

MEETING MINUTES
LIBERTARIAN NATIONAL COMMITTEE
MAY 9, 2020
ONLINE VIA ZOOM



CURRENT STATUS:
APPROVAL DATE:

FINAL
7/8/20

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/lncvotestally2020>

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

The LPedia article for this meeting can be found at:
https://lpedia.org/wiki/LNC_Meeting_9_May_2020

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

OPENING CEREMONY

CALL TO ORDER

Chairman Nicholas J. Sarwark called the meeting to order at 12:02 p.m. (all times Eastern).

OPPORTUNITY FOR PUBLIC COMMENT

Many members of the gallery expressed their opinions on the course of action that the LNC should take. There was a wide variety of views expressed both on the microphone and via the chat feature of the Zoom meeting room. Mr. Sarwark extended public comment so that it lasted approximately ninety (90) minutes in order to allow everyone to speak.

HOUSEKEEPING

ATTENDANCE

The following were in attendance:

Officers: Nicholas J. Sarwark (Chair), Alex Merced (Vice-Chair), Caryn Ann Harlos (Secretary), Tim Hagan (Treasurer)

At-Large Representatives: Joseph Bishop-Henchman, Sam Goldstein, Alicia Mattson, Bill Redpath, Joshua Smith

Regional Representatives: Richard T. Longstreth (Region 1), Steven Nekhaila (Region 2), Elizabeth Van Horn (Region 3), Jeff Hewitt (Region 4), Jim Lark (Region 5), John Phillips (Region 6), Whitney Bilyeu (Region 7), Justin O'Donnell (Region 8)

Regional Alternates: Francis Wendt (Region 1), Paige Sexton (Region 2), Dustin Nanna (Region 3), Tim Ferreira (Region 4), Susan Hogarth (Region 5), Erin Adams (Region 7), Phillip Anderson (Region 8)

Absent: None

Staff: Daniel Fishman (Executive Director), Tara DeSisto (Director of Development)

Non-LNC Members of the Convention Oversight Committee: Daniel Hayes (Committee Chair), Ken Moellman

Other Notable Attendees: Oliver Hall (LNC Special Counsel), Richard Brown (2020 Convention Parliamentarian)

The gallery contained attendees too numerous to list.

NEW BUSINESS

There was a brief discussion of informal polling results conducted by various parties on the question of in-person convention attendance and remote participation.

Mr. Sarwark noted that his motion to reconsider last week's vote authorizing an in-person convention with dates and location to be selected by the LNC at this meeting would be today's first item of business.

Ms. Harlos raised a **POINT OF ORDER** that motions to reconsider can only be made by members on the prevailing side of a vote. Mr. Brown was consulted and agreed with the Harlos objection.¹

Ms. Mattson raised a **POINT OF ORDER** regarding the fact that the agenda set for this meeting did not include a motion for reconsideration, and thus Mr. Sarwark's motion could not be heard ahead of the scheduled items, though it could be heard after the scheduled business was completed. Mr. Sarwark ruled the point of order **NOT WELL-TAKEN**.

Ms. Harlos raised a second **POINT OF ORDER** regarding notice requirements for electronic meetings noting that business cannot go beyond the scope of notice. Mr. Sarwark ruled the point of order **NOT WELL-TAKEN**. Ms. Harlos **APPEALED** from the ruling of the Chair.

Mr. Sarwark suggested that the LNC take a five (5) minute recess, hear from the convention site presenters, and then proceed on with the business portion of the meeting. There was no objection.

The LNC entered into a fifteen (15) minute recess.

PRESENTATIONS REGARDING POTENTIAL CONVENTION SITES

Upon return from recess, presentations from representatives of potential convention sites were heard in this order: Atlanta, New Orleans, and Orlando. The LNC had been expecting to hear a presentation for a potential convention site in Omaha, but their representative was not present at the appointed time.

EXECUTIVE SESSION

The LNC entered into Executive Session at 2:50 p.m. with a scheduled return time of 3:30 p.m. to resume business.

The LNC rose out of Executive Session and returned from a recess to convene regular business at 4:35 p.m. at which time roll was taken as noted in "Housekeeping" above. It was noted that Ms. Bilyeu needed to step away, and Ms. Adams assumed her seat.

¹ See RONR page 315, lines 28-31.

NEW BUSINESS (CONT'D)

Ms. Van Horn moved to reconsider the decision from the May 2, 2020 meeting concerning the convention. [200509-4]

Ms. Harlos raised a **POINT OF ORDER** stating that it is not proper to hear the Van Horn motion ahead of the properly noticed business. Mr. Sarwark ruled the point of order **NOT WELL-TAKEN**. Ms. Harlos **APPEALED** from the ruling of the Chair.

Without objection, Mr. Goldstein moved to end debate on the appeal from the ruling of the Chair.

A roll call vote was conducted on the appeal from the ruling of the Chair with the following results:

Member/Alternate	Aye	Nay	Abstain
Bilyeu/Adams		X	
Bishop-Henchman	X		
Goldstein		X	
Hagan	X		
Harlos		X	
Hewitt/Ferreira		X	
Lark			X
Longstreth/Wendt	X		
Mattson		X	
Merced			X
Nekhaila/Sexton		X	
O'Donnell/Ford	X		
Phillips/Anderson	X		
Redpath	X		
Sarwark			X
Smith		X	
Van Horn/Nanna	X		
TOTALS	7	7	3

The ruling of the Chair was SUSTAINED with a roll call vote of 7-7-3 [200509-4]

Mr. Sarwark passed the gavel to Mr. Merced so that he could participate in debate.

Without objection, Mr. Goldstein moved to end debate on the Van Horn motion for re-consideration.

A roll call vote was conducted with the following results:

Member/Alternate	Aye	Nay	Abstain
Bilyeu/Adams		X	
Bishop-Henchman	X		
Goldstein		X	
Hagan	X		
Harlos			X
Hewitt/Ferreira		X	
Lark	X		
Longstreth/Wendt	X		
Mattson		X	
Merced			X
Nekhaila/Sexton	X		
O'Donnell/Ford	X		
Phillips/Anderson	X		
Redpath	X		
Sarwark	X		
Smith		X	
Van Horn/Nanna	X		
TOTALS	10	5	2

This motion PASSED with a roll call vote of 10-5-2. [200509-5]

Ms. Harlos read aloud the motion that is now being reconsidered:

Move to postpone the 2020 convention to an alternate date and to a physical location to be chosen by the LNC no later than July 15, 2020 with a decision to be made by the LNC within (10) days from today by electronic meeting. [200502-2][200509-6]

Mr. Sarwark moved a substitute motion as follows:

The Libertarian National Committee sets the time and place of the 2020 Libertarian National Convention to be May 23, 2020 at 9:00 a.m. central time in a Zoom meeting. [200509-6A]

Ms. Harlos raised a **POINT OF ORDER** that a strictly online convention is against the Party bylaws as we are not yet in an impossibility situation.

Mr. Merced ruled the point of order **NOT WELL-TAKEN**.

Mr. Sarwark raised a **POINT OF ORDER** stating that debate over the acting Chair's decision-making procedure is not appropriate as it is lobbying for a different ruling.

Ms. Harlos **APPEALED** from the ruling of the Chair.

Mr. Hagan moved to end debate on the appeal from the ruling of the Chair.

Dr. Lark asked that we hear from Mr. Sarwark regarding an earlier point of information answered by Mr. Brown prior to ending debate. There was no objection. There was uncertainty in the body whether or not this ruling meant that “place” could be a virtual place under the Party bylaws only in an emergency situation or whether that would apply regardless of an emergency situation. Mr. Merced stated that his ruling was reiterating the opinion of Special Counsel Oliver Hall. Mr. Hall made it clear that his opinion was not limited to emergency circumstances and that “place” could be a virtual place at any time.

A roll call vote was conducted on the Harlos appeal with the following results:

Member/Alternate	Aye	Nay	Abstain
Bilyeu/Adams		X	
Bishop-Henchman	X		
Goldstein		X	
Hagan			X
Harlos		X	
Hewitt/Ferreira		X	
Lark		X	
Longstreth/Wendt			X
Mattson		X	
Merced			X
Nekhaila/Sexton		X	
O'Donnell/Ford			X
Phillips/Anderson			X
Redpath	X		
Sarwark	X		
Smith		X	
Van Horn/Nanna	X		
TOTALS	4	8	5

The ruling of the Chair was OVERTURNED with a roll call vote of 4-8-5. [200509-7]

Ms. Mattson moved to amend the motion being reconsidered so that the amended motion would read:

Move to postpone the 2020 convention to July 8-12th, 2020 in Orlando. [200509-8]

Mr. Bishop-Henchman moved to substitute with the following:

WHEREAS, the worldwide coronavirus pandemic has resulted in unprecedented limitations on travel, large events, operation of hotels and restaurants; and

WHEREAS, prior expectations that stay-at-home orders and lockdown conditions would completely ease by Easter, or by the beginning of April, or by warmer weather, have proven to be unfounded;

WHEREAS, as of this time, the majority of states are under stay-at-home and quarantine orders of various degrees of severity, creating legal and practical constraints on the ability of hundreds of our delegates to attend an in-person convention;

WHEREAS, the uncontrolled spread of an aerosolized, contagious virus with no cure and no vaccine make planning for attendance, financial performance, operating with legal requirements, and travel plans, to be heavily clouded with uncertainty;

WHEREAS, the Libertarian National Committee has a duty to take in all the evidence of this situation and make a good faith decision in the best interests of the organization and its members, while adhering as closely as possible with federal law, state law, and our own Bylaws and Convention Rules;

THEREFORE:

- 1. The LNC concludes that it is impossible to conduct a Regular Convention in-person within the time frame set out by our Bylaws and Convention Rules; and**
- 2. The LNC states that its goal is to adhere as closely as possible to our Bylaws and Convention Rules; and**
- 3. The LNC establishes that the 2020 Regular Convention shall be conducted as follows:**

FIRST SITTING: ONLINE BUSINESS (beginning May 22, 2020):

- 1. Call to Order**
- 2. Credentials Committee report**
- 3. Adoption of agenda**
- 4. Nomination and balloting for Party candidates for President and Vice-President**
- 5. Election of Party Officers and at-large members of the National Committee**
- 6. Adjournment until second sitting**

SECOND SITTING: beginning on a date set by the first sitting of the Convention

- 1. Call to Order**
- 2. Credentials Committee report**
- 3. Adoption of agenda**
- 4. Ratification of actions taken at first sitting online of Regular Convention**
- 5. Treasurer's report**
- 6. Audit Committee report**
- 7. Bylaws & Rules Committee report**
- 8. Platform Committee report**

- 9. Resolutions
- 10. Other business
- 11. Final adjournment of the 2020 Regular Convention [200509-6B]

Ms. Mattson raised a **POINT OF ORDER** stating that a substitute is not in order at this time as there is already primary amendment pending and a substitute can only be moved as a primary amendment so that the existing amendment would have to be disposed of first. Mr. Merced ruled the point of order **WELL-TAKEN**.

Mr. Bishop-Henchman **APPEALED** from the ruling of the Chair. However, after discussion, it was agreed to first dispose of the Mattson amendment and then return to Mr. Bishop-Henchman’s substitute motion.

Without objection, Mr. Goldstein moved to end debate on the Mattson amendment.

A roll call vote was conducted on the Mattson amendment with the following results:

Member/Alternate	Aye	Nay	Abstain
Bilyeu/Adams	X		
Bishop-Henchman		X	
Goldstein	X		
Hagan	X		
Harlos	X		
Hewitt/Ferreira	X		
Lark	X		
Longstreth/Wendt			X
Mattson	X		
Merced			X
Nekhaila/Sexton	X		
O’Donnell/Ford	X		
Phillips/Anderson	X		
Redpath		X	
Sarwark		X	
Smith	X		
Van Horn/Nanna		X	
TOTALS	11	4	2

The amendment PASSED with a roll call vote of 11-4-2. [200509-8]

Mr. Bishop-Henchman moved to substitute with the following:

WHEREAS, the worldwide coronavirus pandemic has resulted in unprecedented limitations on travel, large events, operation of hotels and restaurants; and

WHEREAS, prior expectations that stay-at-home orders and lockdown conditions would completely ease by Easter, or by the beginning of April, or by warmer weather, have proven to be unfounded;

WHEREAS, as of this time, the majority of states are under stay-at-home and quarantine orders of various degrees of severity, creating legal and practical constraints on the ability of hundreds of our delegates to attend an in-person convention;

WHEREAS, the uncontrolled spread of an aerosolized, contagious virus with no cure and no vaccine make planning for attendance, financial performance, operating with legal requirements, and travel plans, to be heavily clouded with uncertainty;

WHEREAS, the Libertarian National Committee has a duty to take in all the evidence of this situation and make a good faith decision in the best interests of the organization and its members, while adhering as closely as possible with federal law, state law, and our own Bylaws and Convention Rules;

THEREFORE:

- 1. The LNC concludes that it is impossible to conduct a Regular Convention in-person within the time frame set out by our Bylaws and Convention Rules; and**
- 2. The LNC states that its goal is to adhere as closely as possible to our Bylaws and Convention Rules; and**
- 3. The LNC establishes that the 2020 Regular Convention shall be conducted as follows:**

FIRST SITTING: ONLINE BUSINESS (beginning May 22, 2020):

- 1. Call to Order**
- 2. Credentials Committee report**
- 3. Adoption of agenda**
- 4. Nomination and balloting for Party candidates for President and Vice-President**
- 5. Election of Party Officers and at-large members of the National Committee**
- 6. Adjournment until second sitting**

SECOND SITTING: beginning on a date set by the first sitting of the Convention

- 1. Call to Order**
- 2. Credentials Committee report**
- 3. Adoption of agenda**
- 4. Ratification of actions taken at first sitting online of Regular Convention**
- 5. Treasurer's report**
- 6. Audit Committee report**
- 7. Bylaws & Rules Committee report**
- 8. Platform Committee report**

- 9. Resolutions
- 10. Other business
- 11. Final adjournment of the 2020 Regular Convention [200509-6B]

Without objection, Mr. Phillips moved to enter a twenty-minute (20-minute) recess at 6:34 p.m.

Upon return from recess, Mr. Merced passed the gavel back to Mr. Sarwark.

Ms. Harlos moved to amend the Bishop-Henchman substitute motion as follows:

WHEREAS, the worldwide coronavirus pandemic has resulted in unprecedented limitations on travel, large events, operation of hotels and restaurants; and

WHEREAS, prior expectations that stay-at-home orders and lockdown conditions would completely ease by Easter, or by the beginning of April, or by warmer weather, have proven to be unfounded;

WHEREAS, as of this time, the majority of states are under stay-at-home and quarantine orders of various degrees of severity, creating legal and practical constraints on the ability of hundreds of our delegates to attend an in-person convention;

WHEREAS, the uncontrolled spread of an aerosolized, contagious virus with no cure and no vaccine make planning for attendance, financial performance, operating with legal requirements, and travel plans, to be heavily clouded with uncertainty;

WHEREAS, the Libertarian National Committee has a duty to take in all the evidence of this situation and make a good faith decision in the best interests of the organization and its members, while adhering as closely as possible with federal law, state law, and our own Bylaws and Convention Rules;

THEREFORE:

1. The LNC concludes that it is impossible to conduct a Regular Convention in-person within the time frame set out by our Bylaws and Convention Rules; and

2. The LNC states that its goal is to adhere as closely as possible to our Bylaws and Convention Rules; and

3. The LNC establishes that the 2020 Regular Convention shall be conducted as follows:

FIRST SITTING: ONLINE BUSINESS (beginning May 22, 2020):

- 1. Call to Order**

2. Credentials Committee report
3. Adoption of agenda
4. Nomination and balloting for Party candidates for President and Vice-President
- ~~5. Election of Party Officers and at-large members of the National Committee~~
- 6.5. Adjournment until second sitting

SECOND SITTING: ~~beginning on a date set by the first sitting of the Convention~~ July 8-12 at Shingle Creek Resort, Orlando, FL

1. Call to Order
2. Credentials Committee report
3. Adoption of agenda
4. Ratification of actions taken at first sitting online of Regular Convention
5. Treasurer's report
6. Audit Committee report
7. Bylaws & Rules Committee report
8. Platform Committee report
9. Election of Party Officers and at-large members of the National Committee
- 9.10. Resolutions
- ~~10.11.~~ Other business
- ~~11.12.~~ Final adjournment of the 2020 Regular Convention [200509-6B]

Ms. Mattson moved to divide with the issue of the presidential nomination being handled separately from the rest of the amendments.

Without objection, Mr. Hagan moved to end debate on the two immediately preceding amendments.

*Moving item number 5 from the proposed agenda of the first sitting to the proposed agenda of the second sitting **PASSED** by a show of hands with a vote count of 11-4-1.*

*Striking the phrase "beginning on a date set by the first sitting of the Convention" and replacing with "July 8-12 at Shingle Creek Resort, Orlando, FL" **PASSED** by a show of hands with a vote count of 11-3-1.*

Mr. Redpath moved to amend the dates stated to "three days between July 8 and July 12."

Mr. Sarwark ruled the amendment **OUT OF ORDER**.

Mr. Redpath withdrew his prior amendment and restated it to amend the dates certain to July 10-July 12.

After further discussion, Mr. Redpath withdrew his amendment entirely.

Ms. Adams inquired if it would be in order at this time to move her substitute motion, but was informed that it would not be in order until at least one of the currently pending substitutes was disposed of.

Without objection, Mr. Hagan moved to amend to insert “fill vacancies on judicial committee” on the agenda of the second sitting after the Bylaws and Rules Committee report.²

Without objection, Mr. Redpath moved to end debate.

Mr. Redpath moved to amend the starting date of the first sitting which was ruled OUT OF ORDER since he had already moved to end debate.

Voting proceeded on whether the amended Bishop-Henchman substitute motion would become the main motion to be considered. This motion now read as follows:

WHEREAS, the worldwide coronavirus pandemic has resulted in unprecedented limitations on travel, large events, operation of hotels and restaurants; and

WHEREAS, prior expectations that stay-at-home orders and lockdown conditions would completely ease by Easter, or by the beginning of April, or by warmer weather, have proven to be unfounded;

WHEREAS, as of this time, the majority of states are under stay-at-home and quarantine orders of various degrees of severity, creating legal and practical constraints on the ability of hundreds of our delegates to attend an in-person convention;

WHEREAS, the uncontrolled spread of an aerosolized, contagious virus with no cure and no vaccine make planning for attendance, financial performance, operating with legal requirements, and travel plans, to be heavily clouded with uncertainty;

WHEREAS, the Libertarian National Committee has a duty to take in all the evidence of this situation and make a good faith decision in the best interests of the organization and its members, while adhering as closely as possible with federal law, state law, and our own Bylaws and Convention Rules;

THEREFORE:

1. The LNC concludes that it is impossible to conduct a Regular Convention in-person within the time frame set out by our Bylaws and Convention Rules; and

2. The LNC states that its goal is to adhere as closely as possible to our Bylaws and Convention Rules; and

3. The LNC establishes that the 2020 Regular Convention shall be conducted as follows:

FIRST SITTING: ONLINE BUSINESS (beginning May 22, 2020):

² Ms. Harlos noted that she would put it in a different place but declined to object on that basis.

1. Call to Order
2. Credentials Committee report
3. Adoption of agenda
4. Nomination and balloting for Party candidates for President and Vice-President
5. Adjournment until second sitting

SECOND SITTING: July 8-12 at Shingle Creek Resort, Orlando, FL

1. Call to Order
2. Credentials Committee report
3. Adoption of agenda
4. Ratification of actions taken at first sitting online of Regular Convention
5. Treasurer’s report
6. Audit Committee report
7. Bylaws & Rules Committee report
8. Fill vacancies on the Judicial Committee
9. Platform Committee report
10. Election of Party Officers and at-large members of the National Committee
11. Resolutions
12. Other business
13. Final adjournment of the 2020 Regular Convention [200509-6B]

A roll call vote was conducted with the following results:

Member/Alternate	Aye	Nay	Abstain
Bilyeu/Adams			X
Bishop-Henchman	X		
Goldstein	X		
Hagan	X		
Harlos	X		
Hewitt/Ferreira		X	
Lark	X		
Longstreth/Wendt	X		
Mattson		X	
Merced	X		
Nekhaila/Sexton	X		
O’Donnell/Ford	X		
Phillips/Anderson	X		
Redpath	X		
Sarwark	X		
Smith		X	
Van Horn/Nanna	X		
TOTALS	13	3	1

The amended Bishop-Henchman substitute motion became the main motion with a roll call vote of 13-3-1. [200509-6B]

Ms. Adams moved the following substitute motion:

The LNC hereby calls for an in-person convention to be held in Orlando, Florida at Shingle Creek held from July 8 to July 12. Prior to this convention, the LNC will hold a preference poll for POTUS and Vice-POTUS only from among the delegates in a manner that mimics those outlined in the convention Special Rules of Order Rule 10 and will fill the vacancy under Article 14, Section 3, and submit that to the in-person convention for ratification. Such poll should be conducted no later than June 8.
[200509-6C]

Mr. Nekhaila moved to amend the date by which the nominees must be chosen and then withdrew prior to receiving a second due to misunderstanding the dates in the Adams substitute motion.

Ms. Adams confirmed that her motion would poll only the primary selected delegates and not the alternates.

A roll call vote was conducted on whether to accept the Adams substitute motion as the main motion with the following results:

Member/Alternate	Aye	Nay	Abstain
Bilyeu/Adams	X		
Bishop-Henchman		X	
Goldstein			X
Hagan		X	
Harlos	X		
Hewitt/Ferreira	X		
Lark			X
Longstreth/Wendt		X	
Mattson	X		
Merced		X	
Nekhaila/Sexton	X		
O'Donnell/Ford		X	
Phillips/Anderson		X	
Redpath		X	
Sarwark			X
Smith	X		
Van Horn/Nanna		X	
TOTALS	6	8	3

This motion FAILED with a vote count of 6-8-3. **[200509-6C]**

Ms. Harlos moved to amend the Bishop-Henchman motion to change "beginning May 22" to "on May 23."

Mr. Merced moved to end debate on the Harlos amendment which PASSED by a show of hands with a vote count of 8-3.3

The Harlos amendment **FAILED** by a show of hands with a vote count of 2-11.

Ms. Harlos moved to amend the Bishop-Henchman motion to change “beginning May 22” to “on May 23 and May 24.”

The Harlos amendment **FAILED** by a show of hands with a vote count of 5-7.

Mr. Phillips moved to amend the Bishop-Henchman motion to add “no earlier than 6:00 p.m. Eastern time” after “beginning May 22.”

Mr. Phillips withdrew his amendment without objection.

A roll call vote was conducted on the main Bishop-Henchman motion, as amended, with the following results:

Member/Alternate	Aye	Nay	Abstain
Bilyeu/Adams		X	
Bishop-Henchman	X		
Goldstein	X		
Hagan	X		
Harlos	X		
Hewitt/Ferreira		X	
Lark	X		
Longstreth/Wendt	X		
Mattson		X	
Merced	X		
Nekhaila/Sexton	X		
O'Donnell/Ford	X		
Phillips/Anderson	X		
Redpath	X		
Sarwark	X		
Smith		X	
Van Horn/Nanna	X		
TOTALS	13	4	0

This motion PASSED with a vote count of 13-4-0. [200509-6, was 200509-6B]

Without objection, Mr. Phillips moved to cancel the May 21, 2020 LNC meeting previously scheduled. [200509-9]

ADJOURNMENT

The LNC adjourned for the day without objection at 8:28 p.m.

Respectfully submitted,

Caryn Ann Harlos

LNC Secretary ~ Secretary@LP.org ~ 561.523.2250