

MEMBER BYLAWS PROPOSAL #9

SPONSORS: Keith Laube and Doug Jones - both Sustaining Members of LPCO

SIGNATURES:



REASONS FOR CHANGE: The Judicial Committee is currently a 5-member committee elected by Delegates in attendance at every odd-year Annual Convention. The party is better served by a 9-member Judicial Committee. Increasing the number of committee members for 5 to 9 will enable the Judicial Committee to function without the need for the Board to call a Special Convention to fill a vacancy.

CURRENT LANGUAGE:

Article IX: Judicial Committee

Section 1. Composition, Election, and Term

- (a) The Judicial Committee shall consist of five (5) Party Members elected by the Delegates in attendance at every odd-year Annual Convention. In the case of vacancy, the existing members of the Judicial Committee may vote to fill the vacancy from qualified Party Members until the next election.
- (b) The term of each Judicial Committee member shall begin at the adjournment *sine die* of the Business Session of the odd-year Annual Convention and end at the adjournment *sine die* of the Business Session of the next odd-year Annual Convention.
- (c) If there are no existing members of the Judicial Committee to fill a vacancy, an intervening regular Convention may fill the vacancies or if it will be more than six (6) months until the next regular Convention, the Board shall call a Special Convention to fill the vacancies.
- (d) Judicial Committee Members shall be elected by approval voting, with the top five (5) candidates receiving the most votes elected.

Section 2. Eligibility

- (a) Members of the Board of Directors and Audit Committee shall be ineligible to serve on the Judicial Committee.
- (b) Judicial Committee members must have been Party Members for the past three (3) years and shall have signed the Statement of Principles of the national Libertarian Party and a statement disavowing the initiation of force to achieve political or social goals.

Section 3. Committee Chair

The Chair of the Judicial Committee shall be elected by the members of the Committee.

Section 4. Scope of Duties

- (a) The Judicial Committee shall be limited to hearing and deciding cases involving the following:
 - (1) challenges to membership status,
 - (2) suspensions or other disciplinary actions by the Board,
 - (3) disaffiliation of chartered affiliates by the Board,
 - (4) appeals of Board decisions pertaining to items of business, and
 - (5) challenges to resolutions or platform planks made at Convention by Delegates.
- (b) The Judicial Committee shall have appellate jurisdiction only and no original jurisdiction.
- (c) The Judicial Committee may hear appeals regarding affiliate actions provided such appeals are authorized in the affiliate's Bylaws.
- (d) The Judicial Committee may, in its proceedings, determine findings of both facts and procedure.

Section 5. Appeals

- (a) Only Party Members may present an appeal to the Judicial Committee.
- (b) Only suspended or disciplined Members may appeal their suspension or discipline.
- (c) Only the former officers of a disaffiliated affiliate may appeal their affiliate's disaffiliation.
- (d) All appeals must be in writing, submitted to the Chair of the Judicial Committee within thirty (30) days of the disputed decision.

Section 6. Adjudicating Cases

- (a) All appeals shall be resolved within sixty (60) days of the date of submission to the Chair of the Judicial Committee with the exception of disputes over membership status which will affect delegate voting status at any state convention which will be decided during the credentialing process. In the event the Judicial Committee cannot make a prompt decision regarding challenges to membership status, the question will be put to the delegates with a majority vote resolving membership status in favor of the disputed member.
- (b) The Chair of the Judicial Committee must present all requests for appellate review to the Committee within five (5) days of receipt. The Committee shall then have five (5) days to decide whether or not to hear the appeal, with the agreement of two (2) or more Judicial Committee members being sufficient to hold a hearing. The Committee Chair shall then schedule this hearing to be held

within thirty (30) days with at least ten (10) days' notice to the Party Membership and all involved parties.

- (c) Hearings may be virtual or in-person. The Committee may require written briefs or arguments from the Appellants or Respondents and may decide to hold additional hearings. Any Party Member may attend any hearing and submit written briefs or arguments to the Committee which may be considered at the Committee's discretion.
- (d) The Committee shall set its own rules of procedure consistent with principles of impartiality, equity, and parliamentary law; however, in all cases, the burden of proof is presenting a preponderance of evidence and is upon the appellant.

Section 7. Rulings Limited

All rulings of the Judicial Committee must be in accordance with these Bylaws.

Section 8. Verdicts

- (a) A verdict must be reached within five (5) days of the adjournment of the hearing.
- (b) A report of the case and its verdict must be uploaded to the Party website within two (2) business days.

Section 9. Final Appeal

- (a) Any verdict may be appealed to the Delegates at the next regular Convention or Special Convention. Such an appeal must be presented by not less than twenty (20) Members. The burden of proof of presenting a preponderance of evidence is upon the Members who makes the appeal to the Delegates. Prior notice is required. Delegates may overturn a verdict on appeal by a $\frac{3}{4}$ vote.
- (b) If the Delegates by a majority vote refuse to hear the appeal, then the verdict of the Judicial Committee is final.

AMENDMENT WITH MARKUP:

Article IX: Judicial Committee

Section 1. Composition, Election, and Term

- (a) The Judicial Committee shall consist of ~~five~~nine (5~~9~~) ~~Party~~Sustaining Members elected by the Delegates in attendance at every odd-year Annual Convention. ~~In the case of vacancy, To fill any vacancies, new members may be elected at the next annual or special convention.~~ ~~‡~~The existing members of the Judicial Committee may vote to temporarily fill ~~the~~any ~~vacancies~~occurring between conventions ~~from qualified Party Members until the next election.~~
- (b) The term of each Judicial Committee member shall begin at the adjournment *sine die* of the Business Session of the odd-year Annual Convention and end at

the adjournment *sine die* of the Business Session of the next odd-year Annual Convention.

- ~~(c) If there are no existing members of the Judicial Committee to fill a vacancy, an intervening regular Convention may fill the vacancies or if it will be more than six (6) months until the next regular Convention, the Board shall call a Special Convention to fill the vacancies.~~
- (d) Judicial Committee Members shall be elected by approval voting, with the top ~~five~~^{nine} (5⁹) candidates receiving the most votes elected. The election may be by slate if the number of candidates is less than or equal than the number of judicial committee members to be elected.

Section 2. Eligibility

- (a) Members of the Board of Directors and Audit Committee shall be ineligible to serve on the Judicial Committee.
- (b) Judicial Committee members must have been ~~Party~~^{Sustaining} Members for the past three (3) years and shall have signed the Statement of Principles of the national Libertarian Party and a statement disavowing the initiation of force to achieve political or social goals.

Section 3. Committee Chair

The Chair of the Judicial Committee shall be elected by the members of the Committee.

Section 4. Scope of Duties

- (a) The Judicial Committee shall be limited to hearing and deciding cases involving the following:
- (1) challenges to membership status,
 - (2) suspensions or other disciplinary actions by the Board,
 - (3) disaffiliation of chartered affiliates by the Board,
 - (4) appeals of Board decisions pertaining to items of business, and
 - (5) challenges to resolutions or platform planks made at Convention by Delegates.
- (b) The Judicial Committee shall have appellate jurisdiction only and no original jurisdiction.
- (c) The Judicial Committee may hear appeals regarding affiliate actions provided such appeals are authorized in the affiliate's Bylaws.
- (d) The Judicial Committee may, in its proceedings, determine findings of both facts and procedure.

Section 5. Appeals

- (a) Only Party Members may present an appeal to the Judicial Committee.
- (b) Only suspended or disciplined Members may appeal their suspension or discipline.

- (c) Only the former officers of a disaffiliated affiliate may appeal their affiliate's disaffiliation.
- (d) All appeals must be in writing, submitted to the Chair of the Judicial Committee within thirty (30) days of the disputed decision.

Section 6. Adjudicating Cases

- (a) All appeals shall be resolved within sixty (60) days of the date of submission to the Chair of the Judicial Committee with the exception of disputes over membership status which will affect delegate voting status at any state convention which will be decided during the credentialing process. In the event the Judicial Committee cannot make a prompt decision regarding challenges to membership status, the question will be put to the delegates with a majority vote resolving membership status in favor of the disputed member.
- (b) The Chair of the Judicial Committee must present all requests for appellate review to the Committee within five (5) days of receipt. The Committee shall then have five (5) days to decide whether or not to hear the appeal, with the agreement of ~~two~~three (23) or more Judicial Committee members being sufficient to hold a hearing. The Committee Chair shall then schedule this hearing to be held within thirty (30) days with at least ten (10) days' notice to the Party Membership and all involved parties.
- (c) Hearings may be virtual or in-person. The Committee may require written briefs or arguments from the Appellants or Respondents and may decide to hold additional hearings. Any Party Member may attend any hearing and submit written briefs or arguments to the Committee which may be considered at the Committee's discretion.
- (d) The Committee shall set its own rules of procedure consistent with principles of impartiality, equity, and parliamentary law; however, in all cases, the burden of proof is presenting a preponderance of evidence and is upon the appellant.

Section 7. Rulings Limited

All rulings of the Judicial Committee must be in accordance with these Bylaws.

Section 8. Verdicts

- (a) A verdict must be reached within five (5) days of the adjournment of the hearing.
- (b) A report of the case and its verdict must be uploaded to the Party website within two (2) business days.

Section 9. Final Appeal

- (a) Any verdict may be appealed to the Delegates at the next regular Convention or Special Convention. Such an appeal must be presented by not less than twenty (20) [Sustaining](#) Members. The burden of proof of presenting a preponderance of evidence is upon the Members who makes the appeal to the Delegates. Prior notice is required. Delegates may overturn a verdict on appeal by a $\frac{3}{4}$ vote.

- (b) If the Delegates by a majority vote refuse to hear the appeal, then the verdict of the Judicial Committee is final.

LANGUAGE IF PASSED:

Article IX: Judicial Committee

Section 1. Composition, Election, and Term

- (a) The Judicial Committee shall consist of nine (9) Sustaining Members elected by the Delegates in attendance at every odd-year Annual Convention. To fill any vacancies, new members may be elected at the next annual or special convention. The existing members of the Judicial Committee may vote to temporarily fill any vacancies occurring between conventions.
- (b) The term of each Judicial Committee member shall begin at the adjournment *sine die* of the Business Session of the odd-year Annual Convention and end at the adjournment *sine die* of the Business Session of the next odd-year Annual Convention.
- (c) Judicial Committee Members shall be elected by approval voting, with the top nine (9) candidates receiving the most votes elected. The election may be by slate if the number of candidates is less than or equal than the number of judicial committee members to be elected.

Section 2. Eligibility

- (a) Members of the Board of Directors and Audit Committee shall be ineligible to serve on the Judicial Committee.
- (b) Judicial Committee members must have been Sustaining Members for the past three (3) years and shall have signed the Statement of Principles of the national Libertarian Party and a statement disavowing the initiation of force to achieve political or social goals.

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- (c) Hearings may be virtual or in-person. The Committee may require written briefs or arguments from the Appellants or Respondents and may decide to hold additional hearings. Any Party Member may attend any hearing and submit written briefs or arguments to the Committee which may be considered at the Committee's discretion.
- (d) The Committee shall set its own rules of procedure consistent with principles of impartiality, equity, and parliamentary law; however, in all cases, the burden of proof is presenting a preponderance of evidence and is upon the appellant.

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- (b) If the Delegates by a majority vote refuse to hear the appeal, then the verdict of the Judicial Committee is final.