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# **BYLAWS of the MONTANA LIBERTARIAN PARTY**

Adopted by the Montana Libertarian Party State Central  
Committee on September 9, 2017, in Bozeman, Montana  
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## **ARTICLE I Name**

These Bylaws shall govern the association known as the Montana Libertarian Party (MTLP), which is an affiliate of the Libertarian Party (LP).

## **ARTICLE II Purpose and Jurisdiction**

**Section 1. Purpose.** The purpose of these Bylaws is to unite, organize, and coordinate the MTLP pursuant to a consensual framework, giving all MTLP members fair voice and due process, so that the MTLP can effectively implement Libertarian Party goals and principles.

**Section 2. Jurisdiction of Bylaws.** These Bylaws shall govern the MTLP and MTLP County Affiliates when not in conflict with LP bylaws, which shall govern in case of conflict. Any bylaws adopted by any MTLP affiliate that conflicts with these Bylaws or with LP Bylaws shall be invalid and unenforceable.

**Section 3. Severability.** If Montana Code is amended or repealed to remove gender parity requirements, all references to sex or gender requirements for positions in these Bylaws shall be null and void. If Montana Code is amended or repealed to free county central committee compositions from being based on precinct boundaries, all references to such requirements in this document shall be null and void and decisions on such matters left to individual counties. If any Montana Code citations numeration is changed, any references in these Bylaws shall refer to the modified numeration.

## **ARTICLE III Members**

**Section 1. Membership Eligibility and Admission.** MTLP membership shall be open to any person, regardless of any aspect of human diversity, resides in the State of Montana and pledges as follows, "I certify that I oppose the initiation of force to achieve political or social goals." MTLP membership requires registration by completing an online membership form or submitting a paper membership form to the MTLP Secretary or Chair. Membership shall be counted from the date that the form is received till such time as the member relinquishes it or it lapses or is terminated.

**Section 2. Dues.** Members may be required to pay membership dues to maintain membership as set by a simple majority of the State Central Committee. However, if lifetime membership is offered, the MTLP shall honor such lifetime memberships without requiring additional membership dues.

**Section 3. Responsibilities.** Members are responsible for notifying the Chair or Secretary of any changes to their contact information.

**Section 4. Privacy.** Each member's name and contact information will be offered to the following: officers of the State Executive Board; officers or organizing member(s) of the County Affiliate in which that member resides; and, if the member holds a position on MTLP or County Affiliate committee(s), to fellow members of those committee(s).

**Section 5. Relinquishment.** Members may relinquish their membership by contacting the Chair or Secretary in writing.

## **ARTICLE IV**

### **County Affiliation**

**Section 1. Boundaries.** Every County Affiliate must be organized in one county only, and there shall be no more than one MTLP recognized County Affiliate in each county, although counties may collaborate with shared meetings, events, etc.

**Section 2. Autonomy.** The MTLP may not abridge the autonomy of any County Affiliate except as provided in these Bylaws.

**Section 3. Prohibitions.** No County Affiliate, including officers and committee members thereof, may take action inconsistent with the Non-Aggression Principle or with the Bylaws. Pursuant to LP Bylaws, no County Affiliate may endorse any candidate who is a running as another party in a partisan election.

**Section 4. Initial County Organization.** The Executive Board may appoint as County Interim Chair any MTLP member interested in organizing a County Affiliate. Upon appointment, the MTLP Chair and/or Executive Board Officers may provide supporting access and materials to said Interim Chair. The MTLP Chair may appoint as Interim County Precinct Representatives, those persons who submit their names, precinct numbers, and affirmation of voter registration to a County Interim Chair, who shall submit them to the MTLP Chair.

**Section 5. Replacement of Interim County Chair.** In the event an Interim County Chair has not made substantive progress toward organizing a County Affiliate within six months of appointment, the Executive Board may, upon request from another MTLP member wishing to organize in said county, remove and replace an Interim Chair after

having provided him or her with a written notice and opportunity to respond at least ten (10) days before the Executive Board takes action.

**Section 6. County Affiliation Requirements.** Affiliation requirements shall be as follows: submission of county bylaws; submission of Certificates of Election or submission of minutes verifying the elections of County officers.

**Section 7. Recognition of County Affiliation.** The Executive Board shall charter and recognize as a County Affiliate any group of MTLP members that requests affiliation and that meets the requirements described herein.

**Section 8. Revocation of County Affiliate Status.** The State Central Committee may, by a three-fourths (3/4) vote of those attending a duly convened meeting, revoke a county's affiliation if that County Affiliate fails to maintain the status and requirements necessary for affiliation or acts in a manner prohibited by the Bylaws, and shall proceed as follows. (More detail in Article X, Section 4.)

**A. Review and Recommendation.** The State Central Committee may delegate a disaffiliation review to the Judicial Committee, which shall review the charges against said County Affiliate, take testimony, and allow the County Affiliate a full hearing before making a recommendation to the State Central Committee.

**B. Charges.** Charges against the County Affiliate must be presented to all recognized officers, in writing at least ten (10) days before the State Central Committee and/or its delegated body convenes to review the investigate the matter.

**D. Failure to Respond.** A County Affiliate that fails to respond to requests from the State Central Committee or its delegate within thirty (30) days, may be considered to have waived its rights to be heard, and the State Central Committee may proceed to revoke the county's affiliate status without its representation or hearing.

## **ARTICLE V**

### **State Central Committee**

**Section 1. Definition.** The State Central Committee is the legislative and governing body of the MTLP and shall be considered the final body of arbitration in case of ambiguities in these Bylaws or other governing documents or practices.

**Section 2. Composition.** The State Central Committee shall be comprised of the MTLP Executive Board and up to four (4) representatives from each recognized County Affiliate. The latter shall include: a county chair, two state committee persons, and another at-large county member of that county's choosing.

**Section 3. Duties and Responsibilities.** The State Central Committee is charged with guiding and governing the MTLP, including: affiliating and disaffiliating County Affiliates; amending the Bylaws and other governing documents; electing, censuring, and removing Executive Board officers and Judicial Committee members; and filling candidate vacancies.

**Section 4. Regular Meeting Procedure.** State Central Committee regular meetings may be called by the Chair, a majority of the Executive Board, or by a majority of the State Central Committee. The Chair shall preside.

**Section 5. Regular Meeting Location.** State Central Committee regular meetings may be held in a physical location or through an electronic platform that allows members reasonable access.

**Section 6. Regular Meeting Notice.** The Chair shall notify all State Central Committee members by written electronic or paper notice no more than sixty (60) days in advance and at least ten (10) days in advance of State Central Committee meetings, or at such time as all members have responded and either are attending or have approved of the meeting proceeding in their absence.

**Section 7. Regular Meeting Voting Procedure.** The presiding officer shall abstain from voting unless a tie-breaker vote is required. Each member is entitled to one vote even if that member serves in more than one capacity.

## **ARTICLE VI**

### **Executive Board**

**Section 1. Definition and Purpose.** The Executive Board, which shall be considered the Board of Directors for purposes of Montana nonprofit law, is the managerial and administrative brand of the MTLP, and its purpose is to carry out the will of the State Central Committee in day-to-day operations.

**Section 2. Meetings.** Meetings shall be called by the Chair or by one-half of the Board members. Notice shall be given at least ten (10) days in advance of a meeting. Notifications shall be sent by electronic mail unless a Board member requests an alternate notification means to the Chair. Board members shall specify an electronic mail address or affirm one provided by the MTLP for Board members. Special meetings may be called by the Chair or by one-half of the Board members for time sensitive business. Notice for special meetings is reduced to four (4) days or until each Board member has responded that they are available or will be unable to attend. Boards and committees may transact business by electronic mail. The chair or secretary shall send out electronic mail ballots on any question submitted by the

chair or cosponsored by at least 1/3 of the members of the Board or committee. The period for voting on a question shall remain open for ten (10) days, unless all members have cast votes, or have stated an intention to abstain or be absent during the voting period, by electronic mail to the entire board or committee. The outcome of each motion shall be announced promptly and recorded in the minutes of the next meeting. The number of votes required for passage of any motion shall be the same as that required during a meeting. Motions dispensed through electronic mail ballots satisfy the requirement of giving previous notice.

**Section 3. Officers.** The Executive Board Officers shall be: Chair, Vice Chair, Treasurer, Secretary, and one (1) representative residing in each Public Service Commission District as defined by Montana Law, as available. If there is no candidate available for the position, the position shall be filled by the other Board Officers, or remain vacant. According to Montana gender parity law, the Chair and First Vice Chair should identify as different genders.

**Section 4. Eligibility.** Officers and persons nominated for officer positions must be MTLP members for at least six (6) months at the time of their election.

**Section 5. Election and Terms of Office.** Officers shall be elected at an Officer Convention held every odd numbered year and shall hold office for a term of two (2) years and until their successors are elected and the Officers Convention is adjourned. Board Officers that are selected to represent each Montana Public Service Commission District shall serve as the point of contact for the composite county affiliate parties from the counties defined in Montana Law as constituting that district. Officers may be removed from office for cause by disciplinary proceedings as provided by these Bylaws. The immediate past Chair and Treasurer shall train and assist the new Chair and new Treasurer for a reasonable transition period, unless the new Chair or Treasurer, respectively, determine that such training and assistance is not wanted, feasible or necessary.

### **Section 6. Officer Duties and Responsibilities.**

**A. Chair.** As the Chief Executive Officer of the MTLP, the Chair represents the MTLP, the State Central Committee, and the Executive Board and shall have the usual powers of supervision and management as pertains to the office of a chair, including the power to: issue calls, preside over, and determine a quorum for Executive Board and State Central meetings and conventions; coordinate with the LP; recruit and assist libertarian candidates; ensure ballot access; communicate with the public and media; fundraise and budget; maintain MTLP data; recruit members; assist and communicate with County Affiliates; connect with libertarian campus groups; build special interest group coalitions; plan and coordinate events; develop relationships with elected officials; propose and provide input on legislation.



**1) Authority to Delegate.** The Chair may delegate any duties, while assuming ultimate responsibility for the performance of such duties and maintaining the authority to terminate such delegations and appointments at any time by. The Chair may create divisions and/or directorships, and may form, appoint members to, and appoint an acting or interim chair to ad hoc committees or work groups, which shall be defined as bodies formed for a particular purpose expected to last less than one (1) year.

**B. Vice Chair.** The Vice Chair shall preside at meetings and conventions in the Chair's absence, act as Chair in the Chair's prolonged absence, provide support and assistance to the Chair in the performance of the Chair's duties and responsibilities, and shall perform as may be assigned by the Chair.

**C. Treasurer.** The Treasurer shall serve as the accountant, bookkeeper, and oversight person for financial recordkeeping and practices; ensure that there is a monthly accounting for all MTLP receipts, disbursements; ensure the timely filing of all MTLP reports required by any governmental body or agency; record all receipts, disbursements, and other records as required by the Federal Election Commission and Commissioner of Political Practices; present a report of the financial affairs of the MTLP at Delegate and Officers Conventions, as the Treasurer deems necessary, upon request by the Chair, or upon written request by at least three (3) members of the Central Committee; appoint a Deputy Treasurer who is a MTLP member; and ensure that the MTLP fully complies with all Montana and federal statutes and regulations relating to political party finances. With the approval of the Chair, the Treasurer may retain outside accounting advice and services. All disbursements, excepting petty cash, shall be made upon the Chair's authorization.

**D. Secretary.** The Secretary shall: file each county's affiliation documents with the MTLP and Secretary of State; keep the minutes of all Conventions, and Executive Board and State Central Committee meetings; maintain paperwork relating to nonfinancial business, including membership lists, county bylaws and affiliation documentation, paperwork relating to the State Central Committee; appoint a Deputy Secretary who is a MTLP member; and perform such duties as may be incidental to the office or as assigned by the Chair.

**E. Public Service District Representative.** Board officers that represent each Montana Public Service Commission District shall service as the point of contact for the composite county affiliate parties from the counties defined in Montana Law as constituting that district.

**Section 7. Temporary Officer Vacancy.** If an Officer informs all other Executive Board officers in advance that the Officer will be absent from multiple Executive Board meetings or otherwise unable to adequately perform that Officer's responsibilities for a specified duration

of time equal to or less than 90 days, that Officer may temporarily vacate the position and resume it at the specified later date.

**A. Filing a Temporary Vacancy.** If the office of Secretary or Treasurer is temporarily vacant, the deputy officer of that position shall automatically assume that office. If the office of Chair is temporarily vacant, the Vice Chair shall assume that office. If more than one office is temporarily vacant, the succession shall be in this order: Vice Chair, Treasurer, and Secretary. A majority of remaining officers present at any duly convened Executive Board meeting may subsequently choose to elect an interim officer or interim officers.

**Section 8. Permanent Officer Vacancy.** If an Officer resigns, is removed from office, is absent from multiple Executive Board meetings, unavailable, fails to maintain the qualifications of office, or is otherwise unable to adequately perform that Officer's duties and responsibilities without notice to all other Officers, for an unspecified duration of time, or for a specified duration of time to exceed 90 days, that Officer's position shall be permanently vacated and considered resigned.

**A. Filing a Permanent Vacancy.** If the office of Secretary or Treasurer is vacant, the deputy officer of that position shall automatically assume that office. If the office of Chair is vacant, first the First Vice Chair and second the Second Vice Chair shall assume that office. If more than one office is vacant, the succession shall be in this order: First Vice Chair, Second Vice Chair, Treasurer, Secretary, Deputy Treasurer, and Deputy Secretary. A majority of remaining officers present at any duly convened Executive Board meeting may subsequently choose to elect an interim officer or interim officers until the State Central Committee holds an Officer Convention.

**Section 9. Removal of an Officer.** An Officer may be removed for cause following a written complaint to the Executive Board by three or more State Central Committee members. Such officers shall be given notice and a full hearing by the Judicial Committee. Failure to respond to this body's written request for information within thirty (30) days shall be considered to mean the Officer in question has vacated the office. The Judicial Committee, after investigation, shall make a recommendation via the State Chair to the State Central Committee, which shall vote to either maintain, censure, or remove an Officer by two-thirds (2/3) of those present at any duly convened State Central Committee Meeting or Convention. (See Article X, Section 4.)

**A. Temporary Suspension of an Accused Officer.** If a majority of the Executive Board determines that allowing the Officer in question to continue his or her duties during a complaint review process would impede or harm the MTLP, the Officer in question shall be temporarily suspended from speaking or acting on the MTLP's behalf and rules for succession shall apply.

## **ARTICLE VII Committees**

**Section 1. All Committees.** All committees are tasked with setting their own notifications, means, and procedures for meetings and carrying out their duties. All committees shall report actions and progress either in written or oral reports upon the request of the Chair or a majority of the Executive Board. Meetings shall be called by the Chair or by one-half of a committee's members. Each committee shall determine its own rules for meeting notices and platforms, including conducting business through an electronic communication platform and/or electronic mail.

**Section 2. Standing Committees.** The State Chair or Executive Board may form standing committees other than the Judicial Committee, and, as to each, may appoint members and an interim chair. Standing committees are defined as those bodies whose responsibilities are expected to be ongoing. One of the first priorities of any standing committees shall be to elect a chair. Only a majority of the Executive Board may abolish any committee or may replace any committee member or committee officer, whether elected or appointed.

**A. Judicial Committee.** The Judicial Committee is the judicial body of the MTLP and may be tasked by the State Central Committee or the Executive Board with examining, reviewing, taking testimony, holding hearings, and resolving or making recommendations for the following: member complaints; member disputes; ambiguities or conflicts within or between the Bylaws, other governing documents, procedures, or practices; disaffiliation of a County Affiliate; calls for censure or removal of an officer; and proposing amendments to the Bylaws or other governing documents. (See Article X.)

**Section 3. Ad Hoc Committees.** The State Chair or the Executive Board may form ad hoc committees, and to each appoint members and a chair. Ad hoc committees are defined as those bodies whose responsibilities are discrete and are expected to be less than one (1) year in duration. The State Chair may abolish any ad hoc committees or replace any ad hoc committee member(s) or officer(s), whether elected or appointed.

## **ARTICLE VIII Conventions**

**Section 1. Convention Types, Definitions, and Purposes.** State Conventions shall be of three types. A Delegate Convention shall be held in even numbered years for the purposes of: amending or adopting MTLP governing documents, the MTLP Platform; electing delegates and

alternates to the LP Convention, the LP Platform Committee, and the Libertarian National Committee; and selecting Presidential Electors. An Officers Convention shall be held every odd numbered year for the purposes of electing Executive Board officers and Judicial Committee members. A Special Convention may be held at any time to deal with unforeseen circumstances that warrant greater participation than a State Central Committee meeting.

## **Section 2: Rules for All Conventions.**

**A. Convention Procedures.** Conventions may be called by the Chair, a majority of the Executive Board, or a majority of the State Central Committee. The Chair shall preside. The Chair shall notify all MLTP members in writing, electronic or otherwise, no more than sixty (60) and at least ten (10) days in advance of a convention, excepting Special Conventions for which notice may be reduced to four (4) days.

**B. Attendance at Conventions.** All MTLP members may attend conventions.

**C. Convention Candidate Eligibility.** Any MTLP member is eligible to be nominated as a candidate for any position. Membership verification shall be by the official MTLP membership roster. Each candidate present at a convention shall give a verbal or written Statement of Willingness to Serve and affirmation or reaffirmation of the MTLP membership pledge. This includes MTLP committee appointments and delegates and alternates to any LP convention, board, or committee.

**D. Convention Election Judges.** At the opening of each convention, the presiding officer shall take nominations for and shall then appoint one or more election judges, who must not intend to run for any position being elected during the convention. If an election judge does decide to run for an elected position at that convention, the body will choose a replacement election judge.

**E. Convention Nomination Procedure.** When more than one position is to be elected, nominations shall be closed and election results reported before nominations are entertained for the next position to be elected. The order of elections shall proceed as follows: Chair, First Vice Chair, Second Vice Chair, Treasurer, Deputy Treasurer, Secretary, Deputy Secretary, and, finally, members of the Judicial Committee.

**F. Convention Ballots.** If ballots are printed, the names of all candidates must appear in alphabetical order by last name, and be of identical color, font type and size and formatting. At the discretion of the Chair and the election judge(s), voters may be asked to write their own ballots, which may include only the name or ranked names of their choices.

**G. Convention Voting.** Each voting member may cast only one vote, even if attending in multiple capacities. All votes for a person must be conducted by secret ballot, which must include NOTA (None of the Above) even if only one person is nominated for the position. Voting may proceed by ranked choice voting or by ballot round voting. In

elections for which there are multiple positions, the candidates receiving the most votes cast shall be elected with no additional balloting unless a tie-breaker vote is required. If a voice or hand vote is deemed appropriate, all credentialed voters must rise when voting unless all persons present are credentialed voters. Should NOTA receive a majority of the vote, nominees shall be kept on the ballot and nominations for that office shall be reopened. If NOTA receives the majority of votes on this subsequent balloting, the person currently holding an office or position shall remain in that office or position. A vacant position shall remain unfilled.

**H. Convention Election Determinations.** Ballots shall be submitted to the election judge(s), who shall determine when all ballots are submitted, declare balloting closed, retire to count the votes, and announce the results. Each candidate may designate one observer to witness all phases of the vote counting.

**I. Convention Through Electronic Platform.** If a convention is held on an electronic platform, Rules of Order shall be established that most closely align the available tools of the platform used with the intent of the provisions in this Article.

**J. Convention Proxies.** No proxy votes shall be allowed at any convention.

**K. Convention Certifications of Election.** The Chair and Secretary shall jointly issue and sign Certificates of Election and timely submit them, as required, to the LP, the Montana Secretary of State, and/or other government offices.

**Section 3. State Delegate Convention.** State Delegate Conventions shall be held every even numbered year at least thirty-five (35) days and not more than ninety (90) days before the LP Convention for the purpose of: amending or adopting the MTLP Platform; electing delegates and alternates to the LP Convention and, when applicable, to the LP Platform Committee, LP Bylaws Committee, and/or Libertarian National Committee; and selecting Presidential Electors.

**A. Location.** Efforts shall be made to hold State Delegate Conventions at a physical location reasonably accessible to MTLP members. Should the Central Committee deem it unnecessary or unreasonable to conduct business in a physical location, it may opt to hold such a convention through an electronic platform.

**B. Fees.** The Executive Board may set reasonable fees to attend.

**C. Order of Business.** The order of business shall be: call to order; roll call of credentialed voters; determination of quorum; nominations and appointments of election judge(s); convention business; adjournment.

**D. Credentials.** Prior to the Convention the Chair shall appoint a Credentials Committee composed of between one (1) and three (3) MTLP members, who will immediately

prior to the Convention, verify the credentials of all delegates and any alternates taking the place of a delegate and mark or designate such delegates in a manner that is obvious and appropriate for recognizing credentialed voters during the course of the Convention. The size of a recognized County Affiliate's delegation is allocated in the following manner:

- 1) Each recognized County Affiliate is entitled to four (4) delegates and three (3) alternate delegates.
- 2) In addition, each County Affiliate may select one (1) delegate for each full one percent (1%) of the sum of the votes cast for Libertarian candidates in all statewide partisan offices in that county divided by the votes cast for those offices statewide in the most recent election as reported by the Montana Secretary of State official canvases.
- 3) At the Chair's discretion, he or she may instruct the Credentialing Committee to seat all, some, or none of the allotted delegates for a county who is in the process of affiliation.
- 4) An unaffiliated county's delegate allotment will not be filled, credentialed, or seated.
- 5) The credentialing committee may recognize a number of at-large delegates equal to three hundred twenty-four (324) minus the sum of delegate allotments from all counties. MTLP members who do not reside within an affiliated county may apply to the Credentialing Committee to be seated as at-large delegates.

**E. Delegate Convention Business.** Delegate Conventions shall: elect delegates and alternates to the LP Convention, which shall also be presidential delegates in presidential election years; elect LP National Committee representatives; elect LP Platform and Bylaws committee representatives, if any, as specified by the LP; elect, during presidential election years, three Presidential Electors and three alternates; and vote on adoption of and/or amendments to the MTLP Platform.

**1) Platform Amendments.**

**a. Platform Committee.** At least six weeks prior to the State Delegate Convention, the Chair shall appoint the following people to a Platform Committee: all current State Central Committee members who have answered in the affirmative that they are willing to serve; MTLP members who currently hold national, statewide, or districtwide political office; current candidates for partisan elections who have been MTLP members for at least one year. The Chair shall further appoint a Platform Committee Interim Chair.

**b. Platform Committee Procedure.** The Platform Committee shall elect a chair and meet to create or recommend amendments to the MTLP Platform. Each committee member shall have only one vote and a proposed amendment to each plank requires a separate majority vote.

**c. Platform Committee Report.** The Platform Committee shall submit the recommended MTLP Platform, as proposed or as amended, to all MTLP members no less than one (1) week before a Delegate Convention.

The Platform Committee may also submit an explanatory report to all MTLP members within the same time frame. If 15 (15%) percent or more of the Platform Committee members disagree with a recommendation as to any plank(s), they may submit a joint minority opinion, which the Platform Committee shall likewise communicate to members.

**c. Other Amendment Origins.** Platform recommendations may be submitted by other MTLP bodies or by any credentialed delegate(s) at a Delegate Convention.

**d. Platform Amendments.** A two-thirds (2/3) majority of credentialed delegates at a State Delegate Convention must vote to approve any recommended Platform adoption or amendment(s). If recommended amendment(s) relate to multiple Platform planks, voting as to each plank shall occur individually and in consecutive order.

**Section 4. State Officers Conventions.** State Officers Conventions shall be held every odd numbered year for the following purposes: amending the Bylaws and/or other governing documents; and electing officers of the Executive Board and members of the Judicial Committee. Voting members are solely the State Central Committee members. Such Conventions may often be held through a digital platform. Other than the rules specified under Article VIII, Section 2, State Officer Conventions shall operate under the same rules as any meeting of the State Central Committee.

**A. Notice.** Bylaw amendments offered by the Judicial Committee, Executive Board, or State Central Committee shall be made available to all State Central Committee members no less than one (1) week prior to the Convention.

**B. Voting.** Amendments to the Bylaws as recommended by the Judicial Committee, the Executive Board, and/or members of the State Central Committee; and/or amendments or the creation of other governing documents must be passed by a two-thirds (2/3) vote of the State Central Committee.

**Section 5. Special Convention.** The Chair may call a Special Convention at any time to address unforeseen issues, lack of diligence in holding conventions as outlined above, to fill a candidate

vacancy, or for any other reason. Such Special Conventions may be held in a physical location or through an electronic platform that allows members reasonable access. Notice of such conventions may be reduced to four (4) days upon necessity and with cause. If the Chair fails to call a Special Convention in a timely manner, a majority of the Executive Board or a majority of the State Central Committee may call a Special Convention.

## **ARTICLE IX**

### **Candidate Vacancies**

**Section 1. Nominee Eligibility.** Nominees for any candidate vacancy must: be a MTLP member at the time of their presentation to the State Central Committee for consideration; meet the state requirements for the office they are seeking; and pay a nomination fee if required by the Executive Board.

**Section 2. Statewide Candidate Vacancies.** If a MTLP candidate for statewide partisan office withdraws or dies prior to the election primary and before the filing deadline or dies or is disqualified prior to the election primary and after the filing deadline, or if a MTLP candidate for statewide partisan office, excepting the candidacy for governor or lieutenant governor, dies, withdraws, or is disqualified after the primary election but before the general election, the State Central Committee may elect or appoint a person to replace that candidate. (MCA 13-10-327.)

**A. Selection Process.** The Chair shall notify all MTLP members of the vacancy, request self-nominations and nominations of other MTLP members, and call either a State Central Committee Meeting or Special Convention, time permitting. Notice requirements for any State Central Committee Meeting, Special Convention or Executive Board Meeting called to facilitate filling a vacancy may be shortened from the requirements of other provisions as necessary due to imposed time constraints.

**Section 3. Multi-County District Candidate Vacancies.** If an MTLP candidate for a partisan office in a district encompassing more than one county withdraws or dies prior to the election primary and before the filing deadline; or dies or is disqualified prior to the election primary and after the filing deadline; or dies, withdraws, or is disqualified after the primary election and before the general election, the Chair shall notify the county chairs in the counties in that multicounty district of their responsibility to form an Appointment Committee. (MCA 13-10-327) Each county may appoint its own county members of the Appointment Committee pursuant to its bylaws. Counties shall make efforts to appoint members based on a ratio of how many votes were cast in each county for the Libertarian candidate for governor in the last election as documented by the Secretary of State's Office or by a ratio of each counties' population included in that district.

**A. If not all or no county affiliates exists.** If county affiliates do not exist in all counties



within such a district, only Affiliated Counties may make appointments to the Appointments Committee. This shall not be interpreted to mean MTLP members in unaffiliated counties in the district may not serve on an Appointment Committee or be nominated to fill a candidate vacancy. MTLP State Central Committee election procedures shall apply unless the Appointment Committee alters them. If no county affiliates exist in the counties in a district, the State Central Committee may elect or appoint a MTLP member to fill the candidate vacancy per the requirements of “Statewide Candidate Vacancies” above.

**Section 4. County Candidate Vacancies.** If an MTLP candidate for a partisan office in a county withdraws or dies prior to the election primary and before the filing deadline; or dies or is disqualified prior to the election primary and after the filing deadline; or dies, withdraws, or is disqualified after the primary election but before the general election, the applicable County Central Committee shall appoint someone to replace that candidate pursuant to County Bylaws. MCA 13-10-327(c). If no affiliated county exists, the State Central Committee may elect or appoint a qualified MTLP member to fill the candidate vacancy per the requirements in Article IX, Section 2 of these Bylaws.

## **ARTICLE X**

### **Judicial Proceedings**

#### **Section 1. Definitions.**

**A. Judicial Proceeding.** The term “judicial proceeding(s)” shall include any proceedings regarding: ambiguities or conflicts within or between the MTLP Bylaws or other LP, MTLP, or County Affiliate governing documents, and/or state or federal laws or regulations; and any MTLP member complaint(s) that any Executive Board officer, committee member, or entity has violated or failed to adhere to any of the aforementioned documents, and/or the non-aggression principle. The Judicial Committee shall timely elect a Chair and Secretary and formulate policies for meeting calls, notifications, member communications, and deliberations.

**B. Judicial Committee.** The Judicial Committee is the procedural body of the MTLP. The Judicial Committee shall consist of the elected members of the Judicial Committee, or, in the event there is no active or functional elected Judicial Committee, shall consist of any committee or body appointed by the Executive Board or the State Central Committee for the purpose of carrying out one more judicial proceedings.

#### **Section 2. Judicial Committee.**

**A. Judicial Committee Composition and Election.** The Judicial Committee shall be comprised of up to nine (9) MTLP members elected at a State Officer's Convention to serve as the judicial body of the MTLP. Judicial Committee members should not also serve on the Executive Board. Judicial Committee members shall serve two-year terms and until the conclusion of the subsequent State Officer's Convention.

**B. Vacancy with Notice.** If a Judicial Committee member informs all other members in advance that he or she will be absent from multiple meetings or otherwise unable to adequately perform his or her responsibilities for a specified duration of time equal to or less than 90 days, that member may temporarily vacate the position and resume it at the specified later date. If the office of Judicial Committee Chair or Secretary is temporarily vacant, the Judicial Committee Chair may appoint a replacement, or the remaining members may elect interim officers.

**C. Vacancy Without Notice.** If a Judicial Committee member resigns, is removed from office, is absent from multiple Judicial Committee meetings, fails to maintain the qualifications of office, or is otherwise unable to adequately perform that member's responsibilities without notice to all other Judicial Committee members, for an unspecified duration of time, or for a specified duration of time to exceed ninety (90) days, that shall constitute resignation and that member's position shall be considered permanently vacated. In the event the Judicial Committee Chair or Secretary office is permanently vacated, the remaining members shall elect new officer(s) from among themselves. If the remaining Judicial Committee members or the Executive Board determines that additional Judicial Committee members are necessary to provide impartial judicial proceeding(s), the State Central Committee shall timely elect additional members at any State Central Committee meeting or convention. Otherwise, such vacancies shall be left unfilled until the next Officers Convention.

**D. Removal of a Judicial Committee Member.** A Judicial Committee member may be removed for cause following a written complaint to the State Central Committee via the State Chair or First Vice Chair by two or more MTLP members. Such Judicial Committee member shall be given notice and a full hearing by the State Central Committee or a body designated by the State Central Committee to review the complaint and recommend action. Failure to respond to this body's written request for information within thirty (30) days shall be considered to mean that the Judicial Committee member in question has vacated the position. The State Central Committee shall vote to either maintain, censure, or remove such Judicial Committee member by two-thirds (2/3) of those present at any duly convened State Central Committee meeting or convention. If a majority of the Judicial Committee determines that allowing the member in question to continue his or her duties during a complaint review process would impede or harm the MTLP, the member in question shall be temporarily suspended from participating in Judicial Committee proceedings.

### **Section 3. Judicial Procedure.**

**A. Notice of Complaint and Investigation.** Any MTLP member(s) may submit a written complaint to the Judicial Committee specifying the identity and violative action(s) of the accused. Within thirty (30) days of receiving the complaint, a majority of Judicial Committee members present at a duly convened meeting shall make a determination as to whether the accusations contained within the complaint would, if true, justify sanctions. If the Judicial Committee determines that sanctions would not be justified even if all alleged facts are true, the Committee shall provide timely written notice of that finding to the complainant(s) who submitted the complaint. If the Judicial Committee determines that sanctions may be justified, the Judicial Committee shall attempt to timely obtain any evidence required to make a recommendation and shall provide the accused written notice of the complaint, setting forth in detail the nature of the complaint and any supporting evidence gathered at that juncture. If the Judicial Committee fails to timely act as described above, the Executive Board or State Central Committee may form or task another body with the duty of judicial proceedings on the matter.

**B. Judicial Committee Investigation.** Within three (3) months of receiving a complaint, the Judicial Committee shall hold a hearing. The Judicial Committee shall provide both the complainant(s) and the accused at least two (2) weeks' notice of the hearing date, time, and location. Both the complainant(s) and the accused shall have the right to testify, call other witnesses to testify, and/or to provide evidence at the hearing. Prior to and at the hearing, the Judicial Committee may also choose to seek out and consider additional evidence and witness testimony. The Judicial Committee Secretary shall take notes documenting all evidence submitted at or prior to the hearing.

**C. Judicial Committee Recommendations.** Upon a simple majority vote of the Judicial Committee members present at any duly convened meeting, the committee shall come to an agreement on a recommendation. The Judicial Committee shall subsequently make a written recommendation to the State Central Committee, which shall be provided to the complainant(s), the accused, and the State Central Committee via the Executive Board, along with the Judicial Committee Secretary's notes relating to the Judicial Committee Hearing and any related documentation or evidence. Pending the State Central Committee's final determination, all interested parties must abide by the Judicial Committee's recommendation. If the Judicial Committee fails to provide a recommendation within four (4) months of the complaint, the State Central Committee or the Executive Board may form or task another body with the duty of judicial proceedings on the matter.

**D. Sanctions.** The Judicial Committee may recommend the following sanctions: disaffiliating a County Affiliate; requiring the accused to write an apology to any

wronged party and/or to any or all MTLP members(s); requiring the accused to pay a monetary fine to any wronged party and/or to the MTLP; requiring the accused to take action(s) to ameliorate by reasonable means the violative action; and/or revoking a member's office or committee position.

**D. Final Determination.** Within six (6) months of receiving the Judicial Committee's recommendation, the State Central Committee may, by a two-thirds (2/3) vote of disinterested parties, impose sanctions on the accused. The State Central Committee may choose to hold a hearing or consider additional evidence. The State Central Committee's imposed sanctions may differ from those recommended by the Judicial Committee. Following the State Central Committee's final determination, there is no appellate process unless otherwise provided by the LP. Failure to abide by the final determination is grounds for further sanction(s).

## **ARTICLE XI**

### **Parliamentary Authority**

Robert's Rules of Order (latest edition) shall be the parliamentary authority for the MTLP for matters of procedure not specifically covered by these Bylaws.

## **ARTICLE XII**

### **Amendment of Bylaws**

**Section 1. Amendments to Bylaws.** Bylaws and other governing documents may be amended or repealed only upon a two-thirds (2/3) vote of the State Central Committee present at any duly convened State Central Committee meeting or convention.