

# Legal, Organizing, and Procedural Documents of the Libertarian Party of Santa Clara County

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## CONSTITUTION

### Article One – Name

The name of this organization shall be the "Libertarian Party of Santa Clara County", hereinafter referred to as the "Party".

### Article Two – Purpose

The purpose of the Party is to proclaim and implement the Statement of Principles of the national Libertarian Party by engaging in political and information activities within the County of Santa Clara in the State of California.

### Article Three – Central Committee

The county central committee (hereinafter referred to as "central committee") shall consist of those individuals who qualify as a member of central committees under the Bylaws of the Libertarian Party of California, who live in Santa Clara County or choose to affiliate with the Santa Clara County region in accordance with the Bylaws of the LPC, and who are not members of any other county central committee.

### Article Four – Organization

#### SECTION 1. LOCAL UNITS

The Party may charter local units.

#### SECTION 2. OFFICERS

The officers of the Party shall be a Chair, a Vice-Chair, a Secretary, a Treasurer, and the chair of each Standing Committee. All of these officers shall be elected at the Annual Meeting of the central committee and shall take office immediately upon the close of such meeting and serve thereafter until the final adjournment of the next Annual Meeting.

#### SECTION 3. EXECUTIVE COMMITTEE

The Executive Committee shall be responsible for the control and management of all of the affairs, properties, and funds of the Party consistent with this Constitution, its By-laws, and any Resolutions which may be adopted at central committee meetings.

The Executive Committee of the Party shall be composed of the following:

- a. The elected officers of the Party.
- b. The chair of each Working Committee who is approved at a meeting of the central committee.
- c. The Party's representatives to the Executive Committee of the Libertarian Party of California.

Each Executive Committee member shall take office immediately upon his or her selection and serve thereafter until the selection of his or her replacement or until his or her position is vacated.

#### **SECTION 4. JUDICIAL COMMITTEE**

The Judicial Committee shall be composed of three (3) central committee members elected at the Annual Meeting. The Judicial Committee shall take office immediately upon the close of the Annual Meeting and serve thereafter until the election of new Committee members. A member of the Judicial Committee may not serve on the Executive Committee. The Judicial Committee shall be the final body of appeal within the Party in all matters regarding interpretation of the Constitution, By-laws, Rules, or Resolutions of the Party, subject to the provision that a decision of the Committee may be overturned by a three-fourths vote of any central committee meeting.

### **Article Five – Meetings**

#### **SECTION 1. ANNUAL MEETING**

The central committee shall hold a meeting each year at a time and place set according to the Bylaws, to hold Party elections, nominate candidates, and conduct such other business as may come before it. This meeting shall be called the Annual Meeting of the central committee.

#### **SECTION 2. REGULAR MEETINGS**

The Executive Committee shall call other meetings of the central committee as required to conduct the business of the Party.

#### **SECTION 3. MEETING RULES**

The conduct of central committee meetings shall be governed by such Rules as may be adopted or amended at any central committee meeting.

### **Article Six – By-Laws**

The By-laws are subordinate to this Constitution.

### **Article Seven – Amendments**

This Constitution may be amended by a two-thirds vote at any meeting of the central committee provided that the amendment was proposed at the previous meeting, and notification of the proposed amendment accompanied the notice for the meeting at which the amendment will be considered.

## **BY-LAWS**

### **Article One – Purpose and Scope**

#### **SECTION 1. PURPOSE**

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

- a. Disseminating Libertarian political philosophy by entering into political information activities.
- b. Nominating and supporting candidates for political offices.
- c. Promoting and coordinating the activities of local units.
- d. Supporting state and national Libertarian Party candidates.

#### **SECTION 2. SCOPE**

The Party shall normally conduct its activities only within the county of Santa Clara in the state of California. Any Party activities taking place outside of Santa Clara County must be coordinated with and approved by the Libertarian Party organizations having jurisdiction over the areas affected.

### **Article Two – Local Units**

There are no established By-laws regarding Local Units.

### **Article Three – Elected Officers**

#### **SECTION 1. QUALIFICATIONS**

Only a person who is a member of the central committee and who has expressed a willingness to serve shall be eligible for election to any elected position of the Party.

#### **SECTION 2. CHAIR**

The Chair shall preside at all central committee meetings and at all meetings of the Executive Committee. He or she shall be the chief executive officer of the Party.

**SECTION 3. VICE-CHAIR**

The Vice-Chair shall act as assistant to the Chair, and shall perform the duties of the Chair in the event the Chair is, for any reason, unable to perform the duties of his or her office.

**SECTION 4. SECRETARY**

The Secretary shall be the recording officer of the Party.

**SECTION 5. TREASURER**

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

**SECTION 6. MEMBERSHIP CHAIR**

The Membership Chair shall be responsible for activities to maintain and increase Party and central committee membership.

**SECTION 7. PUBLICITY CHAIR**

The Publicity Chair shall be responsible for the dissemination of information about the Party to the media and the public.

**SECTION 8. NEWSLETTER CHAIR**

The Newsletter Chair shall be responsible for publication of a newsletter for dissemination of information about the Party to the members.

**SECTION 9. CAMPAIGNS CHAIR**

The Campaigns Chair shall be responsible for coordinating candidate recruitment, training, and support.

**SECTION 10. FUNDRAISING CHAIR**

The Fundraising Chair shall be responsible for coordinating fundraising activities.

**SECTION 11. ACTIVITIES CHAIR**

The Activities Chair shall be responsible for coordinating activities intended to involve, motivate, and inspire members.

## **SECTION 12. SUSPENSION**

An officer may be suspended from office by a two-thirds vote of the Executive Committee. The office of a suspended officer shall be declared vacant unless the suspended officer appeals his or her suspension to the Judicial Committee within three (3) days of notification of suspension.

## **SECTION 13. APPEAL**

Upon appeal by the suspended officer, the Judicial Committee shall set the date of a hearing. Following the hearing, the Judicial Committee shall rule to either uphold the suspension, thereby vacating the office, or restore the officer to full authority. A failure to rule shall be deemed as restoring the officer to full authority.

## **SECTION 14. VACANCIES**

The Executive Committee shall appoint new officers if vacancies or suspensions occur, such officers to complete the term of the office vacated.

## **Article Four – Executive Committee**

### **SECTION 1. MEETING NOTIFICATION**

The Executive Committee shall meet at such time and place as may be determined by action of the Committee, by call of the Chair, or by the written request of one-third or more of the members of the Executive Committee. A written or verbal notice of the time and place of all meetings shall be given to each member of the Executive Committee not less than three (3) days prior to said meeting. A majority of the members of the Committee shall constitute a quorum for any meeting.

### **SECTION 2. TRANSACTION OF BUSINESS BY MAIL**

The Executive Committee may, without meeting together, transact business by mail, by voting on questions submitted to them by or with the approval of the Chair. Two weeks shall be allowed for the return of the votes thereon by mail to the Party Secretary. If, at the expiration of the applicable period, the quorum of the Executive 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 Constitution or By-laws.



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 such votes.

### SECTION 3. TRANSACTION OF BUSINESS ONLINE

a. The Executive Committee may transact business online, by voting on motions proposed by any Executive Committee member. The Secretary shall designate for the recording of proposals and votes an online facility which is available to all Executive Committee members and which is capable of supporting the requirements of this section.

b. Motions may be proposed as original motions or as alternatives for a motion already under consideration. An original motion and all of its alternatives (if any) shall constitute a motion group.

c. A motion shall not be eligible for adoption unless votes have been cast on it (including explicit abstentions) numbering a majority of the voting members of the Executive Committee. No motion shall pass unless it is so eligible and it also receives the approval of a majority of those voting (not counting abstentions), or such higher requirement as may be required for approval of that type of motion.

d. Members may cast votes independently on each motion in a group. Members may change their votes, including withdrawing them entirely which may have the effect of making a motion no longer eligible for adoption, at any time before the end of the voting period.

e. The voting period for a motion group shall end when (i) 120 hours have passed since proposal of the original motion, or (ii) 48 hours have passed since the proposal of the most recent eligible alternative, whichever is later. The voting period shall also end if there is any motion in the group on which all Executive Committee members have cast votes (including explicit abstentions).

f. If, at the end of the voting period, more than one motion in the group has sufficient yes votes to pass, the one with the highest number of yes votes shall be considered adopted. In case of a tie for highest number of yes votes, the one most recently proposed shall be considered adopted.

#### **SECTION 4. PROXY VOTING**

A member of the Executive Committee may be represented by any central committee member at any meeting of the Executive Committee by written proxy.

#### **SECTION 5. ONE VOTE PER PERSON**

Each member of the Executive Committee shall have only one vote, regardless of the number of offices he or she holds.

### **Article Five – Judicial Committee**

#### **SECTION 1. CHAIR**

The Judicial Committee shall elect a chair who shall receive all appeals and petitions, and schedule hearings so as to obtain a quorum of the Committee. When a hearing is requested, the chair shall be allowed two (2) days to set the date of the hearing.

#### **SECTION 2. HEARING NOTICE**

The Judicial Committee must provide at least two (2) days notice to each of the interested parties to a hearing.

#### **SECTION 3. HEARING TIME**

Hearings must be held within 14 days from the time the request is received by the Judicial Committee, unless otherwise specified.

#### **SECTION 4. RIGHT TO REPRESENTATION**

Each party to a hearing shall have the right to represent his or her interests in the manner of his or her own choosing.

#### **SECTION 5. RULING TIME LIMIT**

The Judicial Committee must provide a ruling within two (2) days of the conclusion of a hearing, unless otherwise specified.

#### **SECTION 6. QUORUM**

A majority of the members of the Judicial Committee shall constitute a quorum for any meeting.

## **Article Six – Committees**

### **SECTION 1. STANDING COMMITTEES**

There shall be the following Standing Committees:

- **Membership**
- **Publicity**
- **Newsletter**
- **Campaigns**
- **Fundraising**
- **Activities**

### **SECTION 2. WORKING COMMITTEES**

The Executive Committee shall establish such Working Committees as it deems appropriate and shall appoint a chair for each committee. Working Committees shall exist at the pleasure of the Executive Committee.

## **Article Seven – State Party Representation**

The Executive Committee may appoint central committee members to fill those positions in the Libertarian Party of California which are to be selected by the Regional Organization. Such appointments shall be subject to ratification at the next central committee meeting. A meeting may fail to ratify an appointment only by electing a new member to fill the position for which the appointment was made.

## **Article Eight – Central Committee Meetings**

### **SECTION 1. MEETING SCHEDULE**

At most three (3) months shall be allowed to elapse between meetings of the central committee.

### **SECTION 2. QUORUM**

Fifteen (15) central committee members shall constitute a quorum for any official business meeting. Meetings at which amendments to the Constitution, By-Laws, or Meeting Rules are to be voted on require a quorum of 25 central committee members.

### **SECTION 3. TIME, PLACE AND NOTICE**

The Executive Committee shall be responsible for setting the time and place of all meetings. A minimum of two (2) weeks notice shall be provided to the central committee membership concerning any meeting.

## **Article Nine – Finances and Accounting**

### **SECTION 1. FISCAL CALENDAR**

The fiscal term of the Party shall coincide with the calendar year.

### **SECTION 2. ACCOUNTING**

The Executive Committee shall cause an efficient system of accounts to be installed and maintained.

### **SECTION 3. FORM OF DISBURSEMENTS**

All disbursements exceeding \$20 shall be made solely by check.

## **Article Ten – Endorsements**

### **SECTION 1. CENTRAL COMMITTEE VOTE**

Except as provided in Sections 2 and 3 below, the Party shall make endorsements, make recommendations, or otherwise take positions with respect to elections, nominations, measures, or other matters appearing on a public ballot only by a two-thirds vote of the central committee at a meeting the notice for which included a statement that such action would be considered. "Public ballot" includes any general, special, primary, or other election conducted by any level of government.

### **SECTION 2. SIXTY-DAY CHANGES TO BALLOT**

If, within 60 days of an election, (1) a new matter is added to the ballot, (2) a new candidate or other option is added to a matter already on the ballot, or (3) a candidate or option upon which the central committee has previously taken a position is removed from the ballot, the Executive Committee may, by a three-fourths vote, take a position on behalf of the Party with respect to the matter affected by the change.

### **SECTION 3. FORTY-FIVE DAY BALLOT MEASURE ADDITIONS**

If a measure, other than a statewide measure, is placed on the ballot within 45 days of the deadline for submission of ballot arguments, the Executive Committee may, by a three-fourths vote, take a position on that measure on behalf of the Party in order to allow an argument to be submitted by the Party or by one or more Party officers using their Party titles. This position shall be effective only upon actual submission of such an argument to the appropriate election official prior to the deadline.

### **SECTION 4. SUPPORT LIMITED TO ENDORSED CANDIDATES**

No Party officer shall use his office or allow Party funds or other Party resources to be used to support or oppose any candidate or other option in any matter appearing on a public ballot, except in accordance with a position taken by the Party as provided in Sections 1, 2, or 3 of this Article.

### **SECTION 5. NEWSLETTER MAY PRINT PERSONAL OPINIONS**

Nothing in this Article shall be construed to prohibit publication in the Party newsletter of factual material relating to matters appearing on a public ballot, or of signed opinion articles stating the personal opinions of their authors, as long as such opinions are clearly identified as not being official positions of the Party.

### **SECTION 6. RECRUITMENT OF CANDIDATES**

Nothing in this Article shall be construed to prohibit use of Party resources for the recruitment or training as candidates of Party members who have not yet received an endorsement, as long as no position specifically opposing their candidacy has been taken by the Party.

## **Article Eleven – Executive Appeal**

### **SECTION 1. FORM OF APPEAL**

Any action taken by a Party Officer or the Executive Committee may be appealed to the Judicial Committee by the petition of 25 central committee members. A central committee member may only sign one such petition in any six (6) month period.

## **SECTION 2. HEARING AND REMEDY**

The Judicial Committee will hold a hearing to determine whether or not the action in question was within the scope of the Constitution, By-laws, Rules, and Resolutions of the Party. Should the Committee rule that the action was not proper, then the Judicial Committee shall direct such corrective measures as it deems appropriate.

### **Article Twelve – Amendments**

These By-Laws may be amended by a majority vote at any meeting of the central committee provided that the amendment was proposed at the previous meeting, and notification of the proposed amendment accompanied the notice for the meeting at which the amendment will be considered.

### **Article Thirteen – Parliamentary Authority**

Robert's Rules of Order as newly revised shall be the parliamentary authority for all matters of procedure not specifically covered by the Constitution, By-laws, or Rules of the Party.

## **MEETING RULES**

### **Article One – Parliamentary Authority**

Robert's Rules of Order as newly revised shall be the parliamentary authority for all matters of procedure not specifically covered by these Rules.

### **Article Two – Voting Eligibility**

All central committee members shall be eligible to vote on all matters. In order to vote on a given matter, a central committee member must be present at the time the vote is taken. Each central committee member present shall have one vote.

### **Article Three – Voting Procedure**

On all matters except elections and nominations, voting will be by voice vote or show of hands. If ten or more central committee members object to the Chair's ruling on the outcome of the vote, a roll call vote will be held.

Voting on elections and nominations will normally be by written ballot or roll call vote, unless a race is uncontested, in which case a voice vote or show of hands may be used.

### **Article Four – Agenda**

The business of a meeting may consist of the following items which shall be conducted in the following order:

- **Reports of Party Officers**
- **Committee Reports**
- **Resolutions and other business**
- **Elections**
- **Nominations of Candidates**

### **Article Five – Elections**

Nominations for the Party offices shall be from the floor. For each office, a majority vote will be necessary and sufficient for election.

In cases where no candidate receives a majority vote on the first ballot, runoff votes will be held, dropping the lowest running candidates after each ballot.

## **Article Six – Nominations**

### **SECTION 1. ELIGIBILITY**

A candidate may only be nominated for any office who is eligible to serve in that office and who has expressed a willingness to accept the nomination of the Party.

### **SECTION 2. VOTING PROCEDURE**

Nominees for any office shall be chosen by majority vote. Should no candidate obtain a majority on a ballot, then a new ballot shall be taken. After every second ballot, if no candidate has yet received a majority vote, the candidate with the least number of votes shall be struck from subsequent ballots.

## **Article Seven – Amendments**

These Rules may be amended by a majority vote at any meeting of the central committee provided that the amendment was proposed at the previous meeting, and notification of the proposed amendment accompanied the notice for the meeting at which the amendment will be considered.