

LPEPC Bylaws Committee Report, 2023

- Note that formal language should be used in bylaws. That means no contractions, no slang, and no catch phrases. It does not mean, however, that the language must be stilted, difficult to understand, or full of legalese. Provisions can and should be worded in simple but precise English and they should be written so Members can easily understand them.

Proviso: Mark ups of proposed amendments are based on the prior version of these Bylaws. The appearance of text that has been changed by a previous amendment is to be ignored and not taken as undoing the previous amendment.

Proposal 1. Severability

Problem: If a portion of the bylaws is found to be illegal, the entire document can be declared legally void.

Solution: Add an article (common boilerplate in contracts) to enable the Party to continue to function by temporarily excluding any “outlawed” clause or section.

Proposed Amendment:

Article XIV. Severability

14.1. If any Article, Section, or Clause of these bylaws is to any extent determined to be invalid, illegal, or incapable of being enforced, such Article, Section, or Clause shall be excluded only to the extent of such invalidity, illegality, or unenforceability; all other Articles, Sections, and Clauses hereof shall remain in full force and effect, and to this end the provisions of these bylaws are declared to be severable.

Proposal 2. Privacy

Problem: Article 10.6 as written leaves doubt in some readers' minds as to whether LPCO and LP obtain our contact information. To withhold it would be in conflict with our purpose, as follows: "3.2. Promote and grow the membership and political power of the Libertarian Party;"

Solution: Clarify with whom the data may be shared.

Proposed Amendment:

Article X. Prohibited Actions

10.6. The Libertarian Party and its affiliates will never release personal information to anyone else, except those within the Party to meet Party purposes, without the informed consent of the affected individuals.

Proposal 3. Voting Method

Problem: In a group as small as LPEPC, a contested election between universally known and liked candidates is likely to fail to select a winner using Approval Voting. At least two specific candidates are approved by everybody = no decision.

Solution: Change the standard process to Ranked Choice, acknowledging that the convention may at any time change the voting method by a 2/3 vote as per paragraph 13.2. Thus, the last phrase of 13.1 can be omitted (especially since we seldom have a convention committee).

LPEPC has traditionally favored approval voting and it remains a top choice for elections at the level of communities and larger.

Proposed Amendment:

Article XIII. Standard Balloting Process

13.1. ~~Approval~~ **Ranked Choice** Voting shall be the Standard Balloting Process for all votes regarding elections, nominations, or appointments for offices wholly within El Paso County done at Annual Convention. ~~Any deviation from the Standard Balloting Process shall be determined by the Convention Committee~~

13.2. Other voting methods may be used if authorized by a two-thirds (2/3) vote of the Members at any Meeting or Convention.

Proposal 4. Punctuation Error

Problem: The highlighted comma in 9.3 is a grammatical error.

Solution: Omit erroneous comma.

Proposed Amendment:

Article IX. Candidates and Initiatives

9.3. Endorsements of or oppositions to ballot initiatives, ordinances, Unaffiliated or non-partisan candidates, or other measures, will be made by majority vote of the Members at any Meeting or Convention. Such positions may be made public by means of a press release arranged by the Chair or the Chair's designee and identified as being solely an LPEPC endorsement or opposition. Any ballot initiative or referendum may either be endorsed or opposed by a vote of the LPEPC Membership. If neither endorsed nor opposed, the LPEPC will have "no opinion" on that particular initiative or referendum.

Proposal 5. Emergency Suspension

Problem: There is no clause that allows the board, with a high vote threshold, to be able to override something in the bylaws if it is found to be detrimental to the Party. This would be interpreting our laws in the spirit they are intended and not necessarily by the exact words. This would allow those we elected to represent us to carry out the purposes of the party, if in our own short-sightedness, we make a stupid rule.

Solution: Add a section to enable the board to temporarily exclude or suspend the counterproductive clause or section.

Proposed Amendment:

Article XI. Amendments to Bylaws

11.4. If any Article, Section, or Clause of these Bylaws is determined to obstruct the Party's reasonable pursuit of its purposes as delineated in these Bylaws, such Article, Section, or Clause shall, by a unanimous vote of the Board, be excluded only to the extent and duration of such obstruction and only if such exclusion preserves the rights of the Membership. All other Articles, Sections, and Clauses hereof shall remain in full force and effect.

Proposal 6. Parliamentary Model

Problem: Martha's Rules are unfamiliar to most people, even more so than Roberts Rules. While greatly simplified, they leave many parliamentary procedural questions unanswered, forcing one to refer to Roberts Rules of Order. Roberts is exhaustive but its basic principles are straightforward. Its major drawback is over zealous enforcement by fans, often stopping progress in its tracks.

Note: Periodic changes to Roberts Rules of Order tend to be minor or are an accommodation to advancing technology. It is thus unlikely of benefit to specify a possibly-non-current edition of the rules.

Solution: Restore Roberts Rules of Order

Proposed Amendment:

Article XII. Parliamentary Model

~~The rules contained in "Simplified Rules of Order (Slightly Modified Martha's Rules)" shall guide the LPEPC in all cases to which they are applicable and in which they are not inconsistent with these or the State Party Bylaws, any standing rules, and any special rules of order LPEPC or its Board may adopt.~~

12.1. The rules contained in Robert's Rules of Order, current edition, shall guide the LPEPC in all cases to which they are applicable and in which they are not inconsistent with these or the State Party Bylaws and any standing rules and any special rules of order that LPEPC or its Board may adopt.

12.1.1. LPEPC assemblies shall be guided by the more flexible standards for small boards, as described in Roberts Rules of Order, in which they are not inconsistent with any standing rules and any special rules of order that LPEPC or its Board may adopt.

12.1.2. In as much as a parliamentary model is a guide, the degree of adherence thereto may be moderated with majority approval of the assembly with the understanding that Members' rights are at no time to be compromised.