

# LIBERTARIAN PARTY OF NEW MEXICO

## Constitution and Bylaws

Last amended, June 2004

### ARTICLE I

#### NAME, PRINCIPLES, PURPOSE, and EMBLEM

##### 1.1 NAME

(a) The Libertarian Party organization in the State of New Mexico shall be The Libertarian Party of New Mexico and may be referred to in this constitution and other official documents as LPNM.

(b) The name of LPNM organizations within each political subdivision or campus shall be The Libertarian Party of \_\_\_\_\_ with the appropriate designation of the county or other appropriate political subdivision, or \_\_\_\_\_ College Libertarian Club.

##### 1.2 PRINCIPLES

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

We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose. Governments throughout history have regularly operated on the opposite principle that the state has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.

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

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

##### 1.3 PURPOSE

The purpose of LPNM shall be to move society and public policy toward the ideals embodied in the Statement of Principles by nominating, supporting, and electing candidates for public office; by lobbying officials and governmental bodies; by engaging in educational and informational activities; by general advocacy, and by other means deemed appropriate by LPNM.

##### 1.4 EMBLEM

The emblem of LPNM and of constituent organizations political subdivisions shall be the Statue of Liberty.

##### 1.5 USE OF NAME AND EMBLEM

(a) The names "Libertarian Party" and "College Libertarians" shall not be used by any person, group, or convention except in strict conformance with this constitution and the laws of the State of New Mexico.

(b) The LPNM Central Committee is empowered to initiate legal action on behalf of LPNM upon determination that any individual, slate of candidates, group, or convention is using the name or emblem of LPNM in any manner not consistent with this constitution or the laws of the State of New Mexico.

## **ARTICLE II MEMBERSHIP**

### **2.1 CATEGORIES AND DEFINITIONS OF MEMBERS**

- (a) **AFFILIATE MEMBER.** An affiliate member is any registered voter within the State of New Mexico who has indicated "Libertarian" as his or her party affiliation on the affidavit of voter registration.
- (b) **CAUCUS MEMBER.** A caucus member is any person who has indicated "Libertarian" as his or her party affiliation on the New Mexico affidavit of voter registration, and certified in writing that he or she opposes the initiation of force; and paid such annual membership dues as required by LPNM.
- (c) **WAIVER OF VOTER REGISTRATION REQUIREMENT.** The Central Committee is empowered to waive the voter registration requirement for any individual who is otherwise qualified as a caucus member but not legally qualified to vote, and who requests such a waiver in writing. However, under no circumstances shall any person who is registered in another party or who has indicated "no party" on the affidavit of voter registration be recognized as a caucus member.
- (d) **SUBSCRIBING MEMBER.** A subscribing member is any person who has paid dues to LPNM or the national Libertarian Party.

### **2.2 MEMBERSHIP BENEFITS AND RESTRICTIONS**

- (a) Only caucus members shall serve as delegates to state conventions of LPNM. Any caucus member in good standing is automatically a state convention delegate.
- (b) Only caucus members in good standing shall serve on the LPNM Central Committee or the LPNM Judicial Council.
- (c) Only caucus members shall serve as county chairs. However, the respective county conventions may determine that affiliate members shall be eligible for other county-level party office.
- (d) Caucus members shall receive the state newsletter and other such publications and benefits as determined by the Central Committee.
- (e) Only caucus members shall be nominated for public office at pre-primary nominating conventions. However, upon determination by a court of competent jurisdiction that this requirement is in violation of the New Mexico Election Code, this paragraph shall stand removed.
- (f) Subscribing members shall receive the state newsletter and benefits of the Unified Membership Program with the national Libertarian Party but no other benefits.

### **2.3 MEMBERSHIP DUES FOR CAUCUS MEMBERS**

- (a) Annual membership dues for caucus members may be fixed at any state convention by a two-thirds vote of the delegates present and voting. When a convention does not fix dues, the amount in effect during the previous year shall continue.
- (b) The membership period of caucus members shall be 12 consecutive months, and shall commence on the first day of the month during which dues are received by the Treasurer.

## **ARTICLE III ORGANIZATION AND ADMINISTRATION**

### **3.1 EXECUTIVE COMMITTEE**

(a) **COMPOSITION.** The Executive Committee shall be composed of the executive officers of LPNM: Chair, Vice Chair, Secretary, and Treasurer. A quorum of the Executive Committee shall consist of a majority of the committee.

(b) **POWERS.** The LPNM Executive Committee is empowered to:

1. Call special conventions to nominate candidates for special elections or for other urgent purposes and to set the date, time, and place for such conventions;
2. Authorize and call teleconference meetings of the Central Committee or poll by mail the members of the Central Committee when there exists business of an emergency or urgent nature that can not wait until the next regular meeting of the Central committee;
3. Initiate disciplinary proceedings as provided for in this constitution; and
4. Perform such other duties as may be delegated by the Central Committee or State Convention.

(c) **VACANCIES.** When the office of Chair becomes vacant, the Vice Chair shall automatically become Chair. When other executive offices become vacant, such vacancy shall be filled by appointment of the Chair with the advice and consent of the Central Committee.

### **3.2 CENTRAL COMMITTEE**

(a) **COMPOSITION.** The Central Committee shall be composed of the Executive Committee; two at-large representatives elected at state conventions in odd-numbered years; and two representatives from each congressional district elected by the delegates from each respective congressional district in caucus at state conventions in odd-numbered years.

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

(c) **MEETINGS.** The Central Committee shall meet a minimum of four times each year. Meetings may be fixed by action of the Committee or call of the Chair. The Secretary shall notify each member of the Central Committee of the date, time and place of meetings, in writing, at least thirty days prior to the meeting except as otherwise provided in Section 3.1(b)2. Meetings shall be conducted according to Robert's Rules of Order except as otherwise provided in this constitution or in the LPNM bylaws.

(d) **QUORUMS.** When thirty-days written notice has been properly executed, a quorum of the Central Committee shall consist of at least one executive officer and four other members. Otherwise, a quorum shall consist of at least one executive officer and eight other members. Any member who misses two consecutive meetings, or any three meetings during his or her term of office is automatically removed from the Committee.

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

(f) **VOTES BY ELECTRONIC MAIL OR TELEPHONE.** From time to time, an issue of emergency nature may require vote by electronic mail and/or telephone by the Central Committee. Such a vote can be initiated by one-third of all current Central Committee members submitting a request to the State Chair, or the State Chair, and the vote shall be carried out by the State Chair after it is requested. All efforts should be made to assure maximum Central Committee member participation and debate on the issue being voted on. Additionally, the standard for passage of any proposal voted on by this method shall be a majority of all current Central Committee members voting in favor. If all current Central Committee members participate and the vote is tied, the State Chair may break the tie by voting.

### 3.3 JUDICIAL COUNCIL

(a) **COMPOSITION.** The Judicial Council shall consist of nine Caucus members, appointed by the State Chair, with the advice and consent of the Central Committee, who shall each serve three year terms. It is strongly encouraged that former State Chairs, and other former executive officers, be appointed to these positions. No member may serve on the Judicial Council while also serving as a member of the Central Committee. The nine members shall serve staggered terms such that three positions on the Judicial Council are open each January. For transitional purposes, the first three members appointed and confirmed to the Judicial Council shall have their terms expire in January of 2000, the second three members terms expire in January of 2001, and the last three members terms expire in January of 2002.

(b) **CHIEF JUSTICE.** Chosen at each state convention by the nine members of the Judicial Council, the Chief Justice shall be the presiding member of the Judicial Council. The Chief Justice shall conduct hearings of the Council and shall serve as Parliamentarian at state conventions. It is the solemn duty of the Parliamentarian to become thoroughly familiar with this constitution and Robert's Rules of Order so as to render decisions based on the rule of law.

(c) **HEARINGS.** The Judicial Council shall conduct hearings for the purposes enumerated in (d) below. Hearings may be called by:

1. Request of the Chair, except for impeachment;
2. Majority vote of the Executive Committee, except for impeachment;
3. Two-thirds vote of the Central Committee, or any of the County Central Committees;
4. Majority vote of the delegates voting at a state convention; or
5. Submission of a Statement of Grievance by any caucus member in good standing and endorsed by six other caucus members, except for impeachment.

Once a hearing is called, the Chief Justice shall set the date, time, and place of such hearing and shall cause all other Council members and litigants to receive at least two weeks written notice of the particulars of the hearing. No member of the Council shall vote on any matter in which he or she is a litigant. Hearings shall be conducted according to Robert's Rules of Order. A quorum of five member may render a decision. Either party participating in the hearing may appeal this decision to a second hearing before the next regular state convention. The decision rendered by a two thirds vote of the state convention shall be final.

(d) **POWERS.** The Executive Committee, the Central Committee, and the County Central Committees may censure any caucus member or any affiliate member, but all other disciplinary actions are the purview of the Judicial Council. The Council is empowered to:

1. Remove from office, for just cause, any officer or Central Committee member who has been impeached by a two-thirds vote of the Central Committee or majority vote of any state convention;
2. Suspend, for just cause, the caucus membership of any caucus member until the next state convention. The state convention may, by majority vote, reinstate the caucus membership of any person so suspended. Such suspensions shall remain in effect if the state convention fails to reinstate the suspended member;
3. Settle disputes arising from interpretation of this constitution or acts of the Central Committee; and
4. Suspend, until the next state convention, any section of this constitution found to be in violation of state or federal law.

### 3.4 COUNTY AFFILIATES OF LPNM

(a) RECOGNITION. The Libertarian Party of any county shall be recognized when:

1. A caucus member, who has been appointed by the State Chair, has assumed the office of County Chair;
2. A County Central Committee of the County Chair and at least two additional members has been seated;
3. A constitution, consistent with this constitution and the laws of New Mexico and the United States of America, has been filed with the County Clerk of the respective county; and
4. The Chair of LPNM has been notified in writing that the above requirements have been met.

In counties where there is no Libertarian Party organization, the Chair of LPNM is empowered to appoint, in writing, a caucus member as County Chair. The County Chair is then empowered to appoint two additional members to the County Central Committee, and the County Central Committee is then empowered to adopt a constitution. Within one year of the appointment of the County Chair, the County Libertarian Party shall hold a convention and the county convention shall properly elect officers and ratify the county constitution. If the County Libertarian Party fails to meet the requirements of recognition enumerated above, or fails to hold a county convention within one year of the appointment of the County Chair, the County Chair shall stand removed and the Chair of LPNM is empowered to appoint a new County Chair.

(b) ADMINISTRATION. Once a County Libertarian Party is recognized, it shall be administered by the County Central Committee in a manner identical to the administration of the Libertarian Party of New Mexico except that the County Libertarian Party is empowered to determine: the size of its Central Committee, except that it will have a minimum of three members; the number and qualifications of executive officers, except that the County Chair must be a caucus member. County Libertarian Parties shall not have their own Judicial Council: the LPNM Judicial Council shall serve as the judiciary body of the County Libertarian Parties as well as the Libertarian Party of New Mexico.

(c) CONSISTENCY OF COUNTY ACTIONS. No County Libertarian Party shall take any position or action which is inconsistent with the constitution, principles, or purposes of the Libertarian Party of New Mexico.

## **ARTICLE IV OFFICERS**

### **4.1 ENUMERATION AND DUTIES OF EXECUTIVE OFFICERS**

(a) **ENUMERATION** The executive officers of LPNM shall be the Chair, Vice Chair, Secretary, and Treasurer.

(b) **DUTIES.** Any executive officer who fails to execute his or her duties may be impeached and removed as provided in this constitution. The duties of executive officers are:

1. **CHAIR.** The Chair shall serve as the chief administrative officer of LPNM; preside over meetings of the Executive Committee and Central Committee, preside over state conventions, serve as spokesperson for LPNM, and perform such other duties and functions as specified in this constitution or as delegated by the Central Committee.

2. **VICE CHAIR.** The Vice Chair shall assist the Chair, assume the duties of the Chair when the Chair is unable to perform such duties, and perform such other duties and functions as delegated by the Chair, the Executive Committee or the Central Committee.

3. **SECRETARY.** The Secretary shall keep minutes of Executive Committee and Central Committee meetings, keep minutes of state conventions; initiate such correspondence as directed by the Chair, the Executive Committee, or the Central Committee, and manage all records of LPNM except financial records.

4. **TREASURER.** The Treasurer shall receive monies paid to LPNM, keep and disperse LPNM funds as directed by the Central Committee, keep the financial records of LPNM, make financial reports to the Central Committee, and manage the property of LPNM.

### **4.2 ELECTION AND TERMS OF EXECUTIVE OFFICERS**

Executive officers shall be elected by a majority vote of the delegates voting at the first state convention following a regular congressional election. If more than two candidates seek an office and no candidate obtains a majority of the votes, the lowest vote-getter shall be eliminated and Caucus members shall vote again choosing among the remaining candidates. This shall be repeated until a candidate wins a majority of the votes, or if there are two candidates remaining, the highest vote-getter between the two shall be elected. If only two candidates seek an office, the highest vote-getter between the two shall be considered elected. The term of an elected executive officer shall be two years, and no members may serve more than two consecutive terms in a particular executive office. Vacancies of executive office shall be filled in accordance with Section 3.1(c) of this constitution.

### **4.3 CABINET OFFICERS**

The Chair is empowered to appoint, with the advice and consent of the Central Committee, caucus members to positions such as Legislative Liaison, Publications Editor, Project(s) Coordinator(s), or other such cabinet office as deemed appropriate by the Chair. Cabinet officers serve at the pleasure of the Chair and may be removed or replaced at will, or by a majority vote of the Central Committee.

## **ARTICLE V CONVENTIONS AND CANDIDATES**

### **5.1 CONVENTION DATES**

(a) **WHEN LPNM IS A MAJOR PARTY.** In election cycles when LPNM is qualified as a major party, LPNM shall hold annual conventions during the last weekend in March in even years and as determined by the Central Committee in odd years. Any candidate seeking the Libertarian nomination for public office in the General Election who receives a majority of the votes at the March convention shall be considered endorsed by the party.

(b) **WHEN LPNM IS A MINOR PARTY.** In election cycles when LPNM is qualified as a minor party, annual conventions shall be held as determined by the Central Committee.

### **5.2 NOTICE**

The Secretary shall notify each caucus member, by mail, of the dates, time, and place of state conventions; and shall cause to be published in newspapers of general circulation notice of state conventions at least twenty one days prior to the date of the convention.

### **5.3 BUSINESS OF THE CONVENTION**

Each annual state convention shall include a business meeting. Caucus members in good standing shall be automatic delegates to state convention business meetings and no fee shall be charged to delegates for attending the business meeting portion of state conventions. The Chair of LPNM, or the designee thereof, is empowered to verify the credentials of any delegates. Business meetings shall be conducted according to Robert's Rules of Order except as otherwise provided by this constitution and LPNM bylaws.

### **5.4 NOMINATION OF CANDIDATES**

(a) **WHEN LPNM IS A MAJOR PARTY.** In election cycles when LPNM is qualified as a major party, nominations of candidates for public office, presidential electors, and delegates to the national convention of the Libertarian Party shall be made in accordance with the New Mexico Election Code and Primary Law. The New Mexico Election Code and Primary Law is hereby incorporated into this section.

(b) **WHEN LPNM IS A MINOR PARTY.** In election cycles when LPNM is qualified as a minor party, nominations of candidates for federal office, statewide office, and offices elected from multi-county districts shall be made by majority vote of the delegates voting at annual conventions, except for special elections in odd-numbered years. Nominations of candidates for offices selected from multi-county districts shall be made by delegates from the counties comprising such districts, in caucus at the state convention. Election of presidential electors and delegates to the national convention shall be by majority vote in even numbered years. If a potential candidate wishes to be nominated more than 12 months but not more than 24 months prior to an event, (election or National LP Convention), he or she must receive the votes of not less than 2/3 of the delegates present and voting. The vote shall be by secret paper ballot.

(c) **COUNTY OFFICE.** Nominations of candidates for county office shall be made at the respective county conventions. Organized counties may caucus at the state convention for the purpose of nominating candidates if the county affiliate has not had a convention at the time of the state convention, or to nominate additional candidates if the county affiliate has held a convention, provided that the County Chair is in attendance. Three or more caucus members from any unorganized counties may caucus at the state convention for the purpose of nominating candidates, and the State Chair will certify such candidates in lieu of a county chair.

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

## **ARTICLE VI PLATFORMS AND POSITIONS**

### **6.1 PLATFORMS**

(a) LPNM PLATFORM. The Platform of the national Libertarian Party is the Platform of LPNM, except that LPNM may, at any state convention, delete any plank by a two-thirds vote of the delegates voting, or add any plank consistent with the Statement of Principles, by a two-thirds vote.

(b) CANDIDATE PLATFORMS. Candidates for public office may run on their own platforms. However, the Central Committee may disavow any plank that is contrary to the Statement of Principles or LPNM Platform.

(c) RESOLUTIONS OF POSITION. The Central Committee is empowered to issue resolutions expressing party positions on various issues throughout the year. However, any caucus member may challenge any such resolution that he or she believes to be inconsistent with the Statement of Principles or LPNM Platform by filing a Statement of Grievance with the Judicial Council in accordance with the provisions of Section 3.3(c)5.

## **ARTICLE VII AMENDMENTS AND BYLAWS**

The Statement of Principles may be amended by a nine-tenths vote of the delegates voting at any state convention. This constitution may otherwise be amended by a two-thirds vote of the delegates voting at any state convention. The Judicial Council is empowered to remove any section of this constitution found to be in violation of federal or state law. Bylaws may be added or deleted by a two-thirds vote of the delegates voting at any state convention. The Secretary is empowered to renumber bylaws as bylaws are added or deleted within two days of a state convention.

### **LPNM BYLAWS**

#### **Bylaw #1**

Annual dues for caucus members are fixed at twenty-five dollars (\$25) per year and shall include joint membership in the national Libertarian Party. LPNM also recognizes life memberships. In the event the Libertarian National Committee raises dues, the Chairman shall call a special convention to review LPNM's participation in the Unified Membership Program.

#### **Bylaw #2**

Election of Central Committee members representing congressional districts. For election purposes, the two positions representing each congressional district shall be designated A and B.

#### **Bylaw #3**

Any Central Committee member may designate, in writing, a caucus member to serve as proxy if he or she must miss a Central Committee meeting and that proxy counts toward quorum. However, the proxy vote will not count as attendance for purposes of retention or removal of the member.

#### **Bylaw #4**

College Libertarian Clubs may be recognized as affiliates of LPNM under the same rules and conditions as county affiliates. The Chair is empowered to implement guidelines for the administration of College Libertarian Clubs.

#### **Bylaw #5**

If the boundaries of the congressional districts are changed, Central Committee representatives shall serve the remainder of their terms; and for the purpose of electing Central Committee representatives, the changes shall be recognized by LPNM at the next convention in an odd numbered year following the changes.

#### **Bylaw #6**

Operation Win One, hereafter OWO, is intended to give a viable LPNM candidate overwhelming resources in a winnable partisan election, and is established as a permanent fund to be administered by the Executive Committee. Monies in the OWO account shall be used for no purpose other than described herein. No award shall be made of less than \$5,000, and only if the selected candidate has in the campaign treasury an equal amount. No award will be made unless the candidate submits a detailed campaign plan with clear and compelling argument, supported by evidence such as demographic and/or polling data, that the candidate is truly viable and will likely win. Unanimous consent of the Executive Committee is required for an OWO award.