

SPECIAL MEETING MINUTES
LIBERTARIAN NATIONAL COMMITTEE
JULY 23, 2022
VIA ZOOM



CURRENT STATUS:

FINAL

PREPARED BY **CARYN ANN HARLOS**, LNC SECRETARY

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LEGEND: text to be inserted, ~~text to be deleted~~, unchanged existing text, *substantive final main motions*.

All main substantive motions will be set off by *bold and italics in green font* (with related subsidiary and incidental motions *set off by highlighted italics*) and will be assigned a motion number comprising the date and a sequential number to be recorded in the Secretary's Main Motion/Ballot Tally record located at <https://tinyurl.com/lncvotes2022>

Points of Order and substantive objections will be indicated in **BOLD RED TEXT**.

All vote results, challenges, and rulings will be set off by **BOLD ITALICS**.

The Secretary produces an electronic One Note notebook for each meeting that contains all reports submitted as well as supplementary information. The notebook for this meeting can be found at <https://tinyurl.com/July23LNCMeeting>

The LPedia article for this meeting can be found at:
[https://lpedia.org/wiki/LNC Meeting 23 July 2022](https://lpedia.org/wiki/LNC_Meeting_23_July_2022)

Recordings for this meeting can be found at the LPedia link.

The QR codes lead to the video portion of the video being discussed.

OPENING CEREMONY

CALL TO ORDER AND OPPORTUNITY FOR PUBLIC COMMENT

Chair Angela McArdle called the meeting to order at 3:06 p.m. (all times Eastern).

HOUSEKEEPING

ATTENDANCE

The following were in attendance:¹

Officers: Angela McArdle (Chair), Joshua Smith (Vice-Chair), Caryn Ann Harlos (Secretary), Todd Hagopian (Treasurer)

At-Large Representatives: Dustin Blankenship, Rich Bowen, Mike Rufo

Regional Representatives: Miguel Duque (Region 1), Dave Benner (Region 2), Andrew Watkins (Region 5), Joseph Ecklund (Region 6), Linnea Gabbard (Region 7),

Regional Alternates: Kathy Yeniscavich (Region 1), Martin Cowen (Region 2), Connor Nepomuceno (Region 3), Joshua Clark (Region 4), Mark Tuniewicz (Region 6), Donavan Pantke (Region 7)

Absent: Otto Dassing (Region 5 Alternate), Carrie Eiler (Region 4 Representative), Bryan Elliott (At-Large Representative), Part Ford (Region 8 Representative), Robley Hall (Region 8 Alternate), Dustin Nanna (Region 3 Representative), Steven Nekhaila (At-Large Representative)

Staff: Tyler Harris (Executive Director)

Additional Attendees: Richard Brown (Parliamentarian)

The gallery contained many attendees as noted in the Registration Roster attached hereto as **Appendix 1** comprising person who registered in advance, though not all of the registrants attended.

The following gave public comment:

- Kerry Baldwin (NM)
- Rich Bowen (LNC)

PURPOSE OF SPECIAL MEETING

¹ Mr. Blankenship arrived after the initial roll call.

The purpose of the meeting was to discuss issues regarding the Libertarian Party of New Mexico.

NEW BUSINESS WITH PREVIOUS NOTICE

Testimony was taken from the following persons who also answered questions posed by LNC members:

- Tyler Askin (NM)
- Mike Blessing (NM)
- Richard Brown (Party Parliamentarian)
- Elizabeth Honce (NM)
- Frank Martin (NM)

Secretary Harlos gave notice that she will be introducing a motion at the July 30-31, 2022, LNC meeting that the LNC recognize that the valid Constitution and Bylaws for the Libertarian Party of New Mexico is the document adopted on March 27, 2022, due to the illegality of both the March 5, 2022, and July 12, 2022, LPNM conventions (see **Appendix 2** for the summary and appendix submitted by Secretary Harlos). She stated that she will submit the substantial wording on the LNC Business list that evening.

ADJOURNMENT

An additional period of public comment included:

- Tyler Askin (NM)
- Richard Brown (Party Parliamentarian)
- Jonathan M. Jacobs (Non-Party Member Parliamentarian)

The LNC adjourned for the day **WITHOUT OBJECTION** at 4:52 p.m.

TABLE OF APPENDICES

Appendix	Title	Author
1	Log of Registrants	Caryn Ann Harlos
2	Summary submitted to the LNC with Addendum	Caryn Ann Harlos

Respectfully submitted,



LNC Secretary ~ Secretary@LP.org ~ 561.523.2250

APPENDIX 1 – LOG OF REGISTRANTS

<u>NAME</u>
Sylvia Arrowwood
Tyler Askin
Taylor Bakken
Kerry Baldwin
Philip Bertin
Mike Blessing
Travis Bost
Layla Bush
Justin Carman
Manu Chopra
Pixie Dixie
Jeff Douglas
Brodi Ellwood
Laryssa Gaughen
Richard Gurry
Tim Hagan
Wayne Harlos
Matt Hartley
Susan Hogarth
Elizabeth Honce
David Hynes
Carly Jackson
Jonathan M. Jacobs
James Jenneman
Christy Kelly
Paul King
Stephan Kinsella
Elisha H. Levin
Nathan Madden
Frank Martin
Carol Moore
Richard McDonough
Networkr Networkr
George Phillies
Michael Rebmann
Devin Rivera
Mimi Robson
Michael Seebeck
Marion Skinner
Zach Tatum
Eric Thraen

NAME
Michael Tomac
Connor Voskuil
Stephanie Weiss
Cynthia Welch
Daniel Woike
Brian Zakrajsek

APPENDIX 2 – SUMMARY PROVIDED BY CARYN ANN HARLOS

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To: Libertarian National Committee
From: Caryn Ann Harlos, LNC Secretary and Registered Parliamentarian
Date: July 18, 2022 (V2 July 21, 2022)

Past Involvement Disclosure: In January 2022, I provided parliamentary services to LPNM member Tyler Askin, on a *pro bono* basis, regarding a Constitutional convention held by the LPNM on January 6, 2022, which was illegal due to improper notice. I wrote several letters on his behalf. Mr. Askin had given consent for the letters and facts to be made public, and they were published on the LNC business list last term and discussed on my YouTube channel. LPNM State Chair Chris Luchini has since conceded that the January Constitutional convention was null and void due to issues with notice. When questions regarding the validity of the July 12, 2022, Constitutional convention came up, Mr. Askin contacted me to see if I could assist him again. I informed him that due to my position on the LNC and the potential that this issue could come before that body, I could not assist him in this matter and referred him to another parliamentarian. My last work on his behalf was in February 2022 and was limited to the issues surrounding the illegal January 2022 convention which has been conceded as null and void by all parties involved.

Appendices:

- A. Letter dated January 27, 2022, to the Executive Committee of the Libertarian Party of New Mexico
- B. Letter dated January 31, 2022, to Josh Chappel, Vice-Chair of the Libertarian Party of New Mexico
- C. Screenshots of the front page of the Libertarian Party of New Mexico dated February 7 and February 9, 2022, retrieved from the Wayback Machine
- D. Screenshot of the front page of the Libertarian Party of New Mexico February 14, 2022, retrieved from the Wayback Machine
- E. Screenshot of the front page of the Libertarian Party of New Mexico dated June 3, 2022, retrieved from the Wayback Machine
- F. Screenshots of the front page and clickthrough of the Libertarian Party of New Mexico dated July 3, 2022, retrieved from the Wayback Machine
- G. LPNM Constitution and Bylaws adopted March 27, 2021
- H. Research summary dated July 17, 2022, from Richard Brown, RP
- I. Proposed LPNM Constitution and Bylaws changes
- J. Opinion dated July 11, 2022, of Valoree Althoff, PRP, CPP-T

Summary Conclusion: The LPNM Constitutional Convention held July 12, 2022, is null and void and the LPNM Constitution and Bylaws adopted March 27, 2021, are still in full force and effect for the following reasons (any one of which would be sufficient to nullify the subject convention):

1. The convention was not properly noticed as per the LPNM Constitution and Bylaws and RONR

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2. Electronic conventions are not authorized by the LPNM Constitution and Bylaws (*caveat: see footnote*)¹
3. Members were improperly excluded from voting (as a result of the prior March 5, 2022, annual convention being null and void due to lack of proper notice) in a large enough number to make a difference in the results

Related Issues: There are also serious issues about the composition of and validity of the membership of the LPNM Central Committee due to the illegality of the March 5, 2022, convention. Further it is noted that although there is ostensibly an internal Judicial Council, this Committee is comprised solely of Executive and Central Committee members, is called into existence/session by those same bodies (not by petition of members), and is certainly not designed to be an independent and disinterested review panel. Further, due to the illegitimacy of the March 5, 2022, convention, it is questionable whether there are any valid appointments that could be made to that committee at this point in time. Lastly, during the July 12, 2022, LPNM Chair Chris Luchini mentioned a previously unknown *April 2022* convention which he also conceded was invalid, thus it is possible that the LPNM has now had four (4) consecutive defective conventions.

Parliamentary Authority: Robert’s Rules of order (12th ed.)²

Note: The LPNM Constitution and Bylaws uses the phrase “caucus member” in much the same way as many other state affiliates would use the concept of “dues-paying state Party member.”

It is strongly suggested that the LNC Chair submit this memorandum to the Party’s retained Parliamentarian for review and comment. It is written in my capacity as LNC Secretary who happens to have achieved the RP certification, but I do not serve the Party as Parliamentarian.

.....

1. The July 12th Constitutional Convention was not properly noticed as per the LPNM Constitution and Bylaws and RONR

The LPNM Constitution (see *Appendix G*) provides that all conventions must be noticed as follows:

Constitution Article VII.2(a)

¹ See *Appendix H* for research conducted by Richard Brown, RP. It appears that there is no emergency order in effect from the state of New Mexico that would override the lack of authorization in the LPNM Constitution and Bylaws. The burden of proof to disregard this lack of authority in the governing documents would be upon the governing board of the LPNM.

² I note a prior error in the letter attached as *Appendix B* in which I stated the LPNM has not adopted a parliamentary authority though that error made no difference in the position which was correct even in the mistakenly-presumed absence of a parliamentary authority.

NOTICE. The Secretary shall notify each caucus member of the dates, time, and public place of state conventions, and shall cause to be published on the LPNM web page notice of state conventions at least thirty days prior to the date of the convention provided. This notice shall include the information that all caucus members must be in good standing 30 days prior to the convention, to allow the Secretary to validate the qualifications of the delegates.

There are at least two (2) requirements listed for proper notice:

1. Notification to each caucus member (no time frame or dues payment status specified)³
2. Publication to the LPNM website within thirty (30) days to include
 - a. Where the convention will publicly take place (which for an online convention would contain reasonable details about how to access)
 - b. The information that all caucus members must be in good standing thirty (30) days prior to the convention

There are caucus members who claim that they never received notice. Those members would need to attest to that fact, and then the burden would be upon the LPNM to prove they sent notice to their last known contact information in the customary method. This summary does not rely upon it being proven that notice was not sent to all caucus members, but if that can be established, that would be an additional line of evidence.

The notice was published to the website over thirty (30) days prior to July 12, 2022 (See *Appendices E and F*). However, this notice did not contain the language required by the LPNM Constitution and Bylaws, and thus the convention was not properly noticed under the Party's own governing rules and is invalid. It also did not contain the "public place" where the meeting would take place, and some of the discussion that took place between the Executive Committee members during the convention seemed to indicate that the access information changed in the middle of the convention itself.

Further, a special convention would fall under the rules of a special meeting under RONR and as such, only the items listed in the call of the meeting could be considered (*see RONR 12TH ed. 9:13-16*). While at least some members were specifically notified of certain Constitution and Bylaws amendments to be considered (and potentially others were not), the notice posted on the website did not give any such information. It is unknown whether any items were amended beyond the scope of the notice given and if other items not noticed were considered and passed, though some LPNM members have alleged such, both of which are impermissible (*see RONR 12TH ed. 35:6-7*). The alleged amendments have not yet been published to the LPNM website and the recording of the meeting ends abruptly before any record of the crucial votes.⁴

³ See *Appendix H* for additional notice requirements by the state of New Mexico which were not complied with in regard to at least some caucus members entitled to vote (*see also* Section 3 of the memo) who have reported to the LNC that they only received full information at most a few days before the convention.

⁴ See *Appendix I* for the proposed changes that were sent to some caucus members prior to the July 12, 2022, convention.

2. Electronic conventions are not authorized by the LPNM Constitution and Bylaws

This item is given with the caveat that there might be an emergency proclamation by the New Mexico Governor effective from the time of the COVID-19 pandemic still in place, although that does not seem likely (see *Appendix G* for information on this and the laws governing New Mexico non-profits). If there is no such state law overriding this limitation of the governing documents, the electronic special convention is void due to the requirements of RONR (12th ed.) 9:30-36 that electronic meetings must be specifically authorized for the body in question, in this case being a convention of the caucus members. Further, those sections provide that in order to retain its character as a deliberative assembly (though some of the customary rules for in-person meetings either must be modified or do not apply – see also *RONR 12th ed. 1:1n1*), at a minimum, there must be an opportunity for simultaneous aural communication amongst the participants. For the majority of this convention, this did not happen as can be seen in abundance upon review of the video recording. The audio was terrible, buffering issues made it unwatchable (I tried to attend remotely as an observer, and it was unusable), participants were muted and not accorded their rights to participate (only the Chair could be heard 95% of the time), and numerous complaints were noted in the public chat about these issues and complete bars to entry. Even if an electronic meeting were allowed, this was not a valid participatory meeting, and the convention Chair was well aware of this fact as well as other issues of legality. An audio-booster copy of the video has been uploaded here:

<https://www.youtube.com/watch?v=GP1Ok3rpaxM>. The original recording can be found here: <https://youtu.be/R5MZwVlFD6A>⁵

3. Members were improperly excluded from voting (as a result of the prior March 5, 2022, annual convention being null and void due to lack of proper notice) in a large enough number to make a difference in the results

I agree with both Richard Brown, RP, and Valoree Althoff, PRP, CPP-T, that there is a requirement that a caucus member must be fully paid in yearly dues within thirty (30) days of any convention, though I disagree with Ms. Althoff on the Constitutional provision (Constitution Article IV.2) she cited to support that opinion (see *Appendix J*). I would instead rely upon LPNM Bylaws Article 1(a). However, this limitation was not only omitted from the notice of convention required under Constitution Article VII.2, the LPNM Chair Chris Luchini had assured members that this was not the case and that they could pay their dues (and collected same) up

⁵ The Chair and the Executive Committee were well aware of numerous problems with the validity of this special convention as is evidenced by the “hot mic” during the hastily convened Executive Session during the convention. See specifically the comments of Mr. Luchini following timestamps 51:30; 55:30; and 1:00:00 which include “there are a bunch of people who qualified who cannot get in”; “we are absolutely f*cked if we pass this”; and “we are so f*cked.” The rest of the Executive Committee also proceeded to make derogatory comments about the comments of members in the YouTube chat showing they were all well aware of the complaints. The issue of notice was also raised multiple times in the YouTube chat by members. It appears that the chat in the meeting room itself was shut off according to comments made by Executive Committee members, making the fact that the audio was nearly entirely one-sided even more egregious.

through July 5, 2022. It was not until, at earliest, July 11, 2022, the day before the scheduled convention, that he finally informed caucus members that this was not the case, and that they would have to be paid not only within thirty (30) days prior to July 12, 2022, but in actuality they must have paid AFTER March 5, 2022, the date of their alleged annual convention.

In addition to the requirement that annual dues be fully paid by caucus members within thirty (30) days of a convention, they must also be paid after the end of the previous convention as follows:

Bylaws Article 1(a)

CAUCUS MEMBERSHIP DUES QUALIFICATIONS.

- a) Dues are \$72/year unless the caucus member is a paid up member of the National Libertarian Party, in which case the dues are \$60/year. The dues must be paid between the close of the prior convention and 30 days prior to the upcoming convention.

Thus, Chair Luchini is claiming that the only caucus members eligible to vote were those who paid between the close of the 2022 annual convention on March 5, 2022, and June 12, 2022. He is correct about the latter date, and wrong about the former due to the fact that the March 5, 2022, annual convention was null and void due to improper notice which will be detailed below with evidence. Since Chair Luchini has conceded that the prior attempt at a Constitutional convention on January 6, 2022, was invalid due to improper notice, the last ostensibly valid convention held by the LPNM was on March 27, 2021, thus, any caucus members with their dues paid between June 12, 2021, and June 12, 2022, would have been eligible to vote, but only those who were paid between March 5, 2022, and June 12, 2022, were permitted to attend and vote by Chair Luchini. This a violation of the basic rights of membership to vote and constitutes a continuing breach of the Constitution and Bylaws invalidating the July 12, 2022, special convention (*see RONR 12TH ed. 23:6-7*). The number of effected members has been reported to be up to forty (40) though the membership numbers would need to be confirmed with the LPNM governing board. It seems apparent that it is well in excess of the 1/3 needed to affect the results of any votes to change the LPNM Constitution and Bylaws (*see Constitution Article IX.9.1.a*). The vote on the agenda that was recorded at the beginning of the streamed convention appeared to indicate less than twenty (20) members in attendance.

The March 5, 2022, annual convention was invalid for many of the same reasons detailed for the invalidity of the July 12, 2022, special convention, with the additional issue of it not being posted on the LPNM website within thirty (30) days of its scheduled date. In support, please see *Appendix C* showing screenshots dated February 7 and 9, 2022, well after the February 3, 2022, notice deadline with no notice posted and *Appendix D* which is a screenshot dated February 14, 2022, with the first time that the convention notice appeared. This is further evidenced by a live video dated February 9, 2022, going over the LPNM website in detail showing that no notice was posted as of

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that date. You can view this video here: <https://www.youtube.com/watch?v=ginFCzR-fGQ> - with the inquiry into the existence of any notice for the March 5, 2022, begins in earnest at timestamp 43:00.

I will be glad to answer any further questions of the LNC at the specially scheduled meeting for this issue.

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APPENDIX A

Letter dated January 27, 2022, to the Executive Committee of the Libertarian
Party of New Mexico

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January 27, 2022

To the Executive Committee of the Libertarian Party of New Mexico:

I have been retained as the advisory Parliamentarian for Tyler Askin regarding the alleged Special Constitutional Convention that took place on January 6, 2022. According to the Chair's responses to Mr. Askin's questions, notice was emailed out, at the earliest, fifteen days prior to that event. He did not specify to whom the notice was emailed. This alleged Special Constitutional Convention is null and void as being in blatant violation of the current Constitution and Bylaws which specify that notices of any state conventions (and there is no differentiation made therein between special and regular conventions in this notice requirement) must be made at least thirty days prior to any convention and must be published on the Party website. The minimum notice was not provided nor was the notice published on the website. Failure to comply with required notice is absolutely fatal and thus any changes passed at that alleged convention are of no effect.

Further, Mr. Askin asked specifically what circumstances the Executive Committee determined to be urgent to justify the calling of a special convention. The Chair's response simply said it was perception of the Central Committee but did not say specifically what facts undergirded that perception. The Central Committee should be answerable to its membership and should be able to give the reasons behind its perceptions. (I would also note that according to the LPNM Constitution and Bylaws it is the Executive Committee, not the Central Committee, which has the authority to call a special convention though since one is a subset of another, this distinction is only included here for the sake of precision.)

Please acknowledge that the actions taken at that alleged special convention are null and void as the Constitution and Bylaws were not followed in the notice requirements. If the Executive Committee does not do so, then please put the request for a Judicial Council before the Central Committee. If all of the members of the Central Committee were involved in the decision, it seems that it is impossible for them to be impartial in the exact same way that the Executive Committee is disqualified from portions of this process pursuant to the LPNM Constitution and Bylaws.

I look forward to hearing from the Executive Committee within three days of this communication. If a meeting is required of the Executive Committee or Central Committee to make this decision, then a notification of the meeting date within three days of this communication will be considered a timely initial response as long as the meeting is set in the shortest possible time frame.

Mr. Askin intends upon pursuing this in every avenue available to him including the Libertarian National Committee (there are already members of same willing to at a minimum put this before the LNC on the public list) but would prefer to handle this as quickly and privately as possible.

Sincerely,
Caryn Ann Harlos

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APPENDIX B

Letter dated January 31, 2022, to Josh Chappel, Vice-Chair of the Libertarian
Party of New Mexico

*Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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Mr. Chappell:

Thank you for your prompt email. However, you are operating under some fundamental misassumptions. You are correct, I am not an attorney; I, in no way, made any such claim. Parliamentarians represent people thousands of times of day in an advisory capacity and that is what I am doing in this instance, as I have done numerous times in the past, and am doing for other clients at the present. This is not at all an unusual situation. I understand that the term "general parliamentary law" can be confusing, but it is a term of art, not a term of legality, referring to the body of interpretation that is binding in societies such as the Libertarian Party of New Mexico that have not adopted a specific parliamentary authority. As the gold standard in parliamentary authority, in the vast majority of cases Robert's Rules of Order, Newly Revised (RONR) embodies the general parliamentary law. If you will allow me an anecdotal reference, back in 2020 when the issue of an electronic national convention came up, the special counsel for the Libertarian National Committee (LNC) retained a parliamentarian to advise him in what he should recommend to the LNC. We are considered as specialty advisors.

You are correct, however, in saying you have no legal obligation that I am aware of, other than honoring the professional request of your member, to communicate directly with me. In that case, you can respond to him; he will send to me to craft a response; and then send that response to you; and so on. That seems unnecessarily cumbersome, but if that is what the Executive Committee wishes, we can certainly proceed in that manner. You can see that Mr. Askin is copied here, and I run every communication by him prior to sending to you. If I may be a bit bold, I would recommend that the Executive Committee obtain the advice of parliamentarian in this manner because you are fundamentally not apprehending the issues raised.

Yes, Mr. Askin received an email about the special convention ONE DAY prior to the event. Mere notification is not the issue: the issue is the *number of days* and the *method of notice* as **required** by your Constitution and Bylaws for ALL members, not just Mr. Askin. The requirements of notice embodied in any society's Constitution and Bylaws are sacrosanct and un-waivable. The fact that he was present is also not the issue. While most violations must be objected to at the time of breach or be waived, notice requirements are not such an issue as they constitute a continuing breach of the Constitution and Bylaws which cannot be waived. I refer you to RONR (12th ed.) 23:6 and 25:10 which embody these principles (unless you are claiming that every single potential voting member of the LPNM was present):

25:10 Rules protecting absentees cannot be suspended, even by unanimous consent or an actual unanimous vote, because the absentees do not consent to such suspension. For example, the rules requiring the presence of a quorum, restricting business transacted at a special meeting to that mentioned in the call of the meeting, and requiring previous notice of a proposed amendment to the bylaws protect absentees, if there are any, and cannot be suspended when any member is absent.

23:6 The only exceptions to the requirement that a point of order must be made promptly at the time of the breach arise in connection with breaches that are of a continuing nature, whereby the action taken in violation of the rules is null and void. In such cases, a point of order can be made at any time during the continuance of the breach—that is, at any time that the action has continuing force and effect—regardless of how much time has elapsed. Instances of this kind occur when: a) a main motion has been adopted that conflicts with the bylaws (or constitution) of the organization or assembly.

Thus, I reiterate my request for the relief outlined in my prior communication in the time frame requested. If the Executive Committee wishes to send its final response to Mr. Askin who will forward to me for review, that is also appropriate.

I look forward to your timely response. Mr. Askin wishes to resolve this as privately as possible but is intending upon pursuing every remedy possible if that proves impossible.

To put things simply, the Executive Committee cannot ignore its Constitution and Bylaws with impunity, and any such actions done in violation of that document is null and void. It is particularly problematic when that action involves the qualifications of national delegates as that is cause for a legitimate challenge to the entire delegation at the national convention. This Party has lately seen a lot of very questionable behavior on the part of state parties in an attempt to discriminate against a very specific group of members. Without a response to the question as to why the Executive Committee felt it was “urgent” to take this action, it leaves this question open to speculation which may admittedly be entirely off-base.

Mr. Askin looks forward to the timely response of the Executive Committee.

Caryn Ann Harlos

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APPENDIX C

Screenshots of the front page of the Libertarian Party of New Mexico dated February 7 and February 9, 2022, retrieved from the Wayback Machine

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7/16/22, 3:11 AM

Libertarian Party of New Mexico

The Wayback Machine - <https://web.archive.org/web/20220207124555/https://lpmn.us/>



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Libertarian Party of New Mexico

LEFT POSITIONS	LIBERTARIAN POSITIONS	RIGHT POSITIONS
<p>DISAGREE</p> <ul style="list-style-type: none"> Government regulated economy United Nations led US military actions Using eminent domain for private gain Taxpayer funding of government charities Higher taxes 	<p>AGREE</p> <ul style="list-style-type: none"> Personal freedom Non-interventionist foreign policy Tolerance of others' peaceful choices Civil liberties Separation of church and state Less strict immigration policy 	<p>AGREE</p> <ul style="list-style-type: none"> Economic freedom Robust national defense Respect for others' property rights Individual right to keep & bear arms Giving generously to those in need Less taxes
<p>DISAGREE</p> <ul style="list-style-type: none"> Government regulated morality Nation building ('regime change') War on Drugs Surveillance State Taxpayer funding of faith-based charities More strict immigration policy. Corporate welfare. 	<p>LIBERTARIAN</p> <ul style="list-style-type: none"> Government should just defend our rights. Let individuals pursue their own interests. Stop nation-building and being the policeman of the world. Peace through trade and diplomacy End the failed "War on Drugs" & legalize marijuana Champion of civil liberties & protector of personal privacy Supports small business, entrepreneurship and free markets. Easier pathway to citizenship. 	<p>DISAGREE</p> <ul style="list-style-type: none"> Government regulated morality Nation building ('regime change') War on Drugs Surveillance State Taxpayer funding of faith-based charities More strict immigration policy. Corporate welfare.

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Libertarian Party of New Mexico

All Events

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Common Sense On The Issues

LEFT POSITIONS	LIBERTARIAN POSITIONS	RIGHT POSITIONS
<p>DISAGREE</p> <ul style="list-style-type: none"> Government regulated economy United Nations led US military actions Using eminent domain for private gain Taxpayer funding of government charities Higher taxes 	<p>AGREE</p> <ul style="list-style-type: none"> Personal freedom Non-interventionist foreign policy Tolerance of others' peaceful choices Civil liberties Separation of church and state Less strict immigration policy 	<p>LIBERTARIAN</p> <ul style="list-style-type: none"> Government should just defend our rights. Let individuals pursue their own interests. Stop nation-building and being the policeman of the world. Peace through trade and diplomacy. End the failed "War on Drugs" & legalize marijuana Champion of civil liberties & protector of personal privacy Supports small business, entrepreneurship and free markets. Easier pathway to citizenship.
<p>DISAGREE</p> <ul style="list-style-type: none"> Economic freedom Robust national defense Respect for others' property rights Individual right to keep & bear arms Giving generously to those in need Less taxes 	<p>AGREE</p> <ul style="list-style-type: none"> Government regulated morality Nation building ("regime change") War on Drugs Surveillance State Taxpayer funding of faith-based charities More strict immigration policy. Corporate welfare. 	

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Libertarian Basics: Collectivism or Individualism



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APPENDIX D

Screenshot of the front page of the Libertarian Party of New Mexico February 14, 2022,
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Libertarian Party of New Mexico 2022 Convention

Albuquerque Convention Center, Artec Room
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LEFT POSITIONS	LIBERTARIAN POSITIONS	RIGHT POSITIONS
<ul style="list-style-type: none"> • ❌ DISAGREE • Government regulated economy • United Nations led US military actions • Using eminent domain for private gain • Taxpayer funding of government charities • Higher taxes 	<ul style="list-style-type: none"> • ✅ AGREE • Personal freedom • Non-interventionist foreign policy • Tolerance of others' peaceful choices • Civil liberties • Separation of church and state • Less strict immigration policy 	<ul style="list-style-type: none"> • ✅ LIBERTARIAN • Government should just defend our rights let individuals pursue their own interests. • Step past on building and being the policeman of the world. Peace through trade and diplomacy. • End the failed "War on Drugs" & legalize marijuana • Champion of civil liberties & protector of personal privacy • Supports small business, entrepreneurship and free markets. Easier pathway to citizenship.
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Libertarian Basics: Collectivism or Individualism




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APPENDIX E

Screenshot of the front page of the Libertarian Party of New Mexico dated June 3, 2022,
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Libertarian Party of New Mexico

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Upcoming Constitutional Convention

The Libertarian Party of New Mexico is announcing a Constitutional Convention to be held on Tuesday July 12th, at 6 PM.

The meeting will be online. Meeting links may be obtained by emailing secretary@lpm.us

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APPENDIX F

Screenshots of the front page and clickthrough of the Libertarian Party of New Mexico dated July 3, 2022, retrieved from the Wayback Machine

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Libertarian Party of New Mexico

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Upcoming Constitutional Convention

The Libertarian Party of New Mexico is announcing a Constitutional Convention to be held on Tuesday July 12th, at 6 PM.

A Special Central Committee Meeting to be held immediately following the Constitutional Convention.

The meeting will be online. Meeting links may be obtained by emailing secretary@lpm.us

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Constitutional Convention - Libertarian Party of New Mexico

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Constitutional Convention

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Date: July 12, 2022 6:00 pm – 8:00 pm

Venue: Online ()

Category: [Meetup](#)

The Libertarian Party of New Mexico is announcing a Constitutional Convention to be held on Tuesday July 12th, at 6 PM.

A Special Central Committee Meeting to be held immediately following the Constitutional Convention.

The meeting will be online. Meeting links may be obtained by emailing secretary@lpm.us

This event was posted in [Meetup](#) by Rhett Trappman.

<https://web.archive.org/web/20220703200618/https://lpm.us/event/constitutional-convention-2022-07-12/>

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Constitutional Convention - Libertarian Party of New Mexico

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***Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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APPENDIX G

LPNM Constitution and Bylaws adopted March 27, 2021

*Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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Constitution and Bylaws for the Libertarian Party of New Mexico, Mar 27, 2021

1

1 Constitution and Bylaws for the Libertarian Party of New Mexico

2
3 LIBERTARIAN PARTY OF NEW MEXICO

4 CONSTITUTION AND BYLAWS

5 Adopted in Convention, March 27th, 2021, Albuquerque, New Mexico

6
7 ARTICLE I – NAME

8 The Libertarian Party organization in the State of New Mexico shall be The Libertarian Party of New Mexico and may be referred to
9 in this Constitution and other official documents as LPNM.

10 The name of LPNM organizations within each County shall be The Libertarian Party of _____ County with the appropriate
11 designation of the county. The name of LPNM organizations on any college or university campus shall be _____ College
12 Libertarian Club.

13
14 ARTICLE II – PURPOSE

15 To advance policy toward the ideals embodied in the Statement of Principles by:

- 16 - Nominating, supporting, and electing candidates for public office;
17 - Lobbying officials and governmental bodies;
18 - Engaging in educational and advocacy; and
19 - Other means deemed appropriate by LPNM.

20
21 ARTICLE III – PRINCIPLES

22 We, the members of the Libertarian Party of New Mexico advocate the American tradition of limited government and defend the
23 rights of the individual.

24 We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever
25 manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.

26 Governments throughout history have regularly operated on the opposite principle that the state has the right to dispose of the lives of
27 individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant the government the
28 right to regulate the lives of individuals and seize the fruits of their labor without their consent.

29 We, on the contrary, deny the right of any government to do these things, and hold that where governments exist, they must not violate
30 the rights of any individual, namely: the right to life - accordingly we support prohibition of the initiation of physical force against
31 others; the right to liberty of speech and action - accordingly we oppose all attempts by governments to abridge the freedom of speech
32 and press, as well as government censorship in any form; and the right to property - accordingly we oppose all government
33 interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of trespass,
34 fraud, and misrepresentation.

35 Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of
36 voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit

1

Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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37 of others. They should be left free by the government to deal with one another as free traders, and the resultant economic system, the
38 only one compatible with the protection of individual rights, is the free market.

39
40 ARTICLE IV – MEMBERSHIP

41 1. CATEGORIES AND DEFINITIONS OF MEMBERSHIPS

42 a. AFFILIATE MEMBER. An Affiliate Member is any registered voter within the State of New Mexico who has indicated
43 “Libertarian” as their party affiliation, on their voter registration

44 i. WAIVER OF VOTER REGISTRATION REQUIREMENT. The Central Committee is empowered to waive the voter registration
45 requirement for any individual who is otherwise qualified as a caucus member but not legally qualified to vote (due to age, felony
46 status, etc), and who request such a waiver in writing. However, under no circumstances shall any person who is registered in another
47 party or who has indicated “no party” on the affidavit of voter registration be recognized as a caucus member.

48 b. CAUCUS MEMBER. A Caucus Member is any Affiliate Member who has signed the non-initiation of force statement, which reads
49 “I certify that I do not advocate the initiation of force to achieve political or social goals,” and has met one of the membership dues
50 qualifications enumerated within the LPNM bylaws.

51 i. Caucus Members are required to provide the following information for the use of LPNM for communication purposes: full mailing
52 address, valid phone number, valid email address and/or a valid cell phone number that can receive SMS/text messages, AND consent
53 to receive communication via those means. This information is only to be used for official LPNM business and communication, and is
54 not to be shared, sold or disseminated outside of the executive committee and those sub-committees that have a legitimate need for
55 such information.

56 2. MEMBERSHIP BENEFITS AND RESTRICTIONS

57 a. DELEGATES TO STATE CONVENTION. In order to serve as a delegate to the annual state convention of LPNM, all Caucus
58 Members must be in place 30 days prior to the Convention date, to allow for the Secretary to validate memberships. All Caucus
59 Members in good standing meeting this requirement are automatically qualified to serve as state convention delegates.

60 b. Affiliate Members shall have the right to vote on approval of candidates for public office at state conventions and in LPNM primary
61 elections.

62 ARTICLE V – ORGANIZATION AND ADMINISTRATION

63 1. EXECUTIVE COMMITTEE

64 a. COMPOSITION. The Executive Committee shall be composed of the Executive Officers of LPNM: Chair, First Vice-Chair,
65 Second Vice-Chair, Secretary, and Treasurer. A quorum of the Executive Committee shall consist of a majority of the committee.

66 b. POWERS. The Executive Committee is empowered to:

67 i. Carry out the day-to-day operations of the LPNM;

68 ii. Call special conventions to nominate candidates for special elections or for other urgent purposes, and to set the date, time, and
69 place for such conventions;

70 iii. Initiate any special or extraordinary meetings of the Central Committee when there exists business of an urgent or emergent nature;
71 and

72 iv. Initiate sessions of the Judicial Council as needed.

73 c. QUALIFICATION. Executive Committee candidates and appointees must have met the requirements for Caucus membership 90
74 days prior to their election or appointment.

75 d. VACANCIES. When the office of Chair becomes vacant, the First Vice-Chair shall become Chair. When other executive offices
76 become vacant, such vacancy shall be filled by appointment of the Chair with the advice and consent of the Central Committee.

77 2. CENTRAL COMMITTEE

78 a. COMPOSITION. The LPNM Central Committee shall be composed of the Executive Committee, nine statewide at-large
79 representatives, one representative from each congressional district, county chair's, and additional at-large members from the various
80 counties. The election or appointment to the Central Committee will be confirmed by their attendance at the next regularly-scheduled
81 quarterly Central Committee meeting.

82 b. ADVICE & CONSENT. When the Central Committee shall have power of advice and consent, the Committee shall have four (4)
83 days after notification to vote. Absent a majority of the Central Committee voting in the negative, approval and consent shall be
84 deemed granted.

85 c. ELECTIONS AND DESIGNATIONS. Statewide at-large representatives shall be elected by a vote of all qualified convention
86 delegates for terms of one year at each annual LPNM state convention. Congressional district representatives shall be elected by a vote
87 of all qualified convention delegates from their respective districts for terms of one year at each annual LPNM convention.

88 i. If the boundaries of the congressional districts are changed, replacement Central Committee members affected by this change will
89 be selected by the Executive Committee, As per Article V, Section 2.b, in the absence of the presence of a veto by the Central
90 Committee. Each county may designate qualified caucus members of their county as members of the State Central Committee:
91 Chairperson of each County Affiliate, two at-large Members, and one additional at-large Member for each 250 registered Libertarian
92 voters in that county, to be calculated annually from the Secretary of State voter file on or about 1 January of each year.

93 d. POWERS. The Central Committee shall manage the affairs of LPNM as provided for in this constitution, the New Mexico Election
94 Code, and acts of the caucus membership assembled in convention.

95 e. MEETINGS. The Central Committee shall meet a minimum of four times each year. The Secretary shall notify each member of the
96 Central Committee of the date, time, and place of meetings, in writing, at least thirty days prior to the meeting, except as otherwise
97 provided in Section 5.1(b). Meetings shall be conducted according to Robert's Rule of Order, except as otherwise provided in this
98 constitution or LPNM bylaws.

99 f. QUORUMS. When thirty days written notice has been properly provided, a quorum of the Central Committee shall consist of at
100 least twenty-five percent of the Central Committee members, one or more of whom is also a member of the Executive Committee. An
101 issue of emergency nature, may require vote by email, telephone, and/or other electronic means by the Central Committee. Such a
102 meeting may be initiated by one-third of current Central Committee members, the LPNM Chair, or any two Executive Committee
103 members. All efforts should be made to assure maximum Central Committee member participation in any such meeting. Any proposal
104 voted on by this method shall be passed by a majority of all current Central Committee members voting in favor. If the vote is tied, the
105 Chair may break the tie.

106 g. MISSED MEETINGS. Any Central Committee member who misses two consecutive meetings during their term of office is
107 automatically removed from the Committee.

108 h. VACANCIES. Vacancies on the Central Committee shall be filled by appointment of the Chair with the advice and consent of the
109 Central Committee. Members representing a congressional district must reside in the district they represent. A Libertarian Caucus
110 member may elect to be a member of any County Affiliate in the state, irrespective of where they reside.

111 3. JUDICIAL COUNCIL

112 a. A Judicial Council may be formed for the purposes of censuring or suspension of any caucus member, removing or impeaching any
113 Central Committee Member or member of the Executive Committee, as well as settle disputes arising from the interpretation of this

Constitution and Bylaws for the Libertarian Party of New Mexico, Mar 27, 2021

4

114 Constitution or acts of the Central Committee or Executive Committee. Formation of this judicial council may be triggered by a 1/3
115 vote of the Central Committee membership, or any two members of the Executive Committee.

116 b. COMPOSITION. The Judicial Council shall consist of five (5) members of the Executive and/or Central Committee in good
117 standing; excluding any parties to the issue to be decided by the Judicial Council, two of which will be chosen by the State Chair. If
118 the State Chair is party to the issue before the Judicial Council, the First Vice-Chair shall serve as Chair in connection with the issue
119 before the Judicial Council. If both the Chair and First Vice-Chair are party to the issue before the Judicial Council, the Second Vice-
120 Chair shall serve as Chair in connection with the issue before the Judicial Council. If the Chair, First Vice-Chair, and Second Vice-
121 Chair are all parties to the issue before the Judicial Council, then the Secretary shall serve as Chair in connection with the issue before
122 the Judicial Council. If all members of the Executive Committee except the Treasurer are party to the issue before the Judicial
123 Council, then the Treasurer shall serve as Chair in connection with the issue before the Judicial Council. The subsequent balance of
124 the Judicial Council shall be chosen by the Central Committee.

125 c. DECISIONS. The Judicial Council decision will be delivered to the Central Committee for a confirmation vote: a simple majority
126 vote for questions of interpretation of this constitution, and a two-thirds vote in the case of recommendation of the Judicial Council for
127 censure, suspension, removal, or impeachment of any member.

128 4. COUNTY AFFILIATES

129 a. In the absence of a County Affiliate, the Executive Committee Chair may appoint a County Affiliate Chair Pro Tem and a County
130 At-Large Member to serve until a County Convention is held or a one-year term is served.

131 b. Within one year of the appointment of the County Chair, the County Libertarian Party Affiliate shall hold a convention and the
132 county convention shall properly elect officers and ratify the county constitution. If the County Libertarian Party Affiliate fails to meet
133 the requirements listed above the County Chair shall stand removed and the Chair of LPNM is empowered to appoint a new County
134 Chair.

135 c. RECOGNITION. The Libertarian Party of any county shall be recognized when:

- 136 i. A caucus member, who has been appointed by the State Chair, has assumed the office of County Chair;
- 137 ii. A County Central Committee of the County Chair and at least two additional members has been seated;
- 138 iii. A constitution, consistent with this constitution and the laws of New Mexico and the United States of America, has been filed with
139 the County Clerk of the respective county; AND
- 140 iv. The Chair of LPNM has been notified in writing that the above requirements have been met, with the contact information for each
141 County Central Committee member.

142 d. ADMINISTRATION. Once a County Affiliate is recognized, it shall be administered by the County Central Committee in a manner
143 identical to the administration of the LPNM except that the County Libertarian Party is empowered to determine:

- 144 i. The size of its Central Committee, except that it will be a minimum of three members,
 - 145 ii. The number and qualifications of executive officers, except that the County Central Committee members must be Caucus Members.
- 146 e. County Affiliates shall not have their own Judicial Council. The LPNM Judicial Council shall serve as the judicial body of the
147 County Affiliates as well as the LPNM.

148 f. CONSISTENCY OF COUNTY ACTIONS. No County Affiliate shall take any position or action which is inconsistent with the
149 constitution, principles, or purposes of the LPNM.

150 ARTICLE VI – OFFICERS

151 1. ENUMERATION. The executive officers of LPNM shall be those who compose the Executive Committee as provided in Section
152 5.1(a): the Chair, First Vice-Chair, Second Vice-Chair, Secretary, and Treasurer.

4

**Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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Constitution and Bylaws for the Libertarian Party of New Mexico, Mar 27, 2021

4

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117 standing; excluding any parties to the issue to be decided by the Judicial Council, two of which will be chosen by the State Chair. If
118 the State Chair is party to the issue before the Judicial Council, the First Vice-Chair shall serve as Chair in connection with the issue
119 before the Judicial Council. If both the Chair and First Vice-Chair are party to the issue before the Judicial Council, the Second Vice-
120 Chair shall serve as Chair in connection with the issue before the Judicial Council. If the Chair, First Vice-Chair, and Second Vice-
121 Chair are all parties to the issue before the Judicial Council, then the Secretary shall serve as Chair in connection with the issue before
122 the Judicial Council. If all members of the Executive Committee except the Treasurer are party to the issue before the Judicial
123 Council, then the Treasurer shall serve as Chair in connection with the issue before the Judicial Council. The subsequent balance of
124 the Judicial Council shall be chosen by the Central Committee.

125 c. DECISIONS. The Judicial Council decision will be delivered to the Central Committee for a confirmation vote: a simple majority
126 vote for questions of interpretation of this constitution, and a two-thirds vote in the case of recommendation of the Judicial Council for
127 censure, suspension, removal, or impeachment of any member.

128 4. COUNTY AFFILIATES

129 a. In the absence of a County Affiliate, the Executive Committee Chair may appoint a County Affiliate Chair Pro Tem and a County
130 At-Large Member to serve until a County Convention is held or a one-year term is served.

131 b. Within one year of the appointment of the County Chair, the County Libertarian Party Affiliate shall hold a convention and the
132 county convention shall properly elect officers and ratify the county constitution. If the County Libertarian Party Affiliate fails to meet
133 the requirements listed above the County Chair shall stand removed and the Chair of LPNM is empowered to appoint a new County
134 Chair.

135 c. RECOGNITION. The Libertarian Party of any county shall be recognized when:

- 136 i. A caucus member, who has been appointed by the State Chair, has assumed the office of County Chair;
- 137 ii. A County Central Committee of the County Chair and at least two additional members has been seated;
- 138 iii. A constitution, consistent with this constitution and the laws of New Mexico and the United States of America, has been filed with
139 the County Clerk of the respective county; AND
- 140 iv. The Chair of LPNM has been notified in writing that the above requirements have been met, with the contact information for each
141 County Central Committee member.

142 d. ADMINISTRATION. Once a County Affiliate is recognized, it shall be administered by the County Central Committee in a manner
143 identical to the administration of the LPNM except that the County Libertarian Party is empowered to determine:

- 144 i. The size of its Central Committee, except that it will be a minimum of three members,
 - 145 ii. The number and qualifications of executive officers, except that the County Central Committee members must be Caucus Members.
- 146 e. County Affiliates shall not have their own Judicial Council. The LPNM Judicial Council shall serve as the judicial body of the
147 County Affiliates as well as the LPNM.

148 f. CONSISTENCY OF COUNTY ACTIONS. No County Affiliate shall take any position or action which is inconsistent with the
149 constitution, principles, or purposes of the LPNM.

150 ARTICLE VI – OFFICERS

151 1. ENUMERATION. The executive officers of LPNM shall be those who compose the Executive Committee as provided in Section
152 5.1(a): the Chair, First Vice-Chair, Second Vice-Chair, Secretary, and Treasurer.

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**Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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- 153 2. DUTIES. Any executive officer who fails to execute their duties may be impeached and removed as provided in this constitution.
154 The duties of executive officers are, at minimum, as stated below:
- 155 a. CHAIR. The Chair shall serve as the chief administrative officer of LPNM;
 - 156 b. FIRST VICE-CHAIR. The First Vice-Chair shall assist the Chair and assume the duties of the Chair when the Chair is unable to
157 perform such duties; the First Vice-Chair shall also be responsible for coordinating the planning of Executive Committee, Central
158 Committee meetings, and other official meetings as needed;
 - 159 c. SECOND VICE-CHAIR. The Second Vice-Chair shall assist the Chair and First Vice-Chair, and assume the duties of either in the
160 event they are unable to perform such duties. The Second Vice-Chair shall also be responsible for organizing and coordinating
161 outreach events.
 - 162 d. SECRETARY. The Secretary shall keep minutes of Executive Committee and Central Committee meetings, keep minutes of State
163 Conventions, manage all records of LPNM except financial records, and manage all official LPNM correspondence; AND
 - 164 e. TREASURER. The Treasurer shall manage the monies of LPNM, produce at least quarterly reports on the finances of the LPNM to
165 the Executive Committee and Central Committee, and manage the property of LPNM.
- 166 3. ELECTION AND TERMS. Executive officers shall be elected by the delegates voting at the first state convention following a
167 regular congressional election. Voting shall be taken by ranked-choice voting, as defined in the appendix to this constitution. If the
168 vote results in a tie, the candidates shall participate in further debate, and the vote shall be taken again. If the second vote also results
169 in a tie, it shall be settled by coin toss, or similar game of chance. The term of an elected executive officer shall be two years.
- 170 4. MEETINGS. The Executive Committee shall meet, either in-person, or by teleconference, no less than once per month. Failure to
171 attend two consecutive Executive Committee meetings, without prior notice to and excusal by the Chair, shall constitute an effective
172 resignation from the Executive Committee.
- 173 5. CABINET OFFICERS. The Chair is empowered to appoint and remove caucus members to positions of cabinet officers.
- 174 ARTICLE VII – CONVENTIONS AND CANDIDATES
- 175 1. CONVENTION DATES
- 176 a. WHEN LPNM IS A MAJOR PARTY. In election cycles when LPNM is qualified as a major party, LPNM shall hold annual
177 conventions on or about the first weekend in March in even years and as determined by the Central Committee in odd years.
 - 178 b. WHEN LPNM IS A MINOR PARTY. In election cycles when LPNM is qualified as a minor party, annual conventions shall be
179 held as determined by the Central Committee.
- 180 2. NOTICE. The Secretary shall notify each caucus member of the dates, time, and public place of state conventions, and shall cause
181 to be published on the LPNM web page notice of state conventions at least thirty days prior to the date of the convention provided.
182 This notice shall include the information that all caucus members must be in good standing 30 days prior to the convention, to allow
183 the Secretary to validate the qualifications of the delegates.
- 184 3. BUSINESS OF THE CONVENTION. Each annual state convention shall include a business meeting. Caucus members in good
185 standing shall be automatic delegates to state convention business meetings. The Chair of LPNM, or the designee thereof, is
186 empowered to verify the credentials of any delegates. Business meetings shall be conducted according to Robert's Rules of Order
187 except as otherwise provided by this constitution and LPNM bylaws.
- 188 4. NOMINATION OF CANDIDATES
- 189 a. WHEN LPNM IS A MAJOR PARTY. In election cycles when LPNM is qualified as a major party, nominations of candidates for
190 public office, presidential electors, and delegates to the national convention of the Libertarian Party shall be made in accordance with

Constitution and Bylaws for the Libertarian Party of New Mexico, Mar 27, 2021

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191 the New Mexico Election Code and Primary Law. The New Mexico Election Code and Primary Law is hereby incorporated into this
192 section.

193 b. WHEN LPNM IS A MINOR PARTY. In election cycles when LPNM is a minor party, nominations of candidates for federal
194 office, statewide office, and offices elected from multi-county districts shall be made by majority vote of the affiliate and caucus
195 members voting at annual conventions, except for special elections in odd-numbered years. Nominations of candidates for offices
196 selected from multi-county districts shall be made by affiliate and caucus members from the counties comprising such districts, in
197 caucus at the state convention.

198 c. CERTIFICATION AND VACANCIES. Candidates nominated for public office shall be certified in accordance with the provisions
199 of the New Mexico Election Code. The Central Committee is empowered to fill vacancies in the list of federal, statewide, and multi-
200 county district candidates in accordance with the New Mexico Election Code.

201 5. DELEGATES TO THE LIBERTARIAN PARTY NATIONAL CONVENTION

202 a. In order to serve as a delegate from LPNM to the National Convention of the Libertarian Party, an individual must have been a
203 Caucus Member in good standing for 90 days preceding the State Convention at which the delegate is elected to serve at the National
204 Convention. This requirement may be waived for a particular candidate on a two-thirds vote of the convention.

205 b. Voting at the state convention for national delegates will be by block vote, with all qualified nominees appearing on the ballot, and
206 votes entered on each ballot up to the number of available slots. In the event an elected national delegate cannot travel to the national
207 convention, the delegate must notify the executive committee two weeks in advance of the date of convention, the Chair shall select a
208 replacement.

209 c. On the opening day of the national convention, in the event that not all of the delegate slots are filled by New Mexico caucus
210 members, the chair of the delegation to the national convention may fill the delegation with delegates from other states.

211 ARTICLE VIII – PLATFORMS AND POSITIONS

212 LPNM hereby adopts the platform of the National Libertarian Party. LPNM may also maintain its own platform. The platform of
213 LPNM may be amended, including by the addition or deletion of individual planks, by a two-thirds vote of the LPNM Central
214 Committee. Proposed amendments to the LPNM Platform must be circulated to the members of the Central Committee for review at
215 least fifteen days before the meeting at which the amendment is to be considered.

216 ARTICLE IX – AMENDMENTS AND BYLAWS

217 1. PROVISION FOR AMENDMENTS AND ADDITION OF BYLAWS.

218 a. The Statement of Principles may be amended by a nine-tenths vote of the delegates voting at any state convention. This Constitution
219 and Bylaws may otherwise be amended by a two-thirds vote of the delegates voting at any state convention.

220 b. Bylaws may be added or deleted by a two-thirds vote of the delegates voting at any state convention.

221 c. The Judicial Council is empowered to remove any section of this constitution found to be in violation of federal or state law.

222 d. The Secretary is empowered to renumber this document as needed.

223 2. Should any circumstance or situation arise that is not clearly and directly addressed by this constitution and bylaws, then the
224 National Libertarian Party Bylaws and Convention Rules shall govern.

225 BYLAWS

226 1. CAUCUS MEMBERSHIP DUES QUALIFICATIONS.

227 a) Dues are \$72/year unless the caucus member is a paid up member of the National Libertarian Party, in which case the dues are
228 \$60/year. The dues must be paid between the close of the prior convention and 30 days prior to the upcoming convention.
229

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APPENDIX H

Research summary dated July 17, 2022, from Richard Brown, RP

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7/17/22, 11:13 PM

The Libertarian Party Mail - New Mexico statutes and governor's executive orders re electronic meetings



Secretary LNC <secretary@lp.org>

New Mexico statutes and governor's executive orders re electronic meetings

1 message

Richard Brown <richardbrown02@hotmail.com>
To: Caryn Ann Harlos <secretary@lp.org>
Cc: Angela McArdle <chair@lp.org>

Sun, Jul 17, 2022 at 9:48 PM

Caryn Ann:

Let me preface this email by saying that this is not intended to be a legal opinion regarding New Mexico law as it pertains to electronic members meetings or the legality (from a legal perspective) of the Special Constitutional Convention held by the New Mexico Libertarian Party on July 12, 2022. It is rather a summary of what I found when searching New Mexico statutes and the Governor's Executive Orders and my personal thoughts on what I found. Hopefully, it can help shed some light on the situation and/or serve as a starting point for having an attorney research the matter. I do think that if Chair Chris Luchini is taking the position that the convention was proper and legal both parliamentary and legally, that it should be incumbent on him to show that the meeting complied with New Jersey law and with his party's constitution and bylaws and with RONR.

I've done some research into whether New Mexico law permits members meetings of non-profit corporations to be held electronically and also whether there is an executive order by the Governor permitting such electronic meetings. The New Mexico Libertarian Party is incorporated as a New Mexico non-profit corporation. <https://portal.sos.state.nm.us/BFS/online/corporationbusinesssearch/CorporationBusinessInformation>

My research indicates that New Mexico law permits members of boards of directors of non-profit corporations to participate in meetings electronically, but I found no provision permitting electronic meetings or electronic participation at members' meetings. The statute regarding board meetings is § 53-8-22 and the primary statute regarding members' meetings is § 53-8-13. § 53-8-14 specifies that for special meetings of members, the notice of the meeting must include the purpose or purposes for which the meeting is called and be sent to each member entitled to vote at least ten days prior to the meeting.

Here is a link to the New Mexico corporation code: https://nmonesource.com/nmos/nmsa/en/item/4400/index.do#!fragment/zoupio-_Toc108537501/BQCwHgziBcwMYgK4DsDWszlQewE4BUBTADwBdoAvbRABwEtsBaAfX2zgEYAGADgFYAZAHY+XDgEoANMmylCEAlqJCuAJ7QA5BskRCYXaiUr1WnXoMgAynlIHdQCUAogBknANQCCAQODCTyVlwACNoUnZxcSA

I also did a search for an executive order by the Governor permitting electronic meetings due to the Covid-19 pandemic. I had been told that there is such an executive order. What I found is rather confusing and left me not really able to determine whether such an order is in effect. It appears to me there is no longer any such order in effect, but this needs more research.

The initial executive ordering declaring a Public Health Emergency was No. 2020-004 issued March 11, 2020. It is unclear whether it is for a period of 30 days or until rescinded by the Governor. However, it was renewed monthly thereafter at least up until May 27, 2022. I do not find any renewals after that. It seems to me to have expired on June 29, 2022.

<https://mail.google.com/mail/u/3/?ik=8eeef4fa3&view=pt&search=all&permthid=thread-f%3A1738660742995902144&siml=msg-f%3A1738660742995902144> 1/3

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7/17/22, 11:13 PM

The Libertarian Party Mail - New Mexico statutes and governor's executive orders re electronic meetings

I did find an executive order (No. 2020-024) issued on April 19, 2020, which not only permits but REQUIRES that members meetings of non-profit entities be conducted electronically (or virtually) during the months of April, May and June of 2020. That executive order, by its own terms, specifically applies only to meetings scheduled for April, May and June of 2020.

On March 3, 2021, the Governor issued executive order No 2021-008 which is similar to, but not identical to, executive order 2020-024 referred to above. That order differs from the other one in that different counties are permitted to have different numbers of people gather for in person meetings based on perceived threat levels that are provided in the order. Depending on the category of threat level that the county is in, it can have members meetings of up to 5, 10, 20 or 150 individuals. Member meetings of more than the number of persons permitted to gather in a particular county must be held virtually. This executive order applies specifically to meetings scheduled for or held in the months of April, May or June of 2021.

I found no other executive orders specifically stating in their titles that they apply to any other time periods and found no renewals of those orders. However, both of the orders listed above contain language in the final section to the effect that "This order shall take effect immediately and shall remain in effect until renewed, modified or rescinded". I don't know what that language has on the language within each order that it applies only to certain specified months. There may be other orders which fill in some blanks, but nothing in their titles indicates that to be the case. There are between 200 and 300 executive orders during that period, and I did not read each one but went primarily by their headings.

The final executive order relating to Covid-19 appears to be Executive Order No 2022-067 issued on May 27, 2022 and which by its own terms expired on June 29, 2022. I have not found where that order or any other order dealing with the pandemic has been renewed or extended. Perhaps it has been extended but is not yet online on the Governor's website. However, if it has not been renewed or extended, it seems to me that there was no executive order in effect that would authorize an electronic meeting of the New Mexico Libertarian Party on July 12, 2022. (As with many states, an executive order declaring an emergency in New Mexico apparently must be renewed every 30 days).

Perhaps someone with some extra time should scroll through each executive order to look for something relevant which isn't apparent from its heading. A phone call to the Governor's office might also produce results. I tried calling Friday afternoon, but have not heard back from them.

Here is a link to the listing of Executive Orders and Proclamations by the Governor of New Mexico: <https://www.governor.state.nm.us/about-the-governor/executive-orders/>

On another note, but related to New Mexico, I do want to say that I agree with the parliamentary opinion by Valoree Althoff, PRP to the chair of the New Mexico Libertarian Party that the party constitution and bylaws do require that members' dues be paid 30 days prior to a convention to be able to vote.

I also want to state as a Registered Parliamentarian that I do not believe the notice posted on the website and provided to members complied with the requirements of the bylaws. It seems to me there is also a question whether it complied with New Mexico law. I will be happy to expound on that in a separate email if you or the Chair or the LNC want me to.

As to whether the meeting complied with the bylaws and RONR, I believe it did not and that it was deficient in at least three respects, and maybe more. First, it did not contain the language mandated by the bylaws about the necessity of dues being current. Second, it did not state the purpose or purposes of the meeting or the matter to be taken up. Third, based on what I have

<https://mail.google.com/mail/u/3/?ik=8eeef4fa3&view=pt&search=all&permthid=thread-f%3A1738660742995902144&simpl=msg-f%3A1738660742995902144> 2/3

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APPENDIX I

Proposed LPNM Constitution and Bylaws changes

*Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
Page 45 of 59*

Constitution and Bylaws for the Libertarian Party of New Mexico, January 6, 2022

Constitution and Bylaws for the Libertarian Party of New Mexico

In reviewing proposed changes from the April Meeting: please note, all italicized or ~~struck through~~ text is proposed to be deleted and all underlined text are changes or additions. On page 3 see additional information on the merger of 2 sections apropos to the executive committee

LIBERTARIAN PARTY OF NEW MEXICO

CONSTITUTION AND BYLAWS

Adopted in Convention, July 12, 2022. Albuquerque, New Mexico

ARTICLE I – NAME

The Libertarian Party organization in the State of New Mexico shall be The Libertarian Party of New Mexico and may be referred to in this Constitution and other official documents as Libertarian Party of New Mexico.

The name of Libertarian Party of New Mexico organizations within each County shall be The Libertarian Party of _____ County with the appropriate designation of the county. The name of Libertarian Party of New Mexico organizations on any college or university campus shall be _____ College Libertarian Club.

ARTICLE II – PURPOSE

To advance policy toward the ideals embodied in the Statement of Principles by:

- Nominating, supporting, and electing candidates for public office;
- Lobbying officials and governmental bodies;
- Engaging in educational and advocacy; and
- Other means deemed appropriate by Libertarian Party of New Mexico.

ARTICLE III – PRINCIPLES

We, the members of the Libertarian Party of New Mexico, advocate the American tradition of limited government and defend the rights of the individual.

We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.

Governments throughout history have regularly operated on the opposite principle that the state has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant the government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.

We, on the contrary, deny the right of any government to do these things, and hold that where governments exist, they must not violate the rights of any individual, namely: the right to life - accordingly we support prohibition of the initiation of physical force against others; the right to liberty of speech and action – accordingly we oppose all attempts by governments to abridge the freedom of speech

1

Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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Constitution and Bylaws for the Libertarian Party of New Mexico, January 6, 2022

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Governments throughout history have regularly operated on the opposite principle that the state has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant the government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.

We, on the contrary, deny the right of any government to do these things, and hold that where governments exist, they must not violate the rights of any individual, namely: the right to life - accordingly we support prohibition of the initiation of physical force against others; the right to liberty of speech and action – accordingly we oppose all attempts by governments to abridge the freedom of speech

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Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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Constitution and Bylaws for the Libertarian Party of New Mexico, January 6, 2022

and press, as well as government censorship in any form; and the right to property – accordingly we oppose all government interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of trespass, fraud, and misrepresentation.

Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit of others. They should be left free by the government to deal with one another as free traders, and the resultant economic system, the only one compatible with the protection of individual rights, is the free market.

ARTICLE IV – MEMBERSHIP

1. CATEGORIES AND DEFINITIONS OF MEMBERSHIPS

~~a. AFFILIATE MEMBER. An Affiliate Member is any registered voter within the State of New Mexico who has indicated “Libertarian” as their party affiliation, on their voter registration.~~

i. WAIVER OF VOTER REGISTRATION REQUIREMENT. The Central Committee is empowered to waive the voter registration requirement for any individual who is otherwise qualified as a Voting Member but not legally qualified to vote (due to age, felony status, etc), and who request such a waiver in writing. However, under no circumstances shall any person who is registered in another party or who has indicated “no party” on the affidavit of voter registration be recognized as a Voting Member.

b. Voting Member. A Voting Member is any ~~Affiliate~~ Member who has signed the non-initiation of force statement, which reads “I certify that I do not advocate the initiation of force to achieve political or social goals,” and has met at least one of the membership dues qualifications enumerated within the Libertarian Party of New Mexico bylaws.

i. Voting Members are required to provide the following information for the use of Libertarian Party of New Mexico for communication purposes: full mailing address, valid phone number, valid email address and/or a valid cell phone number that can receive SMS/text messages, AND consent to receive communication via those means. This information is only to be used for official Libertarian Party of New Mexico business and communication, and is not to be shared, sold or disseminated outside of the executive committee and those sub-committees that have a legitimate need for such information.

2. MEMBERSHIP BENEFITS AND RESTRICTIONS

a. DELEGATES TO STATE CONVENTION. In order to serve as a delegate to the annual state convention of Libertarian Party of New Mexico, all Voting Members must be in place 30 days prior to the Convention date, to allow for the Secretary to validate memberships. All Voting Members in good standing meeting this requirement are automatically qualified to serve as state convention delegates.

~~b. Affiliate Members shall have the right to vote on approval of candidates for public office at state conventions and in Libertarian Party of New Mexico primary elections:~~

ARTICLE V – ORGANIZATION AND ADMINISTRATION

~~1. EXECUTIVE COMMITTEE~~

~~a. COMPOSITION. The Executive Committee shall be composed of the Executive Officers of Libertarian Party of New Mexico: Chair, First Vice Chair, Second Vice Chair, Secretary, and Treasurer. A quorum of the Executive Committee shall consist of a majority of the committee.~~

~~b. POWERS. The Executive Committee is empowered to:~~

~~i. Carry out the day-to-day operations of the Libertarian Party of New Mexico;~~

Constitution and Bylaws for the Libertarian Party of New Mexico, January 6, 2022

ii- Call special conventions to nominate candidates for special elections or for other urgent purposes, and to set the date, time, and place for such conventions;

iii- Initiate any special or extraordinary meetings of the Central Committee when there exists business of an urgent or emergent nature; and

iv- Initiate sessions of the Judicial Council as needed;

e- QUALIFICATION- Executive Committee candidates and appointees must have met the requirements for Voting Membership 60 days prior to their election or appointment;

d- VACANCIES- When the office of Chair becomes vacant, the First Vice-Chair shall become Chair. When other executive offices become vacant, such vacancy shall be filled by appointment of the Chair with the advice and consent of the Central Committee.

The underlined section below would replace Article VI italicized above and Article IV italicized below in its entirety. Basically merging these two sections which both address the Executive Committee.

I. EXECUTIVE COMMITTEE

a. COMPOSITION. The Executive Committee shall be composed of the Executive Officers of Libertarian Party of New Mexico: Chair, First Vice-Chair, Second Vice-Chair, Secretary, and Treasurer.

i. CHAIR. The Chair shall serve as the chief administrative officer of Libertarian Party of New Mexico. The Chair is empowered to appoint and remove Voting Members to executive committee positions.

ii. FIRST VICE-CHAIR. The First Vice-Chair shall assist the Chair and assume the duties of the Chair when the Chair is unable to perform such duties; the First Vice-Chair shall also be responsible for coordinating the planning of Executive Committee, Central Committee meetings, and other official meetings as needed;

iii. SECOND VICE-CHAIR. The Second Vice-Chair shall assist the Chair and First Vice-Chair, and assume the duties of either in the event they are unable to perform such duties. The Second Vice-Chair shall also be responsible for organizing and coordinating outreach events.

iv. SECRETARY. The Secretary shall keep minutes of Executive Committee and Central Committee meetings, keep minutes of State Conventions, manage all records of Libertarian Party of New Mexico except financial records, and manage all official Libertarian Party of New Mexico correspondence, and transmit the Constitution and Bylaws after every Convention to the Secretary of State and to all County Clerks;

v. TREASURER. The Treasurer shall manage the monies of Libertarian Party of New Mexico, produce at least quarterly reports on the finances of the Libertarian Party of New Mexico to the Executive Committee and Central Committee, and manage the property of Libertarian Party of New Mexico.

b) QUORUM. A quorum of the Executive Committee shall consist of at least half a majority of the committee.

c) QUALIFICATION. Executive Committee candidates and appointees must have met the requirements for Voting Members 120 days prior to their election or appointment.

c. DUTIES. Any executive officer who fails to execute their duties may be impeached and removed as provided in this constitution. The duties of executive officers are, at minimum, as stated below;

d. POWERS. The Executive Committee is empowered to:

i. Carry out the day-to-day operations of the Libertarian Party of New Mexico;

Constitution and Bylaws for the Libertarian Party of New Mexico, January 6, 2022

ii. Call special conventions to nominate candidates for special elections or for other urgent purposes, and to set the date, time, and place for such conventions; All such conventions shall comply with state law with respect to notice¹, and in addition all Voting Members shall be notified by email, and by notice on the main web page of the Libertarian Party of New Mexico, at least 14 days prior to any such convention.

iii. Initiate any special or extraordinary meetings of the Central Committee when there exists business of an urgent or emergent nature, and

iv. Initiate sessions of the Judicial Council as needed.

e. VACANCIES. When the office of Chair becomes vacant, the First Vice-Chair shall become Chair. When other executive offices become vacant, such vacancy shall be filled by appointment of the Chair with the advice and consent of the Central Committee.

f. ELECTION AND TERMS. The members of the Executive Committee will be elected on rotating 5 year terms:

The term of the current executive committee will be extended by

4 years for the Vice Chair, 3 years for the Treasurer, 2 years for the Secretary, 1 year for the 2nd Vice Chair at the 2023 convention.

The current Chairs term will expire at the 2023 convention.

At each annual convention, one Executive Committee Member will be elected by the convention. Subsequently, the Executive Committee will elect the various Executive Committee positions from within the Executive Committee.

In the event of a vacancy on the Executive Committee, the Chair may appoint a replacement to serve on the Executive Committee until the next annual Convention. At that Convention, the Convention shall elect a member of the Executive Committee to serve the remainder of the term for which there was a vacancy. Candidates for the Executive Committee must have been eligible to attend the last two conventions as Voting Members. Voting shall be taken by ranked-choice voting, as defined in the appendix to this constitution. If the vote results in a tie, the candidates shall participate in further debate, and the vote shall be taken again. If the second vote also results in a tie, it shall be settled by coin toss, or similar game of chance.

g. MEETINGS. The Executive Committee shall meet, either in-person, or by teleconference, no less than once per month. Failure to attend at least two Executive Committee meetings in two consecutive months, without excusal by the remaining Executive Committee, shall constitute an effective resignation from the Executive Committee.

2. CENTRAL COMMITTEE

a. COMPOSITION. The Libertarian Party of New Mexico Central Committee shall be composed of the Executive Committee, nine statewide at-large representatives, one representative from each congressional district, county chair's, and additional at-large members from the various counties. The election or appointment to the Central Committee will be confirmed by their attendance at the next regularly-scheduled quarterly Central Committee meeting.

b. ADVICE & CONSENT. When the Central Committee shall have power of advice and consent, the Committee shall have four (4) days after notification to vote. Absent a majority of the Central Committee voting in the negative, approval and consent shall be deemed granted.

c. ELECTIONS AND DESIGNATIONS. Statewide at-large representatives shall be elected by a vote of all qualified convention VOTING MEMBERS for terms of one year at each annual Libertarian Party of New Mexico state convention. Congressional district representatives shall be elected by a vote of all qualified convention VOTING MEMBERS from their respective districts for terms of one year at each annual Libertarian Party of New Mexico convention.

¹ Notice to be published in a newspaper of general circulation 14 days prior to such convention. The Secretary will update this footnote as a result of any changes to state law.

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i. If the boundaries of the congressional districts are changed, replacement Central Committee members affected by this change will be selected by the Executive Committee, As per Article V, Section 2.b, in the absence of the presence of a veto by the Central Committee. Each county may designate qualified Voting Members of their county as members of the State Central Committee: Chairperson of each County Affiliate, two at-large Members, and one additional at-large Member for each 250 registered Libertarian voters in that county, to be calculated annually from the Secretary of State voter file on or about 1 January of each year.

d. POWERS. The Central Committee shall manage the affairs of Libertarian Party of New Mexico as provided for in this constitution, the New Mexico Election Code, and acts of the Voting Membership assembled in convention.

e. MEETINGS. The Central Committee shall meet a minimum of four times each year. The Secretary shall notify each member of the Central Committee of the date, time, and place of meetings, in writing, at least thirty days prior to the meeting, except as otherwise provided in Section 5.1(b). Meetings shall be conducted according to The Democratic Rules of Order, 10th edition, ~~Robert's Rule of Order~~, except as otherwise provided in this constitution or Libertarian Party of New Mexico bylaws.

f. QUORUMS. When thirty days written notice has been properly provided, a quorum of the Central Committee shall consist of at least twenty-five percent of the Central Committee members, one or more of whom is also a member of the Executive Committee. An issue of emergency nature, may require vote by email, telephone, and/or other electronic means by the Central Committee. Such a meeting may be initiated by one-third of current Central Committee members, the Libertarian Party of New Mexico Chair, or any two Executive Committee members. All efforts should be made to assure maximum Central Committee member participation in any such meeting. Any proposal voted on by this method shall be passed by a majority of all current Central Committee members voting in favor. If the vote is tied, the Chair may break the tie.

g. MISSED MEETINGS. Any Central Committee member who misses two regularly scheduled consecutive meetings during their term of office is automatically removed from the Committee.

h. VACANCIES. Vacancies on the Central Committee shall be filled by appointment of the Chair with the advice and consent of the Central Committee. Members representing a congressional district must reside in the district they represent.

3. JUDICIAL COUNCIL

a. A Judicial Council may be formed for the purposes of censuring or suspending any Voting Member, removing or impeaching any Central Committee Member or member of the Executive Committee, as well as settle disputes arising from the interpretation of this Constitution or acts of the Central Committee or Executive Committee. Formation of this judicial council may be triggered by a 1/3 vote of the Central Committee membership, or any two members of the Executive Committee.

b. COMPOSITION. The Judicial Council shall consist of five (5) members of the Executive and/or Central Committee in good standing, excluding any parties to the issue to be decided by the Judicial Council, two of which will be chosen by the State Chair. If the State Chair is party to the issue before the Judicial Council, the First Vice-Chair shall serve as Chair in connection with the issue before the Judicial Council. If both the Chair and First Vice-Chair are party to the issue before the Judicial Council, the Second Vice-Chair shall serve as Chair in connection with the issue before the Judicial Council. If the Chair, First Vice-Chair, and Second Vice-Chair are all parties to the issue before the Judicial Council, then the Secretary shall serve as Chair in connection with the issue before the Judicial Council. If all members of the Executive Committee except the Treasurer are party to the issue before the Judicial Council, then the Treasurer shall serve as Chair in connection with the issue before the Judicial Council. The subsequent balance of the Judicial Council shall be chosen by the Central Committee.

c. DECISIONS. The Judicial Council decision will be delivered to the Central Committee for a confirmation vote: a simple majority vote for questions of interpretation of this constitution, and a two-thirds vote in the case of recommendation of the Judicial Council for censure, suspension, removal, or impeachment of any member.

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4. COUNTY AFFILIATES

- a. In the absence of a County Affiliate, the Executive Committee Chair may appoint a County Affiliate Chair Pro Tem and a County At-Large Member to serve until a County Convention is held or a one-year term is served.
- b. Within one year of the appointment of the County Chair, the County Libertarian Party Affiliate shall hold a convention and the county convention shall properly elect officers and ratify the county constitution. If the County Libertarian Party Affiliate fails to meet the requirements listed above the County Chair shall stand removed and the Chair of Libertarian Party of New Mexico is empowered to appoint a new County Chair.
- c. RECOGNITION. The Libertarian Party of any county shall be recognized when:
 - i. A Voting Member, who has been appointed by the State Chair, has assumed the office of County Chair, AND;
 - ii. A County Central Committee of the County Chair and at least two additional members has been seated, AND;
 - iii. A properly noticed Formation meeting, by a email/website posting and publication in a newspaper of general circulation, the time and place of such meeting, at least 14 days prior to that meeting. A constitution, consistent with this constitution and the laws of New Mexico and the United States of America, has been filed with the County Clerk of the respective county; ²AND
 - iv. The Chair of Libertarian Party of New Mexico has been notified in writing that the above requirements have been met, with the contact information for each County Central Committee member.
- d. ADMINISTRATION. Once a County Affiliate is recognized, it shall be administered by the County Central Committee in a manner identical to the administration of the Libertarian Party of New Mexico except that the County Libertarian Party is empowered to determine:
 - i. The size of its Central Committee, except that it will be a minimum of three members,
 - ii. The number and qualifications of executive officers, except that the County Central Committee members must be Voting Members.
- e. County Affiliates shall not have their own Judicial Council. The Libertarian Party of New Mexico Judicial Council shall serve as the judicial body of the County Affiliates as well as the Libertarian Party of New Mexico.
- f. CONSISTENCY OF COUNTY ACTIONS. No County Affiliate shall take any position or action which is inconsistent with the constitution, principles, or purposes of the Libertarian Party of New Mexico.
- g. A Libertarian may elect to be a member of any single County Affiliate in the state, irrespective of where they reside..

ARTICLE VI—OFFICERS

~~1. ENUMERATION. The executive officers of Libertarian Party of New Mexico shall be those who compose the Executive Committee as provided in Section 5.4(a): the Chair, First Vice-Chair, Second Vice-Chair, Secretary, and Treasurer.~~

~~2. DUTIES. Any executive officer who fails to execute their duties may be impeached and removed as provided in this constitution. The duties of executive officers are, at minimum, as stated below:~~

~~a. CHAIR. The Chair shall serve as the chief administrative officer of Libertarian Party of New Mexico;~~

~~b. FIRST VICE-CHAIR. The First Vice-Chair shall assist the Chair and assume the duties of the Chair when the Chair is unable to perform such duties; the First Vice-Chair shall also be responsible for coordinating the planning of Executive Committee, Central Committee meetings, and other official meetings as needed;~~

² Any meeting where a County Constitution is adopted must abide by the notice requirements of the NM Law: 14 days notice published in a newspaper of general circulation.

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c. SECOND VICE-CHAIR. The Second Vice-Chair shall assist the Chair and First Vice-Chair, and assume the duties of either in the event they are unable to perform such duties. The Second Vice-Chair shall also be responsible for organizing and coordinating outreach events.

d. SECRETARY. The Secretary shall keep minutes of Executive Committee and Central Committee meetings, keep minutes of State Conventions, manage all records of Libertarian Party of New Mexico except financial records, and manage all official Libertarian Party of New Mexico correspondence. AND

e. TREASURER. The Treasurer shall manage the monies of Libertarian Party of New Mexico, produce at least quarterly reports on the finances of the Libertarian Party of New Mexico to the Executive Committee and Central Committee, and manage the property of Libertarian Party of New Mexico.

3. ELECTION AND TERMS. Executive officers shall be elected by the delegates voting at the first state convention following a regular congressional election. Voting shall be taken by ranked-choice voting, as defined in the appendix to this constitution. If the vote results in a tie, the candidates shall participate in further debate, and the vote shall be taken again. If the second vote also results in a tie, it shall be settled by coin toss, or similar game of chance. The term of an elected executive officer shall be two years.

4. MEETINGS. The Executive Committee shall meet, either in person, or by teleconference, no less than once per month. Failure to attend two consecutive Executive Committee meetings, without prior notice to and excusal by the Chair, shall constitute an effective resignation from the Executive Committee.

5. CABINET OFFICERS. The Chair is empowered to appoint and remove Voting Members to positions of cabinet officers.

ARTICLE VII – CONVENTIONS AND CANDIDATES

1. CONVENTION DATES

a. WHEN Libertarian Party of New Mexico IS A MAJOR PARTY. In election cycles when Libertarian Party of New Mexico is qualified as a major party, Libertarian Party of New Mexico shall hold annual conventions on or about the first weekend in March in even years and as determined by the Central Committee in odd years.

b. WHEN Libertarian Party of New Mexico IS A MINOR PARTY. In election cycles when Libertarian Party of New Mexico is qualified as a minor party, annual conventions shall be held as determined by the Central Committee.

2. NOTICE. The Secretary shall notify each Voting Member of the dates, time, and public place of state conventions, and shall cause to be published on the Libertarian Party of New Mexico web page, and in a newspaper of general circulation, notice of state conventions at least thirty sixty (60) days prior to the date of the convention provided. Email and website notice will be repeated between 35 and 45 days prior to such convention. This notice shall include the information that all Voting Members must be in good standing 30 days prior to the convention, to allow the Secretary to validate the qualifications of the delegates.

3. BUSINESS OF THE CONVENTION. Each annual state convention shall include a business meeting. Voting Members in good standing shall be automatic delegates to state convention business meetings. The Chair of Libertarian Party of New Mexico, or the designee thereof, is empowered to verify the credentials of any delegates. Business meetings shall be conducted according to ~~Robert's Rules of Order~~ Democratic Rules of Order 10th Ed except as otherwise provided by this constitution and Libertarian Party of New Mexico bylaws.

4. NOMINATION OF CANDIDATES

a. WHEN Libertarian Party of New Mexico IS A MAJOR PARTY. In election cycles when Libertarian Party of New Mexico is qualified as a major party, nominations of candidates for public office, presidential electors, and delegates to the national convention

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of the ~~Libertarian Party~~ Affiliated National Organizations shall be made in accordance with the New Mexico Election Code and Primary Law, if applicable. Only VOTING MEMBERS may vote on pre-Primary Convention approval of candidates. The New Mexico Election Code and Primary Law is hereby incorporated into this section.

b. WHEN Libertarian Party of New Mexico IS A MINOR PARTY. In election cycles when Libertarian Party of New Mexico is a minor party, nominations of candidates for federal office, statewide office, and offices elected from multi-county districts shall be made by majority vote of the ~~affiliated and~~ Voting Members voting at annual conventions, except for special elections in odd-numbered years. Nominations of candidates for offices selected from multi-county districts shall be made by ~~affiliated and~~ Voting Members from the counties comprising such districts, in caucus at the state convention.

c. CERTIFICATION AND VACANCIES. Candidates nominated for public office shall be certified in accordance with the provisions of the New Mexico Election Code. The Central Committee is empowered to fill vacancies in the list of federal, statewide, and multi-county district candidates in accordance with the New Mexico Election Code.

5. DELEGATES TO ~~THE LIBERTARIAN PARTY NATIONAL~~ Affiliated National Organization CONVENTIONS

a. In order to serve as a delegate from Libertarian Party of New Mexico to the National Conventions of the ~~Libertarian Party~~ Affiliated National Organizations as listed in the Appendix X, an individual must be a member of the Executive Committee, a member of the Central Committee, or a Voting Member in good standing for 120 days preceding the State Convention at which the delegate is elected to serve at the National Convention. In the case of Voting Members, the individual must have also provided 12 hours of volunteer service to Libertarian Party of New Mexico within the 12 months preceding the State Convention. The Secretary shall maintain records of volunteer hours served by Voting Members. These requirements may be waived for a particular candidate on a two-thirds vote of the State Convention. ~~The 2022 Libertarian Party of New Mexico Convention shall be prorated to only require 2 hours of volunteer service.~~

b. Voting at the state convention for national delegates to Conventions of Affiliated National Organizations will be by block vote, with all qualified nominees appearing on the ballot, and votes entered on each ballot up to the number of available slots. In the event an elected national delegate cannot travel to the national convention, the delegate must notify the executive committee two weeks in advance of the date of convention, to allow the Chair shall select a replacement.

c. On or after the opening day of the a national convention, in the event that not all of the delegate slots are filled by New Mexico Voting Members, the chair of the delegation ~~to the national convention~~ may fill the delegation with delegates from other states.

ARTICLE VIII – PLATFORMS AND POSITIONS

~~Libertarian Party of New Mexico hereby adopts the platform of the National Libertarian Party. Libertarian Party of New Mexico may also maintain its own platform. Replace with:~~ The Libertarian Party of New Mexico maintains its own platform. The platform of Libertarian Party of New Mexico may be amended, including by the addition or deletion of individual planks, by a two-thirds vote of the Libertarian Party of New Mexico Central Committee. Proposed amendments to the Libertarian Party of New Mexico Platform must be circulated to the members of the Central Committee for review at least fifteen days (15) before the meeting at which the amendment is to be considered.

ARTICLE IX – AMENDMENTS AND BYLAWS

1. PROVISION FOR AMENDMENTS AND ADDITION OF BYLAWS.

a. The Statement of Principles may be amended by a nine-tenths vote of the delegates voting at any state convention. This Constitution and Bylaws may otherwise be amended by a two-thirds vote of the delegates voting at any state convention.

b. Bylaws may be added or deleted by a two-thirds vote of the delegates voting at any state convention.

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- c. The Judicial Council is empowered to remove any section of this constitution found to be in violation of federal or state law.
 - d. The Secretary is empowered to renumber, reorder and reword for clarity this document as needed.
2. Should any circumstance or situation arise that is not clearly and directly addressed by this constitution and bylaws, then the National Libertarian Party Bylaws and Convention Rules Democratic Rules of Order 10th Ed. shall govern.

Article X- LIBERTARIAN PARTY OF NEW MEXICO AFFILIATIONS

Any organization that the Libertarian Party of New Mexico affiliates with is specifically and absolutely without any power to direct Libertarian Party of New Mexico in any manner whatsoever.

A ¾ vote of the Central Committee is required to change Libertarian Party of New Mexico affiliated organizations.

BYLAWS

1. VOTING MEMBERSHIP DUES QUALIFICATIONS.

a) Dues are \$72/year unless the Voting Member is a paid up member of a National Affiliated Organization ~~the National Libertarian Party~~, in which case the dues are \$60/year. The dues must be paid between the close of the prior convention and 30 days prior to the upcoming convention. Dues payment as described confers Voting Membership for the annual convention. After the Annual Convention, Voting Status is determined by contributions in the previous 12 months.

b) The Convention or the Central Committee by majority vote, or a unanimous vote of the Executive Committee, may waive any or all of the required payments in recognition of significant work performed for the benefit of the Libertarian Party of New Mexico; including granting Lifetime Voting Membership for extraordinary effort on behalf of the Libertarian Party of New Mexico;

c) Lifetime memberships in Libertarian Party of New Mexico may be awarded for donations totaling \$1500 within a 12-month period, or by ¾ vote of the Central Committee for exemplary service to the Libertarian Party of New Mexico. Libertarian Party of New Mexico Lifetime Memberships prior to 2006 are recognized. The Libertarian Party of New Mexico Secretary is to keep a record of all Lifetime Memberships.

ii. Individuals who have made donations sufficient to qualify for lifetime membership shall only be deemed members of Libertarian Party of New Mexico during those times that they are registered to vote as Libertarian with the Secretary of State, unless a vote of the Central Committee excuses their lack of registration.

d) The Libertarian Party of New Mexico shall not nominate or endorse any non-presidential candidate who is not a registered Libertarian voter in the State of New Mexico

2. RULES FOR MEETINGS OF THE Libertarian Party of New Mexico

a) The Chair may direct the Secretary, or in the absence of the Secretary, another member of the executive Committee, to call the quorum at any time during an Libertarian Party of New Mexico Convention, Central Committee meeting, or Executive

b) The Libertarian Party of New Mexico shall use the Democratic Rules of Order 10th Ed' as the rule set for conducting meetings.

APPENDIX I

RANKED-CHOICE VOTING: When these Constitution and By-laws provide that any vote shall be taken by ranked-choice voting, each member participating in the vote shall be given the opportunity to rank the candidates for the position at issue in order of preference. Votes shall then be tallied based upon all first-choice votes. If one candidate receives a majority of the votes cast, that candidate shall be declared the winner. If, however, none of the candidates receives a majority of the votes, the votes cast for the candidate with the least number of votes shall be re-distributed to the voters' second-choice candidates. If one candidate then has a

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majority of the votes cast, that candidate shall be declared the winner. If not, the votes for the candidate who then has the least number of votes shall be redistributed to those voters' next-choice candidates. The process shall repeat until one candidate receives a majority of all votes cast, at which point that candidate shall be declared the winner.

APPENDIX II

AFFILIATED NATIONAL ORGANIZATIONS

The Libertarian Party of New Mexico affiliates with:

- a) The National Libertarian Party.

APPENDIX J

Opinion dated July 11, 2022, of Valoree Althoff, PRP, CPP-T

*Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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VALOREE ALTHOFF, PRP, CPP-T
PROFESSIONAL REGISTERED PARLIAMENTARIAN
CERTIFIED PROFESSIONAL PARLIAMENTARIAN-TEACHER

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PROFESSIONAL PARLIAMENTARY OPINION

***Disclaimer:** This opinion is not a legal opinion and is based on the bylaws of the organization, its parliamentary authority and the plain text of the state law where incorporated. If other information or facts should come to light or be provided subsequent to this opinion, my opinion may change.*

Sources Consulted:

Bylaws of the Libertarian Party of New Mexico approved March 27, 2021
Election Handbook of the State of New Mexico 2021 Edition
Robert's Rules of Order Newly Revised (12th ed.) (RONR)
Parliamentary Law Henry M. Robert 1991
American Institute of Parliamentarians Standard Code of Parliamentary Procedure (AIPSC)

QUESTION: Does the Bylaw section 2 a) mean that persons wanting to vote in this special Constitutional Convention would have had to be paid up 30 days prior to July 12 (June 12)?

ANSWER: Yes, the Libertarian Party Bylaws provide that delegates to convention must be members whose membership has been in existence for 30 days prior to the convention. See analysis.

ANALYSIS: New Mexico Election Handbook of the State of New Mexico 2021 Chapter 1, Elections, Article 7, Political Parties, 3. Rules and regulations, states: "The secretary of state and the county clerk shall not accept the rules and regulations of any political party for filing unless such rules and regulations provide:
B. a method for calling and conducting conventions;
C. a method for selection of delegates to conventions;..."

The Libertarian Party of New Mexico Bylaws Article IV, Membership, 2. Membership Benefits and Restrictions a. Delegates to State Convention states "In order to serve as a delegate to the annual state convention of LPNM, all Caucus Memberships must be in place 30 days prior to the Convention date, to allow for the Secretary to validate memberships. All Caucus Members in good standing meeting this requirement are automatically qualified to serve as state convention delegates."

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The Libertarian Party of New Mexico Bylaws identifies *Robert's Rules of Order, Newly Revised* as its parliamentary authority. RONR (12th ed.) 58:6 Basic Provisions in Bylaws states: "In the case of an established state, regional, or national society composed of constituent units, the bylaws specially or other governing instrument of the association or parent body should... prescribe the qualifications of its delegates and alternates, the basis of determining their number, and the method of electing them;"

RONR (12th ed.) 58:8 "In addition, the bylaws at the level on which the convention is held should prescribe: (1) the conditions for a constituent unit to be in good standing for purposes of the right to representation-commonly include a minimum membership requirements; and (2) the number of delegates to which a unit shall be entitled depending on its size."

RONR (12th ed.) 59:14 Credentials Committee Responsibilities "2) (a) Examine all forms returned, to verify the eligibility of each member listed; and (b) notification of the proper constituent unit whatever and it'll elected delegate or alternate is found ineligible (through non-payment of dues, insufficient duration of membership, etc.)"

Parliamentary Law identifies the credentials committee on page 281. "The Credentials Committee is appointed to receive and examine the credentials of delegates and their alternates; to furnish those who have proper credentials with a suitable badge or card as evidence of them being duly accredited delegates or alternates; to report to the convention the names of such delegates and alternates, in the names of contestants with the facts and cases and where there are disputes as to which credentials should be recognized; and also to furnish the tellers with a copy of the register of delegates and to cooperate with the tellers in identifying delegates. A convention is composed mainly of delegates appointed by its constituent or subordinate societies.... In order to examine the credentials of delegates into furnished badges and cards when required, it is necessary to have a credentials committee appointed in advance of the meeting of the convention, either by the president or by the board of managers, as provided in the bylaws. By this plan the committee can, and should in the case of a large convention, meet the day before the convention is to examine the credentials of members as they arrive." As *Parliamentary Law* is written by the author of *Robert's Rules of Order*, parliamentarians often reference this book of questions that organizations have encountered. Since the Libertarian Party uses *Robert's Rules of Order* as its parliamentary authority, it is beneficial to utilize *Parliamentary Law* for research also.

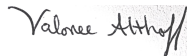
The American Institute of Parliamentarians Standard Code of Parliamentary Procedure (AIPSC) states on page 205-206, "delegates to convention are usually selected by the various constituent, component, and affiliate groups, chapters, or branches of the parent organization." In addition, AIPSC identifies the action of a

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Credential Committee on page 207, "The credentials committee examines the credentials of each member, delegate, or alternate and authorizes the issuance of these documents identifying members who may be admitted to the business sessions and who are entitled to vote. If there is a question regarding the eligibility of a member to serve as the delegate, this committee will bring the question to the seated delegates and may make recommendations for action on the eligibility of the member to serve in the assembly." Although AIPSC is not the Libertarian Party's parliamentary authority, it is considered persuasive. AIPSC confirms the writing in RONR that the names of delegates are verified prior to the voting body being assembled.

SUMMARY:

- The NM Election Handbook requires the method for establishing delegates to be identified in the bylaws.
- The Libertarian Party utilizes *Robert's Rules of Order, Newly Revised* as its parliamentary authority. RONR confirms that delegate qualifications are identified in the bylaws as the LPNM has enumerated, and membership length is a common restriction of eligibility of delegate seating, as LPNM has a 30 day membership provision for the seating of delegates.
- *Parliamentary Law* and *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* identifies delegates to be credentialled prior to the convention, confirming that the names of delegates are verified prior to the voting body being assembled.



Valoree Althoff, PRP, CPP-T

Libertarian Party of New Mexico Parliamentary Opinion
July 11, 2022

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*Memo dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee
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To: Libertarian National Committee
From: Caryn Ann Harlos, LNC Secretary and Registered Parliamentarian
Date: July 23, 2022

ADDENDUM TO PRIOR MEMORANDUM DATED JULY 18, 2022, AND REVISED JULY 21, 2022

As before, I strongly suggest this be reviewed by the Party's retained Parliamentarian. It is written in my capacity as LNC Secretary as I am not the Party's Parliamentarian.

On Page 3 of the prior memorandum, I made the following statement (underline added here):

There are at least two (2) requirements for proper notice:

1. Notification to each caucus member (no time frame or dues payment status specified)

I have become convinced that I was incorrect in granting the widest latitude in interpretation in saying there was no time frame specified for the notice to be sent directly to caucus members but only for publication to the website.

Once again, here is the LPNM Constitutional Article in question:

Constitution Article VII.2(a)

NOTICE: The Secretary shall notify each caucus members of the dates, time, and public place of state convention, and shall cause to be published on the LPNM web page notice of state conventions at least thirty days prior to the date of the convention provided. This notice shall include the information that all caucus members must be in good standing 30 days prior to the convention, to allow the Secretary to validate the qualifications of the delegates.

I had originally applied the *"at least thirty days prior to the date of the convention"* only to the second dependent clause detailing publication to the website, but grammatically and logically in the structure of the entire Article, that time frame applies to both clauses. This is borne out as well by the second sentence which refers to the singular *"this notice"* not *"these notices"* which indicates that although the notice is published by two separate means, it is one notice with the same content and time frame requirements. I would reiterate, as I stated before, it does not say that this notice is sent only to all *qualified* caucus members, as the second sentence anticipates that caucus members can pay in full and become qualified upon receipt of the notice, and the Secretary would perform the qualification process in the thirty (30) days leading up to the convention, not prior. By Chair Luchini's own admissions in emails to caucus members, the notice was not sent to *all* caucus members, only the ones he deemed qualified, and even those were using incorrect qualification criteria as detailed in my prior memorandum.

*Addendum dated 7/23/22 to memorandum dated 7/18/22 (V2 7/21/22) from Caryn Ann Harlos, LNC Secretary to the Libertarian National Committee.
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