

South Carolina Libertarian Party

Majority Report of the Rules Committee

Laird Minor, Chairman
Stewart Flood, Steven Biggs and Steve Sears, members

Proposed Rules Changes 2019 Submitted November 2, 2019

The Rules Committee recommends that the following amendments be made to the existing Rules:

1. **Rule 2, Section 2(f)**, is amended by the addition of the following sentence at the end:

“Unless the Convention shall declare otherwise, by motion duly made and seconded and passed by majority vote, all Rule changes shall take effect immediately upon their approval.”

Explanation: There is often a question as to whether changes to the Rules become effective immediately upon their adoption or not until after recess of the Convention. This change clarifies the all changes become effective immediately unless the Convention specifically decides otherwise.

2. **Rule 7, Section 2** is modified by inserting the following two subsections after subsection (h), and re-designating the succeeding subsection accordingly:

“i) Candidates Addressing the Convention. Time permitting, space shall be provided on the agenda for previously announced and qualified candidates who are seeking election to the Libertarian National Committee, or who seek the National Party’s nomination for President, to address the Convention. The availability of such time, and the amount of time allocated to each such candidate, shall be determined by the Convention President in his sole discretion, based upon the number of such candidates present and the time available in the agenda.

“j) Delegates to the National Convention. Delegates to the Libertarian Party National Convention shall be elected in the manner provided in Section 3 below.”

Explanation: The purpose of this Rule change is to accomplish two things.

First, there may be present at the Convention candidates seeking to become a regional representative on the LNC or the party’s Presidential nominee. The length of the debates on proposed Rules and Platform changes and the time it takes for the election of officers, together with the number of any such candidates present, may require last minute adjustments to the agenda schedule. This Rule gives the Convention President the discretion whether to permit such presentations and the flexibility to determine their length.

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Second, the existing rules do not actually place the selection of delegates to the National Convention on the agenda. The end of Section 2 simply calls for a recess, with the selection method for delegates following in Section 3. This may appear to be insignificant, but it actually is a serious issue. This change corrects that oversight.

3. **Rule 7, Section 2**, is further modified by inserting a new subsection immediately preceding the last subsection (titled "Recess", which shall be re-designated accordingly):

"k) Resolutions. Resolutions may be proposed to and considered by the Convention under the following conditions and in the order specified:

"i. Submissions With Advance Notice. Any proposed resolution which is submitted electronically to the Secretary not less than two weeks in advance of the date of the convention will appear on the convention agenda, and the Secretary shall use his best efforts to provide notice of the proposed resolution to all listed delegates prior to the Convention. Not less than 7 days before the convention date the Secretary shall notify the proponent(s) of each such a resolution of the total number of delegates submitted by the counties. Copies of each such resolution, together with supporting materials if desired, must be brought to the convention floor by its proponent and delivered to the Convention Secretary prior to the opening of registration on the day of the convention, in an amount equal to the total number of delegates as provided by the Secretary plus not less than 10% of that number. Such resolutions shall be considered in the order in which they were received by the Secretary, time permitting, following all other business and prior to recess of the convention, but any or all may be reordered to any point in the agenda as proposed by the Convention President if done without objection. Passage of such resolutions shall require a majority of the credentialed delegates present and voting.

"ii. Submissions Without Advance Notice. Proposed resolutions may be offered to the convention at any time prior to its recess, but if submitted less than two weeks before the date of the convention they will not appear in the agenda nor will advance notice of them be provided to delegates. Any such proposed resolutions will be considered only if time permits, in the judgment of the Convention President. Copies of each such resolution, together with supporting materials if desired, shall be provided to the Convention Secretary in an amount equal to the number of delegates present, credentialed and voting at the time of submission (or, if submitted prior to the Call to Order, the total number of delegates submitted to the Secretary by the county parties) plus, in either case, additional copies in an amount of not less than 10% of that number. Such resolutions will be considered in the order received by the Secretary or the Convention Secretary, as applicable. In the event all resolutions for which advance notice was given have been addressed by the Convention, resolutions without advance notice may be reordered to any point in the agenda as proposed by the Convention President if done without objection. Passage of such resolutions shall require the affirmative vote of not less than two-thirds (2/3) of the credentialed delegates present and voting."

Explanation: We presently have no method of introducing resolutions at the Convention. This proposed Rule addresses that problem. Resolutions submitted sufficiently in advance (2 weeks)

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will be included on the formal agenda; later submissions will not. Proposed resolutions for which advance notice has been received will be addressed before those without it, and the latter will be taken up only if time permits.

In the event there is spare time earlier in the convention, the Convention President may elect (without objection) to fill that space by taking up some or all resolutions at that time, but only in the order specified in the Rule (i.e., those with advance notice first, followed by those without advance notice, and in both cases in the order received). This rule does not permit the Convention to be forced to exceed the total time allotted on the agenda.

The submission of resolutions without an adequate number of copies causes excess work for convention officers and makes it difficult for delegates to give them due consideration. Requiring the submitter to provide sufficient copies prevents delays.

4. **Rule 7, Section 3(d)**, is amended by the addition of the following subsection, to be designated (ii), after subsection (i), with all following subsections re-designated accordingly:

“(ii) All proposed delegates to the national convention from organized counties shall be nominated by their respective counties, which nominations shall be submitted to the State Secretary not less than thirty (30) days prior to the opening date of the state convention. No nominations for delegates to the national convention shall be accepted on the state convention floor except for prospective delegates from unorganized counties.”

Explanation: A resolution in substantially this form was adopted by the State Committee at the July meeting. This change makes that resolution a permanent part of the Rules.

5. **Rule 7, Section 3**, is amended by the addition of the following new subsection (l):

“Anyone who is nominated to be a national delegate by the SCLP who chooses not to attend the national convention without notifying the State Committee at least thirty (30) days prior to the start of the national convention shall be disqualified from participating as a delegate from South Carolina in the next national convention, except in the case of bona fide medical emergencies as approved by the Chairman. This rule applies retroactively to the 2018 national convention. The State Committee may grant exemptions from this rule as it sees fit.”

Explanation: A resolution in substantially this form was adopted by the State Committee at the July meeting. This change makes that resolution a permanent part of the Rules.

6. **Rule 8, Section 1(k)(ii)** is amended to change “Each year” to “Each term” at the beginning.

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Explanation: This was probably an oversight when writing the Rules. With the exception of the Secretary and Treasurer sitting by designation on standing committees, all committee members serve by appointment of the Chairman and may be removed as he deems appropriate. Reappointment on a yearly basis is illogical, since it does not define whether this is reappointment of all committees at the beginning of each year or reappointment of individual members after serving a year on a committee. Other than standing committees, all terms of office end at convention, so reappointing committee members each term makes more sense.

7. **Rule 8, Section 1(k)(iii)(b)**, is moved to Rule 8, Section 1(k)(ii)(d), and the remaining provision of Section 1(k)(iii) is re-designated accordingly.

Explanation: This change makes the Rules Committee a permanent committee rather than a temporary one.

The current Chairman has found it advisable to consult the Rules Committee for interpretation several times over his term. While the bulk of that Committee's work is done in the months leading to the state convention, there is also the possibility that changes may need to be proposed at a recalled convention. It is also the Rules Committee's job to incorporate changes approved at the Convention and produce the updated document. Not having this Committee exist past the Convention has caused issues.

8. **Rule 8, Section 1(k)(v)**, is amended by the addition of the underlined sentence:

Chairman as Member. The State Chairman shall be an *ex officio* member of all committees. All committees shall report to the Chairman.

Explanation: This clarifies that all committees report to the Chairman, not to the State Committee as a whole. This makes sense since (with the exception of certain officers serving by designation) all committee members are appointed by, and serve at the pleasure of, the Chairman.

9. **Rule 10 (Quorum)** is amended by adding the new Section (f):

"f) In the event that a state committeeman is elected to a position as an officer of the state party and no other member of his county is available or willing to serve as state committeeman, said county shall not be counted toward quorum at any meeting where it has no other elected representative and is not represented by proxy, being listed as present not voting on the attendance record if the person formerly serving as state committeeman is present in his capacity as an officer."

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Explanation: A county whose only available representative is also a state officer will not be counted toward a quorum of the State Committee.

We have a number of small counties. There is an automatic hindrance to someone from a county with only a few members who wishes to run for state party office. This change eliminates both the “mark” on the county for non-attendance and eliminates the quorum defect caused by the inability of an organized county to have a representative. Should the county elect another representative, that county would return to normal quorum status. This past term, Berkeley County had no representation since its chairman served as both county chair and state representative, and was also an elected and voting officer of the state party. This caused potential quorum problems at several meetings.