

**These Minutes Record the Proceedings of the**

# **Libertarian Party of North Carolina**

## **Convention 2023**

**11 March 2023**

### **Call to Order:**

With both Chair Mr. Joe Garcia (Union) and Vice Chair Mr. Jonathan Hopper (Rockingham) unable to chair the convention, Secretary Mr. Ryan Brown (Granville) called the meeting to order at 9:28 AM.

### **Secretary Report**

Mr. Brown reported 70 delegates were currently checked in and 85 people checked in as attendees. The voting threshold for one half is 35, two-thirds is 47, seven-eighths is 62.

### **Election of Chair Pro-tem**

Mr. Brown entertained a motion to open up nominations for a convention chair to chair the 2023 convention. Mr. Mike Ross (Gaston) nominated Mr. Sean Haugh (Durham) and Mr. Travis Groo (Wake) nominated Mr. Steven DiFiore (Mecklenburg). Mr. Brian Irving (Wake) moved that “We elect the Chair Pro-Tem by printed paper ballot.” The motion was seconded. The motion was defeated. After a voice vote, Mr. Brown determined that Mr. DiFiore was elected as Chair Pro-Tem. However the voice vote was very close and more than 10 members requested a counted vote. After a reminder that only delegates may vote, a counted vote was held. Mr. DiFiore was elected as convention chair by a vote of 35-34.

### **Adoption of Agenda**

Mr. DiFiore asked “Is there a motion on the floor to accept everyone in the room as a delegate?” Mr. Irving ”I move that any LPNC member, as defined in Bylaws Article II Section 1, registered for this convention, who has been a member for at least 30 days prior to this convention, be designated a delegate to this convention. Such appointment to be effective until the convention adjourns and only those delegates selected by the LPNC affiliates be allowed to vote on this motion.” Mr. Brown moved to amend to replace the words, “who has been a member for at least 30 days prior to this convention” with “who is a member”. The motion was seconded. Ms. Beverly Wilcox (Rockingham) stated that the last convention was the first time the 30 day rule was waived. After further debate, the amendment passed. Ms. Dee Watson (Wake) made the motion to amend the end with “All members who have the status of delegate will maintain their status of delegate regardless of any bylaws changes that may occur in relation to the removal of the Ex-officio delegate provisions in our bylaws.” The motion was seconded. Mr. Irving attempted to withdraw the motion, but had lost the mover's privilege. After debate, the amendment passed. The amended motion reads, “that any LPNC member, as defined in Bylaws Article III Section 1, registered for this convention who is a member, (Bylaws Article XI Section 1.4) be designated a delegate to this convention, such appointment to be effective until the

convention adjourns, and that only those delegates selected by LPNC affiliates whose names have been submitted to the Secretary should vote on this motion, as they are the only current delegates. All members who have the status of delegate will maintain their status of delegate regardless of any bylaws changes that may occur in relation to the removal of the Ex-officio delegate provisions in our bylaws." The motion passed on voice vote.

A motion was made to adopt the agenda [**Addendum #1, Agenda**], and seconded by Mr. Groo. Mr. Irving moved to "Amend the agenda to remove the afternoon session of the bylaws committee report, 1:30-2:30." The amendment was seconded. Mr. Ross spoke that it would save time to simply adopt the agenda. Mr. Irving withdrew his amendment. The agenda was adopted by voice vote.

Mr. Haugh asked Mr. DiFiore to invoke Convention Rule 3 Section 2 and request that all motions be submitted to the Secretary in writing. Mr. DiFiore did so. Mr. Nick Taylor (Nash) asked for an updated credentialing report. Mr. Brown reported there were 75 checked in delegates and 5 checked in alternates, who have been made delegates for a total of 80 delegates online and in person.

## **Remembrance of Donald Reid Deal**

A moment of silence was held in remembrance of Donald Reid Deal. Mr. Brown and Mr. DiFiore spoke in honor of Donald Reid Deal.

## **State of the Party Address**

Mr. Garcia, not in attendance, prepared a written State of the Party report. It was read by convention chair Mr. DiFiore. [**Addendum #6: State of the Party Address**]

## **Reading of Resolutions**

Mr. John Underwood (Wake) read his resolution on ranked choice voting. [**Addendum #7: A Resolution to Allow Ranked Choice Voting for Local Elections**]

## **Bylaws Committee Report**

All proposals considered by the body are attached at the end of these minutes in [**Addendum 2#, Considered Amendments From the Bylaws Committee Report**]. The entire report, including proposals not considered by the body, is attached in full in [**Addendum #8: Complete Bylaws Committee Report.**]

Mr. Irving introduced the bylaws committee report. Per Rule 5 Section 3, Sean Acton made a motion "to adopt the bylaws committee proposals 1, 2, 3, 8, 11 and 14." The motion was seconded. This motion was not debatable and required 2/3 to pass. The vote fails with 43 for 30 against.

Mr. Irving presented the first bylaws committee proposal, "Technical Corrections," and then moved to accept the recommendation without debate. The motion was seconded and the motion passed on a voice vote. Ms. Watson pointed out that the convention is utilizing Rule 5 and proposals should not be passed without debate, but the process in Rule 5 should be followed.

Mr. Irving presented the second proposal, "Electronic Executive Committee Meetings" and then moved to accept the recommendation without debate. The motion was seconded and the motion passed on a voice vote.

Mr. Irving presented the third bylaws committee proposal, "Open Meetings". Ms. Watson made a motion to pass the proposal without debate, seconded by Mr. Brown. Mr. DiFiore took a vote on whether the proposal could be considered without debate. This passed. Mr. DiFiore stated that the ayes had it, but because it needed 2/3rds to pass, a counted vote was taken and the motion passed 56-18. There was confusion about what was voted on. After clarification, a second vote was taken and the proposal passed 58-21.

Mr. Irving motioned for a 5 minute recess. The motion is seconded and passed without objection. During the recess, some members convened on the side to determine the proper procedure for passing proposals under Convention Rule 5.

Mr. Brown presented the fourth bylaw proposal, "State Convention Quorum." Mr. Gavin Bell (Franklin) made a motion to change 40% to 50%, the motion was seconded. Mr. David Speight (Davidson) proposed an amendment to the amendment to change 50% to a simple majority. Mr. Bell accepted. After time expired the amendment to change to a simple majority failed. The motion to consider passed. After debate the proposal passed 73-6.

Ms. Watson presented the fifth bylaw proposal, "Executive Committee Resignation." Ms. Kathy Cockrell (Wake) asked why this proposal will force the Executive Committee to act. Ms. Watson explained that because the position is immediately being declared vacant, the Executive Committee can no longer interpret inaction as rejecting the resignation. Mr. Irving offered a substitute amendment. "Any member of the Executive Committee who fails to attend five (5) consecutive or more than fifty percent (50%) of the Executive Committee meetings held in the period between Conventions shall be considered to have tendered a resignation. The Executive Committee shall accept or refuse such resignation by majority vote as soon as the conditions for the tendered resignation are met." The substitution amendment failed. Mr. Bryce Acer (Pender) pointed out a typo in the proposal. The typo was corrected. Mr. Ross spoke in favor of the proposal. Ms. Pam Adams (Durham) asked what "fails to attend" would mean. Mr. Brown explained that attending meant you are at the meeting for some period of time. Mr. David Ulmer (Wake) argued against the proposal explaining that going to meetings is not work and that too many meetings may be draining. Ms. Watson reminded the body that the minimum requirement of the Executive Committee is to meet six times a year. A motion to call the vote was made and seconded. The vote to call the question passed. After debate, the motion to consider the proposal passed. The proposal passed 72-9.

Mr. Haugh moved to recess for lunch 8 minutes early. The motion is seconded. The motion passed.

**The convention recessed for lunch until 1:30 pm.**

Mr. Phil Jacobson (Wake) presented the majority report for the sixth proposal, "Voting for NOTA." Sean Acton presented the minority report for the sixth proposal, consolidating NOTA in one rule. The body chose to consider the minority report. There was no debate on the proposal. The motion to consider the amendment passed. The proposal passed 66-6.

Mr. Brown presented the seventh proposal, "Voting and Election of Officers and Executive Committee." Mr. Stratton Lobdell (Pender) asked what happens if NOTA wins an election under this proposal. Mr. Irving stated that if NOTA wins, the position would be filled by the remaining members of the Executive Committee. Ms. Watson explains they would not be a voting member. Mr. DiFiore explains NOTA has never been elected before. Mr. Mike Davis (Alamance) asked a clarification question about how this proposal would tie to the resolution made earlier by Mr. Underwood. Mr.

DiFiore explained how that resolution is calling for the state government to change and is not related to this proposal. Mr. Andrew Johnson (Henderson) asked how a member would vote if they did not have access to email. Mr. Ulmer explained that we can help them with voting online by letting them use a spare computer. Debate ceases and the vote to consider the proposal passed. The proposal passed 57-6.

Ms. Watson presented the eighth proposal, "Judicial Committee Quorum." Mr. Acer asked why we don't add a clause for death. Mr. DiFiore clarifies that Ms. Watson's example, the death of a Judicial Committee member, was just an example. Mr. Ken Penkowski (Wake), current chair of the Judicial Committee, spoke against the proposal. Mr. Irving spoke against the proposal. Mr. Tom Bailey (Guilford), a member of the Judicial Committee, spoke against the proposal. Mr. Ross spoke both in favor of and against the amendment. Mr. Chris Humphries (Craven) spoke to clarify the proposal. Mr. Brown argued in favor of the proposal arguing that the Judicial Committee cannot do surprise business because of the limitations of the bylaws. Ms. Howe (Granville) argued against the proposal. Ms. Adams suggests that the Judicial Committee could suggest replacements if they are unable to continue. Mr. Penkowski stated he would be in favor of requiring all five members be in attendance. Mr. Davis suggests that the wording could include all seated members of the Judicial Committee. Mr. Irving states that the Judicial Committee has never met in person. All meetings have been online.

Ms. Watson moved that "the majority of filled positions" be changed to "all of the filled positions." The motion to amend is seconded. Ms. Watson spoke in favor of the amendment. Mr. Brown spoke against the amendment. Mr. Speight clarifies that the Judicial Committee has met in person before, but it was at convention. A motion is made to extend time for consideration of the proposal for ten minutes. It is seconded. The motion to extend time failed. Mr. Irving argues that if something is not broken, we should not try to fix it. Discussion ended and the vote to amend the proposal passed. The motion to consider passed 47-21. The proposal failed 42-34.

Mr. Ulmer moved "to bring the discussion of the bylaws to a close and prepare for the next item of business." The motion is seconded and the motion failed.

Ms. Watson presented the majority report for the ninth proposal, "Selection of State Convention Delegates." Mr. Irving presented the minority report for the ninth proposal. The body chooses to consider the minority report. Mr. Haugh spoke against this proposal as it is dependent on the LPNC having ballot access. Mr. Brown spoke against it for the same reason. Mr. Acer moved to amend the proposal to add "If the Party loses ballot access, the numbers from the previous convention will be used." The motion to amend is seconded and passed. Ms. Watson moved to add "This amendment shall not take effect until the close of the convention at which it is adopted." The motion is seconded. The motion to amend was passed. Mr. Irving called the orders of the day. The vote on the call for orders of the day failed. There is a motion to extend time by 2 minutes to consider this proposal. The motion passes. The vote to consider the amendment passed. The vote on the bylaws proposal passed 53-21.

## **Debate and Voting on Resolutions**

Orders of the day are followed and debate and voting on resolutions took place. There was no discussion or debate on the "Resolution to Allow Ranked Choice Voting for Local Elections." A voice vote was unanimously in favor of the resolution.

A motion was made to use the next 25 minutes, until the next order of business, to consider more bylaws proposals. The motion was seconded and passed without objection. Mr. DiFiore suggested a five minute recess and the body agreed, without objection.

## **Bylaws Committee Report, part 2**

Ms. Watson presented the tenth proposal, "Organizing and Recognition of Affiliates." Mr. Irving moved to amend the proposal and change "may" to "must" in Article XI, Section 1, paragraph 7 and delete the new Section 2' The amendment is seconded. The motion to amend failed. Mr. Brown spoke in favor of the proposal, stating that during the last Executive Committee term county affiliates were affiliated and disaffiliated without any vote by the Executive Committee. Mr. Irving spoke against the amendment stating that is an overreach by the Executive Committee. Mr. Ross spoke in favor of the amendment. Ms. Angela Humphries (Craven) spoke in favor of the proposal. Ms. Kimberly Acer (Pender), the current Affiliate Coordinator, spoke against the proposal. Mr. Chris Sessions (Johnston) spoke for the proposal. Mr. Brown called the question. The motion was seconded. The motion to call the question passed. Mr. DiFiore determined the voice vote to consider the proposal passed. Mr. Irving challenged the ruling of the chair. At least 9 other members call for a counted vote. The vote to consider the proposal passed 48-25. Mr. Irving calls orders of the day. A motion to extend time for 5 minutes is made, seconded, and passed. After debate, the proposal failed 47-30.

## **Elections**

Ms. Howe asked for clarification on the piece of paper with the title "LPNC Executive Committee recommendations." Mr. Brown explains that it is a suggestion by the North Carolina Mises Caucus for who to vote for during Executive Committee elections.

## **Chair**

Mr. DiFiore opened the floor for nominations for chair. Mr. Brown was nominated for chair by Mr. Thomas Hill (Cabarrus). Mr. DiFiore was nominated for chair by Dereck Meadows (Rockingham). As Mr. DiFiore is chair pro-tem and Mr. Brown is Secretary, and responsible for counting votes, Mr DiFiore hands the role of convention chair to Mr. Penkowski, who will act as chair pro-tem-pro-tem and Mr. Brown hands the role of counting votes to Mr. John Underwood who will be responsible for tallying votes. Mr. Hill, Mr. Mike Ross (Gaston), and Mr. Rob Yakes (Mecklenburg) spoke in favor of Mr. Brown for chair. Mr. Meadows, Mr. Stratton, and Mr. Groo spoke in favor of Mr. DiFiore. There is a motion to suspend the rules to "Allow each candidate to speak for 1 minute." It is seconded. The motion is adopted by a voice vote. Both Mr. Brown and Mr. DiFiore spoke about their candidacy for chair.

An electronic vote is held via OpaVote. Mr. Underwood explained the voting procedure to the body. Ms. Hogarth asked for clarification on the voting procedure if people do not have access to their email or do not receive an email. Mr. Penkowski encouraged members to come to the front table if there was an issue with their voting. The first ballot did not include NOTA. The first ballot was closed and a new ballot was sent out to delegates that included NOTA.

There was a motion to open, but not close, nominations for Vice Chair while the vote for Chair was being prepared. Mr. Groo moved to extend voting for Chair for 5 more minutes. It is seconded and passed. Mr. Irving moved to set a time of 15 minutes for all following elections. The motion was seconded. Mr. Groo moved to amend that to 10 minutes. It was seconded. Ms. Hogarth raised a point of order. She asked if 15 minutes will allow for the body to follow orders of the day. Mr. Penkowski

said no. Mr. Irving accepted the amendment to 10 minutes. The motion to have 10 minutes for each subsequent vote failed.

Following an online vote, Mr. Brown received 54.9% of the first ballot votes. Mr. DiFiore received 38.5% of the first ballot votes. NOTA received 6.6% of the first ballot votes. Mr. Underwood had also tallied the paper ballots and they did not affect the outcome of the online vote. Mr. Brown received more than 50% of the first ballot votes and won the election. A link to the ballots is included at [**Addendum #5: Chair Election Results**]. Mr Brown thanks the members and looks forward to working with all the members of the LPNC.

## **Vice Chair**

Mr. Haugh was nominated for the office of Vice Chair by Mr. Haugh. Mr. Stratton Lobdell nominated Mr. Stephen Sumner (Duplin) for the office of Vice Chair. Mr. Sumner did not accept. Mr. Haugh spoke in favor of his candidacy for Vice Chair. Mr. Penkowski entertained a motion to vote by voice vote for Vice Chair. A motion is made, seconded, and passed. Mr. Haugh was elected Vice Chair by a voice vote. Mr. Haugh thanked the members of the LPNC.

## **Secretary**

Ms. Watson was nominated for the office of Secretary by Ms. Christina Aragues (Cumberland). There were no other nominations for the office of Secretary. Nominations were closed. Mr. Penkowski entertained a motion to vote by voice. The motion is made and seconded. The motion passed. Ms. Watson was elected Secretary by a voice vote.

## **At-Large**

Mr. Hill nominated Mr. Sumner. Mr. Groo nominated Mr. Taylor. Mr. Ross nominated Ms. Aragues. Mr. William Wells (Caswell) nominated Mr. Wattercott. Mr. Brown nominated Mr. Mac Browder (Mecklenburg). Ms. Watson nominated Ms. Humphries. All members spoke to their candidacy for At-Large. A motion to suspend the rules to allow for an online vote with only one NOTA candidate on this ballot. The motion is seconded. The motion passes. Ms. Hogarth asked how OpaVote treats NOTA. Mr. Penkowski says that you may vote for up to four candidates and that if you want to vote for NOTA, you should vote only for NOTA. While votes are being cast, Ms. Hogarth encourages all members to consider donating monthly. As Mr. Penkowski was out of jokes, he decided to do interpretive dance, though his actions also lacked dance. After an online vote, Nick Taylor, Christina Aragues, Mac Browder, Angela Humphries were elected as At-Large members. Mr. Penkowski reminded the body that there are a few paper ballots that will not be included in the OpaVote tally but do not change the outcome of the vote. [**Addendum #3: At-Large Election Results**]

## **Judicial Committee**

Mr. Ulmer nominated Mr. Penkowski, Mr. Ross nominated Ms. Sarah Brady (Johnston), Mr. Daniel Cavender (Davidson) nominated Mr. Speight, Mr. DiFiore nominated Mr. Groo and Mr Groo declined, Janie Topp nominated Thomas Bailey, Mr. Groo nominated Mr. DiFiore, Mr. Brown nominated Phil Jacobson, Mr. Browder nominated Mr. Noah Zenger (Forsyth), Mr. Erik Lindborg (Cabarrus) nominated Mr. Acton. Mr. Irving asked that all nominated members are eligible to be elected for the Judicial Committee. Mr. Penkowski asked if the body is okay with him being pro-tem-pro-tem chair while up for election as a member of the Judicial Committee. The body consents to him being chair

pro-tem-pro-tem while up for election. After consultation with Mr. Speight on the one year membership requirement to be a member of the Judicial Committee, Mr. Speight withdrew from consideration. After an online vote, the Judicial Committee consisted of Mr. Ken ‘Muthafuckin’ Penkowski, Mr. Phil Jacobson, Mr. Steven DiFiore, Mr. Tom Bailey, and Ms. Sarah Brady.

**[Addendum #4: Judicial Committee Election Results]**

## **Other Business**

There is no other business.

## **Adjournment**

Ryan Brown moved to adjourn sine die. The motion was seconded. The motion passed. The Convention closed at 5:03 PM



## Addenda

### Addendum #1, Agenda

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#### Friday, March 10

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7:00-10:00 pm Friends & Family Meet & Greet - Hotel restaurant and bar.

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#### Saturday, March 11

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8:00 am Registration Opens

8:45 am Special Guest Speaker: NC Treasurer Dale Folwell  
*As the keeper of the public purse, Treasurer Folwell is responsible for a \$124 billion state pension fund that provides retirement benefits for more than 900,000 teachers, law enforcement officers, and other public workers.*

9:30 am Call to Order  
Secretary's Report  
Adoption of Agenda  
Memorial to Reid Deal  
State of the Party Address  
Reading of Resolutions

10:00 am Business: Bylaws Committee Report

Noon Recess for lunch

1:30 pm Reconvene for Business Session – Bylaws Committee Report (continued)

2:30 pm Debate and Voting on Resolutions

3:00 pm Elections:  
Chair  
Vice-Chair  
Secretary  
At-Large members  
Judicial Committee

4:30 pm Other Business

5:00 pm Adjournment sine die

6:30 pm Gala Banquet



7:30 pm

Banquet Speakers:

**Dan Smotz**

Dan Smotz is the "disgruntled freedom propagandist", responsible for Libertarian videos you know and love. Dan is a loving father, artist, musician, designer, and the host of the podcast, The System is Down. Dan's video work has been featured in liberty-centric campaigns for Jeremy Kauffman, Spike Cohen, Jo Jorgensen, Vermin Supreme, the Mises Caucus, Angela McArdle, and many more.

**Lary Sharpe**

*Lary Sharpe is a Husband, Father, Marine, Entrepreneur, Teacher, and Political Activist. His mission is to help people find happiness through community and purpose, often by overcoming bad policy decisions in government.*

*\*Open to all.*

8:30 pm

Auction & After Party

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**Sunday, March 12**

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9:00 am

"Libertarian Party Recommending Non-Libertarian Candidates" with Dee Watson

9:30 am

"Winning Hearts and Minds: How to spread the Libertarian message to a skeptical world." with Rob Yates

10:00 am

2024 Gubernatorial Candidate Forum

10:30 am

"Lessons Learned: 2020 and 2022 Elections" with Christina Aragues

11:00 am

2024 Presidential Candidate Forum

11:30 am

"Affiliate Development: Making liberty win in your own backyard" with Kim Acer

Noon

Convention Closes

## Addendum 2#, Considered Amendments From the Bylaws Committee Report

### Proposed Change 1: Technical Corrections

#### Proposal

1. Replace gendered pronouns with "They/Them/Their" across all bylaws and rules.
2. Art VII, Section 3. In the last sentence, change "Recording Secretary" to "Secretary" and change "at cost" to "upon request."
3. Art XII, Section 8, paragraph 3. Replace "State Convention Secretary" with "Secretary."
4. Rule 5.1. Correct the last sentence to conform to Bylaws Article XV. Section 1 and Convention Rule 9: Any addition to or alteration of the Convention Rules must be approved by a majority two-thirds ( $\frac{2}{3}$ ) vote of the delegates present and voting.
5. Correct reference in Article X, Section 2.2, which currently reads, "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." The reference to Article V. Section 9 is incorrect, as that bylaw concerns contributions. The correct reference should be Article X, Section 8 Quorum.

Approved.



### Proposed Change 2: Electronic Executive Committee Meetings

#### Proposal

#### **Amend 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 or other electronic means, or postal mail.~~ Once a motion is recognized by the Chair and seconded by another member, the motion can be discussed and voted on electronically, or by mail, ~~or by phone.~~ The Chair shall establish procedures for taking the votes. ~~Votes will be recorded by the Secretary.~~ The Secretary shall record the votes.

**Rationale:**

The Executive Committee and other committees are already conducting regular business via electronic means like Zoom and have been for several years. This process began well before it was imposed on us by necessity due to the COVID pandemic. In fact, the ability to meet regularly via Zoom has enhanced the party’s ability to conduct meaningful business quickly and efficiently. This amendment merely confirms what we have already been doing.

Approved.



**Proposed Change 3: Open Meetings**

Proposal

Add a new Section 5 to Article XVI. Section 5

Members shall be entitled to attend all Party committee and administrative meetings, except for executive sessions authorized by the Executive Committee.

**Rationale:**

All official functions of the party should be open to attendance (in person or virtually) by all party members unless extraordinary circumstances warrant an executive session.

Approved.



**Proposed Change 4: State Convention Quorum**

Proposal

Article XII. Convention & Platform, Section 1. Definitions

For the purposes of these bylaws, the term “convention” ~~shall be understood and taken to mean, notwithstanding any other perceivable definition~~ is defined as a gathering of the body of such members of the Libertarian Party of North Carolina as shall choose to participate in the LPNC State Convention, irrespective of physical location. This shall include either solely physical presence in a single location, or solely remote presence via virtual technology in its entirety, or any other combination thereof, as the Convention Committee, with the advice and consent of the LPNC Executive Committee, shall determine is appropriate. A quorum shall be forty percent (40%) of the total number of delegates registered and checked in at any point during the Convention. This amendment shall take effect at the close of the Convention at which it is adopted.

**Rationale:**

There is currently no definition of a State Convention quorum in the bylaws or rules. This could lead to confusion about when there is a quorum. This change will define a quorum.

Approved.



**Proposed Change 5: Executive Committee Resignation**

Proposal

Article V. Executive Committee, Section 6. Resignation

Any member of the Executive Committee who fails to attend at least three (3) meetings and has attended less than eighty-five percent (85%) of the meetings held in the term is automatically considered to have resigned from the Committee, and the position shall be declared vacant unless the committee votes before the end of that meeting to reject that member’s resignation. ~~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.~~

**Rationale:**

During the 2021-2023 term, multiple members had met one or both of the conditions that put them in a situation of having been “considered to have tendered a resignation.” The exact meaning and ramifications of this are unclear. Previous bylaws explicitly said a position would be declared vacant, which was clearer. Also, one member of the Executive Committee had satisfied both conditions, having missed seven meetings in total and three in a row in the run-up to a State Convention. With clearer language stating a position is declared vacant, delegates could have had the opportunity to reconfirm or replace that member of the Executive Committee.

The conditions to trigger an automatic resignation should be clear and flexible enough for members of the Executive Committee act. The system described above allows members to miss three meetings at the beginning of the term and around eight meetings at the end of a typical term. This is both a clear and flexible standard that accounts for a potentially different Executive Committee meeting cadence.

Approved.



**Proposed Change 6: Voting for NOTA**

Proposal: Minority Report

a. Delete Bylaws Article V. Executive Committee Section 3.3

b. Delete Convention Rules 7.4 and 7.5

c. Amend Convention Rules 8.3 and 8.4 as follows:

8.3 Elections for the Party's nominee for single-seat offices shall be conducted by a majority vote. If no candidate (~~including NOTA~~) receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.

8.4. For multi-seat offices, each delegate may cast a ballot with ~~a vote for either none of the above or~~ one vote per candidate for any number of candidates. Every ballot with a vote for ~~none of the above or~~ one or more candidates is counted as one ballot cast. ~~A vote for none of the above shall be ignored if the ballot also includes a vote for any other candidate.~~ The candidates receiving the most number of votes cast shall be nominated. Tie votes affecting the outcome shall be decided by lot.

d. Add new Rule 10. None of the Above

1. 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. The Executive Committee may assign the duties of that position to any Party member, but the person assigned the duties of that position shall not be a member of the Executive Committee.
2. NOTA will be considered another candidate on the ballot. NOTA will always be an option on the ballot if it goes into multiple rounds.
3. For elections using Ranked Choice Voting, if NOTA is selected, there can be no other votes to candidates following NOTA. None of the Above will not be eliminated when tallying in Ranked Choice Voting.
4. In elections with multiple winners, delegates can vote for NOTA1, NOTA2, NOTA3 ... up to the number of positions in the election. Delegates should prioritize voting NOTA on the lowest suffix.

**Rationale:**

Currently, in the bylaws, there is much repetition when explaining that NOTA is an option for every office. Consolidating is intended to make the bylaws more readable. There is also a correction in regard to how NOTA works in multi-winner elections.

Approved.



**Proposed Change 7: Voting and Election of Officers and Executive Committee**

Proposal

**a. Amend Rule 3. Voting Procedure and Motion**

1. On all matters, voting will be by voice vote except in the election of Party Officers, At-Large Executive Committee members, Judicial Committee members, or the election of Delegates to the Libertarian Party National Convention, and the nomination of candidates. If ten or more delegates object to the Chair's ruling on the outcome of a voice vote, a counted vote will be held.

2. For any election, either a paper, mechanical, or electronic voting system chosen and approved by the Convention Committee may be used. The Convention Committee shall properly notify the members of the LPNC, before the convention starts, what system or systems may be used.

2. 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.

**b. Amend Rule 7. Election of Party Officers and Executive Committee**

1. Nominations for Party Officers, At-Large Executive Committee members, Judicial Committee members, and Delegates to the Libertarian Party National Convention shall be from the floor.

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

2.1. Chair: one two (2) minute nominating speech, two thirty (30) second seconding speeches;

2.2. All others: one one (1) minute nominating speech, one thirty (30) second seconding speech.

3. Elections for party officers shall be conducted ~~by a majority vote~~ using the Instant Runoff Ranked Choice Voting method. If no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot. Each delegate may submit a ballot with each candidate numbered with one being the first choice and each choice subsequently numbered, in order of preference. Tie votes affecting the outcome shall be decided by lot.

4. For at-large Executive Committee members and Judicial Committee members, each delegate may cast a ballot with a vote for ~~either none of the above or one vote per candidate for any number of candidates up to the number of positions available. The candidates receiving the greatest number of votes cast shall be elected. Every ballot with a vote for none of the above or one or more candidates is counted as one ballot east. A vote for none of the above shall be ignored if the ballot also includes a vote for any other candidate. The four (4) candidates receiving the most number of votes east shall be elected. Tie votes affecting the outcome shall be decided by lot.~~



5. The state convention shall elect delegates to the Libertarian National Convention by approval voting. State convention delegates may cast a vote for any nominee. Nominees receiving the most votes shall be elected delegates to the LNC, up to the total national convention delegates allotted to the state by the national Libertarian Party. The remaining nominees shall be elected LNC alternate delegates and ranked according to the number of votes they receive, up to the total number of alternate delegates allotted to the state by the national party. Alternate delegates are ranked in accordance with the bylaws. Tie votes affecting the outcome shall be decided by lot.

5.6. In any election where there are no barriers to nomination other than the consent of the candidate and where the option for none-of-the-above is provided, any votes cast for a person not nominated shall be counted as votes for none-of-the-above.

7. If there are as many or fewer candidates as allotted positions, the body may move directly to elect all nominated candidates by a counted vote. as a body. The slate of candidates must receive a majority of the counted vote. If the slate of candidates fails to be elected with a majority, the convention shall vote, by ballot, to approve or reject each of the nominees individually.

**Rationale:**

These changes will help codify tradition and clarify the rules for each Party election we hold by:

- Clarifying how to elect Judicial Committee members and LNC Delegates.
- Codifying LNC Delegate elections as approval voting. The current bylaws do not make the method of voting clear. Historically, there was never a surplus of people willing to act as delegates. This will codify what LPNC has been doing in an explicit rule. This is the same method used for At-Large and Judicial Committee elections.
- Explicitly allowing for electronic voting at conventions with proper notice. This will allow us to use things like OpaVote or ElectionBuddy or similar tools and modernize our voting. This will also allow for online delegates to vote in the same way as those in person. This should make the process easier.
- Allowing for the electing of all nominated candidates for a position if there are as many or fewer candidates as openings. This is tradition but will allow us to do it without suspending the rules.
- Changing officer elections to use the Instant Runoff Ranked Choice Voting method. Currently, the bylaws require a majority vote and if there is more than one candidate, this will allow us to do an instant runoff and determine the majority vote instantly. This change will speed up our current process if there is more than one candidate and can easily be done via online voting tools.
- Limiting the number of people you can vote for in approval voting of At-Large and Judicial Committee members. Traditionally, you could vote for every candidate who was running, even if there were more candidates than the seats available. This will limit the number of candidates you can vote for to the number of seats available. This would be four (4) At-Large and five (5) Judicial Committee members.

Approved.

**Proposed Change 8: Judicial Committee Quorum**

Proposal

## Article VII. Judicial Committee

### Section 1. Formation

1. The Judicial Committee is an independent standing committee of the LPNC. The Judicial Committee shall be composed of five (5) Party members elected at each State Convention, and ~~any four (4) members~~ all of the filled positions on the Judicial Committee shall constitute a quorum;

#### **Rationale:**

If two or more members of the Judicial Committee vacate their position for any reason, this would end the committee's ability to function in any capacity since the current quorum requirement is four members. This proposal changes the quorum to be dependent on filled positions and reduces the quorum requirement to a majority (typically three) which will scale to the committee's size.

Rejected.



## Proposed Change 9: Selection of State Convention Delegates

Proposal: Minority Report

## 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).~~

County affiliates will select delegates to the State Convention. Each county affiliate is entitled to select whichever is greater of two (2) delegates, or a number of delegates equal to one percent (1%) of the registered Libertarians in that county as of the last day of the month four (4) months before the State Convention, rounded to the nearest whole numbers. County affiliates may also select an equal number of alternates. If the Party loses ballot access, the numbers from the previous convention will be used. This amendment shall not take effect until the close of the convention at which it is adopted.

### **Rationale:**

This is a simpler, more straightforward, and easier-to-understand formula for determining local affiliate delegates to the State Convention than the majority proposal.

Approved.



## **Proposed Change 10: Organizing and Recognition of Affiliates**

Proposal

## a. Rewrite Article XI, Local Organization

### Section 1. Organizing

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

1. ~~To be recognized by the Libertarian Party of North Carolina, an~~ The affiliate must have a Chair, a Secretary, and a Treasurer. There must be at least one person who has held a meeting to form an affiliate, ~~and o~~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~~ an organizational meeting.
3. ~~An precinct organizational meeting must be held no less than thirty (30) days before the County Conventions and C~~ county ~~C~~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 to the state or national convention, a person must have been a member of the ~~Libertarian Party of North Carolina~~ LPNC 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 the LPNC Executive Committee and certify to the Executive Committee that all procedures of the LPNC Bylaws were followed.
7. An affiliate ~~may~~ must adopt its own plan of organization or bylaws so long as there are no violations of the Bylaws and Convention Rules of the LPNC.
8. Recognition of all local organizations must be approved by a majority vote of the LPNC Executive Committee. Withdrawal of recognition requires a two-thirds (2/3) majority vote of the LPNC Executive Committee.

## b. Rewrite 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 lapse in membership, bylaws violations, plan of organization violations, failing to comply with election law statutes, or 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.

## a. Add new Article XI, Section 2 and renumber the following sections

## Section 2: Continuing Affiliation

To maintain the status of an organized affiliate, the affiliate must have a convention where officers are elected at least every two (2) years. Public notice must be posted no less than ten (10) days before holding a local convention.

### Rationale:

This proposal has many changes to the Affiliate section.

- Changes to make affiliates more general. The previous structure indicates precincts and counties, but if we win a partisan race, we need an affiliate formed around the corresponding district. There has been a rise in regional affiliates in more sparsely populated areas. This more general framework takes into account regional and district affiliates.
- Clarify what an affiliate must do to maintain the affiliated status. Previously many members believed the bylaws stated that affiliates must have conventions once a year. This was not the case; however, this change would protect member rights to ensure they were given the opportunity to select the affiliate leadership at least every other year.
- Add “lapse in membership, bylaws violations, plan of organization violations, Board of Elections violations” to reasons to remove an officer. In the current bylaws, the only reason to remove an officer is “public behavior that brings discredit to the name of the Libertarian Party.” On December 8, 2022, the LPNC Executive Committee removed two officers from an affiliate Executive Committee due to inactivity. It is unclear if inactivity can be classified as “public behavior that brings discredit to the name of the Libertarian Party,” but there is now a precedent for doing so. Adding the wording would give the Executive Committee the authority to remove members without the extreme conclusion that inactivity is “public behavior that brings discredit to the name of the Libertarian Party.”
- Mandating an Executive Committee vote on status changes of an affiliate. It is currently unclear what the process is for determining what affiliates are recognized. Johnston County has a treasurer who has filed uninterrupted paperwork with the NCSBE from 2019 to 2022. In 2022, Johnston County had its status revoked on the authority of the Chair, and its EC members were removed from the LPNC website.

All current members (as of 12/12/2022) of the LPNC affiliate team were placed without a vote from the Executive Committee on the authority of the Chair. Currently, the Chair and those appointed by the Chair determine the official status of every state affiliate. Given the importance of this classification in determining delegates to the convention, this process should be more formalized and not reside in the purview of a single person.

Rejected.



### **Addendum #3: At-Large Election Results**

Stephen Sumner - 53

Nick Taylor - 61

Christina Aragues - 78

Thomas Watercott - 22

Mac Browder - 60

Angela Humphries - 59

NOTA - 10

Archived OpaVote Results:

1. <https://web.archive.org/web/20230313030650/https://www.opavote.com/results/6022398573805568>
2. <https://web.archive.org/web/20230313031351/https://www.opavote.com/ballots/6022398573805568/0>
3. <https://web.archive.org/web/20230313031136/https://www.opavote.com/ballots/6022398573805568/0?p=2>
4. <https://web.archive.org/web/20230313030845/https://www.opavote.com/ballots/6022398573805568/0?p=4>
5. <https://web.archive.org/web/20230313030846/https://www.opavote.com/reports/6022398573805568/0?style=txt>
6. <https://web.archive.org/web/20230313030857/https://www.opavote.com/reports/6022398573805568/0?style=csv>
7. <https://web.archive.org/web/20230313030902/https://www.opavote.com/reports/6022398573805568/0?style=json>

### **Addendum #4: Judicial Committee Election Results**

Ken 'Muthafuckin' Penkowski - 73

Phil Jacobson - 67

Steven DiFiore - 58

Tom Bailey - 56

Sarah Brady - 55

Sean Acton - 47

Noah Zenger - 45  
David Speight - 1  
NOTA5 - 9  
NOTA1 - 8  
NOTA4 - 5  
NOTA2 - 4  
NOTA3 - 3

## **Addendum #5: Chair Election Results**

Archived OpaVote Results:

1. <https://web.archive.org/web/20230313024254/https://www.opavote.com/results/5501428939358208>
2. <https://web.archive.org/web/20230313031528/https://www.opavote.com/ballots/5501428939358208/0>
3. <https://web.archive.org/web/20230313024304/https://www.opavote.com/ballots/5501428939358208/0?p=4>
4. <https://web.archive.org/web/20230313024250/https://www.opavote.com/reports/5501428939358208/0?style=csv>
5. <https://web.archive.org/web/20230313024816/https://www.opavote.com/reports/5501428939358208/0?style=txt%2A>
6. <https://web.archive.org/web/20230313024301/https://www.opavote.com/reports/5501428939358208/0?style=json>



## **Addendum #6: State of the Party Address**

### **State of the Party Address**

Written by outgoing Chair Joe Garcia

Delivered to the 2023 LPNC Convention on March 11, 2023

Welcome everyone to the Libertarian Party of North Carolina State Convention 2023! First, let me say that I regret that I am unable to deliver the following words in person. Unfortunately, I had to travel back to New York in order to assist my father as he deals with some health issues.

It was always a pleasure to see old and new faces as we gather at Convention to reflect on our progress and continue to advance liberty in North Carolina. Let me say that it has been an honor to work with this group of hard-working volunteers and I am very proud of what we have achieved this term.

The unfortunate passing of our dear friends and longtime members, Tom Howe and Reid Deal were a significant blow to our Party and many of us who had come to know them not only as colleagues but as friends. May they rest in peace as we continue to pass the torch of liberty forward.

While I did not initially seek this position, nor did many of the others currently serving on the Executive Committee, most of us were called upon by others to accept nominations and step up to the plate due to the needs of the Party.

We have filled unexpected vacancies to the best of our ability, and it has been an exciting process to work together to help the LPNC reach a higher potential. I am very proud of our accomplishments.

Some highlights of the 2021-2023 term include:

- the creation of a new organizational chart and job positions,
- filling 14 staff positions,
- beginning staff meetings,
- filling 3 Executive Committee vacancies,
- revamping and approving Standard Operating Procedures,
- creating a committee to update the LPNC strategic plan,
- replenishing supplies,
- hiring an Executive Director,
- partnering for a LPNC merch store,
- approving social media and affiliate team funding,
- officially requesting a source code review from the NC elections board,
- targeted activism in Gastonia,
- offering financial support for candidates,

- approving policies to better document and clarify processes, numerous events, and potentially our favorite,
- reaching over 50,000 registered Libertarian voters in the State of North Carolina.

With this success, there have been growing pains. Creating a stronger organizational process, hiring new staff, and choosing routes to best utilize CRMs and communications tools has not been without issues. The work of improving our progress in the areas of fundraising, running candidates, and growing our membership and voting base continues. We know that top-down solutions are burdensome and ineffective.

Nonetheless we must provide the clear consistency and accountability disaffected voters are looking for. Professional leadership with clearly defined staff roles and responsibilities will be needed to capitalize on the rise in unaffiliated voters in our state. We can show them that ours is indeed a serious option to turn to.

In recent months, personal attacks and disagreements have been publicized in ways that are new for our state. This has caused distractions from our important work, the resignation of some of our longest serving volunteers, pull back from active volunteers, as well as a decline in donors.

Unwarranted accusations were made about Executive Committee members being secretive and lacking transparency, but attempts at improvement were dismissed with immediate demands. Often, simple differences of opinion or interpretations of rules were implied to be of malicious intent.

Some of you may overlook this unprofessional environment, some may welcome it, seeing only the publicly highlighted problems. I am not one of them. If nothing is good enough, and the bar for success keeps moving out of reach, we will continue to be plagued with the turnover that keeps us from growing into a strong political institution.

Our achievements have shown how far we can come in just a few years, despite these recent distractions. We should seek to work smarter and to be kinder.

What has often kept me dedicated to this is the respect I have for my fellow Libertarians. Who, no matter the odds, spend their time and talents working with this Party, warts and all. To accomplish our goals, rules matter. Consistency matters.

But diminishing the people at the heart of the work in this organization, those who are in the process of improvement, spreads a negativity and hurt that has far reaching consequences. Among those consequences is burnout. Ours is an all-volunteer organization and who among us will willingly subject ourselves to a toxic environment for long.

We must be wary of mean spiritedness if we have any real hope to grow and make serious changes for the cause of liberty in our State and in our communities.

Though by our nature, Libertarians are not known to fall in line, we pride ourselves on our strengths as individuals. With that in mind, we should be the first to remember that no one is an island unto themselves.

Individuals are the smallest percentage of the group, and the loudest or surliest of those individuals do not represent the entirety of one group, be it a party, a caucus, or any other voluntary association.

When we work together and learn from each other, keeping our eyes on the real opponent, we move the bar forward. I will continue to speak for freedom and liberty always, and there are many ways to accomplish this goal.

All my best to the new Executive Committee. I wish you nothing but success and leave you with a reminder that we are at our greatest when we utilize the human potential without One Size Fits All solutions or mandates. Let us convince, not control. Let us persuade, not punish.

All of us have the opportunity to be the leaders that inspire others. Let's inspire them to want to more, to give more, and to drive our movement forward.

Thank you all for the opportunity to serve.

Yours, In Liberty

Joe Garcia.

### **Addendum #7: A Resolution to Allow Ranked Choice Voting for Local Elections**

Whereas in multi-candidate races it is common for there to be a "winner" who receives less than a majority of the votes cast, which is fundamentally undemocratic.

Whereas, in some cases, when a runoff election is held the turnout almost invariably is lower and on occasion the runoff "winner" garners fewer votes than the loser received in the initial election, which calls into question the validity of that result.

Whereas Ranked Choice Voting ensure the winner(s) will always enjoy a majority of the votes cast without the expense of staging an additional election

Whereas the inherent dynamic of an election conducted using Ranked Choice Voting is also healthier than our current election method in that candidates have an incentive to appeal not only to their zealous base but to reach out to other voters who could potentially make them a second or third choice.

Whereas North Carolina was a pioneer in experimenting with Ranked Choice Voting (called Instant Runoff Voting) in the 1990s in Cary and Hendersonville and since then several other states including California, Colorado, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, New York, Oregon, have implemented Ranked Choice Voting for at least some local elections; now, therefore, be it

Resolved that the Libertarian Party of North Carolina:

Calls upon the North Carolina General Assembly to enact legislation to allow counties and municipalities the option to conduct local elections using the Ranked Choice Voting system.



## **Addendum #8: Complete Bylaws Committee Report.**

### **Report of the 2023 Adjunct Committee on the Bylaws and Convention Rules**

The 2023 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: Brian Irving (chair), Sean Acton, Ryan Brown, Phil Jacobson, Stephen Sumner, and Dee Watson.

The Committee conducted its deliberations on the LPNC Slack Group in meetings open to all LPNC members and associates. Draft proposals were published on the LPNC Members (Official) Facebook group and the LPNC Slack group.

The Committee approved 19 recommendations. Two recommendations have minority reports. There are no “do not pass recommendations.” LPNC members submitted one proposal. While we did not include either in our report, we discussed them and included some ideas in our recommendations.

We respectfully present this report and these recommendations to the Convention for adoption.

**Brian Irving**  
*Chair, 2023 Bylaws & Rules Committee*

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## Summary

### Technical Corrections

Removes all gender-specific pronouns in the bylaws and rules. Corrects language and

references in several sections of the bylaws and rules.

### **Electronic Executive Committee Meetings**

Clarifies and updates language to allow the Executive Committee to conduct meetings by electronic means.

### **Open Meetings**

Specifies that Party members may attend all Party committee and administrative meetings.

### **State Convention Quorum**

Defines a State Convention quorum as a percentage of State Convention registered delegates.

### **Executive Committee Resignation**

Establishes that Executive committee members who miss a set number of meetings have automatically resigned rather than tendered resignation and requires the Executive Committee to vote to accept or reject the resignation immediately.

### **Voting for NOTA**

The majority recommendation is to eliminate the ability to vote for none of the above in all party elections. The minority recommendation is to consolidate all the references to NOTA in both the bylaws and rules into one section in the bylaws.

### **Voting & Elections of Officers & Executive Committee**

Changes the voting for Party offices to use Instant Runoff Voting for officers and approval voting for Libertarian National Convention delegates. Clarifies language regarding the election of at-large Executive Committee members.

### **Judicial Committee Quorum**

Redefines the Judicial Committee quorum as a majority of the filled positions.

### **Selection of State Convention Delegates**

County State Convention delegates will be determined by the county's proportion of the number of registered Libertarians in the state. The majority and majority positions outline two methods for determining that number.

### **Organizing and Recognition of Affiliates**

Require an Executive Committee vote to recognize or withdraw recognition of a local affiliate. Require a local affiliate to have bylaws or a plan of organization and a convention to elect officers at least every two years. Allows the State Executive Committee to remove local officers if their Party membership lapses or if they fail to comply with the requirements of the state or local bylaws, plan of organization, or state election statutes.

### **Nominating LNC Delegates**

Simplifies and clarifies the wording of Bylaws Article XII. Section 8, and amends Rule 7 to allow members to nominate themselves for national delegate positions before the State Convention.

### **LNC Delegates Decide Region**

Lets the delegates to the Libertarian National Convention decide what LP region the LPNC

joins.

### **Volunteer Report**

Requires the State Chair to appoint someone to provide a monthly volunteer labor report to the Executive Committee.

### **Convention Actions Bind on Executive Committee**

Clarifies that all actions taken by the State Convention, including motions, are binding on the Executive Committee.

### **Review of Executive Committee Decisions**

Allows a single Party member to appeal any decision by the Executive Committee that affects them to the Judicial Committee.

### **Revert to Robert's Rules as Parliamentary Authority**

Reverts to using the current edition of Robert's Rules of Order as LPNC parliamentary authority and deletes references to suspending the rule, as this is covered in Robert's.

### **Debating and Voting on Adjunct Comm Reports**

Creates a single process for debating and voting on adjunct committee reports. Limits the number of times for extending debate.

### **Chair Appointments**

Clarifies that the Executive Director and staff members are appointed by the Chair, with the advice and consent of the Executive Committee, and may be removed by the same process.

### **Membership**

The majority recommendation is to simplify the definition of member to require residents to meet three conditions to be a member of the party rather than one of several. These are not being a registered voter in any other political party, paying dues to the state party, and agreeing to the NIOF principle. It also eliminates the associate category. The minority recommendation is just to remove the associate category.

### **Ex-official State Convention Delegates**

Eliminates all ex officio State Convention delegates.



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## Do Pass Recommendations

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### 1. Technical Corrections

1. Replace gendered pronouns with "They/Them/Their" across all bylaws and rules.
2. Art VII, Section 3. In the last sentence, change "Recording Secretary" to "Secretary" and change "at cost" to "upon request."
3. Art XII, Section 8, paragraph 3. Replace "State Convention Secretary" with "Secretary."
4. Rule 5.1. Correct the last sentence to conform to Bylaws Article XV. Section 1 and Convention Rule 9: Any addition to or alteration of the Convention Rules must be approved by a majority two-thirds ( $\frac{2}{3}$ ) vote of the delegates present and voting.
5. Correct reference in Article X, Section 2.2, which currently reads, "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." The reference to Article V. Section 9 is incorrect, as that bylaw concerns contributions. The correct reference should be Article X, Section 8 Quorum.

Vote: 6 aye

## 2. Electronic Executive Committee Meetings

### Amend 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~~ or other electronic means, or postal mail. Once a motion is recognized by the Chair and seconded by another member, the motion can be discussed and voted on electronically, or by mail, ~~or by phone.~~ The Chair shall establish procedures for taking the votes. ~~Votes will be recorded by the Secretary~~ The Secretary shall record the votes.

### Rationale

The Executive Committee and other committees are already conducting regular business via electronic means like Zoom and have been for several years. This process began well before it was imposed on us by necessity due to the COVID pandemic. In fact, the ability to meet regularly via Zoom has enhanced the party's ability to conduct meaningful business quickly and efficiently. This amendment merely confirms what we have already been doing.  
*Proposed by Brian Irving. Vote: 5 aye*

### **3. Open Meetings**

Add a new Section 5 to Article XVI. Section 5

Members shall be entitled to attend all Party committee and administrative meetings, except for executive sessions authorized by the Executive Committee.

#### **Rationale**

All official functions of the party should be open to attendance (in person or virtually) by all party members unless extraordinary circumstances warrant an executive session.

*Proposed by Phil Jacobson. Vote: 5 aye, 1 nay*

## 4. State Convention Quorum

### Article XII. Convention & Platform, Section 1. Definitions

For the purposes of these bylaws, the term “convention” ~~shall be understood and taken to mean, notwithstanding any other perceivable definition~~ is defined as a gathering of the body of such members of the Libertarian Party of North Carolina as shall choose to participate in the LPNC State Convention, irrespective of physical location. This shall include either solely physical presence in a single location, or solely remote presence via virtual technology in its entirety, or any other combination thereof, as the Convention Committee, with the advice and consent of the LPNC Executive Committee, shall determine is appropriate. A quorum shall be forty percent (40%) of the total number of delegates registered and checked in at any point during the Convention. This amendment shall take effect at the close of the Convention at which it is adopted.

### Rationale

There is currently no definition of a State Convention quorum in the bylaws or rules. This could lead to confusion about when there is a quorum. This change will define a quorum.

*Proposed by Ryan Brown. Vote: 6 aye*

## 5. Executive Committee Resignation

### Article V. Executive Committee, Section 6. Resignation

Any member of the Executive Committee who fails to attend at least three (3) meetings and has attended less than eighty-five percent (85%) of the meetings held in the term is automatically considered to have resigned from the Committee, and the position shall be declared vacant unless the committee votes before the end of that meeting to reject that member's resignation. ~~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.~~

### Rationale

During the 2021-2023 term, multiple members had met one or both of the conditions that put them in a situation of having been “considered to have tendered a resignation.” The exact meaning and ramifications of this are unclear. Previous bylaws explicitly said a position would be declared vacant, which was clearer. Also, one member of the Executive Committee had satisfied both conditions, having missed seven meetings in total and three in a row in the run-up to a State Convention. With clearer language stating a position is declared vacant, delegates could have had the opportunity to reconfirm or replace that member of the Executive Committee.

The conditions to trigger an automatic resignation should be clear and flexible enough for members of the Executive Committee act. The system described above allows members to miss three meetings at the beginning of the term and around eight meetings at the end of a typical term. This is both a clear and flexible standard that accounts for a potentially different Executive Committee meeting cadence.

*Proposed by Dee Watson, Vote: 5 aye, 1 nay*

## 6. Voting for NOTA

### Majority Report: Eliminate voting for None of the Above

#### a. Delete Bylaws Article V. Executive Committee

~~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.~~

#### b. Delete Convention Rules 7.4 and 7.5

~~4. For at large Executive Committee members and Judicial Committee members, each delegate may cast a ballot with a vote for either none of the above or one vote per candidate for any number of candidates. Every ballot with a vote for none of the above or one or more candidates is counted as one ballot cast. A vote for none of the above shall be ignored if the ballot also includes a vote for any other candidate. The four (4) candidates receiving the most number of votes cast shall be elected. Tie votes affecting the outcome shall be decided by lot.~~

~~5. In any election where there are no barriers to nomination other than the consent of the candidate and where the option for none of the above is provided, any votes cast for a person not nominated shall be counted as votes for none of the above.~~

### c. Amend Convention Rules 8.3 and 8.4, Nomination of Candidates

8.3 Elections for the Party's nominee for single-seat offices shall be conducted by a majority vote. If no candidate (~~including NOTA~~) receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.

8.4. For multi-seat offices, each delegate may cast a ballot with ~~a vote for either none of the above or one~~ vote per candidate for any number of candidates. Every ballot with a vote for ~~none of the above or one or more candidates~~ is counted as one ballot cast. ~~A vote for none of the above shall be ignored if the ballot also includes a vote for any other candidate.~~ The candidates receiving the most number of votes cast shall be nominated. Tie votes affecting the outcome shall be decided by lot.

### Rationale

NOTA has never received many votes at any convention. It has never won any election nor even been a serious contender, despite the number of times it has been an option. It adds confusion to the choices available to the delegates. Considering NOTA, when it is used, simply adds extra work to the business of the convention while serving at most as a symbolic gesture.

*Proposed by Phil Jacobson. Approved: 4 aye, 2 nay*

## Minority Report: Consolidate NOTA

Retain the ability to vote for NOTA but consolidate all references from the bylaws and rules into a new Rule 10.

- a. Delete Bylaws Article V. Executive Committee
- b. Delete Convention Rules 7.4 and 7.5
- c. Amend Convention Rules 8.3 and 8.4 as follows:

8.3 Elections for the Party's nominee for single-seat offices shall be conducted by a majority vote. If no candidate (~~including NOTA~~) receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.

8.4. For multi-seat offices, each delegate may cast a ballot with ~~a vote for either none of the above or one~~ vote per candidate for any number of candidates. Every ballot with a vote for ~~none of the above or one or more candidates~~ is counted as one ballot cast. ~~A vote for none of the above shall be ignored if the ballot also includes a vote for any other candidate.~~ The candidates receiving the most number of votes cast shall be nominated. Tie votes affecting the outcome shall be decided by lot.

### d. Add new Rule 10. None of the Above

1. 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. The Executive Committee may assign the duties of that position to any Party member, but the person assigned the duties of that position shall not be a member of the Executive Committee.
2. NOTA will be considered another candidate on the ballot. NOTA will always be an option on the ballot if it goes into multiple rounds.



3. For elections using Ranked Choice Voting, if NOTA is selected, there can be no other votes to candidates following NOTA. None of the Above will not be eliminated when tallying in Ranked Choice Voting.
4. In elections with multiple winners, delegates can vote for NOTA1, NOTA2, NOTA3 ... up to the number of positions in the election. Delegates should prioritize voting NOTA on the lowest suffix.

## **Rationale**

Currently, in the bylaws, there is much repetition when explaining that NOTA is an option for every office. Consolidating is intended to make the bylaws more readable. There is also a correction in regard to how NOTA works in multi-winner elections.

*Proposed by Sean Acton. Vote: 2 ayes, 4 nay*

## **7. Voting and Election of Officers and Executive Committee**

### **a. Amend Rule 3. Voting Procedure and Motion**

1. On all matters, voting will be by voice vote except in the election of Party Officers, At-Large Executive Committee members, Judicial Committee members, or the election of Delegates to the Libertarian Party National Convention, and the nomination of candidates. If ten or more delegates object to the Chair's ruling on the outcome of a voice vote, a counted vote will be held.

2. For any election, either a paper, mechanical, or electronic voting system chosen and approved by the Convention Committee may be used. The Convention Committee shall properly notify the members of the LPNC, before the convention starts, what system or systems may be used.

2. 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.

### **b. Amend Rule 7. Election of Party Officers and Executive Committee**

1. Nominations for Party Officers, At-Large Executive Committee members, Judicial Committee members, and Delegates to the Libertarian Party National Convention shall be from the floor.

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

2.1. Chair: one two (2) minute nominating speech, two thirty (30) second seconding speeches;

2.2. All others: one one (1) minute nominating speech, one thirty (30) second seconding speech.

3. Elections for party officers shall be conducted ~~by a majority vote~~ using the Instant Runoff Ranked Choice Voting method. ~~If no candidate receives a majority, runoff votes will be held, dropping the candidate with the fewest votes after each ballot.~~ Each delegate may submit a ballot with each candidate numbered with one being the first choice and each choice subsequently numbered, in order of preference. Tie votes affecting the outcome shall be decided by lot.

4. For at-large Executive Committee members and Judicial Committee members, each delegate may cast a ballot with a vote for ~~either none of the above or one vote per candidate for any number of candidates~~ up to the number of positions available. The candidates receiving the greatest number of votes cast shall be elected. ~~Every ballot with a vote for none of the above or one or more candidates is counted as one ballot cast. A vote for none of the above shall be ignored if the ballot also includes a vote for any other candidate. The four (4) candidates receiving the most number of votes cast shall be elected. Tie votes affecting the outcome shall be decided by lot.~~

5. The state convention shall elect delegates to the Libertarian National Convention by approval voting. State convention delegates may cast a vote for any nominee. Nominees receiving the most votes shall be elected delegates to the LNC, up to the total national convention delegates allotted to the state by the national Libertarian Party. The remaining nominees shall be elected LNC alternate delegates and ranked according to the number of votes they receive, up to the total number of alternate delegates allotted to the state by the national party. Alternate delegates are ranked in accordance with the bylaws. Tie votes affecting the outcome shall be decided by lot.

5.6. In any election where there are no barriers to nomination other than the consent of the candidate and where the option for none-of-the-above is provided, any votes cast for a person not nominated shall be counted as votes for none-of-the-above.

7. If there are as many or fewer candidates as allotted positions, the body may move directly to elect all nominated candidates by a counted vote. as a body. The slate of candidates must receive a majority of the counted vote. If the slate of candidates fails to be elected with a majority, the convention shall vote, by ballot, to approve or reject each of the nominees individually.

## Rationale

These changes will help codify tradition and clarify the rules for each Party election we hold by:

- Clarifying how to elect Judicial Committee members and LNC Delegates.
- Codifying LNC Delegate elections as approval voting. The current bylaws do not make the method of voting clear. Historically, there was never a surplus of people willing to act as delegates. This will codify what LPNC has been doing in an explicit rule. This is the same method used for At-Large and Judicial Committee elections.
- Explicitly allowing for electronic voting at conventions with proper notice. This will allow us to use things like OpaVote or ElectionBuddy or similar tools and modernize our voting. This will also allow for online delegates to vote in the same way as those in person. This should make the process easier.
- Allowing for the electing of all nominated candidates for a position if there are as many or fewer candidates as openings. This is tradition but will allow us to do it without suspending the rules.
- Changing officer elections to use the Instant Runoff Ranked Choice Voting method. Currently, the bylaws require a majority vote and if there is more than one candidate, this will allow us to do an instant runoff and determine the majority vote instantly. This change will speed up our current process if there is more than one candidate and can easily be done via online voting tools.
- Limiting the number of people you can vote for in approval voting of At-Large and Judicial Committee members. Traditionally, you could vote for every candidate who was running, even if there were more candidates than the seats available. This will limit the number of candidates you can vote for to the number of seats available. This would be four

(4) At-Large and five (5) Judicial Committee members.

*Proposed by Ryan Brown. Vote: 6 aye*

## 8. Judicial Committee Quorum

### Article VII. Judicial Committee

#### Section 1. Formation

1. The Judicial Committee is an independent standing committee of the LPNC. The Judicial Committee shall be composed of five (5) Party members elected at each State Convention, and ~~any four (4) members~~ all of the filled positions on the Judicial Committee shall constitute a quorum;

### Rationale

If two or more members of the Judicial Committee vacate their position for any reason, this would end the committee's ability to function in any capacity since the current quorum requirement is four members. This proposal changes the quorum to be dependent on filled positions and reduces the quorum requirement to a majority (typically three) which will scale to the committee's size.

*Proposed by Dee Watson. Vote: 5 aye, 1 nay*

## 9. Selection of State Convention Delegates

### Majority Report

#### Article XI. Local Organization, Section 2. Selection of Delegates

The county organizations will select delegates to the LPNC State Convention. Each county organization shall be entitled to two delegates plus the closest whole a number of delegates that is 400 times the county's proportion of registered Libertarians residing in the State of North Carolina as of the last day of the month four (4) months prior to the state convention rounded to the nearest whole number. If the Party loses ballot access, the numbers from the previous convention will be used. Each county will be allocated and an equal number of alternates, that number being the greater of the following: This amendment shall not take effect until the close of the convention at which it is adopted

~~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).~~

### Rationale

The previous criteria were written when ballot access was less reliable. This calculation is much more straightforward than the previous calculation. This data is readily available from the NC State Board of Elections, but the previous calculations depend on numbers not readily available for many members.

*Proposed by Dee Watson. Vote: 4 aye, 2 nay*

# Minority Report

## Article XI. Local Organization

### ~~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).~~

County affiliates will select delegates to the State Convention. Each county affiliate is entitled to select whichever is greater of two (2) delegates, or a number of delegates equal to one percent (1%) of the registered Libertarians in that county as of the last day of the month four (4) months before the State Convention, rounded to the nearest whole numbers. County affiliates may also select an equal number of alternates. If the Party loses ballot access, the numbers from the previous convention will be used. This amendment shall not take effect until the close of the convention at which it is adopted.

## Rationale

This is a simpler, more straightforward, and easier-to-understand formula for determining local affiliate delegates to the State Convention than the majority proposal.

*Proposed by Brian Irving. Vote: 2 aye, 4 nay*



## 10. Organizing and Recognition of Affiliates

### a. Rewrite Article XI, Local Organization

#### Section 1. Organizing

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

- ~~To be recognized by the Libertarian Party of North Carolina, an~~ The affiliate must have a Chair, a Secretary, and a Treasurer. There must be at least one person who has held a meeting to form an affiliate. ~~and o~~ One person may hold one or more offices.
- Public notice must be posted no less than ten (10) days before holding ~~a precinct or county~~ an organizational meeting.
- ~~An~~ 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.
- To hold an organizational meeting, to be elected for an office, or to serve as a delegate to the state or national convention, a person must have been a member of the ~~Libertarian Party of North Carolina~~ LPNC for at least thirty (30) days.
- Financing for the state and affiliate organizations is maintained separately.
- In order to be recognized by the LPNC, an affiliate must identify their Chairperson and ~~€~~ Treasurer to the LPNC Executive Committee and certify to the Executive Committee that all procedures of the LPNC Bylaws were

followed.

7. An affiliate ~~may~~ must adopt its own plan of organization or bylaws so long as there are no violations of the Bylaws and Convention Rules of the LPNC.

8. Recognition of all local organizations must be approved by a majority vote of the LPNC Executive Committee. Withdrawal of recognition requires a two-thirds (2/3) majority vote of the LPNC Executive Committee.

#### **b. Rewrite 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 lapse in membership, bylaws violations, plan of organization violations, failing to comply with election law statutes, or 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.

#### **c. Add new Article XI, Section 2 and renumber the following sections**

##### Section 2: Continuing Affiliation

To maintain the status of an organized affiliate, the affiliate must have a convention where officers are elected at least every two (2) years. Public notice must be posted no less than ten (10) days before holding a local convention.

## Rationale

This proposal has many changes to the Affiliate section.

- Changes to make affiliates more general. The previous structure indicates precincts and counties, but if we win a partisan race, we need an affiliate formed around the corresponding district. There has been a rise in regional affiliates in more sparsely populated areas. This more general framework takes into account regional and district affiliates.
- Clarify what an affiliate must do to maintain the affiliated status. Previously many members believed the bylaws stated that affiliates must have conventions once a year. This was not the case; however, this change would protect member rights to ensure they were given the opportunity to select the affiliate leadership at least every other year.
- Add “lapse in membership, bylaws violations, plan of organization violations, Board of Elections violations” to reasons to remove an officer. In the current bylaws, the only reason to remove an officer is “public behavior that brings discredit to the name of the Libertarian Party.” On December 8, 2022, the LPNC Executive Committee removed two officers from an affiliate Executive Committee due to inactivity. It is unclear if inactivity can be classified as “public behavior that brings discredit to the name of the Libertarian Party,” but there is now a precedent for doing so. Adding the wording would give the Executive Committee the authority to remove members without the extreme conclusion that inactivity is “public behavior that brings discredit to the name of the Libertarian Party.”
- Mandating an Executive Committee vote on status changes of an affiliate. It is currently unclear what the process is for determining what affiliates are recognized. Johnston County has a treasurer who has filed uninterrupted paperwork with the NCSBE from 2019 to 2022. In 2022, Johnston County had its status revoked on the authority of the Chair, and its EC members were removed from the LPNC website.

All current members (as of 12/12/2022) of the LPNC affiliate team were placed without a vote from the Executive Committee on the authority of the Chair. Currently, the Chair and those appointed by the Chair determine the official status of every state affiliate. Given the importance of this classification in determining delegates to the convention, this process should be more formalized and not reside in the purview of a single person.

*Proposed by Dee Watson. Vote: 5 aye, 1 nay*

## 11. Nominating LNC delegates

### Rewrite Bylaws Article XII. Section 8, National Convention Delegates

1. The State Convention shall (in even-numbered years) elect ~~credentialed~~ LPNC members as delegates and alternates to the Libertarian Party National Convention.
2. ~~Elections shall occur during usual convention business and follow Convention Rules. Neither D~~delegates nor alternates may be named after the State Convention has adjourned. Delegate or alternate positions ~~for which there is no delegate or alternate named~~ not filled at the state convention ~~must~~ shall remain unfilled.
3. LPNC members ~~who are~~ not in attendance at the State Convention, but wish to be considered for delegate or alternate, must be credentialed in advance by the State ~~Convention~~ Secretary ~~and nominated in Convention by an LPNC member in attendance~~.
4. The delegation shall elect its chair.
5. Each alternate's rank shall determine the order of precedence in which each person shall be elevated.

#### Amend Rule 7 to add:

Members seeking nomination as a delegate to the Libertarian Party National Convention may notify the Party Secretary no earlier than sixty (60) days and no later than five (5) before the start of the State Convention. The Secretary shall verify the members' eligibility under the Bylaws and submit those names to the convention credentials committee. If the Secretary determines a member is not eligible to be a national convention delegate, the Secretary shall attempt to notify the member. The names of all those eligible shall automatically be entered into nomination for election as delegates to the Libertarian Party National Convention.

## **Rationale**

This bylaws amendment simply rewrites the existing bylaw for clarity. The rules amendment is based on an idea considered by the 2021 Bylaws Committee. It will speed up the LNC delegate election process and give any LPNC member who does not attend the state convention ample opportunity to become a national convention delegate.

*Proposed by Brian Irving. Vote: 6 aye*

## 12. LNC Delegates Decide Region

### New Article XII. Convention & Platform, Section 8. National Convention Delegates

National Convention Delegates will determine what region North Carolina joins by majority vote and the delegation chair is authorized to sign the regional agreement.

### Rationale

Every two years, the LPNC sends a delegation to the Libertarian National Convention. At that convention, someone representing North Carolina may sign a regional agreement to determine our region and vote on our regional representative. The regions are potentially in flux at the convention. The delegation there should be empowered to determine the region best suited for North Carolina since they are best positioned to assess the situation. The delegates were selected to represent North Carolina by the state delegates and should thus be able to carry out this responsibility.

Typically the State Chair is also the delegation chair, but at the 2022 LNC the North Carolina Libertarian Party Chair and Vice Chair did not attend. The Chair did not delegate the decision to the delegation or delegation chair, an officer of the party, and did not commit to a region until mere minutes before all regional caucuses started. Regional caucus meetings were scheduled and met Friday, May 27, 2022, at 5 p.m., but a decision was not communicated to the delegates or the delegation chair until the meeting was starting.

Before the start of the convention Delaware, D.C., Pennsylvania, West Virginia, and Maryland had already agreed to join the region. If North Carolina agreed to join, then the minimum threshold requirement was met. Virginia was a holdout, and its chair was arguably trying to make the environment chaotic, but if North Carolina agreed, then Virginia could not stop the region from forming. This meant that until mere minutes before the regional meeting, no one knew if the region would be formed, and everyone had to wait on someone who was thousands of miles away.

*Proposed by Dee Watson. Vote: 5 aye, 1 nay*

## **13. Volunteer Labor Report**

Add Section 6 to Article V. Officers.

### Section 6. Volunteer Labor Report

The Chair shall appoint, with the advice and consent of the Executive Committee, a member of the Party to prepare a report for the Executive Committee at least once a month, which shall include a list of volunteers in the Party, as authorized by the Executive Committee, indicating which of these positions are filled and the name of the person(s) filling the position(s), and which positions are unfilled, the list to be made available to all Party members.

### **Rationale**

LPNC has only two tangible resources, finances and labor. Of these, the largest resource is labor, provided by volunteers. The financial resources of the Party are well documented by the Treasurer, as required by both the State of North Carolina and the LPNC Bylaws. But volunteer resources are not as well coordinated as financial resources, having been given a relatively low priority in the organization. Volunteer labor should be given as great a priority as financial resources and noted as such in the Bylaws.

*Proposed by Phil Jacobson. Vote: 4 aye, 1 nay, 1 abstain*

## **14. Convention Actions Binding on Executive Committee**

### **Amend 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~~ shall comply with or implement any actions they are directed to do in resolutions or motions adopted in Convention, consistent with the Bylaws, Convention Rules, and Party Platform.

### **Rationale**

At some conventions, members have questioned whether the State Convention can pass a motion to require the Executive Committee to take action. For example, to close the Libertarian primary to unaffiliated voters. This amendment clarifies that the Convention is the ultimate authority in the LPNC, and the Executive Committee is bound to comply with actions the Convention directs it to do in motions, resolutions, and other directives.

*Proposed by Brian Irving. Vote: 6 aye*



## **15. Review of Executive Committee Decisions**

Amend Article XVI. Bill of Rights, Section 4.

Upon appeal by ~~five (5) percent of the Party members~~ any Party member directly affected, 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.

### **Rationale**

This was originally written when the party did not have ballot access, and so the membership numbers were small. Currently, the LPNC has over 50,000 members, and the criteria of more than 2,500 member signatures in order to get the Judicial Committee to review an Executive Committee decision is excessive.

*Proposed by Dee Watson. Vote: 5 aye, 1 nay*

## **16. Revert to Robert's Rules of Order as Parliamentary Authority**

### **Amend Article XIV. Parliamentary Authority**

~~The Democratic Rules of Order (Francis & Francis, 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.~~

The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party. This amendment shall not take effect until the close of the convention at which it is adopted.

### **Amend Rule 5. Debating and Voting - Adjunct Committee Reports**

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

### **Delete Rule 9**

#### **~~Rule 9. Amendments to the Rules~~**

~~The Convention Rules may be amended by a two thirds (2/3) vote at a Regular Convention.~~

### **Rationale**

The parliamentary authority in the LPNC bylaws was changed in 2013 from Robert's Rules of Order to the Democratic Rules of Order. Until 2013 the bylaws assumed the more complete parliamentary structure provided

by Roberts. This has two consequences. First, some of the mechanisms that would be explained in a parliamentary structure had to be incorporated into our bylaws. An example of this is a suspension of the rules that occurs in three places in our rules and bylaws. Before the use of DRO, this text was unnecessary since Roberts gives great detail on the governance of suspension of the rules. Even though the rules are frequently suspended in the national conventions, the national bylaws make no mention of suspension of the rules since they simply follow the parliamentary framework established in Roberts.

Second, there is typical governance in organizations, but none is currently being followed in the LPNC. An example of this is an executive session. Committees can go into executive session; although most do not, it's not unusual for the Executive Committee. The DRO has no framework for an executive session, but Roberts does. With no framework, the executive committee has not been taking minutes. This means that the next Executive Committee has no record of what was discussed and decided for some of the most sensitive issues in the LPNC.

*Proposed by Dee Watson. Vote: 5 aye, 1 nay*

# 17. Debating and Voting on Adjunct Committee Reports

## Rule 5. Debating and Voting - Adjunct Committee Reports

4. For those recommendations not approved under Rule 5, Section 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:

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.5.

4.2. During discussion of a committee recommendation, any motion to amend is restricted in two ways:

4.2.1. Before any discussion of the amendment, an immediate vote is held on whether the motion to amend should be accepted for consideration, a simple majority being required for acceptance, and;

4.2.2. The time limit for discussion of the amendment, if accepted for consideration, is five (5) minutes.

~~4.3. If debate ceases during the time allotted or a motion to call the question is adopted, the Chair shall then call for a vote on the recommendation.~~

4.3. If the allotted time expires during debate, the Convention Chair shall allow for a motion to extend time, not to exceed ten (10) minutes, such motion requiring a two-thirds (2/3) majority for approval. Only one debate time extension is allowed. If there is no further debate, or the additional time expires, the convention shall move to an immediate vote to consider the recommendation (as amended if that is the case). If a majority vote is against immediate consideration, the proposed recommendation shall be tabled for reconsideration after all other

recommendations receiving a favorable majority vote from the Adjunct Committee have been considered.

~~4.4. If the allotted time for debate expires, the Convention Chair shall allow a motion to extend time, requiring a two-thirds (2/3) majority for approval. Failing such time extension, a vote will be taken on whether to bring the recommendation (as amended, if this is the case) to a final vote. If a majority vote favors immediate consideration, the vote to accept or reject the recommendation must follow immediately. If a majority vote is against immediate consideration, the proposed recommendation shall be tabled for later consideration after all other recommendations receiving a favorable majority vote from the Adjunct Committee have been considered.~~

4.4 If the majority vote is in favor of immediate consideration, the convention shall vote immediately on whether to adopt the recommendation.

## **Rationale**

There are currently two procedures for voting on adjunct committee recommendations, one “if debate ceases” and another “if the allotted time expired during debate.” In the first, the convention immediately votes on the recommendation. In the second, the convention must first decide whether to consider the recommendation and then vote again to approve or disapprove it. This is always confusing. This amendment sets one procedure to apply in both cases and also limits extended debate to a maximum of two 10-minute extensions, so that debate on one proposal does not consume an inordinate amount of time allocated for adjunct committee reports.

*Proposed by Brian Irving. Vote: 5 aye, 0 nay, 1 abstain*

## 18. Chair Appointments

### Amend Article IV. Officers, Section 2. Chair

5. ~~Select~~ Appoint, as deemed necessary, an Executive Director and staff members, with the advice and consent of the Executive Committee, ~~to supervise any LPNC staff;~~

### Article VI. Executive Director and Staff

3. The Executive Director shall supervise staff members, ~~including volunteers, appointed or hired by the Executive Committee or Chair~~ whether paid or volunteer.

## Rationale

Some members have questioned whether the Chair or Executive Director can hire and fire staff members and volunteers without consult or consent of the Executive Committee. This amendment clarifies the Executive Director and staff members (paid or volunteer) are appointed by the chair, with the advice and consent of the Executive Committee, and may be removed by the same process.

*Proposed by Brian Irving. Vote: 5 aye, 1 nay*

# 19. Membership

## Majority Report: Article III. Membership

### Rewrite Section 1 and delete Section 2

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

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

1. A resident of North Carolina who is not a registered voter affiliated with any other political party may become a member of the LPNC provided they maintain current membership dues with the LPNC and certify in a written or electronic statement to the Secretary they do not advocate the initiation of force to achieve social or political goals.

2. The Executive Committee shall determine the dues amount, not to exceed \$25 per year. Dues are defined as a payment to the LPNC specified for that purpose and do not include payments or donations for goods or services.

3. This amendment shall be effective 60 days after adoption.

## **Rationale**

This amendment simplifies membership criteria. Rather than a list of choices, it requires members to commit to supporting the Libertarian Party and its basic principles by paying dues. As stated in the bylaws, only members can hold elected positions in the state party and local affiliates and serve as delegates to the state and national conventions. This amendment still permits unaffiliated voters to become members.

*Proposed by Brian Irving. Vote: 3 aye, 1 nay, 1 abstain*



## Minority Report: Eliminate Section 2, Associate

Delete Section 2, remove Section 1 heading, and rewrite Article III.

Article III. Membership.

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;
- e) Submitting a written or electronic affirmation to the 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.

### Rationale

There are few Associates, and no rights are conveyed to them by the bylaws. Eliminating the Associate status will simplify record keeping.

*Proposed by Dee Watson. Vote: 2 aye, 3 nay*

## 20. Ex-officio State Convention Delegates

### Delete Article XI. Convention & Platform, Section 4. 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.~~

### Rationale

Delegates with voting powers should not include unelected members. The ex-officio positions to be eliminated would probably be able to secure delegate positions running as normal delegates to represent their localities. The ones who are merely running for office are self-appointed, representing only themselves. In general, the existing provision creates a class of super-delegates. The example of the major parties indicates that this can skew the results against the will of the majority of party members.

*Proposed by Phil Jacobson. Vote: 6 aye*

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# Member Proposals

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## LNC Delegates

LPNC members Brad Hessel, Sarah Brady, Sean Haugh, and Barbara Howe presented this proposal to the Committee to amend Article XII. Section 8.2:

This proposal would restore a mechanism to add delegates to our national Convention roster should vacancies occur. We had such a mechanism for decades, but it was removed three years ago, and it hurt us this year, as [a] we were at least one delegate short on every vote and had to scramble to limit the damage on almost every vote, having to reserve capacity whatsoever and [b] there was an LPNC EC member at the National Convention who had not attended our state Convention and so was not on our delegation and we had no way to fix that, even though there was an open slot.

Not having a Plan B to deal with such situations is manifestly unwise. It hurts every LPNC member when we are needlessly underrepresented at the LNC convention.

Article XII. Section 8.2 of the LPNC Bylaws currently reads:

1. The State Convention shall (in even-numbered years) elect credentialed LPNC members as delegates and alternates to the National Convention.
2. Elections shall occur during usual convention business and follow Convention Rules. Neither Delegates nor alternates may be named after the State Convention has adjourned. Delegate positions for which there is no delegate or alternate named must remain unfilled.
3. LPNC members who are not in attendance at the State Convention, but wish to be considered for delegate or alternate, must be credentialed in advance by the State Convention Secretary and nominated in Convention by an LPNC member in attendance.
4. The delegation shall elect its chair.
5. Each alternate's rank shall determine the order of precedence in which each person shall be elevated.

Our original intention was just to add back the ability of the delegation chair to fill empty slots. But the above wording is extremely vague and references a "State Convention Secretary" office, which we do not believe exists. So, while we were at it, we felt constrained to address those issues as well:

1. The State Convention shall (in even-numbered years) elect credentialed LPNC members as delegates and alternates to the National Convention.

Elections shall occur during usual convention business and follow Convention Rules. LPNC members who are not in attendance at the State Convention and wish to be considered for election as a delegate or alternate must so inform the LPNC Secretary prior to the election and be nominated by an LPNC member in attendance.

2. Delegate slots are allotted to the nominees in descending order with respect to the number of votes each receives. When and if all delegate slots are filled, the remaining nominees will be allotted alternate slots. Each alternate's rank shall determine the order of precedence in which alternates may be elevated to serve as delegates, should openings in the delegate roster occur. When and if all alternate slots are filled, any remaining nominees receiving at least one vote will be added to a waitlist to be maintained by the delegation chair.
3. If the election fails to fill all delegate and alternate slots, the delegation chair will have the discretion to fill those slots with LPNC members, subject in each such instance to credentialing confirmation by the LPNC Secretary. Similarly, should the Convention fill all available slots but then vacancies among delegates or alternates occur, the delegation chair shall have the discretion to fill those slots, adding the requisite number of individuals from the waitlist to the end of the delegate-alternate list to keep the delegation roster full. Should the wait list be exhausted and vacancies still exist, then the delegation chair will have the discretion to fill those slots with LPNC members, subject in each such instance to credentialing confirmation by the LPNC Secretary.
4. The delegation shall elect its chair and vice chair. The LPNC Secretary is not eligible to serve in either of those capacities.

The Committee invited the group to a committee meeting, and Mr. Hessel attended. While we voted not to consider this proposal as written, we did incorporate some of its ideas into our recommendation.

**END OF REPORT**