



REPORT OF THE 2019 ADJUNCT COMMITTEE ON THE BYLAWS AND CONVENTION RULES

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EXECUTIVE SUMMARY

The 2019 Adjunct Committee on the Bylaws and Convention Rules (hereinafter referred to as the Committee) was appointed by the Libertarian Party of North Carolina Executive Committee in accordance with Bylaws Article VIII, Section 1.

Committee members were: Donald Reid Deal (chair), Patrick Gaumont, Jane Hogarth, Barbara Howe, Brian Irving, Phil Jacobson, Amy Lamont, Andy Steude, and Ryan Teeter.

The Committee conducted its deliberations on the LPNC Slack Group and in-person. Discussion was open to all Libertarian Party of North Carolina members and associates. This report was published on the LPNC website and Facebook page.

The Committee approved seven (7) recommendations. We present these recommendations to the Convention for adoption in the order listed. There are no “do not pass recommendations.” There is no minority report. We discussed one proposal submitted by an LPNC member but we did not consider it.

Summary of Do Pass Recommendations

Proposal 1: Technical Corrections

This proposal changes the style of Convention Rules numbering, corrects references, resolves a conflict in the appointment of committees, eliminates outdated language in several Bylaws articles, and updates parliamentary authority to current edition of Democratic Rules of Order.

Proposal 2: Convention Rule 5 – Voting on Adjunct Committee Reports

This proposal amends Convention Rule 5 to allow an up-or-down vote on an Adjunct Committee report or any of an Adjunct Committee’s proposals.

Proposal 3: Appointed Treasurer & Executive Committee Composition

This proposal makes the Party Treasurer an appointed position and a non-voting member of the LPNC Executive Committee, and reduces the number of At-Large Executive Committee members from nine (9) to four (4).

Proposal 4: Judicial Committee Jurisdiction

This proposal adds interpretation of the LPNC Bylaws and Convention Rules to the Judicial Committee’s jurisdiction.

Proposal 5: Members & Associates

This proposal amends the definition of LPNC members and associates, clarifies the term associate, and adds the criteria of paying dues to an LPNC affiliate to qualify as an LPNC member or associate.

Proposal 6: National Convention Delegates

This proposal requires that LPNC National Convention Delegates must be residents of North Carolina and designates the State Chair or Vice Chair the Delegation Chair.

Proposal 7: Advisory Senate Members

This proposal adds anyone who has completed a federal or statewide campaign as the Libertarian nominee to the Advisory Senate membership.

A handwritten signature in cursive script that reads "Donald Reid Deal, Sr." The signature is written in black ink on a white background.

Donald Reid Deal, Sr.

Chair, 2109 Adjunct Committee on the Bylaws and Convention Rules

DO PASS RECOMMENDATIONS

1. Technical Corrections

a. Amend Article III Membership, Sections 1 and 2

Section 1.

1. A resident of North Carolina may become a member of the LPNC provided they are not a registered voter affiliated with another political party, and by fulfilling at least one of the following criteria:

d. Submitting a written or electronic affirmation to the ~~Party~~ Secretary that they do not advocate the initiation of force to achieve social or political goals.

Section 2.

1. A resident of North Carolina who is a registered voter affiliated with another political party may become an associate of the LPNC by fulfilling one of the following criteria:

c. Submitting a written or electronic affirmation to the ~~Party~~ Secretary that they do not advocate the initiation of force to achieve social or political goals.

Rationale: The proper officer title is Secretary, the title used everywhere else in the Bylaws and Convention Rules.

b. Amend Article IX. Committees, Section 1. Adjunct Committees

For each State Convention, the ~~Executive Committee~~ Chair shall appoint, with the advice and consent of the Executive Committee, an Adjunct Committee of at least five Party members to make recommendations to the Convention.

Rationale: The wording in the current article conflicts with the duties of the Chair listed in Article IV, Section 2. Paragraph 4 which says the Chair shall “Appoint, with the advice and consent of the Executive Committee, the Chair and members of all adjunct committees, and the Chair and members of all working committees established by the Executive Committee.”

c. Amend LPNC Bylaws Article X. Meetings

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.

Vote: Approved 6 ayes, 0, nays, 0 abstentions

Rationale. This is simply an editing correction. There are no longer Directors, and it is redundant to say that a voting member may make a motion.

d. Correct the references in Bylaws Article XII, Section 2 and 4.

Article XII. Convention & Platform

Section 2. County Delegates

Delegates to the State Convention shall be selected in each organized county as set forth in ~~Article X, Section 2~~ Article XI, 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 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 delegate(s).

Rationale. The reference to Article X, Section 2 is incorrect. The references to a Membership Secretary are obsolete.

e. Convention Rules Numbering

Replace the current numbering (1, 1.1, 1.1.1) with numbered headings of the format “Rule 1”, “Rule 1.1”, etc. and numbered paragraphs of the format “1”, “1.1”, etc. Cross-references will change from “Section 1.1.1” to “Rule 1, Section 1.1”.

Rationale. This change is recommended for readability and clarity, and for consistency with the Bylaws, which already use a similar numbering system.

f. Article XIV. Parliamentary Authority

The Democratic Rules of Order (Francis & Francis, ~~9th~~ 10th* 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 two thirds (2/3) of those present and voting provided a quorum is present.

Rationale. Democratic Rules of Order 9th edition is out of print. The 10th edition is the current edition. The rules are essentially the same, but have been rewritten for clarity.

2. Convention Rule 5 – Voting on Adjunct Committee Reports

Amend Convention Rule 5, Debating and Voting – Adjunct Committee Reports

5.1 Any addition to or alteration of the Platform must be approved by two thirds (2/3) of the Convention delegates present and voting, however any plank may be deleted by a simple majority. Any addition to or alteration of the Bylaws or Convention Rules must be approved by a majority vote of the delegates present and voting.

5.1.1 An addition or alteration to the Bylaws becomes effective immediately.

5.2.2. An addition or alteration to the Convention Rules becomes effective at the close of the Convention.

5.2 An Adjunct Committee, having met before each regular Convention to prepare a report containing its recommendations on the subject proper to the committee (as defined by the Bylaws) shall set forth the order in which its recommendations shall be considered.

5.2.1 The Chair of the Adjunct Committee shall submit the report to the State Chair at least 30 days before the State Convention convenes.

5.2.1 The Secretary shall make the report available to LPNC members and Convention delegates at least 20 days prior to the convening of the Convention.

5.3 The Chair of the Adjunct Committee, or the Chair's designee, shall present the report ~~each recommendation~~ of the Committee to the Convention ~~separately~~. Upon a motion by any delegate, the Convention may approve the entire committee report, or any number of the committee's recommendations without further debate. The Adjunct Committee Chair, or designee, shall read the recommendation and may have up to two minutes to explain the intent or purpose of the proposal.

5.4 For those recommendations not approved under Rule 5.3, the Adjunct Committee Chair, or designee, shall read the recommendation and may have up to two (2) minutes to explain the intent or purpose of the proposal. Recommendations for which there is no minority report shall be debated and voted upon in the following manner:

5.4.1 The Convention Chair shall open the recommendation to discussion and restricted amendment for a period of time. For a Bylaws and Convention Rules recommendation, this

period is fifteen (15) minutes. For a Platform recommendation, this period is twenty (20) minutes. These periods include any time used to debate amendments.

Vote: Approved 4-0

Rationale. Adjunct Committees spend months discussing, debating, and refining changes to our Platform, Bylaws and Convention Rules. These discussions are open to all LPNC members and associates. We should respect the work of these committees and give them the opportunity to have their final work product approved without debate.

This amendment will require Adjunct Committees to submit their report to the State Chair one month before the State Convention, and will also require the Secretary to make that report available to LPNC members and associates well before the convention. This will give any State Convention delegate ample time to review the report.

Allowing a simple up-or-down vote on Adjunct Committee reports and proposals will free up State Convention time for more meaningful and productive activities and training.

3. Appointed Treasurer & Executive Committee Composition

a. Amend LPNC Bylaws Article IV. Officers

Section 1. Officers

The officers of the Party shall be a Chair, a Vice Chair, a Secretary, and a Treasurer. ~~Election will take place at the State Convention of the Party by the attending delegates.~~ The Chair, Vice Chair, and Secretary shall be elected by the State Convention. The Treasurer shall be appointed by the Chair, with the advice and consent of the Executive Committee, and serve until a new Treasurer is appointed.

Officers shall take office immediately upon the close of such Convention. No State offices shall be combined.

b. Amend LPNC Bylaws Article Executive Committee

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~~ four (4) members At-Large elected at the Convention of the Party by attending delegates. The Treasurer shall be a non-voting member. The Executive Director, if one is appointed, shall also be a non-voting member.

Vote: Approved 8 aye, 0 nay

Rationale. The Treasurer position is critical to LPNC operations, and there are legal obligations and responsibilities associated with the Treasurer's duties. As a result, this position is often difficult to fill. Appointing a person with specific skills to this position, rather than electing them in Convention, gives the Party more flexibility and will improve continuity.

Reducing the Executive Committee composition to four at-large members will improve efficiency and continuity, as these positions are also difficult to fill and keep filled. For example, only four of the nine people elected to at-large positions in 2017 are still on the Executive Committee. And only two of the four people elected in 2018 as replacements are still serving.

4. Judicial Committee Jurisdiction

Amend LPNC Bylaws Article VII. Judicial Committee

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; and;
8. Interpretation of the LPNC Bylaws and Convention Rules.

Vote: Approved 5 aye, 1 nay, 1 abstention

Rationale The addition of subparagraph 8 expands the Judicial Committee's jurisdiction to interpretation of the LPNC Bylaws. There have been instances where Bylaws provisions seemed to conflict or be open to individual interpretation. This amendment provides an avenue by which the Judicial Committee can rule rather than waiting two years for the Bylaws Committee to act on the issue in question.

5. Members & Associates.

Amend LPNC Bylaws Article III, Membership.

Section 1. Member

1. A resident of North Carolina may become a member of the LPNC provided they are not a registered voter affiliated with another political Party, and by fulfilling at least one of the following criteria:

- a. Maintaining voter registration as a Libertarian, as long as the Party is recognized by the State of North Carolina, or;
- b. Maintaining current membership dues with the Libertarian National Committee, or;
- c. Maintaining current membership dues with the LPNC established by the state Executive Committee, or;
- d. Maintaining current membership dues in a recognized affiliate of the LPNC, or:
- ~~d~~ e. Submitting a written or electronic affirmation to the ~~Party~~ Secretary that they do not advocate the initiation of force to achieve social or political goals.

2. Only LPNC members may serve on state or local affiliate executive committees and as delegates to the state and national Libertarian Party Conventions.

Section 2. Associate

1. A resident of North Carolina who is a registered voter affiliated with another political party may become an associate of the LPNC by fulfilling one of the following criteria:

- a. Maintaining current membership dues with the Libertarian National Committee, or;
- b. Maintaining current ~~membership~~ associate dues with the LPNC established by the state Executive Committee, or;
- c. Maintaining current associate dues with a recognized affiliate of the LPNC, or:
- ~~e~~ d. Submitting a written or electronic affirmation to the ~~Party~~ Secretary that they do not

advocate the initiation of force to achieve social or political goals.

2. Associates ~~members~~ may not serve on state or local affiliate executive committees and may not serve as delegates to the state or national Libertarian Party Conventions.

Vote: Approved 6 ayes, 0 nays, 0 abstentions

Rationale: We consistently use the term “associates” everywhere else in the Bylaws to distinguish this class of LPNC folks from “members.” The term “associate members” is confusing and may have inadvertently been overlooked in 2017 when this Bylaws amendment was adopted.

This recommendation also brings the Bylaws into congruence with established practice, which is to consider any current dues-payer to an LPNC affiliate who is an NC resident to be a member (or associate).

6. National Convention Delegates

Amend LPNC Bylaws Article XII. Convention & Platform

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.~~

1. The State Convention shall select LPNC members as delegates and alternates to the Libertarian Party National Convention Delegation. The Delegation Chair may fill vacancies, but only LPNC members shall be selected or appointed.

2. The State Chair, or in his or her absence the State Vice Chair, shall be chair of the LPNC delegation to the LP National Convention. If neither the State Chair or State Vice Chair are available to serve as Delegation Chair, the LPNC delegates to the National Convention shall choose a Delegation Chair.

Vote: Approved 6 ayes, 2 nays, 0 abstentions

Rationale. This amendment clarifies that only LPNC members can be NC delegates to the LP National Convention, as stated in Article III, Section 1, paragraph 2: “Only LPNC members may serve ... as delegates to the state and national Libertarian Party Conventions.” Historically, NC has been one of the states that has allowed non-residents to fill vacancies in our LP National Concretion delegation when not enough North Carolinians are present. Several states, however, including Texas, do not allow non-residents to be delegates. We believe that as the LPNC and LP grows, it is important to have our state interests represented at the National Convention by North Carolinians.

This amendment also designates the State Chair or Vice Chair to serve as LNC Delegation chair. The current Bylaws have no provision for selecting a National Convention delegation chair. The current Bylaws also allow two persons (the State Chair or the Delegation Chair) to fill vacancies in the delegation (Article XII, Section 7). It has been the practice to have the delegates or the State Convention select one. We believe this is an appropriate role for either the State Chair or Vice Chair.

7. Advisory Senate Members

Amend LPNC Bylaws Article VIII. 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, those who have completed a federal or statewide campaigns as Libertarian nominees, or those who have been appointed Senators by the Party in Convention, and who remain members of the Party in good standing.

Vote: Approved 5 aye, 1 nay, 1 abstention

Rationale The committee felt that the inclusion of candidates that have completed a campaign as either the federal or state level party nominee should be members of the Advisory Senate.

SUBMITTED PROPOSAL NOT CONSIDERED

Adjunct Committee Formation

LPNC member Ken Penkowski submitted this proposal. The committee discussed it briefly, but took no action.

Amend Bylaws Article IX. Committees

Section 1. Adjunct Committees

For each State Convention ~~in an even-numbered year~~, 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~~ a mid-term election year, the subject of the Adjunct Committee shall be the Bylaws and Convention Rules.
2. For a Convention in ~~an even-numbered year~~ a Presidential election year, the subject of the Adjunct Committee shall be the Platform

Vote: Not considered

Rationale: The changes identified in this item are the result of a wish to give clarity to the functioning term of the committee in question.