

Libertarian Party of Santa Clara County
Bylaws Committee Report
January 2020

This report contains proposed changes to the LP SCC's Constitution, By-Laws, and Meeting Rules to be presented at the 11 January 2020 meeting. Some of these proposed changes are small or likely to be considered uncontroversial. Others are more complicated. Under the amendment procedures for all of these documents, proposals must be presented at one meeting before they can be voted on at a subsequent meeting. There will be no voting on these proposals at this meeting – the purpose of this report is to provide notice of proposals that may be brought up for a vote at a future meeting.

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Proposal 1 – positions on tax measures

It has become traditional for the central committee to adopt, each year at the annual meeting, a resolution authorizing the Chair and/or the Executive Committee to take a position in opposition to tax or bond measures. This is because our bylaws as they stand otherwise require that such positions be taken by vote of the Central Committee. But since (1) this always passes when proposed, (2) we could be stuck if we forget to do it, and (3) it isn't totally clear whether this is the sort of delegation of authority that should be allowed given our structure, it seems better to put a permanent rule about this in our bylaws.

Proposal: *Insert as Section 4 of Bylaw X, with the existing Sections 4 through 6 renumbered:*

SECTION 4. Tax/Bond Measures

If an effect of a measure would be to create, increase, or extend the time or geographic scope of a tax, or to authorize bonds, the Executive Committee may, by a three-fourths vote, take a position on behalf of the Party in opposition to it. If the primary and stated purpose of a measure is to create a new tax, increase or extend an existing tax, or authorize bonds, the Chair may take a position on behalf of the Party in opposition to it.

Also, in the current Section 4 (to become Section 5) change "1, 2, or 3" to "1, 2, 3, or 4".

Proposal 2 – state party representation

Bylaws Article VII refers to LPC positions "which are to be selected by the Regional Organization". Currently the only position to which this applies is the Platform Committee, but there was a time when the five largest regions each had a representative on the state EC, and other cases could arise in the future. However, the LPC no longer has "regions" or "regional organizations" – under the current LPC bylaws we are a "county" organization. Of course that could change again, and it's even possible that a new term could be introduced. This proposal would address this by making the language more general, to make clear that this section applies to our relationship with the state party no matter what term they use to refer to us.

***Proposal:** Replace "Regional Organization" with "county or regional organization" (without capitalization).*

Proposal 3 – membership chair responsibilities

Bylaws Article III Section 6 says "The Membership Chair shall be responsible for activities to maintain and increase Party and central committee membership." There is no definition in either the Constitution or Bylaws for "Party membership" or "Party member". This wording appears to be left over from a time when the LPC bylaws defined a "member" to be somebody registered to vote as a Libertarian, so the intent of this section was that the Membership Chair is supposed to be trying to increase both registration and central committee membership. This proposal would amend the section to say that explicitly.

***Proposal:** Replace the word "Party" with "Libertarian voter registration".*

Proposal 4 – standing committees

The Constitution refers, in the definition of officers, to "the chair of each Standing Committee". The Bylaws contain a section for each such chair, defining the responsibilities of the holder of that position. The Bylaws also, in Article VI, lists the names of these committees. But although the term "committee" implies multiple members, nowhere is there any reference to any members of these committees other than the chair – how they might be appointed, and what their function would be, in relation to the responsibilities of their respective chairs. And it has often been the case that these committees as a practical matter have not had any members other than their chair, which may be seen as a continuing weakness in our organizational structure. This proposal would address both problems by making it part of the job of the chair of a Standing Committee to actually create a committee.

***Proposal:** Add the following to the end of Bylaws Article VI Section 1:*

The chair of each Standing Committee shall appoint one or more additional members to assist in carrying out his or her responsibilities.

Proposal 5 – local units

We've made occasional attempts to get organized on a more local level, with people working on city issues, some of them even briefly successful. We are also always talking about campus organizing. But we have no formal structure to account for either of these kinds of organizing. Both our Constitution and Bylaws mention "local units", but they don't actually say anything about how they might work. This proposal would address this by defining local committees of two types: "city committees" and "campus committees". Each would consist of central committee members connected with that local community, and each would elect a chair and other officers if they want. It's possible that at some point we might want to add some provision to give local committees representation on the Executive Committee, but this proposal does not explicitly address that. (But even without any such specific provision the EC could potentially give such committees a voice using the existing "Working Committee" mechanism, e.g., by creating a Working Committee called the "Campus Coordinating Committee" consisting of the chairs of all Campus Committees, and the chair of that committee could then have a voting position on the EC.)

Proposal: *Replace the existing text of Bylaws Article III with the following:*

1. Local committees are responsible for organizing and coordinating Party activities within a community. There shall be two types of local committees:
 - a. For each incorporated city or town located within Santa Clara County there shall be a City (or Town) Committee consisting of all central committee members whose address is within the boundaries of that city or town.
 - b. For each college, university, or other educational institution with a campus located within Santa Clara County there shall be a Campus Committee consisting of all central committee members who are students, faculty, or staff of that institution.
2. Each local committee shall elect a chair at least annually, may elect other officers as it deems appropriate, and shall report all such elections to the Party Secretary. The Executive Committee may appoint a chair, or conduct an election for chair by polling members of the local committee, for any local committee that has not conducted its own election for chair within the past 15 months.

Proposal 6 – web site contents

Bylaws Article X, Section 5 says, in the context of the rules regarding endorsements, that "Nothing in this Article shall be construed to prohibit publication in the Party newsletter of factual material ... or ... signed personal opinions ...". However, our web site is now at least as important a form of communication as any "newsletter" that we may produce, and so it seems reasonable to apply the same standards to it. In addition, it hasn't always been clear what exactly is "the newsletter", and with everything being distributed electronically it is easy to imagine more than one series of messages being considered as such. Similarly, there might be more than one "web site" (e.g., a main web site, a blog, a Facebook page) under the control of the Party. This proposal would apply the same standard to all of them.

Proposal: *In Bylaws, Article X, Section 5, replace "in the Party newsletter" with "in a Party newsletter or on a Party web site".*

Proposal 7 – section headings

There are a number of section headings that appear in the version of the documents that we have been using, but which do not appear in earlier versions. (In the earlier versions the sections in question had numbers, but not a descriptive heading.) The addition of these headings seems to be mostly a good thing, but there are a few cases where they don't match well the content of the corresponding section. There is no evidence that these headings were ever approved as amendments or in any other formal way by the Central Committee. On the other hand, it's kind of hard to prove that they weren't.

We recommend formal approval of a set of headings for the sections in question that are mostly, but not all, the same as what are in the document we have been using. Only four of the differences involve a change in wording; the other two are just changes in capitalization. If the headings which are in the current document were never previously approved, this will formally add all of them. If the headings which are in the current document were somehow previously approved, then the effect of this proposal will only be to change the ones that are different.

Proposal: *Adopt section headings as follows:*

By-Laws

IV.5 One Vote Per Person

V.1 Chair

V.2 Hearing Notice

V.3 Hearing Time

V.4 ~~Right TO Representation~~ Right to Representation

V.5 Ruling Time Limit

V.6 Quorum

VIII.1 Meeting Schedule

VIII.2 Quorum

VIII.3 Time, Place, and Notice

IX.1 Fiscal Calendar

IX.2 Accounting

IX.3 Form of Disbursements

X.1 Central Committee Vote

X.2 Sixty-Day Changes to Ballot

X.3 ~~Forty-five Day Ballot MEasure Additions~~ Forty-Five Day Ballot Measure Additions

X.4 ~~Support Limited to Endorsed Candidates~~ Support Limited to Endorsed Positions

X.5 ~~Newsletter May Print Personal Opinions~~ Publication of Facts and Personal Opinions

X.6 ~~Recruitment of Candidates~~ Recruitment or Training of Candidates

XI.1 ~~Form of Appeal~~ Petitions

XI.2 Hearing and Remedy

Meeting Rules

VI.1 Eligibility

VI.2 Voting Procedure

Proposal 8 – cardinal numbers

There are a several places in earlier versions of the documents where a cardinal number is represented only using digits, while in the version we have been using a spelled out number has been added with the original representation put in parentheses, e.g., "3" becoming "three (3)". As with the section headings, this was probably done without any formal approval, but we can't prove that. And it's hard to see how any of these changes could be seen as a change in meaning. So they could be considered merely "stylistic", but (a) they are changes in wording in places where changes in wording would otherwise normally be done only through amendment and (b) we have no defined mechanism for making "stylistic" changes separate from the amendment process. Given the combination of these two factors, and to avoid any question of the legitimacy of the text, it seems best to ask the Central Committee to approve these changes as a formal amendment.

Proposal: make such changes in the following places:

Constitution

IV.4 "3" -> "three (3)"

Bylaws

III.12 "3" -> "three (3)"

IV.1 "3" -> "three (3)"

V.1 "2" -> "two (2)"

V.2 "2" -> "two (2)"

V.5 "2" -> "two (2)"

VIII.1 "3" -> "three (3)"

VIII.2 "15" -> "Fifteen (15)"

VIII.3 "2" -> "two (2)"

XI.1 "6" -> "six (6)"

Proposal 9 – assistant treasurer

The recent episode with the Imhoffs has demonstrated a problem with the way we select/replace our Treasurer – if we don't act quickly enough, we can find ourselves stuck with no Treasurer at a time when we really do need one. Basically the problem is that, although the duties of the Treasurer can be time-critical and in their own way just as important as the duties of the Chair, we have no mechanism for anybody to automatically assume them (in contrast to the case of the Chair, where we have a Vice Chair who can step in).

Proposal: Add to Article IX a new section:

SECTION 4. Assistant Treasurer

To provide for continuity in the execution of the Treasurer's responsibilities, the Executive Committee shall designate another officer to serve in the additional role of Assistant Treasurer. The Assistant Treasurer shall have access to all financial records and may assist in performing any of the functions of the Treasurer under the direction of the Treasurer. If the Treasurer is unable to perform the functions of that office for any reason, either temporarily or permanently, the Assistant Treasurer shall have the authority to perform all of those functions until the Treasurer is able to resume performing those functions or a new Treasurer has been selected.

Proposal 10 – financial record-keeping and reporting

Bylaws Article IX Section 2 currently says "The Executive Committee shall cause an efficient system of accounts to be installed and maintained." It says nothing about any duty of the Treasurer to report anything about these accounts. Bylaws Article IX Section 3 currently says "All disbursements exceeding \$20 shall be made solely by check." We are not even approximately complying with this rule – most of our disbursements are in fact made by some sort of online payment mechanism or other electronic transfer. We need to bring this language up to date, while preserving the useful features that requiring the use of checks used to provide. And there is nothing in our documents at all about what has become one of the most important duties of our Treasurer – preparing and filing reports required under the campaign finance laws.

Proposal: Replace existing Bylaws Article IX Sections 2 and 3 with the following three sections:

2. Accounting

- a. The Treasurer shall install and maintain an efficient system of accounts meeting such requirements as may be established by the Executive Committee.
- b. The Treasurer shall record in the accounting system all contributions or other funds received and all disbursements, in whatever form, along with such additional documentation as may be required to comply either with campaign finance laws and regulations or with such auditing procedures as may be established by the Executive Committee.
- c. The Treasurer shall provide financial statements, to include at least a summary of all funds received, all funds disbursed, all financial assets, and all financial liabilities, to the Executive Committee at least once per quarter.

3. Disbursements

- a. No expenditure greater than \$20 shall be made in cash. The Treasurer may maintain a petty cash fund of no more than \$100 for the purpose of making such payments, and shall include this cash as an asset in financial statements.
- b. Except as provided for in the preceding paragraph, all Party funds shall be kept in, and all disbursements made from, an account at a bank or other financial services entity independent of the Party and approved by the Executive Committee. The Treasurer shall promptly deposit all contributions or other funds received into such an account.
- c. The Treasurer shall maintain a record of all disbursements, in any form and from any account, including at least the date, payee, and purpose, and shall report this information to the Executive Committee at least monthly.

4. Campaign Finance Reports

The Treasurer shall be responsible for filing such reports of contributions and expenditures as the Party may be required to file under campaign finance laws and regulations, along with any associated forms, and shall make available to the Executive Committee a copy of all such reports and forms within ten (10) days of them being filed.

Proposal 11 – definition of central committee

Our constitution currently defines central committee membership by reference to the definition in the LPC bylaws. This is because when we reviewed our documents about 25 years ago we discovered that our definition was not consistent with the LPC definition. Rather than changing ours to have the same words, we thought it would be simpler to have our definition refer to the other one, so that if a change were made at the LPC level ours would automatically match.

However, there is at least one proposal being put forward to amend the LPC bylaws at the upcoming state convention so that they would NOT define county central committee membership. It is more likely than not that this proposal will fail, if only because there will be so much else going on this year that the convention may not even get to it. But similar ideas may well come along in the future. If the LPC bylaws are changed in this way, we will need our own definition again.

This proposal makes our definition conditional on whether the LPC requires us to use a particular definition. If so, then things will remain as they have been for the past 25 years. If not, it provides a specific definition so that we won't be left with the term being undefined. But note that by the time this proposal actually comes up for a vote (at the next or some subsequent central committee meeting), we will already know what changes have been adopted at the state level for this year, and we can take that into account when we vote. So this can be thought of as a sort of placeholder proposal, to be available in case we need something.

Proposal: *Replace the current text of Constitution Article III with the following:*

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

Otherwise, including if the Bylaws of the LPC provide only an optional or default definition or if they do not provide a definition at all, the county central committee shall consist of those individuals who: (a) have certified that they oppose the initiation of force as a means of achieving political or social goals, (b) are not registered to vote with any other political party, and (c) have paid dues as set by the Executive Committee. The Executive Committee may by resolution provide that individuals who live in Santa Clara County be considered to have met the dues requirement if they currently qualify for a particular voting, sustaining, or similar membership status in the national LP or the LPC which is based on payment of dues to that organization.