



Report of the Bylaws and Rules Committee
to the delegates of the
Libertarian National Convention of 2010, St. Louis, Missouri

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Ranked Choice Voting for Officers (Recommended 10-0)

Problem: *Our current method of selecting officers is known as Runoff Voting – a process where successive rounds of voting are conducted, dropping the lowest ranking candidate from the list each round until a winner with a majority vote emerges.*

Solution: *Use Instant Runoff Voting (IRV), also known as Ranked Choice Voting, for LNC officer elections.*

Benefits:

1. *Saves time so that the convention can focus on other business.*
2. *Familiarizes LP delegates with the IRV process so they can more effectively explain the concept to others.*

RULE 10: 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.~~
- ~~c. For the first round of voting for Chair, an announcement of each delegation's vote total shall be made by delegation chairs in alphabetical order beginning with a randomly selected delegation. Subsequent announcements of each delegation's totals shall be made by the Secretary.~~
- ~~d. In cases where no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.~~

- a. Officer elections shall be conducted using Ranked Choice Voting. For each office, a majority vote of all the ballots cast shall be necessary and sufficient for election.
- b. Ballots shall allow delegates to rank their choices of candidates in order of preference, such as First Choice, Second Choice, Third Choice, etc.
- c. All individual ballots shall be turned in to the Secretary along with the tabulations by affiliate of the First Choice votes.
- d. In cases in which no candidate receives a majority of First Choice votes, the candidate with the fewest votes shall be eliminated and his or her ballots redistributed to the remaining candidates according to the next choice indicated on those ballots. The ballots shall then be recounted.
- e. Votes for None of the Above shall survive each round.
- f. If no candidate has a majority of votes cast, the process of eliminating the candidate with the fewest votes, redistributing according to the next choice on those ballots, and then recounting shall be repeated until one candidate has a majority.
- g. The Secretary shall retain the record of all voting rounds and make it available to delegates upon reasonable request.
- h. The Secretary shall announce the winner of the election after votes have been fully tabulated.

Defense Against Taxpayer-funded Presidential Campaigns (Recommended 10-0)

Problem: If a Libertarian Party candidate for President were to win 5% of the vote (under present rules), that would qualify the next Libertarian Party candidate for President for millions of dollars in taxpayer money and lead to many DC organizations weighing the chances of success and cost to takeover our Party.

Solution: Raise the cost and reduce the chances of success of a hostile takeover attempt so that no one even tries.

ARTICLE 11: 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. Non-Regular Conventions:

In any year which does not include a Regular Convention, a non-regular convention may be held at the discretion of the National Committee.

3. 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. At all Non-Regular Conventions, any person who wishes to attend may do so.

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.

c. If the previous Party candidate for President received enough votes to qualify the next Party candidate for President for any taxpayer-funded subsidy, then only those delegates who have been members of the Party prior to the previous Presidential general election shall be eligible to vote on proposed amendments to the Bylaws and for Presidential and Vice-Presidential nominees. All delegates, including delegates who first became members after the previous Presidential general election, shall be eligible to vote on all other matters, including Platform proposals, elections for Party office, and resolutions.

Authorization of Electronic Vote Tabulation Equipment (Recommended 10-0)

Problem: *Our current manual methods of voting are very time-consuming and prone to error.*

Solution: *Authorize the use of electronic voting, provided that it generates paper receipts that make it possible to conduct a manual recount.*

Benefits:

1. *Saves a lot of time.*
2. *Eliminates manual tabulation errors.*
3. *Plus, it's really cool.*

RULE 10: ELECTION OF OFFICERS AND NATIONAL COMMITTEE

3. The LNC Secretary and Credentials Committee may authorize an electronic voting system to supersede manual tabulation by state delegation, provided the following features are incorporated:

- a. A uniquely numbered receipt issued to each voting delegate.
- b. Tallies of individual votes by receipt number with subtotals by state delegation.
- c. Reports listing delegates that have cast ballots from each state delegation.
- d. Contemporaneously printed completed paper ballots for manual verification, if needed.

Mail Ballots for Bylaws (Recommended 10-0)

Problem: *Delegates spend an extra day or so at convention every two years at great expense considering amendments to the Bylaws.*

Solution: *Provide for Bylaws amendments to be adopted by a large super-majority of the membership in accordance with the mail ballot provisions in Robert's Rules of Order, including the provision of any minority reports together with the ballot materials.*

ARTICLE 11: CONVENTIONS

7. Convention Committees:

a. The Bylaws and Rules Committee shall consist of ten Party members appointed by the National Committee no later than three months before a Regular Convention. No more than five of these members shall be members of the current National Committee. The committee shall propose amendments to these Bylaws either to a Regular Convention or by mail ballot to the Party's sustaining members. Mail ballots shall not be sent more than once per year. The committee shall propose amendments to the Party's Convention Special Rules of Order to a Regular Convention. Proposals shall be delivered together with any minority reports signed by two or more members.

ARTICLE 14: AMENDMENT

1. These Bylaws may be amended by a 2/3 vote of the delegates at any Regular Convention or by a 4/5 vote of sustaining members participating in a mail ballot.
2. Article 4, Section 1, ~~shall not may~~ be amended only by a ~~vote of less than~~ 7/8 vote of all registered delegates at a Regular Convention.

RULE 5: COMMITTEE PROCEDURES

2. Four or more members of the Platform Committee may join together to issue a minority report regarding any plank reported to the floor of the Convention. Two or more members of ~~the Bylaws and Rules Committee or of~~ the Credentials Committee may join together to issue a minority report regarding their business.

Preventing Hijacking of our Presidential Nominations (Recommended 10-0)

Problem: Through Article 12, Section 1 of these bylaws, our state affiliates have mutually contracted to nominate the Presidential candidate selected by the delegates at a national convention. However, other than a vote of the LNC to disaffiliate, there is no mechanism for enforcement of this provision.

Solution: Provide a penalty for placing on the general election ballot anyone other than our nominee or an approved stand-in.

Benefits: Avoid the sorts of problems we had in one state in 2000 and two states in 2008.

ARTICLE 12: 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.

Notwithstanding any other provision of these bylaws, any affiliate party that nominates a presidential or vice-presidential candidate other than the Party's nominee or a stand-in approved by the National Committee shall be disaffiliated thereby.

Delete Anachronism from Secretary's Duties (Recommended 9-0)

Problem: Article 7, Section 6 -- the definition of the role of Secretary -- includes a sentence that appears to be left over from the 1970s when we did not have paid staff. Preparation of the Annual Report has not been a part of the Secretary's job for decades. And the expression "all information required" is an open invitation to a never-ending series of requests for yet more information.

Solution: Delete the last sentence of Bylaws 7.6.

ARTICLE 7: OFFICERS

6. The Secretary shall be the recording officer of the Party and shall perform such duties as are assigned by the Chair or the National Committee. The Secretary shall attend all meetings of the National Committee and all Party Conventions and shall act as Secretary thereof, keeping such minutes and records as necessary. ~~The Secretary shall make an annual report to the National Committee containing all information required by the Committee.~~

Divide Article 11.5 into Multiple Sections (Recommended 9-0)

Problem: *Article 11.5 is an extremely lengthy paragraph, with several different parts of the Delegate Allocation process thrown in.*

Solution: *As requested by the Secretary, divide this paragraph into discrete sub-sections. No text changes are proposed.*

ARTICLE 11: CONVENTIONS

5. 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.

Promote NOTA to a Bylaw (Recommended 9-0)

Problem: Rule 11: None of the Above is not properly a rule, as it defines the options available to delegates rather than the procedure for deciding between or among them. It is in the nature of a Bylaw, rather than a Rule. As a Rule, delegates can suspend this by a 2/3 vote, which effect is certainly not the intent of the very existence of the NOTA option.

Solution: Move Rule 11 to the Bylaws. It properly belongs in Article 11: Conventions, immediately after Section 6: Delegate List. Note that there are no changes to the text.

~~RULE 11: NONE OF THE ABOVE~~

ARTICLE 11: CONVENTIONS

7. Votes cast for "None of the Above" in voting on the Party's nominees for President and Vice-President, 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.

Split Article 11 (Recommended 9-0)

Problem: *Article 11: CONVENTIONS is currently the longest in the entire Bylaws, and includes stipulations for Convention Committees, which aren't properly Convention-related material, as these Committees ordinarily meet in advance of the Convention.*

Solution: *Split Article 11 into 2 articles.*

ARTICLE 11: CONVENTIONS

~~7. Convention Committees:~~

ARTICLE 12: OTHER COMMITTEES

1. There shall be a Platform Committee, a Bylaws and Rules Committee, and a Credentials Committee for each Regular Convention. The National Committee shall appoint a temporary chair of each committee to serve until each committee selects its own chair.
- ~~a:~~ 2. The Bylaws and Rules Committee shall consist of ten Party members appointed by the National Committee no later than three months before a Regular Convention. No more than five of these members shall be members of the current National Committee.
- ~~b:~~ 3. The Platform Committee shall consist of 20 members selected as follows:
 - One member by each of the ten affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations. These members shall be selected no later than the last day of the fifth month prior to the Regular Convention.
 - Ten members appointed by the National Committee, including no less than five members from states other than the ten having the largest Party memberships. These members shall be appointed no later than the last day of the fifth month prior to the Regular Convention.
- ~~c:~~ 4. The Credentials Committee, composed of ten members, shall be selected as follows:
 - Five members chosen by the National Committee.
 - One member by each of the five affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations. These shall be selected by each of the affiliate parties no later than one month prior to the Regular Convention.
- ~~d:~~ 5. Ranked alternates may be named by the appointing bodies to fill any vacancies or absences in the Convention Committees.

Resolve LNC Mail Ballot Ambiguity (Recommended 9-0)

Problem: The Bylaws currently specify that a majority vote shall carry any proposal considered by the LNC via a mail ballot, even if the same proposal considered at a face-to-face meeting requires a super-majority (specified in the LNC's Policy Manual). However, the Bylaws also specify higher voting requirements for some types of motions by incorporating Robert's Rules of Order as our parliamentary authority.

Solution: Don't specify the fraction necessary to pass a mail ballot proposal, as this is already covered adequately by RONR.

ARTICLE 8: NATIONAL COMMITTEE

9. The National Committee may, without meeting together, transact business by mail. The Secretary shall send out mail ballots on any question submitted by the Chair or by at least 1/5 of the members of the Committee. Fifteen days shall be allowed for the return of the votes cast, by mail, to the Secretary. The Secretary shall establish procedures for identifying voters in a mail ballot, and may accept votes through any mail system, including facsimile and electronic mail, for which such procedures have been established. Votes from alternate regional representatives will be counted, in accordance with the ranking procedure of the region, only if the regional representative fails to respond to the ballot. If, at the expiration of the applicable period, a quorum of the Committee have not returned their votes, the measure being voted upon shall be deemed to have failed; ~~in all other cases, a majority of the votes returned shall carry the measure, except where a higher vote is required by the Bylaws.~~ The Secretary shall preserve all such votes until the next meeting of the National Committee, at which meeting the Committee shall order the disposition of such votes.

Nominating Speech Time Limits (Recommended 9-0)

Problem: Our Convention Special Rules of Order currently micro-manage the nominating and seconding speech times for Officers and At-Large LNC members. This unnecessarily constrains the speeches.

Solution: Allocate a block of time for each candidate, and allow the candidate, nominator, and seconders the flexibility to apportion that block of time as they wish.

Benefit: Simplifies the procedure for the timer and liberates the candidate and friends to make the best use of their time. Makes this procedure consistent with that for nomination of candidates for President and Vice-President.

RULE 9: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

4. 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.

RULE 10: ELECTION OF OFFICERS AND NATIONAL COMMITTEE

4. Nominations for each candidate may be made by any delegate present on the floor, provided he or she has the candidate's permission. Nominating and seconding speeches for each candidate shall be limited in duration as follows:

- a. Chair: [Total of 10 minutes](#) ~~one five-minute nominating speech, two three-minute seconding speeches;~~
- b. All others: [Total of 5 minutes](#) ~~one two-minute nominating speech, two one-minute seconding speeches.~~

Move Rule 7.1 to Bylaws (Recommended 9-0)

Problem: Rule 7, Section 1, is more in the nature of a Bylaw than a Rule -- it defines structure, not process. In addition, the second sentence merely empowers delegates to a Regular Convention to amend the Platform, it does not limit any other LP body -- including the LNC. Finally, as a Rule, it can be suspended -- including the requirement that amending a Plank requires 2/3 vote.

Solution: Move the entire paragraph to Bylaws, and amend the second sentence to clearly limit who can amend the Platform. Note that only the second sentence is reworded -- most importantly, by the insertion of the word "only" (after changing the word order to make it more coherent).

Benefit: Fixes several oversights in the relation between the LP and our Platform.

RULE 7: DEBATING AND VOTING -- PLATFORM

~~1. The current Platform shall serve as the basis of all future platforms. At Regular Conventions, the existing Platform may be amended. Additional planks, or additions to planks, must be approved by 2/3 vote. A platform plank may be deleted by majority vote.~~

ARTICLE 4: STATEMENT OF PRINCIPLES AND PLATFORM

3. The current Platform shall serve as the basis of all future platforms. The existing Platform may be amended only at Regular Conventions. Additional planks, or additions to planks, must be approved by 2/3 vote. A platform plank may be deleted by majority vote.

Delegate Lists (Recommended 9-0)

Problem: Article 11, Section 6 is vague and inadequate to provide guidance to staff about responding to members' requests for lists of convention delegates. This is even more important since the adoption of a measure in Denver to provide a pathway to the Judicial Committee that depends on the delegates to the most recent Convention.

Solution: Clarify the language of 11.6.

ARTICLE 11: CONVENTIONS

6. 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 ~~elected delegates to a Convention.~~ 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.

Move Rule 5 to new Article 12: OTHER COMMITTEES (Recommended 9-0)

Problem: *The Convention Special Rules of Order are specifically to govern the conduct and processes occurring at the Convention itself. But Rule 5: Committee Procedures deals only with the pre-Convention operations of the Platform, Bylaws and Rules, and Credentials Committees. Rule 5 is out of place in the Convention Special Rules of Order.*

Solution: *Move the text from the Convention Special Rules of Order to the Bylaws.*

RULE 5: COMMITTEE PROCEDURES

- ~~1. A majority vote of those Committee members present is necessary for a "do pass" recommendation, and in the case of the Platform Committee, a majority must approve each specific plank separately.~~
- ~~2. Four or more members of the Platform Committee may join together to issue a minority report regarding any plank reported to the floor of the Convention. Two or more members of the Bylaws and Rules Committee or of the Credentials Committee may join together to issue a minority report regarding their business.~~
- ~~3. A member must be present in Committee to vote.~~
- ~~4. More than 1/2 of the membership of each committee shall constitute a quorum.~~

ARTICLE 12: OTHER COMMITTEES

6. Committee Procedures

- a. A majority vote of those Committee members present is necessary for a "do pass" recommendation, and in the case of the Platform Committee, a majority must approve each specific plank separately.
- b. Four or more members of the Platform Committee may join together to issue a minority report regarding any plank reported to the floor of the Convention. Two or more members of the Bylaws and Rules Committee or of the Credentials Committee may join together to issue a minority report regarding their business.
- c. A majority of the membership of each committee shall constitute a quorum.

LNC Support for Presidential Candidates (Recommended 9-0)

Problem: The word "all" makes no sense in Article 12, Section 4, unless it applies to all sustaining members seeking our nomination. However, that doesn't fit with the clear meaning in the first part of the sentence.

Solution: Clarify the existing language in Section 4.

ARTICLE 12: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

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

Audit Requirement (Recommended 9-0)

Problem: Audits have been performed in some years and not others. Several years ago, a former treasurer succeeded in firing an outside auditor who had uncovered accounting irregularities.

Solution: Ensure that audits are performed every year and ensure greater independence in the selection of the auditor.

Note: Article 7 is included for informational purposes; only Article 10 is being amended.

ARTICLE 7: OFFICERS

7. The Treasurer shall receive, expend and account for the funds of the Party under the supervision and direction of the Chair and the National Committee. The Treasurer shall make an annual financial report to the National Committee and shall perform all duties required of the office by applicable federal and state law. The Treasurer is responsible for oversight of all financial functions, including, but not limited to receipts, disbursements, internal and external reporting. The Treasurer shall report to the National Committee and the Convention both the financial situation of the Party and the results of its activities. The report of the Treasurer to the Convention, specified in Convention Rule 1 agenda item 4, shall include an independent auditor's report opining whether the financial statements present fairly, in all material respects, the financial position of the Party and the changes in its net assets and its cash flow for the years then ended, in conformity with accounting principles generally accepted in the United States of America. Unaudited interim financial statements shall also be presented. Such reports shall be made available to every delegate.

ARTICLE 10: FINANCE AND ACCOUNTING

2. The National Committee shall cause an efficient double-entry system of accounts to be installed and maintained. Financial statements of the Party shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP). Audits shall be performed annually by an independent auditor. The non-officer members of the National Committee shall appoint a standing Audit Committee of three members with power to select the independent auditor. One member shall be a non-officer member of the National Committee and the other two shall not be members of the National Committee. The Audit Committee shall clarify for the National Committee any recommendations made by the auditor.

Voting Eligibility (Recommended 9-0)

Problem: *The question of voting eligibility should be answered by the Bylaws, not by a Convention Special Rule of Order. A rule about who is eligible to vote is too fundamental to allow for its suspension. Also, the first parts of Rule 2 are covered by Robert's Rules of Order ("RONR") as fundamental parliamentary principles and their repetition here is unnecessary.*

Solution: *Move most of Rule 2 into the Bylaws and delete the parts which Robert's Rules of Order covers.*

RONR p. 2, lines 4-5: *"In any decision made, the opinion of each member present has equal weight as expressed by vote-..."*

RONR p. 408, line 31 - p. 409, line 2: *"It is a fundamental principle of parliamentary law that the right to vote is limited to the members of an organization who are actually present at the time the vote is taken in a legal meeting, although it should be noted that a member need not be present when the question is put. Exceptions to this rule must be expressly stated in the bylaws."*

RONR p. 255, lines 3-11: *"Rules which embody fundamental principles of parliamentary law, such as the rule that allows only one question to be considered at a time (p. 56) cannot be suspended. As a further example, since it is a fundamental principle of parliamentary law that the right to vote is limited to the members of an organization who are actually present at the time the vote is taken in a legal meeting (p. 408), the rules cannot be suspended so as to give the right to vote to a non-member, or to authorize absentee (pp. 408-409) or cumulative (p. 429) voting, even by a unanimous vote."*

RONR p 596, lines 33-35: *"This statement [by the Credentials Committee Chair] should be followed by whatever statistical summary is customary in the particular organization...."*

RULE 2: VOTING ELIGIBILITY

~~1. The Secretary, acting on behalf of the Credentials Committee, shall report the number of delegates registered in attendance and eligible to vote directly after the opening of the first business session, and at the beginning of each succeeding session.~~
~~2. All delegates shall be eligible to vote on all matters. In order to vote on a given matter, a delegate must be present on the floor at the time the vote is taken. Each delegate present shall have one vote.~~ [The last sentence of 2.2, and the remainder of Rule 2, are simply moved to Article 11.]

ARTICLE 11: CONVENTIONS

6. Voting Eligibility:

- ~~2.~~ a. Use of the unit rule or unit voting is prohibited at national conventions.
- ~~3.~~ 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 Secretary 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.

~~4~~ c. An alternate, upon certification by the Secretary, 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.

~~5~~ 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.

~~6~~ e. All members must wear the identification badge issued upon registration in order to be admitted to the Convention hall.

Judicial Committee Terms and Vacancies (Recommended 9-0)

Problem: The frequent turnover of the Judicial Committee at each convention impedes stability while facilitating a hostile takeover of the Party.

Solution: Increase the terms of Judicial Committee members.

Benefit: Defends the Judicial Committee against a hostile takeover of the Party, thereby helping to discourage anyone from attempting a hostile takeover.

ARTICLE 9: JUDICIAL COMMITTEE

1. The Judicial Committee shall be composed of seven Party members elected at each Regular Convention immediately preceding a Presidential election, and any five members shall constitute a quorum. No member of the National Committee may be a member of the Judicial Committee. The members of the Judicial Committee shall select the Chair of the Judicial Committee. The Judicial Committee shall take office immediately upon the close of the Regular Convention at which elected and shall serve until the final adjournment of the next Regular Convention immediately preceding a Presidential election. The remaining members of the Judicial Committee shall appoint new members if vacancies occur, such appointees to serve until the final adjournment of the next regular convention immediately preceding a Presidential election. All Judicial Committee members shall have been Party members at least four years at the time of their selection.

RULE 1: ORDER OF BUSINESS

10. Election of Judicial Committee (in appropriate years)

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Voting Procedure (Recommended 9-0)

Problem: An assembly should never go directly from a voice vote to a counted vote. The correct procedure is, in the case of votes requiring a majority, to first take a voice vote, then a rising vote if the voice vote is inconclusive, then a counted vote if the rising vote is inconclusive. In the case of a vote requiring 2/3, the Chair should start with a rising vote unless there is an expectation of near unanimity.

Solution: Take a counted vote only after a rising vote.

Note: See RONR pp. 44-5 and 48-50.

RULE 3: VOTING PROCEDURE AND MOTIONS

1. On all matters, except the retention and final retention of platform planks, the election of Party Officers and at-large members of the National Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by voice vote. If 20 or more delegates object to the Chair's ruling on the outcome of a ~~voice~~ rising vote, a counted vote will be held.

Split Rule 10 (Recommended 9-0)

Problem: *Rule 10: ELECTIONS OF OFFICERS AND NATIONAL COMMITTEE* addresses the entire process for selecting members to this committee. Buried in this Rule is the procedure for selecting the Judicial Committee. This makes it difficult to locate.

Solution: *Segregate the language dealing with the Judicial Committee (Rule 10.3) into a new separate rule.*

RULE 11: ELECTION OF JUDICIAL COMMITTEE

~~3.~~ 1. 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.

Authorization of Teleconferences (Recommended 9-0)

Problem: *Teleconferences are prohibited by RONR unless explicitly authorized by the Bylaws. "The bylaws may authorize a board or committee (or even a small assembly) to meet by videoconference or teleconference." -- RONR (10th ed.), p.482, l. 28-30.*

Solution: *Authorize small boards (such as the LNC Executive Committee) and small committees (such as the Audit Committee and the Judicial Committee) to transact business by teleconference or videoconference.*

Benefit: *Makes legal current practice.*

Note: *The chair can't see members to know when they wish to be recognized, and the more members are on a telephone call, the harder it is to avoid chaos when trying to recognize the next person to make a motion or debate the current one. Fewer than ten members is a reasonable practical limit to maintain coherence.*

[Article 12: MEETINGS](#)

[1. Boards and committees having fewer than ten members may conduct business by teleconference or videoconference.](#)

Platform Retention Voting (Recommended 9-1)

Problem: The results of plank retention voting are available only after platform debate has started. Our 2008 Convention demonstrated that this new method, tried for the first time, didn't reflect the true will of the delegates when it failed to delete any planks and the delegates soon thereafter deleted all the old planks.

Solution: Simplify the method and move it earlier in the convention.

Benefits: Less floor time needed, but more time available to delegates to make their choices. Less work for the Secretary in advance of the Convention, preparing the tokens.

Note: Gloette Hess, the outside Professional Registered Parliamentarian hired for our 2008 Convention, commented that the current plank retention method is the "worst mess" anywhere in our Bylaws or Convention Rules.

RULE 7: DEBATING AND VOTING -- PLATFORM

- ~~2. 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.~~

If either four members of the Platform Committee or 10% of the delegates credentialed at the previous Regular Convention petition the Secretary at least 30 days before the opening of a Regular Convention, a plank retention ballot shall be distributed to each delegate by the Credentials Committee. Ballots shall include options to retain all planks and to delete all planks, as well as the option to delete and retain specific planks. Ballots must be submitted to the tellers designated by the Secretary prior to consideration of the Bylaws Committee report. The Secretary shall announce the results of platform plank retention voting prior to the start of platform debate.

Expand Time for Affiliate Selection of Convention Committee Appointees (Recommended 9-1)

Problem: The ten largest state affiliates each get to send a representative to the Platform Committee. As our bylaws are currently written, they are required to select their representatives no later than last day of the fifth month prior to the Regular Convention. However, a state affiliate can't be certain if they are in the top ten until the last day of the sixth month prior to the Regular Convention. This leaves a state affiliate with only a 30-day window of time in which to select a representative. Meanwhile, the National Committee may have selected its members to the committee over a year prior to this measurement date, meaning that much work is being done before some state affiliates have an opportunity to influence the outcome of the report. Some states have even resorted to selecting a representative to the committee in anticipation that they might qualify.

Solution: Make the measurement date for determining a larger affiliate based on the previous convention, rather than the upcoming convention.

ARTICLE 11: CONVENTIONS

7. Convention Committees:

There shall be a Platform Committee, a Bylaws and Rules Committee and a Credentials Committee for each Regular Convention. The National Committee shall appoint a temporary chair of each committee to serve until each committee selects its own chair.

b. The Platform Committee shall consist of 20 members selected as follows:

One member by each of the ten affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations [at the most recent Regular Convention](#). These members shall be selected no later than the last day of the fifth month prior to the Regular Convention.

Ten members appointed by the National Committee, including no less than five members from states other than the ten ~~having the largest Party memberships~~ [affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations at the most recent Regular Convention](#). These members shall be appointed no later than the last day of the fifth month prior to the Regular Convention.

c. The Credentials Committee, composed of ten members, shall be selected as follows:

Five members chosen by the National Committee.

One member by each of the five affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations [at the most recent Regular Convention](#). These shall be selected by each of the affiliate parties no later than one month prior to the Regular Convention.

Credentials Committee (Recommended 8-0)

Problem: The Bylaws stipulate the deadline for appointment of the Platform Committee and Bylaws and Rules Committee, and the members of the Credentials Committee who are appointed by the five largest affiliates, but no mention is made of the deadline for the LNC to appoint the 5 members of the Credentials Committee selected by the LNC. This is clearly an oversight.

Solution: Specify the deadline for the LNC to appoint those five members of the Credentials Committee.

ARTICLE 11: CONVENTIONS

7. Convention Committees:

c. The Credentials Committee, composed of ten members, shall be selected as follows:

- Five members chosen by the National Committee no later than six months before a Regular Convention.
- One member by each of the five affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations. These shall be selected by each of the affiliate parties no later than one month prior to the Regular Convention.

Speeches for NOTA (Recommended 8-1)

Problem: The implementation several years ago of the device of requiring candidates for the LP's nomination for President and Vice-President to submit signatures in order to qualify for stage time for nominating and seconding speeches shut out any possibility of a person advocating that the delegates vote for None of the Above (NOTA) for that position. In fact, that was one of the major reasons for some delegates to oppose that provision.

Solution: Allow a delegate to speak for NOTA by collecting the requisite number of signature tokens.

RULE 9: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

4. Nominating and seconding speeches shall be limited in duration as follows:

President: Total of 16 minutes;

Vice-President: Total of 11 minutes.

[A delegate who collects the required number of nominating tokens so designated may speak in favor of voting for None Of The Above.](#)

Threshold for Presidential Speeches (Recommended 8-1)

Problem: The number of signatures a presidential candidate needs to get television time is too low. One candidate each at our 2004 and 2008 conventions vilified the Libertarian Party on national television.

Solution: Raise the bar a bit for presidential hopefuls to be able to make speeches at our convention -- which are broadcast on C-SPAN and sometimes on CNN.

Note: At our 2004 convention, 5 presidential candidates each collected 60 or more signatures. At our 2008 convention, 7 presidential candidates each collected 60 or more signature tokens.

RULE 9: NOMINATION OF PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

1. No person shall be nominated for President or Vice-President unless at least ~~30~~ 50 registered delegates join in the nomination in writing submitted to the ~~Chair~~ Secretary. 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. Nominees submitting more signature tokens shall have choice of speaking slots in preference to nominees submitting fewer signature tokens.

Order of Business (Recommended 8-1)

Problem: Many delegates leave as soon as our Presidential and Vice-Presidential nominees have been chosen.

Solution: Move selection of our Presidential and Vice-Presidential candidates to later in the convention. This ensures that we'll maintain a quorum for all important business. It will also give our delegates more time to decide which Presidential and Vice-Presidential candidates to support.

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. Bylaws and Rules Committee report
- ~~8.~~ 6. Election of Party Officers and at-large members of the National Committee
- ~~9.~~ 7. Election of Judicial Committee
- ~~6.~~ 8. Platform Committee report
- ~~7.~~ 9. Nomination of Party candidates for President and Vice-President (in appropriate years)
10. Resolutions
11. Other business

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Seconding Procedure (Recommended 8-1)

Problem: In groups of 12 to 50 or so, requiring a single second is usually effective to prevent frivolous motions from wasting everyone's time. However, in a group of 500 to 1000, one person invariably seconds every frivolous motion -- no matter how absurd.

Solution: Require a small number of the body to second a motion.

Benefits: Saves everyone time at each convention.

Footnote: "The requirement for a second is for the chair's guidance as to whether he should state the question on the motion, thus placing it before the assembly. Its purpose is to prevent time from being consumed by the assembly's having to dispose of a motion that only one person wants to see introduced." -- RONR (10th ed.) p. 35.

RULE 3: VOTING PROCEDURE AND MOTIONS

1. On all matters, except the retention and final retention of platform planks, the election of Party Officers and at-large members of the National Committee, and the nomination of Presidential and Vice-Presidential candidates, voting will be by voice vote. If 20 or more delegates object to the Chair's ruling on the outcome of a voice vote, a counted vote will be held.
2. [Any motion from the floor shall be considered seconded only if 20 of the registered delegates rise to second the motion.](#)
3. The Chair may require any motion offered from the Convention floor to be in writing, signed by the mover and submitted to the Secretary.

Conflict of Interest Policy (Recommended 8-2)

Problem: We've encountered several examples in the last couple of years where members holding key positions in the Party have been members of other political parties and have even donated money to candidates competing with our nominees in the general election. People who hold positions of trust in our Party should be clearly committed to supporting only our Party.

Solution: Add a new Bylaw that prohibits such individuals from serving in a position of trust or responsibility.

Note: This language applies to the national Party, not affiliates.

ARTICLE 6: CONFLICT OF INTEREST

No person affiliated with any other political party or providing support for its nominees shall serve as a Party employee, board member, or committee member, or hold any other position of trust or responsibility within the Party. This article does not apply to support of a fusion candidate nominated by the Party or an affiliate or to signing petitions.

Proviso: This amendment shall take effect upon the close of the convention at which it is adopted.

Deterring Petition Circulators from Hijacking our Presidential Nominations (Recommended 8-2)

Problem: *Through Article 12, Section 1 of these bylaws, our state affiliates have mutually contracted to nominate the Presidential candidate selected by the delegates at a national convention. However, other than a vote of the LNC to disaffiliate, there is no mechanism for enforcement of this provision.*

Solution: *Provide a penalty for placing on the general election ballot anyone other than our nominee or an approved stand-in.*

Benefits: *Avoid the sorts of problems we had in one state in 2000 and two states in 2008.*

ARTICLE 12: 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. Any member who circulates a general election petition to place anyone on a presidential or vice-presidential ballot, as a Party candidate, other than the Party's nominee or a stand-in approved by the National Committee shall thereby be expelled.

Ensuring Balance of Obligations of Party and Presidential Campaigns (Recommended 7-2)

Problem: The Bylaws specify that the LNC must provide "full support" to the national candidate selected by the delegates, but fails to balance that with a corresponding duty of the candidate. In the past, a contract between the candidate and the LNC has been signed shortly after the nomination, but the Bylaws don't even create any strong incentive for that to happen.

Solution: Specify in the Bylaws that the proposed contract should be signed prior to nomination, by all those who seek the nomination of the delegates.

Benefit: Having an agreement published in advance makes it clear to all parties what should be reasonably expected of each. And after the nomination, the Party will already have a contract with the nominee.

Insert Article 12.3: Not less than six months prior to each Regular Convention immediately preceding a Presidential election, the National Committee shall publish a contract specifying the terms by which the Party and the Presidential and Vice-presidential campaign shall assist and support each other. The Chair shall sign on behalf of the Party with anyone who otherwise qualifies and desires to be our candidate. Only those persons who have signed and are in compliance with the contract shall be recognized as candidates and be eligible to be nominated for President or Vice-President.

Standing Rules (Recommended 7-2)

Problem: Neither "policy" nor "directive" is a term of art defined by RONR or otherwise having a clear meaning in the context of Bylaws.

Solution: Use the clear and well-defined term of art "standing rule" where that is what the Bylaws mean.

ARTICLE 7: OFFICERS

4. The Chair shall preside at all Conventions and all meetings of the National Committee. The Chair is the chief executive officer of the Party with full authority to direct its business and affairs, including hiring and discharging of National Committee volunteers and paid personnel, subject to express National Committee ~~policies and directives~~ standing rules issued in the exercise of the National Committee's plenary control and management of Party affairs, properties and funds.

Four-Year Conventions (Recommended 6-2)

Problem: Mid-term conventions cost our activists hundreds of thousands of dollars in travel, accommodation, and attendance costs, while usually losing money for the Party. Decisions are made by a small number of delegates less representative of our members than the larger number at presidential nominating conventions.

Solution: Have national conventions on a four year schedule.

ARTICLE 11: CONVENTIONS

1. Regular Conventions:

The Party shall hold a Regular Convention every ~~two~~ four 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~~ a year before a Presidential election year through August of a year of a Presidential election. ~~an even-numbered year.~~ All business required to be conducted at Regular Conventions shall be conducted at Regular Conventions only.

Delegate Allocation (Recommended 6-3)

Problem: We are currently required to use a meeting hall with seating for 1050 delegates when actual attendance over the last four conventions has ranged from 314 to 814 delegates. This drives up the costs to the delegates and makes the room look empty on C-SPAN.

Solution: Reset the delegate allocation from 1050 to 750, which is about the highest number of delegates we can reasonably expect to attend.

Benefits: Better predictability of the number of delegates means the room can be sized more appropriately, keeping costs down for the delegates and making the room look more energetic on television.

ARTICLE 11: CONVENTIONS

4. 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~~ 0.2 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~~ 0.5 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.

Platform Consideration (Recommended 6-3)

Problem: A relatively small number of delegates were able to make major changes to our platform at the 2006 convention.

Solution: Consider platform amendments only during presidential nominating conventions where more delegates are present.

Note: The Platform Committee can still meet, and if there's urgency to considering a proposal, the Rules can be suspended.

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. Bylaws and Rules Committee report
6. Platform Committee report ([at Presidential nominating conventions](#))
7. Nomination of Party candidates for President and Vice-President (in appropriate years)
8. Election of Party Officers and at-large members of the National Committee
9. Election of Judicial Committee
10. Resolutions
11. Other business

Proviso: This amendment shall take effect upon the final adjournment of the convention at which it is adopted.

Deterring Party Officers from Hijacking our Presidential Nomination (Recommended 6-4)

Problem: Through Article 12, Section 1 of these bylaws, our state affiliates have mutually contracted to nominate the Presidential candidate selected by the delegates at a national convention. However, other than a vote of the LNC to disaffiliate, there is no mechanism for enforcement of this provision.

Solution: Provide a penalty for placing on the general election ballot anyone other than our nominee or an approved stand-in.

Benefits: Avoid the sorts of problems we had in one state in 2000 and two states in 2008.

ARTICLE 12: 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. Any officer of the Party or of an affiliate party who signs any document, other than a nominating petition, to place on the general election ballot a presidential or vice-presidential candidate other than the Party's nominee or a stand-in approved by the National Committee shall be thereby expelled.

Regional Stability (Recommended 5-2)

Problem: *Sometimes regional realignment is forced by a region falling just a few members short of the number required, leading to constantly shifting regions.*

Solution: *Allow a small margin so that regional associations can be more stable.*

ARTICLE 8: NATIONAL COMMITTEE

2. The National Committee shall be composed of the following members:

c. any additional members as specified below:

Any affiliate party with 10% or more of the total national party sustaining membership within affiliate parties (as determined for delegate allocation) shall be entitled to one National Committee representative and one alternate for each 10% of national sustaining membership. Affiliate parties may, by mutual consent, band together to form "representative regions," and each such "region" with an aggregate national party sustaining membership of 10% or more shall be entitled to one National Committee representative and one alternate for each 10% of national party sustaining membership. Any existing region whose total membership is less than the threshold for new region formation may nevertheless persist as a region unchanged in affiliate composition provided the shortfall does not exceed 0.5% of national sustaining membership. "Representative regions" may be formed or dissolved once every two years during a period beginning 90 days before the beginning of and ending on the second day of the National Convention, and notice of new formations or dissolutions must be given in writing to the national Secretary prior to the close of the Convention at which they take place.

Single Transferable Vote for LNC At-Large (Recommended 5-4)

Problem: *Libertarians advocate for alternative voting systems that are more representative. The 2004 LP Platform addressed this as follows:*

“In order to grant voters a full range of choice in federal, state and local elections, we propose proportional voting systems with multi-member districts for legislative elections and instant runoff voting (IRV) for single winner elections.”

However, internal elections of the Libertarian Party do not follow these methods. The current voting system for At-Large allows a plurality of the delegates to elect all of the At-Large LNC members.

Solution: *Practice what we preach. Use single-transferable voting for LNC At-Large elections.*

Benefits:

- 1. Harmonizes Libertarian Party practices with our message.*
- 2. Familiarizes LP delegates with the STV process so they can more effectively explain it to others.*
- 3. Allows organized minorities of the delegates to have proportional representation on the LNC without overvoting or undervoting for a particular candidate.*
- 4. Implements the voting method that mirrors voter desires most accurately.*

RULE 10: ELECTION OF OFFICERS AND NATIONAL COMMITTEE

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 up to five votes, but no more than one vote for any one candidate.~~

~~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.~~

~~c. 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.~~

~~d. Those five candidates receiving the highest vote totals shall be declared elected. If a tie vote affecting the outcome of the election occurs, another ballot for the remaining offices shall be held with each delegate allowed to cast as many votes as there are offices to fill.~~

a. The winners shall be determined by single-transferable voting.

b. Voting for each election shall take place in one round. Delegates may rank up to ten candidates on their ballots in order of preference. Only nominated candidates shall be valid options on the ranked ballots.

c. Each delegation chair shall deliver the delegation's ballots to the Secretary. When all delegations have submitted their votes, the Chair shall declare voting closed.

d. Convention business shall continue while the votes are counted by the Secretary or his designees. Tabulation for multiple elections may be conducted simultaneously.

e. Tabulation shall take place in multiple rounds. Each round the full or fractional votes

for the highest ranking preferences shall be summed and recorded.

f. If the vote count for any candidate exceeds the droop quota [(droop quota) = (ballots submitted)/(seats up for election + 1) + 1], the candidate shall be considered a winner.

g. In that case, any excess votes shall be allocated to the next highest ranking preference: each ballot for the candidate shall have its weight reduced to a fractional vote [(end fractional vote) = (begin fractional vote)x(votes for candidate – droop quota)/(votes for candidate)].

h. Otherwise (if no candidates are elected in a round), the candidate (or candidates in the case of a tie) with the fewest votes shall be considered out of the race.

i. In that case, the remaining fractional vote for each ballot shall be allocated to the remaining candidates marked as the next highest ranking preference on those ballots.

j. The process shall be repeated until either all positions are filled or one candidate remains and that candidate fails to achieve the droop quota.

k. If some seats are left unfilled, none of the above (NOTA) shall be considered to have won those seats and another election shall be held for those seats with the candidates who ran previously ineligible to be nominated.

l. The Secretary shall retain the record of all voting rounds and make it available to delegates upon reasonable request.

m. The Secretary shall announce the winners of the election after votes have been fully tabulated.