

Comparison of New Judicial Committee Procedures

Purpose and Scope:

The Purpose of this Document is to compare the Judicial Committee Rules of Appellate Procedure proposed for the 2026-2030 term with those of the 2022-2026 term. This review does not consider the rules for Judicial Committee Terms prior to 2022.

Executive Summary:

The new rules create two new sections which did not previously exist. In part, these changes create additional requirements for petitioners and gives the Judicial Committee power to not hold hearings on petitions. These rules will put additional burdens on members submitting petitions and prevents non-sustaining members from submitting amicus briefs, which negatively impacts members' rights.

Mark Up of New Judicial Committee Procedures

1. Definitions

- 1.1. "Committee" means the Judicial Committee of the Libertarian Party.
- 1.2. "Party" means the national Libertarian Party.
- 1.3. "LNC" means the Libertarian National Committee, Inc, the governing body of the Party between conventions.
- 1.4. "Bylaws" means the Bylaws of the Libertarian Party.
- 1.5. "Sustaining member" has the meaning given in the Bylaws.
- 1.6. "Convention delegate" is a person who was credentialed as a delegate at the most recent regular convention of the Party. (Bylaws Article 7 Section 12)
- 1.7. "Submission" means any petition, response, amicus brief, or supporting material filed with the Committee.
- 1.8. "Personally Identifiable Information" means information that can be used to identify a specific individual, such as a home address, telephone number, or government-issued identification number.
- 1.9. "Petition" is a [written request for a ruling on a matter identified in the Party's Bylaws as being within the Committee's jurisdiction](#), which meets the requirements provided in these rules.

2. General Procedures

- 2.1. The requirements of this Section apply to every submission made to the Committee, whether by a petitioner, a respondent, or a filer of an amicus brief.
- 2.2. [All petitions, responses, and amicus briefs shall be in text-searchable Word, ODF, txt, rtf, or PDF format only.](#) Imagery submitted in support of a petition, response, or amicus brief should be submitted in a PDF document of reasonable quality.
- 2.3. Petitions, responses, amici, supporting materials, and notifications required to be provided in writing in connection with any proceeding may be delivered personally at convention, and at all times by electronic mail. All submissions shall also be timely and shall be made within the time allowed for them under these Rules. Submissions must be received prior to the hearing to be considered as part of the case, except by leave of the Committee.
- 2.4. Where a submission must be signed or is supported by the signatures of members, the party making the submission shall supply evidence that each signer is entitled to sign or otherwise submit it; and, where these Rules or the Bylaws require the signatures of a particular number of a given classification of members, shall demonstrate that the submission carries the requisite number. The burden of establishing that a signer is entitled rests on the party making the submission, which

shall obtain the necessary proof from each signer; any signature for which entitlement is not established shall not be counted toward the requisite total.

2.5. When a petition is submitted on behalf of an organization, the organization shall be required to provide evidence (e.g., meeting minutes, bylaws, etc.) that the petition was submitted in compliance with its governing documents, and not in conflict with the Bylaws, as part of the filing.

2.6. Upon the request of a petitioner, the Committee may order that all or any part of the proceedings be conducted in executive session in order to protect the privacy of an individual. The request may be made before or during the hearing. To the extent the Committee grants the request, the openness otherwise required by Sections 8.3 and 8.5 shall not apply to the closed portion of the proceedings.

2.7. Upon the request of the Libertarian National Committee, the Committee may order that all or any part of the proceedings be conducted in executive session where the Committee finds it reasonably necessary to protect the Party from legal liability. In ruling on such a request, the Committee shall weigh the asserted risk against the presumption of openness in these Rules.

2.8. The Committee may, by a vote of five or more members and without reaching the merits, reject, refuse to publish, exclude, or strike any written or verbal content, in whole or in part, if the content:

- (a) is outside the Committee's jurisdiction;
- (b) is slanderous, libelous, or otherwise defamatory;
- (c) is clearly false in its material factual assertions;
- (d) is frivolous or dilatory, or is filed primarily to delay or harass;
- (e) contains language not suitable for a public proceeding, including profane, obscene, or sexually explicit material;
- (f) involves conduct or a manner of decorum that would generally not be permitted in a judicial proceeding;
- (g) seeks a ruling on a matter the Committee has already decided or that is already pending before it;
- (h) concerns a matter that is the subject of pending or active external legal action involving the Party;
- (i) contains Personally Identifiable Information, unless provided by the affected individual(s) submitting the document to the Committee; or
- (j) fails to comply with the requirements of these Rules and the Bylaws, including the format, signature, and requirements of Sections 2.2, 2.4, and 2.5.

For any petition brought forth outside of the National Convention that does not require a Bylaws-mandated hearing, if the initial submission is sufficiently egregious in terms of the above deficiencies, the Committee, by a vote of five or more

members, may reject the entire petition. The Committee shall state the ground(s) for any rejection in writing.

2.9. Where the Committee develops an online system to manage the documentation of the process, it may require all petitions, signatures, responses, supporting evidence, amicus briefs, and/or any other documents to be submitted using that system.

3. Commencement of action; petition

3.1. The Judicial Committee shall act only when its Chair receives ~~a written request for a ruling on a matter identified in the Party's Bylaws as being within the Committee's jurisdiction ("petition")~~.

~~1.2. All petitions and responses shall be in text-searchable in Word, ODF, txt, rtf, or PDF format only.~~

3.2. Such petition(s) shall identify:

3.2.1. the basis for the subject matter jurisdiction of the Committee;

3.2.2. the ruling requested;

3.2.3. the verifiable identity of each **Sustaining member, qualified convention delegate**, affiliate, or Party committee petitioning for the requested ruling ("petitioner(s)"); and

3.2.4. the identity by individual name of each **Sustaining member, qualified convention delegate**, affiliate, or Party committee that would be directly affected by the requested ruling.

3.3. Any such member, affiliate, or committee directly named in a petition, together with any other person member, affiliate, or committee identified by the Judicial Committee members as likely to be so affected, shall be considered a prospective "respondent."

3.4. Petition(s) should be supported by such written and other necessary evidence to support the grant of the ruling requested.

4. Committee procedure during National Convention

4.1. If the Committee is called into action during a National Convention, the Chair shall convene the Committee as soon as is reasonably practicable.

4.2. ~~Upon request of either petitioner(s) or respondent(s), and/or~~ at the Committee's direction, the Committee may hear arguments from petitioner(s) and respondent(s) in person.

5. Committee standard procedure

5.1. When any petition, response, amicus brief, or supporting material is received at any time other than during a National Convention, the Chair shall promptly forward such document or material to the other Committee members by electronic mail.

Committee members shall acknowledge receipt of petitions. ~~The complete list of such~~ All documents and material received by the Judicial Committee, including a list

of signers, related to a petition (unless redacted under the provisions of sections 2.8 or 7.3) shall be posted and publicly available online.

6. Respondent procedure

6.1. Within seven days following receipt of such petition(s) (or promptly, if the request is received during a National Convention), the Committee Chair shall provide a copy of the petition(s) and any supporting material to each prospective respondent, along with notice that any desired responses are due in writing within seven days (or promptly, if the request is received during a National Convention) (“response”).

7. Privileges of interested parties

7.1. **Sustaining** Members may file amicus briefs in support of the petitioners or respondents.

7.2. Copies of petitions, ~~and~~ responses, and amici shall be made available electronically to any sustaining member upon request.

~~5.3. The Committee may by a majority vote redact portions of the petition(s) and response(s) and amici so made available, to protect personally identifiable and other sensitive information.~~

~~**6. Committee pre-hearing procedure**~~

~~6.1. When petitions and responses and amici are received at any time other than during a National Convention, the Committee members shall review all material they are sent within seven days of receiving it, and each member shall advise the Chair as soon as he or she has done so.~~

8. Hearing

8.1. After the time allowed for responses has passed, and the Chair has been advised by at least ~~two~~ **three** other Committee members that they have reviewed the petition(s) and response(s) provided, he or she shall set a time for a hearing and notify the Committee in writing of such time.

8.2. Unless all of the Committee members request a physical gathering, the hearing shall take place by telephone conference or videoconference.

8.3. Any hearing shall be open to sustaining members, who may observe (but not participate in) the proceedings; **except as otherwise outlined in these Rules.**

8.4. The Committee may by a 2/3 vote deliberate in open session once the hearing concludes; otherwise, deliberations shall be in executive session.

8.5. All oral arguments shall be in open session; **except as otherwise outlined in these Rules.**

~~7.6. All decisions shall be both published and made publicly available.~~

8.6. The Committee may in its discretion offer to the petitioner(s) and respondent(s) an equal opportunity to make their arguments orally via a telephone conference, videoconference, or physical meeting, under such rules as the Committee shall

specify.

8.7. Committee members who are unable to participate in the hearing shall retain the right to vote. All votes must be received by the Chair no later than 10 calendar days after the hearing.

9. Publication of decision

9.1. When the Committee reaches a decision, the Chair shall notify the petitioner(s), respondent(s), the National Chair, and the National Secretary.

9.2. Preliminary notification may be made orally, either in person or by telephone; official notification shall be made in writing, as soon as all participating Committee members have voted on the matter in question, or 10 calendar days after the hearing if all members have not voted.

9.3. All decisions shall be both published and made publicly available.

9. Delivery of documents

~~9.1. Petitions, responses, amici, supporting materials, and notifications required to be provided in writing in connection with any proceeding may be delivered personally, or by United States mail, private delivery service, or electronic mail. All such materials must be received prior to the hearing to be considered as part of the case.~~