteristics. Certain of these parliamentary rules or customs may sometimes also find application in other gatherings which, although resembling the deliberative assembly in varying degrees, do not have all of its attributes as listed above.

The distinction should be noted between the assembly (that is, the body of people who assemble) and the meeting (which is the event of their being assembled to transact business). The relation between these terms, however, is such that their application may coincide; a "mass meeting," for example, is described below as one type of assembly. The term meeting is also distinguished from session, according to definitions stated in 8. A session may be loosely described as a single complete course of an assembly's engagement in the conduct of business, and may consist of one or more meetings.

§8. MEETING, SESSION, RECESS, ADJOURNMENT

¹ A group that attempts to conduct the deliberative process in writing—such as by postal mail, electronic mail (e-mail), or facsimile transmission (fax)—does not constitute a deliberative assembly. When making decisions by such means, many situations unprecedented in parliamentary law will arise, and many of its rules and customs will not be applicable (see also pp. 97–99).

Explanation of Terms

In an assembly, as alluded to above on pages 2 and 25, each event of the members' being assembled to transact business constitutes a separate meeting; but the complete unit of engagement in proceedings by the assembly is a session, which (in the general case covering all types of assemblies) consists of one or more connected meetings. The term session is a fundamental concept entering into many important parliamentary rules.

In parliamentary law and as understood in this book, the terms defined below have distinct meanings:

- A meeting of an assembly is a single official gathering of its members in one room or area to transact business for a length of time during which there is no cessation of proceedings and the members do not separate, unless for a [page 82] short recess, as defined below. (For modification of the "one-room-or-area" requirement when the bylaws authorize electronic meetings, see pp. 97–99.) Depending on the business to be transacted, a meeting may last from a few minutes to several hours.
- A session of an assembly, unless otherwise defined by the bylaws or governing rules of the particular organization or body, is a meeting or series of connected meetings devoted to a single order of business, program, agenda, or announced purpose, in which—when there is more than one meeting—each succeeding meeting is scheduled with a view to continuing business at the point where it was left off at the previous meeting (see also discussion of distinction between recess and adjournment, p. 85).

§9. PARTICULAR TYPES OF BUSINESS MEETINGS

Annual Meeting

The term annual meeting is used in two senses.

Certain types of societies may hold only one business meeting of the general membership each year, perhaps leaving the management of the organization's affairs in the meantime to a board. Such a meeting is then the annual meeting of the society.

In local organizations that hold regular business meetings throughout the year, however, the bylaws may provide that one of these regular meetings held at a specified time each year shall be known as the annual meeting. The only difference between this kind of annual meeting and the other regular meetings is that the annual reports of officers and standing committees, the election of officers, and any other items of business that the bylaws may prescribe for the annual meeting are in order, besides the ordinary business that may come up. The minutes of the previous regular meeting are read and approved as usual at the annual meeting, and the [page 95] minutes of the annual meeting are read and approved at the next regular meeting. Minutes of one annual meeting should not be held for action until the next one a year later.

Business that is required to be attended to "at the annual meeting" can be taken up at any time (when it is in order) during the session of the annual meeting, or, in other words, either at that meeting as originally convened or at any adjournment of it. If such an item of business has

actually been taken up as required during the session of the annual meeting, it may also be postponed beyond that session in accordance with the regular rules for the motion to Postpone (see 14, especially p. 185).

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Electronic Meetings

EXTENSION OF PARLIAMENTARY LAW TO ELECTRONIC MEETINGS. Except as authorized in the bylaws, the business of an organization or board can be validly transacted only at a regular or properly called meeting—that is, as defined on pages 81–82, a single official gathering in one room or area—of the assembly of its members at which a quorum is present.

Among some organizations, there is an increasing preference, especially in the case of a relatively small board or other assembly, to transact business at electronic meetings—that is, at meetings at which, rather than all participating members being physically present in one room or area as in traditional (or "face-to-face") meetings, some or all of them communicate with the others through electronic means such as the Internet or by telephone. A group that holds such alternative meetings does not lose its character as a deliberative assembly (see pp. 1–2) so long as the meetings provide, at a minimum, conditions of opportunity for simultaneous aural communication among all participating members equivalent to those of meetings held in one room or area. Under such conditions, an electronic meeting that is properly authorized in the bylaws is treated as though it were a meeting at which all the members who are participating are actually present.

If electronic meetings are to be authorized, it is advisable to adopt additional rules pertaining to their conduct (see Additional Rules for the Conduct of Electronic Meetings, below).

[page 98] **TYPES OF ELECTRONIC MEETINGS.** Various provisions for electronic meetings are possible, so that more than the minimum standard of an audioconference may be required. Thus, if the bylaws provide for meeting by videoconference (but not merely by "teleconference" or "audioconference"), the meeting must be conducted by a technology that allows all participating members to see each other, as well as to hear each other, at the same time. Provision may also be made for the use of additional collaborative technology to aid in the conduct of a meeting.

It is important to understand that, regardless of the technology used, the opportunity for simultaneous aural communication is essential to the deliberative character of the meeting. Therefore, a group that attempts to conduct the deliberative process in writing (such as by postal mail, e-mail, "chat rooms," or fax)—which is not recommended—does not constitute a deliberative assembly. Any such effort may achieve a consultative character, but it is foreign to the deliberative process as understood under parliamentary law.

ELECTRONIC MEETINGS IN COMMITTEES. As in the case of a board or any assembly, committees that are expressly established by the bylaws can hold a valid electronic meeting only if authorized in the bylaws to do so. A committee that is not expressly established by the bylaws, however, may instead be authorized by a standing rule of the parent body or organization, or by the motion establishing the particular committee, to hold electronic meetings.

ADDITIONAL RULES FOR THE CONDUCT OF ELECTRONIC MEETINGS. If an organization authorizes its assembly, boards, or committees to hold electronic meetings, such a provision should indicate whether members who are not present in person have the right to participate by electronic means, or whether the body may choose to allow [page 99] or disallow such participation; and, conversely, whether there is required to be a central location for members who wish to attend meetings in person. The notice of an electronic meeting must include an adequate description of how to participate in it (for example, the telephone number to call for a teleconference must be provided). Various additional rules (in the bylaws, special rules of order, standing rules, or instructions to a committee, as appropriate) may also be necessary or advisable regarding the conduct of electronic meetings, such as rules relating to:

- the type of equipment or computer software required for participation in meetings, whether the organization must provide such equipment or software, and contingencies for technical difficulties or malfunctions;
- methods for determining the presence of a quorum;
- the conditions under which a member may raise a point of order doubting the presence of a quorum, and the conditions under which the continued presence of a quorum is presumed if no such point of order is raised;
- methods for seeking recognition and obtaining the floor;
- means by which motions may be submitted in writing during a meeting; and
- methods for taking and verifying votes.

In addition, depending on the character of the organization, it may be advisable to adopt provisions for ensuring that nonmembers cannot participate in meetings (unless properly invited to do so), especially during any meeting or portion of a meeting held in executive session.

Bylaws relevant to discussion

ARTICLE 10: CONVENTIONS

1. Regular Conventions: The Party shall hold a Regular Convention every two years, at a time and place selected by the National Committee. Regular Conventions shall be held sometime during the period of July of an odd-numbered year through August of an even-numbered year. All business required to be conducted at Regular Conventions shall be conducted at Regular Conventions only.

2. Delegates: a. Delegates shall be required to be members of either the Party or an affiliate party. At all Regular Conventions delegates shall be those so accredited who have registered at the Convention. b. Any federal or state law to the contrary notwithstanding, delegates to a Regular Convention shall be selected by a method adopted by each affiliate party; provided however, that only members of the Party as defined in these Bylaws, or members of the affiliate party as defined in the constitution or bylaws of such affiliate party, shall be eligible to vote for the selection of delegates to a Regular Convention.

3. Affiliate Party Delegate Entitlements: Each affiliate party shall be entitled to send delegates to each Regular Convention on the following basis: a. One delegate for each 0.14 percent, or fraction thereof, of the total Party sustaining membership in that affiliate; provided that at least one such delegate must be a resident of that State or District. b. One delegate for each 0.35 percent, or fraction thereof, of the votes cast nationwide for the Libertarian Party candidate in the most recent presidential election, cast in that affiliate's state.

4. Delegate Allocation: a. In order to be counted for delegate allocation, sustaining membership applications must be sent to the National Headquarters by either the individual member or the affiliate party and received or postmarked no later than the last day of the seventh month prior to the Regular Convention. b. The Secretary shall make a count of the sustaining members qualified under the requirements set forth here and shall compute the delegate allocations for the affiliate parties. Notification of the sustaining membership totals and allocation totals shall be sent by the Secretary to the Chair of each affiliate party no later than the last day of the sixth month prior to a Regular Convention. c. A list of the names and addresses of all delegates and alternates chosen by each affiliate party shall be sent to the Credentials Committee no later than one month prior to start of the first general session of the Regular Convention.

Amendments to such lists may be made by the affiliate parties and submitted to the Credentials Committee until the close of the Credentials Committee meeting preceding the Convention. The number of alternates' names submitted shall not exceed the greater of 50 or the number of delegates allocated. d. Failure to submit a listing of delegate/alternate names and addresses, as prescribed within these Bylaws, shall cause no delegation to be registered from that affiliate party. e. By seven-eighths vote, the Convention may approve additional delegates and alternates whose names and addresses are submitted to the Credentials Committee during the Convention.

5. Delegate List: Any Party member shall be provided, upon request and payment of copying and mailing costs, a list of the names and addresses of all delegates selected to attend and those who actually attended the most recent two Conventions, with those who attended clearly identified, and all delegates / alternates selected to the upcoming convention, if available.

6. Voting Eligibility: a. Use of the unit rule or unit voting is prohibited at national conventions. b. Duly selected alternates may be freely substituted for any members of their delegation who are temporarily or permanently absent from the floor, provided the procedure has been clearly specified by the affiliate party in advance of the Convention, and the Credentials Committee has been provided with lists of the affiliate party's delegates and alternates as well as a copy of the affiliate party's rules governing substitutions. c. An alternate, upon certification by the Credentials Committee, may function as a delegate whenever a delegate of the same state has not been registered in attendance. This status shall continue until the absent delegate registers in attendance. If the affiliate party has made no provision for filling delegate vacancies, the alternate substitute shall be decided by drawing lots. d. If the affiliate party has made no other provision, an alternate may temporarily vote in place of a delegate from the same state while he or she has the written consent of that delegate; however, no delegate may cast more than one vote on a question. e. All members must wear the identification badge issued upon registration in order to be admitted to the Convention hall.
7. Votes cast for "None of the Above" in voting on the Party's nominees for President and VicePresident, the Party Officers, and at-large members of the National Committee, shall be considered valid. Should a majority of the votes be cast for "None of the Above" in the Presidential or Vice-Presidential balloting, no candidate shall be nominated for that office. Should "None of the Above" be selected for any Party office, that position shall be declared vacant and none of the losing candidates for that position may be selected to fill the vacancy for that term of office.
8. Quorum: A quorum shall consist of 40% of the total number of delegates registered in attendance at the Convention.
9. The Convention Secretary shall produce draft convention minutes within 60 days of the adjournment of the Convention and present them to the National Committee. Draft convention minutes shall be posted on the Party's website at least 14 days prior to being submitted to the National Committee for approval by a two-thirds vote.
10. Convention Rules: The Party's Convention Special Rules of Order may be amended only by a Regular Convention.

ARTICLE 12: MEETINGS

Boards and committees may conduct business by teleconference or videoconference. The National Committee shall have power to adopt special rules of order and standing rules to facilitate the conduct of business by teleconference or videoconference.

ARTICLE 13: ELECTRONIC MAIL BALLOTS

Boards and committees may transact business by electronic mail. The chair or secretary shall send out electronic mail ballots on any question submitted by the chair or cosponsored by at least 1/5 of the members of the board or committee. The period for voting on a question shall remain open for seven days, unless all members have cast votes, or have stated an intention to

abstain or be absent during the voting period, by electronic mail to the entire board or committee. Votes from alternates will be counted, in accordance with previously defined ranked order, in the absence of the corresponding committee member(s). The outcome of each motion shall be announced promptly and recorded in the minutes of the next meeting. The number of votes required for passage of any motion shall be the same as that required during a meeting. Motions dispensed through electronic mail ballots satisfy the requirement of giving previous notice.

ARTICLE 14: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

1. Nominations of candidates for President and Vice-President of the United States may be made only at the Regular Convention immediately preceding a Presidential election.

2. No candidate may be nominated for President or Vice-President who is ineligible under the United States Constitution, who has not expressed a willingness to accept the nomination of the Party, who served as a stand-in candidate during the current election cycle, or who is not a sustaining member of the Party. A stand-in is an individual who has agreed to be placed on a state affiliate's nomination petition prior to the selection of nominees by the Libertarian Party at Convention.

3. In the event of the death, resignation, disqualification or suspension of the nomination of the Party's nominee for President, the Vice-Presidential nominee shall become the Presidential nominee. Two-thirds of the entire membership of the National Committee may, at a meeting, fill a Vice-Presidential vacancy, and, if necessary, a simultaneous Presidential vacancy.

4. The National Committee shall respect the vote of the delegates at Nominating Conventions and provide full support for the Party's nominee for President and nominee for Vice-President as long as their campaigns are conducted in accordance with the Platform of the Party.

5. A candidate's nomination may be suspended by a 3/4 vote of the entire membership of the National Committee at a meeting. That candidate's nomination shall then be declared null and void unless the suspended candidate appeals the suspension to the Judicial Committee within seven days of receipt of notification of suspension. The resolution of suspension must state the specific reasons for suspension and must be signed by each member of the National Committee agreeing thereto. The Judicial Committee shall meet and act on this appeal within 30 days and before the election.

ARTICLE 15: ALTERNATIVE VOTING PROCEDURES

1. The Convention Special Rules of Order may authorize specified forms of preferential voting.

2. The Convention Special Rules of Order may provide a mechanism under which, when no candidate initially receives a majority, the candidate receiving the fewest votes is removed from consideration.

ARTICLE 16: PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall

govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party.

ARTICLE 17: AMENDMENT

1. These Bylaws may be amended by a 2/3 vote of the delegates at any Regular Convention.
2. Article 3, Section 1, or this Section, shall not be amended by a vote of less than 7/8 of all registered delegates at a Regular Convention.

Convention Special Rules of Order of the Libertarian Party

RULE 1: ORDER OF BUSINESS

The standing order of business for a Regular Convention shall be as follows:

1. Call to order
2. Credentials Committee report
3. Adoption of agenda
4. Treasurer's report
5. Audit Committee report
6. Bylaws and Rules Committee report
7. Election of Judicial Committee (in appropriate years)
8. Election of Party Officers and at-large members of the National Committee
9. Platform Committee report
10. Nomination of Party candidates for President and Vice-President (in appropriate years)
- 11 Resolutions
12. Other business

RULE 2: VOTING PROCEDURE AND MOTIONS

1. On all matters, except the retention of platform planks, the election of Judicial Committee Members, Party Officers and at-large members of the National Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by either voice vote or rising vote. If any delegate objects to the Chair's ruling on the outcome of a voice vote, a rising vote shall be conducted. If 20 or more delegates object to the Chair's ruling on the outcome of a rising vote, a counted vote will be held.
2. The Chair may require any motion offered from the Convention floor to be in writing, signed by the mover and submitted to the Secretary.

RULE 3: POLLING PROCEDURE

1. The State Chair shall serve as chair of his or her delegation, unless that delegation selects another of its members to serve as its chair and so notifies the Secretary.
2. In cases where a roll call vote is required, polling shall be by state. The Secretary will ask for the vote from each state in alphabetical order, and the chair of each delegation shall report the vote for that state. The Convention seating will be by state delegation. If someone challenges the vote reported by any state's chair, the Secretary shall poll the delegates from that state individually.
3. In cases where computer readable ballots are used, each delegate must sign the ballot and submit it to the delegation chair. After verifying that the number of votes cast does not exceed the number the state is entitled to, the chair of each delegation shall submit the ballots to the Secretary. During the period of time allotted for such votes, the business of the convention shall continue without interruption.

RULE 4: DEBATING AND VOTING -- BYLAWS AND RULES

The Chair of the Bylaws and Rules Committee shall report each recommendation of the Committee to the Convention separately and shall have two minutes to explain the intent or purpose of the proposed amendment(s). The Convention Chair shall open each recommendation to discussion without amendment from the floor. Each recommendation shall

be considered and adopted separately, with a maximum of eight minutes discussion on any recommendation. After the discussion, the Convention Chair shall bring the recommendation to a vote. If the recommendation fails, the Convention Chair shall open the recommendation to amendment for an additional 10 minutes.

RULE 5: DEBATING AND VOTING -- PLATFORM

1. After the adoption of the convention agenda, the convention will vote whether to delete planks from the existing platform. This will be accomplished as follows: a. The Credentials Committee shall issue five signature tokens to each delegate. b. Tokens shall only be issued to delegates. Delegates are responsible for transferring possession of unused tokens to their alternates if necessary. c. Each delegate may cast each token as a recommendation for deletion of one plank by noting on the token the plank to be deleted and signing the token. d. A delegate may cumulate recommendations by casting any number of tokens for deletion of the same plank. e. Delegates will be given until one hour prior to the scheduled start of the platform report to mark their tokens and deliver them to the Secretary. f. Prior to the scheduled start of the platform report, the Secretary shall review the tokens received and tabulate and report the tokens submitted for deletion of each plank. g. As its first item of platform business, the convention shall vote whether to delete each of those planks that received a number of tokens for deletion equal to 20% or more of the number of credentialed delegates. Such votes shall be cast without amendment or debate.

2. The Platform Committee shall meet before each Regular Convention and prepare a report containing its recommendations. At the convention, the Platform Committee's recommendations shall be reported to the floor and debated and voted upon separately. The Platform Committee shall set forth the order in which each recommendation shall be considered.

3. Recommendations for which there is no minority report shall be debated and voted upon in the following manner: a. The Platform Committee Chair, or some other person designated by him or her, shall read the proposed recommendation and shall have up to two minutes to explain the recommendation. b. The Convention Chair shall then open the recommendation to debate without amendment for a period of up to 15 minutes before bringing the matter to a vote. If the recommendation fails, the Convention Chair shall inquire if any amendments are proposed from the floor. If there are such proposals, the Convention Chair shall request a vote on whether to consider amendments, and with majority approval may consider amendments for a period of up to 10 minutes.

4. Recommendations for which there is a minority report shall be debated and voted upon in the following manner: a. Spokespersons for both the majority and minority positions shall each have two minutes to present their views. b. The Chair shall then open consideration of both positions for five minutes during which time any delegates may express their views without offering amendments. After five minutes, there will be a vote on which of the two reports shall be considered for purposes of adopting a recommendation. The report receiving the greater number of votes shall then be discussed and voted upon in the manner described in Section 3b.

5. After all Committee recommendations have received initial consideration, any delegate may propose amendments to the Platform. The delegate may take up to two minutes to state and explain the proposal, with debating and voting to proceed as described in Section 3b.

6. Finally, if time permits, proposals which were considered by the Platform Committee but which received an unfavorable vote from a majority of the Committee, may be considered, with a spokesperson for the minority position giving the reasons in favor and the Platform Committee Chair or other representative of the majority position giving the reasons why it was voted down, before the proposal is taken to the floor for debate.

7. Challenges of adopted Party planks believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the Convention, to the Judicial

Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the plank is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to and report their findings and reasons to the Convention. If the plank is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the Convention.

8. Should changes to the bylaws or platform result in a grammatical error in accordance with the latest edition of the Chicago Manual of Style, the LNC presiding at the time of that discovery is authorized to make those grammatical corrections provided it does not change the meaning or intent of the item edited.

RULE 6: RESOLUTIONS

1. Resolutions must be approved by a 2/3 vote. 2. Resolutions must not be in conflict with the Statement of Principles. Challenges of such adopted Resolutions believed by 10% of the delegates to be in conflict with the Statement of Principles shall be referred in writing, during the Convention, to the Judicial Committee by the delegates requesting action for consideration. The challenge shall specify in what manner the Resolution is believed to be in conflict. The Judicial Committee shall consider the challenge, decide whether the Statement of Principles is conformed to, and report their findings and reasons to the Convention. If the Resolution is vetoed by the Judicial Committee, it will be declared null and void but can be reinstated by a 3/4 vote of the Convention.

RULE 7: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

1. No person shall be nominated for President or Vice-President unless at least 30 registered delegates join in the nomination in writing submitted to the Chair. No delegate may join in nominating more than one candidate for each office. The affixing of signatures to a nominating petition per this requirement shall be effected by a transfer of signature tokens issued by the Credentials Committee.

2. The Party's nominee for President shall be chosen by majority vote. If no candidate has attained a majority, the candidate with the fewest votes and any candidates polling less than 5% shall be struck from subsequent ballots. This procedure shall be repeated after every ballot in which no candidate has received a majority vote, until one candidate attains a majority.

3. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all the delegations have submitted their votes, the Secretary shall declare the voting closed. At this point, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation.

4. The Party's nominee for Vice-President shall be chosen by the same procedure as for the Presidential nominee except that the Presidential nominee shall have the privilege of addressing the Convention for 5 minutes, after nominations have been made but before voting has begun, for the purpose of endorsing or objecting to any of the Vice-Presidential nominees. Nominations for Vice-President shall close after selection of the Presidential nominee.

5. Nominating and seconding speeches for each candidate shall be limited in duration as follows: a. President: Total of 16 minutes; b. Vice-President: Total of 11 minutes. A delegate who collects the required number of nominating tokens so designated may speak up to 5 minutes in favor of voting for None Of The Above.

RULE 8: ELECTION OF OFFICERS AND NATIONAL COMMITTEE

1. Nominations for Party Officers shall be from the floor. The election shall be conducted in the

following manner: a. For each office, a majority vote will be necessary for election. b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary. When all delegations have submitted their votes, the Secretary shall declare the voting closed. -- 15 -- c. In cases where no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.

2. Nominations for the at-large members of the National Committee shall be from the floor. The election shall be conducted in the following manner: a. Each delegate may cast a ballot with a vote for either none-of-the-above or one vote per candidate for any number of candidates. Every ballot with a vote for none-of-the-above or one or more candidates is counted as one ballot cast. A vote for none-of-the-above shall be ignored if the ballot also includes a vote for any other candidate. b. Each delegation shall tabulate its total vote, and the delegation chair shall deliver a written total to the Secretary, along with the ballots cast. c. When all delegations have submitted their votes, the Chair shall declare the voting closed. The top five candidates receiving a majority vote of the ballots cast shall be elected. Tie votes affecting the outcome shall be decided by lot.

3. Nominations for each candidate may be made by any delegate present on the floor, provided he or she has the candidate's permission. Nominating speeches shall be limited in duration as follows: a. Chair: Total of 10 minutes; b. All others: Total of 5 minutes.

4. In the event a region has not otherwise provided for the election of its National Committee representation then the delegates from the region shall elect its regional representative and alternate, provided there are at least five delegates present. Each Region's delegates may elect their representative and alternate in whatever manner they choose, provided all delegates present from that region are given equal voice in the selection.

RULE 9: ELECTION OF JUDICIAL COMMITTEE

Nominations and elections for members of the Judicial Committee shall be conducted in the same manner as specified for at-large members of the National Committee.

RULE 10: VERIFICATION OF DELEGATION VOTE TOTALS

For each vote in which subtotals are submitted by delegation, each delegation shall conduct its vote by written ballot. After each delegation has tabulated its own vote totals, before submitting the totals to the Secretary, tellers approved by the Secretary shall review the ballot tabulation for accuracy and cosign the delegation totals. After the Secretary has recorded all delegation submissions, the state-by-state delegation totals for each candidate or choice shall be displayed on a projection screen for each delegation to review for accuracy.