



# **Bylaws of the Libertarian Party of North Carolina**

*Adopted in Convention in April 2015; Amended April 2016*

## **Article I. Name**

The name of this organization shall be the Libertarian Party of North Carolina, hereinafter referred to as the Party or by the acronym LPNC.

## **Article II. Purpose**

The purpose of the Party is to conduct the following activities consistent with the Statement of Principles:

1. Disseminating libertarian political ideas by entering into political information activities.
2. Nominating candidates for statewide political offices and supporting candidates for political office within the State.
3. Promoting, recognizing, and coordinating local organizations throughout the State.
4. Supporting national Libertarian candidates.

## **Article III. Membership**

A resident of North Carolina becomes and remains a member of the Libertarian Party of North Carolina by fulfilling at least one of the following criteria:

1. Maintaining voter registration as a Libertarian with the County Board of Elections in her or his county of residence, or;
2. Maintaining current membership dues with the Libertarian National Committee, or;
3. Maintaining current membership dues with the Libertarian Party of North Carolina, or;
4. Maintaining a written or electronic affirmation to the Party that they do not advocate the initiation of force to achieve social or political goals.

## **Article IV. Officers**

### **Section 1. Officers**

The officers of the Party shall be a Chair, a Vice Chair, a Treasurer, and a Secretary. Election will take place at the State Convention of the Party by the attending delegates. Officers shall take office immediately upon the close of such Convention. No State offices shall be combined.

### **Section 2. Chair**

The Chair shall be Chief Executive Officer of the Party and shall preside at all Party Conventions and at all meetings of the Executive Committee at which the Chair is present.

### **Section 3. Vice Chair**

The Vice-Chair shall act as assistant to the Chair and preside in his or her absence.

### **Section 4. Treasurer**

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

### **Section 5. Secretary**

The Secretary shall be the recording officer of the Party and shall be responsible for maintaining accurate lists of Party membership.

## **Article V. Executive Committee**

### **Section 1. Purpose**

The Executive Committee shall be responsible for the control and management of all of the affairs, properties, and funds of the Party consistent with these Bylaws and any resolutions that may have been adopted in Convention.

### **Section 2. Composition**

The Executive Committee of the Party shall be composed of the following members: the elected officers of the Party and nine (9) non-designated members At-Large elected at the Convention of the Party by attending delegates.

### **Section 3. Directors**

Where it is deemed desirable to have a statewide Party official with designated responsibilities and authority beyond the Party offices, the Executive Committee may create a position of Director for any area of activity not handled by a Party officer. In each case, the position of Director must be assigned specific duties and a specific title.

1. All Directors will be appointed by the Executive Committee, serve at the pleasure of the Executive Committee, and answer directly to the Chair, other officer, or another director, as determined by the Executive Committee.
2. An officer of the Party may not also serve in a Director's position. An At-Large member of the Executive Committee may also serve in one, but not more than one, Director's position.
3. Each Director shall have all privileges of membership on the Executive Committee except the power to vote.

### **Section 4. Election**

1. Executive Committee members shall be elected every two years in odd-numbered years, or in even-numbered years to fill a vacant position. Voting shall be as described in the Convention Rules.
2. If no qualified candidates are nominated for any position on the Executive Committee at the Convention, then that position may go unfilled, and the position shall be considered vacant.
3. Attending delegates to the Convention may vote for "None of the Above" for any position on the Executive Committee. If "None of the Above" is elected, that position shall remain unfilled until the next State Convention, at which time the attending delegates may hold a special election to fill that position for the remainder of the term. The Executive Committee may assign the duties of that position to any Party member, but the person filling that position will not have a vote on the Executive Committee.

### **Section 5. Qualifications**

Each member of the Executive Committee must maintain membership with the Party as defined in Article III. Executive Committee members must not be registered with the State of North Carolina with any political party other than the Libertarian Party of North Carolina.

### **Section 6. Term**

The term of the Executive Committee, including At-Large members, shall run for two years, expiring at the end of the State Convention two years from the State Convention at which they were elected, if elected in an odd-numbered year. If the member was elected in an even-numbered year or appointed in the interim, then the term expires at the end of the next State Convention.

### **Section 7. Resignation**

Any member of the Executive Committee who fails to attend three (3) consecutive meetings of the Committee or five (5) meetings of the Committee in the period between Conventions shall be considered to have tendered a resignation. The Executive Committee may accept or refuse such resignation by majority vote.

## **Section 8. Vacancies**

The Executive Committee may appoint new members, if vacancies or suspensions occur, such members to complete the term of the position vacated, until the next State Convention, where a special election shall be held to fill such position(s), if necessary. If the appointed new member fails to be elected, the Executive Committee cannot reappoint that person to the same position during that term of office.

## **Section 9. Quorum**

A majority of the filled voting positions on the Executive Committee shall constitute a quorum for the transaction of business at all meetings.

## **Section 10. Contributions**

Contributions shall be used for their designated purpose or, if not designated, as decided by the Executive Committee or local body that receives the contribution.

# **Article VI. Judicial Committee**

## **Section 1. Formation**

The Judicial Committee shall be composed of five Party members elected at each State Convention, and any four (4) members shall constitute a quorum. No member of the Executive 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 State Convention at which elected and shall serve until the final adjournment of the next State Convention. In the event of a vacancy on the Judicial Committee, the remaining members of the Judicial Committee shall appoint a replacement to serve until the next State Convention.

## **Section 2. Jurisdiction**

The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:

1. Suspension of affiliate parties,
2. Suspension of Officers by a vote of the Executive Committee,
3. Suspension of At-Large Executive Committee members by a vote of the Executive Committee,
4. Voiding of Executive Committee decisions,
5. Challenges to Platform planks,
6. Challenges to Resolutions, and
7. Censure of candidates.

## **Section 3. Rules**

Within ninety (90) days following the State Convention at which elected, the Judicial Committee shall establish Rules of Appellate Procedure to govern its consideration of matters within the scope of its jurisdiction. The existing Rules shall remain in effect until and unless the Judicial Committee submits new proposed rules to the Executive Committee for approval, which approval shall be deemed given unless denied by a two (2/3) vote of the Executive Committee within sixty (60) days of submission. A copy of the current Rules of Appellate Procedure shall be maintained by the Recording Secretary and shall be available to any member at cost.

## **Section 4. Appeals**

The Judicial Committee shall set a date for hearing an appeal between twenty (20) and forty (40) days of receipt of the appeal and shall notify all interested persons, which persons shall have the right to appear and present evidence and argument. At the hearing, the burden of persuasion shall rest upon the appellant. The Judicial Committee shall issue a ruling within thirty (30) days of the hearing. Failure of the Judicial Committee to rule within thirty (30) days shall constitute a ruling in favor of the appellant.

# **Article VII. Advisory Senate**

The Advisory Senate shall be an honorary council consisting of those Executive Committee members or other officers who have completed their terms of office, or those who have been appointed Senators by the Party in

Convention, and who remain members of the Party in good standing.

## **Article VIII. Committees**

### **Section 1. Adjunct Committees**

For each State Convention, the Executive Committee shall appoint an Adjunct Committee of at least five Party members to make recommendations to the Convention.

1. For a Convention in an odd-numbered year, the subject of the Adjunct Committee shall be the Bylaws and Convention Rules.
2. For a Convention in an even-numbered year, the subject of the Adjunct Committee shall be the Platform.

### **Section 2. Working Committees**

There shall be such working committees appointed by the Chair as the Executive Committee deems appropriate. Working committees shall exist at the pleasure of the Executive Committee.

## **Article IX. Meetings**

### **Section 1. Notification**

The Executive Committee shall meet at such times and places as may be determined by actions of the Committee, by call of the Chair, or by written request of one-third (1/3) or more of the Executive Committee. The Secretary will send written notification, either electronically or by surface mail, of the time and place of all meetings to each member of the Executive Committee not less than fourteen (14) days prior to the meeting.

### **Section 2. Transaction of Official Business**

1. The Executive Committee may, without meeting together, transact business by electronic mail, by surface mail, or by phone. Any voting member or Director may make a motion. Once a motion is recognized by the Chair, and seconded by another member, the motion can be discussed and voted on electronically, by mail, or by phone. The Chair shall establish procedures for taking the votes. Votes will be recorded by the Secretary.
2. Members may abstain from voting, either affirmatively or by inaction. Affirmative abstentions count toward the required quorum defined in Article V, Section 9; abstentions via inaction do not.
3. If, at the expiration of the applicable period, the quorum of the Executive Committee has not returned their votes, the measure being voted on shall be deemed to have failed; in all other cases, majority of the votes required shall carry the measure except where a higher vote is required by the Bylaws. The Secretary must preserve all such votes until the next meeting of the Executive Committee, at which meeting the Executive Committee shall order the disposition of the votes.

## **Article X. Local Organization**

The Libertarian Party of North Carolina may recognize local affiliate organizations of any kind. County affiliates may, in turn, recognize precinct or other local affiliates. County affiliates may send delegates to the LPNC State Convention, using the procedures below.

### **Section 1. Organizing**

For any precinct or county not yet recognized, any Party member(s) may organize for the Libertarian Party of North Carolina as follows:

1. To be recognized by the Libertarian Party of North Carolina, an affiliate must have a Chairperson, a Secretary, and a Treasurer. There must be at least one person who has held a meeting to form an affiliate and one person may hold one or more offices.
2. Public notice must be posted no less than ten (10) days before holding a precinct or county organizational meeting.
3. A precinct organizational meeting must be held no less than thirty (30) days before the County Conventions and County Conventions must be held no less than thirty (30) days before the LPNC State Convention.

4. To hold an organizational meeting, to be elected for an office, or to serve as a delegate, a person must have been a member of the Libertarian Party of North Carolina for at least thirty (30) days.
5. Financing for the state and affiliate organizations is maintained separately.
6. In order to be recognized by the LPNC, an affiliate must identify their chairperson and treasurer to LPNC Executive Committee and certify to the Executive Committee that all procedures of the Bylaws were followed.
7. An affiliate may adopt its own plan of organization so long as there are no violations of the Bylaws and Convention Rules of the LPNC.

## **Section 2. Selection of Delegates**

The county organizations will select delegates to the LPNC State Convention. Each county organization shall be entitled to a number of delegates and an equal number of alternates, that number being the greater of the following:

1. Two-fifths (2/5) of the number of members who pay dues either to the Libertarian Party of North Carolina or the national Libertarian Party and who reside within that county as of the last day of the month four (4) months prior to the State Convention, rounded up to the next whole number, or
2. Two (2).

## **Section 3. Resolutions**

Any resolutions adopted at County Conventions may be presented to the Platform or Bylaws Committees of the LPNC.

## **Section 4. Removal of officers**

The Executive Committee may, by two-thirds (2/3) majority vote, remove the officers of county or other local organizations, for reasons of public behavior that brings discredit to the name of the Libertarian Party. Local officers who are removed in this manner may appeal the decision of the Executive Committee to the Judiciary Committee. An affiliate removed by a vote of the Executive Committee may challenge the removal by an appeal in writing to the Judicial Committee within thirty (30) days of receipt of notice of suspension. Failure to appeal within thirty (30) days shall confirm the removal and bar any later challenge or appeal.

# **Article XI. Convention & Platform**

## **Section 1. Convening**

The Party shall hold an annual State Convention to conduct such business as may properly come before it and in conformance with the Bylaws and Convention Rules. It shall be the responsibility of the Executive Committee to set the time, place, and schedule of events for the State Convention. The time and place of the State Convention shall be announced to the membership by all the means by which the Party regularly communicates with the membership at least sixty (60) days prior to the Convention.

## **Section 2. County Delegates**

Delegates to the State Convention shall be selected in each organized county as set forth in Article X, Section 2. In addition, the Convention shall seat up to two delegates from each unorganized county and from each county that failed to submit a list of delegates to the Membership Secretary. If more than two Party members from such a county are in attendance, then the first two to register for the Convention are entitled to become delegates, and the next two to become alternates.

## **Section 3. Ex-officio Delegates**

In addition to the delegates selected by the County Organizations, the following persons shall be ex-officio delegates, automatically entitled to delegate status, provided they maintain Party membership as defined by Article III and are not affiliated with any other political party:

1. Members of the Executive Committee;
2. Any former Party nominees for the offices of Governor of the State of North Carolina and United States Senate in the State of North Carolina; and
3. Each member of the General Assembly, member of the North Carolina Council of State, Mayor, County

Commissioner, and City Council member who is elected to office in the State of North Carolina.

#### **Section 4. Delegates Designated by the Body**

After the Convention convenes and the membership secretary (or designee) makes his initial report, the body may, by a two-thirds vote, designate any member or members as delegates(s).

#### **Section 5. Speaking**

Any attendee may seek recognition to speak at the State Convention.

#### **Section 6. Platform**

The Party Platform, as adopted by vote at the Party Convention, shall consist of a number of planks, which state the Party position on specific state and national issues. Except as altered or amended by the Convention, in accord with its Rules, the current Platform shall endure.

#### **Section 7. National Convention Delegates**

National Convention Delegates and Alternates will be selected by the State Convention. If vacancies occur, the State Chair or the Delegation Chair may fill such vacancies.

#### **Section 8. Results of the Convention**

The Secretary or designee shall be responsible for recording actions taken by the Convention and producing a new version of the Bylaws, Convention Rules, Platform and Statement of Principles when changes have been made. If the Secretary is unable to complete this task within 60 days of the Convention, the Chair may appoint someone to complete it, or to assist the Secretary. The Executive Committee shall review drafts of the documents prepared, and submit them to the membership for review within 90 days of the Convention.

### **Article XII. Candidates**

#### **Section 1. Presidential and Vice Presidential Nominees**

Pursuant to the relevant statutes of the State of North Carolina, the LPNC Executive Committee shall submit to the State Board of Elections the names of the nominees for President and Vice President of the United States as chosen by the National Convention of the Libertarian Party, and shall appoint and submit the names of Presidential Electors committed to those nominees.

#### **Section 2. Local Candidates**

A local office is any office in North Carolina where votes are allowed only in some region smaller than the whole state. A local candidate is a candidate for a local office. In years where the state statutes indicate that the Party shall nominate candidates in Convention, the following applies:

1. Endorsements or nominations for a local candidate can be made by any regional affiliate whose region is contained in, or intersects with, the region where votes for the local office are accepted.
2. Each local affiliate, in accordance with its bylaws, may establish procedures for making nominations between the time of its convention and the filing date for the local office.
3. When all local affiliates making nominations or endorsements according to (1) and (2) above agree on a candidate for a local office, that person shall be the nominee of the Libertarian Party of North Carolina; otherwise a candidate will be selected by the State Convention according to the procedures established in these bylaws.

#### **Section 3. Qualifications**

All candidates nominated for partisan office in any year must be members of the Party, as defined in Article III.

### **Article XIII. Parliamentary Authority**

The Democratic Rules of Order (Francis & Francis, 9th ed.) shall be the parliamentary authority for all matters of procedure not specifically covered by these Bylaws. The rules of procedure may be suspended for a specific purpose, if approved by three fifths (3/5) of those present and voting provided a quorum is present.

## **Article XIV. Amendments**

### **Section 1. Bylaws**

Except as noted in Section 2 below, these Bylaws may be amended by a two-thirds (2/3) vote of all delegates present and voting at a State Convention, provided a quorum is present, or by referendum or initiative as outline in Article XV.

### **Section 2. Statement of Principles**

The enduring importance of the Statement of Principles of the Libertarian Party of North Carolina requires that it shall not be amended by a vote of less than seven-eighths (7/8) of the delegates registered at the annual State Convention. The restrictions of this section shall not be reduced or deleted by a vote of less than seven-eighths (7/8) of the delegates registered at the annual State Convention.

## **Article XV. Bill of Rights**

### **Section 1. Recall**

1. A member of the Executive Committee may be removed by a two-thirds (2/3) vote of the Executive Committee or by a majority vote of members voting in a recall election. The Executive Committee will hold a recall election if it receives a petition for recall signed by 100 members of the Party. By a two-thirds (2/3) vote, the Executive Committee may, itself, decide to hold a recall election.
2. Notification of the recall election will be made through the Party website and via the Party's electronic announcement list. Ballots will be available on the website or, upon written request, through the mail. Members will have thirty (30) days from the time of the announcement to return their ballots to the Executive Committee. All Party members may vote in a recall election.
3. An Executive Committee member removed by a vote of the Executive Committee may challenge the removal by an appeal in writing to the Judicial Committee within seven (7) days of receipt of notice of suspension. Failure to appeal within seven (7) days shall confirm the removal and bar any later challenge or appeal.

### **Section 2. Referendum**

The Bylaws may be amended by a referendum: a special election called by a two-thirds (2/3) vote of the Executive Committee. Notification of the referendum election will be made through the Party website and via the Party's electronic announcement list. Ballots will be available on the website or, upon written request, through the mail. Members will have thirty (30) days from the time of the announcement to return their ballots to the Executive Committee. All Party members may vote in a referendum. Approval requires a two-thirds (2/3) majority of those voting.

### **Section 3. Initiative**

The Bylaws may be amended by initiative: a special election called by a petition signed by at least 100 members of the Party and presented to the Chair or to the Executive Committee. Notification of the referendum election will be made through the Party website and via the Party's electronic announcement list. Ballots will be available on the website or, upon written request, through the mail. Members will have thirty (30) days from the time of the announcement to return their ballots to the Executive Committee. All Party members may vote in an initiative. Approval requires a two-thirds (2/3) majority of those voting.

### **Section 4. Review of Executive Committee decisions**

Upon appeal by five (5) percent of the Party members, the Judicial Committee shall consider the question of whether or not a decision of the Executive Committee contravenes specified sections of the Bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void.