

5) Executive Sessions

The LNC or any committee may enter into Executive Session only in compliance with this special rule of order.ⁱⁱ

The motion to enter Executive Session must list all reasons for doing so from among the following.ⁱⁱⁱ

- Personnel matters
- Contractual negotiations
- Pending or potential litigation
- Political strategy requiring confidentiality

A majority of the committee members voting is required for passage.

No action can be taken while in Executive Session.^{iv} Discussion of action which may be taken in Open Session can occur.^v

No recording shall be made or minutes taken except for the topics of political strategy or contractual negotiations; however, such recordings and minutes shall only be made available to members of the LNC until such time as the LNC—by a two-thirds (2/3) vote—incorporates such recordings and minutes into its public records. Nothing in this section shall require the LNC to ever make these records public.

Recordings shall be made and minutes shall be taken on any other topic. Immediately upon return to Open Session, the LNC may by a majority vote order its destruction or—by a two-thirds (2/3) vote—incorporate such recordings and minutes into its public records. Nothing in this section shall require the LNC to ever make these records public.^{vi}

Any member who is unwilling to commit to maintaining confidentiality regarding any particular Executive Session is obligated to excuse themselves from the entire Executive Session and to request that the Secretary note their absence from the Executive Session in the minutes of the meeting.^{vii}

A participant in an Executive Session may publicly disclose information discussed in Executive Session, if the same information is publicly available from other sources, not as the result of a participant's misconduct, and the participant does not reveal that it was discussed in Executive Session;^{viii} or the LNC, and all the participants in the Executive Session,^{ix} first consent to its release.

5) Confidential Discussions on Email Lists

Any emails involving the entire LNC and concerning the business of the Party must take place on the public discussion list with the exception of those categories listed in the Rule concerning executive sessions in meetings. These emails shall only be made public upon a two-thirds (2/3) vote of the LNC. The same rules of confidentiality that apply to executive

sessions in meetings also apply to such confidential email communications. The Secretary shall make a note of the beginning and ending date(s) and the subject matter(s) of any such confidential emails in their next report.

ⁱ RONR (12th ed.) 9:27 states “A member can be punished under disciplinary procedures if he violates the secrecy of an executive session. Anyone else permitted to be present is honor-bound not to divulge anything that occurred.”

ⁱⁱ In the absence of this rule, the LNC could enter executive session for any reason with only a majority vote, and there would be no such content requirements for the motion to enter executive session. RONR (12th ed.) 9:24 states that “a motion to go into executive session is a question of privilege, and therefore is adopted by a majority vote.”

ⁱⁱⁱ This section was amended effective July 19, 2020 to comply with an amendment to the Party bylaws stating: “The LNC and all of its committees shall conduct all votes and actions in open session; executive session may only be used for discussion of personnel matters, contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality.”

^{iv} In the absence of this rule, action can be taken in executive session. RONR (12th ed.) 9:27 states, “the minutes, or record of proceedings, of an executive session must be read and acted upon only in executive session, unless that which would be reported in the minutes – that is, the action taken, as distinct from that which was said in debate – was not secret, or secrecy has been lifted by the assembly.”

^v In the absence of this rule, a motion would be required before allowing debate. RONR (12th ed.) 9:27 “Unless the assembly has specifically authorized that a particular subject be discussed while no motion is pending, however, such a discussion can be entered into only at the sufferance of the chair or until a point of order is made...”

^{vi} In the absence of this rule, this action of making public these minutes would be made in executive session. RONR on p. 96 states, “the minutes, or record of proceedings, of an executive session must be read and acted upon only in executive session, unless that which would be reported in the minutes—that is, the action taken, as distinct from that which was said in debate—was not secret, or secrecy has been lifted by the assembly.”

In addition, under RONR, lifting secrecy is a regular motion requiring only a majority vote, so any requirement for a two-thirds (2/3) vote is more burdensome.

^{vii} In the absence of this rule, the minutes would not reflect who was absent from an Executive Session. See RONR (12th ed.) Section 48 for the contents of minutes.

^{viii} In the absence of this rule, this information may not violate the secrecy of Executive Session. RONR (12th ed.) 9:27 states “A member can be punished under disciplinary procedures if he violates the secrecy of an executive session. Anyone else permitted to be present is honor-bound not to divulge anything that occurred.”

^{ix} In the absence of this rule, lifting secrecy would require only the consent of the LNC. RONR (12th ed.) 9:27 states, “the minutes, or record of proceedings, of an executive session must be read and acted upon only in executive session, unless that which would be reported in the minutes—that is, the action taken, as distinct from that which was said in debate—was not secret, or secrecy has been lifted by the assembly.”