

Pirate Party of New York Constitution

Preamble

We are the Pirate Party of New York. We are the people. We are originators. We are innovators. We are consumers. Best of all, we are voters.

We have been labeled pirates because our opposition claims that anyone who uses anything created by another person, without payment to that person or their designated representatives, is in violation of copyright, and therefore, according to their ridiculous standard, we are pirates because we speak and use language which was not created by us. We refute their principles of operation as having no basis in logic or reason, except to secure their finances at the expense of guaranteed popular rights. Such principles erode any attempts at creating a positively-oriented culture in which the free flow of ideas can be expressed and expanded upon. Because we disagree with these principles on their face, and because we consider the reasoning behind them flawed, we can thus be considered nothing other than pirates.

We form this party in order to have a party that represents the online and internet community in our democracy. To protect those who have been accused by our government of any non-violent crime pertaining to the use of a computer in committing the act from harsh sentencing and the handing down of egregious draconian laws that don't differentiate between the degree of what crime may or may not have been committed. This approach of our government to label anyone a "Cyber Terrorist" in order to get such harsh sentences handed down is the reason a political voice must be given to this community and a legal channel to voice opposition to these unfair sentences is wish to be made by forming this Party. Currently both parties that control our government have been silent and complacent with such cyber laws in the PATRIOT ACT and in other legislation. We wish to protect our citizens in every form, even on the internet, from unfair due process with such legislation being cited as a reason that someone should receive a higher sentence and/or denied certain rights during due process especially since the any crimes committed with a computer is non-violent in nature.

We are pirates because we act in a way that effectively counters the assumed right of security in exchange for the guaranteed rights of our civil populace. We are pirates because we care about the values of freedom and innovation, which must be protected for posterity. We are pirates because we dare to claim that the interests of innovation are not well served by the current model of commercial enterprise. We accept their label as a badge of honor, and in defense of freedoms everywhere.

We are pirates, and this is our political party. We are champions of liberty: here we assemble under one banner, to defend our civil liberties which are gravely threatened. Our banner is black, but our aims are red, white, and blue. We are considered illegitimate thieves by those who openly take that which is not rightfully theirs. Action is necessary, and we are prepared to now act. A more perfect time to act will not pass again.

We hereby establish the Pirate Party of New York for these and other high aims where nobody will be denied membership and/or from being allowed to hold any position within the party due to race, religion, creed, country of origin, gender, sexual preference, age, and/or disability.

Title 1: General Principles & Resolve

Article 1: Democratic Supremacy

We believe in the principles of democracy: we uphold the right to democratic processes at all levels. We reject the notion that people are incapable of governing themselves; if this was true, democracy would not be possible. Democracy shall prevail for so long as the minds of people remain free. It is therefore the duty of government to ensure democratic

ideals.

We shall operate in all ways and in all activities with democratic principles in mind.

We are resolved to utilize a veto consensus method in all administrative dealings, as well as with all issues brought to the membership to resolve, within reason and practicality.

Article 2: Innovation, Progress and Freedom

We support the right to innovate, as protected by the United States Constitution in the First Amendment. We respect and support the Constitutionally enumerated demand for Congress to "promote the progress of science and useful arts" in Article I Section 8 Clause 8. We also hold that our Founding Fathers knew how to best motivate people, and we work toward maintaining this standard once we achieve it again. We shall forge new ideas for new kinds of business. Government has a responsibility to foster both competition and open markets while protecting individual rights, but not as less important than those of any organization. We are resolved to do all within our power to preserve the right of innovation, promote progress, and thereby ensure freedom to our population.

Article 3: Governmental Transparency and Privacy

We respect individual privacy at the same time demanding all matters of state be open to the people. A government which treats its people like criminals will breed criminals; a government which promotes respect of individuals will breed respect. People will do what is expected, provided they understand what expectations have been set.

All people deserve the right to privacy in their personal affairs. All people deserve dignity.

We are guaranteed to be free from interference in our personal effects, papers, and private lives by the Fourth Amendment to our nation's Constitution. That the Fourth Amendment does not specify that such protection is limited only to government. We therefore uphold that privacy in one's communication, one's home, and one's private life where there should be an expectation of privacy is inalienable. We decry any attempts to monitor communications by announcing that privacy is suspended, because an expectation of privacy must be preserved in all communications for democracy to exist. It is thus counter to our nation's Ninth and Fourteenth Amendments to permit activities like warrantless wiretapping, since the implied right to security does not exceed the expressed right to be private from governmental interference.

All people deserve to be well-informed and involved within their respective governments.

The ideal of democracy must be upheld by the people if it is to survive; and this cannot happen if the government is closed to the public or interferes with the private lives of its citizens. Such interference can also be achieved by failure to safeguard the right to privacy.

Privacy is necessary to our society's smooth function. Transparency is the only means by which government can ensure the popular support and involvement in governmental processes. And in the emergent global society, this involvement is critical to the maintenance of our own sovereignty and the timely action of our government.

We are resolved to promote transparent operation within government wherever possible, and to demand privacy for individual citizens in all things. We further resolve to fight warrant-less wiretapping on the grounds that such is indeed Unconstitutional and directly counter to the aims of our Founding Fathers.

Article 4: Copyrights, Patents, and Trademarks

Copyright law has enjoyed the concept of Fair Use for decades. We uphold fair use as a defense for civil litigation against copyright infringement, as we believe that the large corporations, though operating legally, violate the spirit of the law when they sue unwitting individuals who simply want to enjoy media in the privacy of their own homes through the core mechanism of the internet: duplication. Invasion of privacy demands a response. Even if a government is not the one responsible, it's still wrong. We view the practice of violating citizens' privacy as exploitative, even if it is to protect copyright.

Fair use is not infringing use. We will continue to promote legal fair use in all ways possible, including public education; and we seek to expand fair use, instead of limiting it (as the current tendency appears to be). Copyrights are good. Using them to exploit people is not acceptable. We will fight every battle it takes to prevent the exploitation of our nation's

citizens.

We support artist rights: artists should be not only correctly attributed, but also compensated. Artists are not compensated for their contractually-forced compliance to large company interests once they sell their copyrights interests for a time to the record companies, and we believe that the attribution (and resulting royalties) should go more to the artists than to those who are producing things that the population is no longer interested in. In addition, copyright is being subverted to erode civil liberties, and as such we find an obligation to eradicate the portions that permit such erosion.

We consider the right of use with correct attribution sufficient where the original works may not be recognizable, or where their use is insignificant to the whole of the work. This includes (but is not limited to) the sampling and remixing of original works to create new works. We uphold the right to use and distribute derivative works, provided correct attribution is maintained.

Patents, which are commonly abused and used to prevent progress and innovation, should be far more limited than they are now. Much of the value of patents come from their public disclosure of information enabling others to reproduce the invention. We believe that if no patents existed, it would be to the detriment of progress and innovation; however, we also do not recognize an unchallengeable claim that a patent should be retained if no progress is made in its development.

Trademarks are commonly abused. A trademark should not also have a copyright. In addition, a trademark's use should be allowable in satire, parody, and humor; for so long as no association to the trademark holder is implied, and correct attribution is given, there should be no issue with its use, even by competitors. A trademark should be used for branding, and for identification of a company and its unique products and services. While these uses should be protected, they are not; and other uses are protected which should not be.

We resolve to reform laws to promote innovation and progress, and thereby ensure freedom. It is only a productive society which can ensure its freedom.

Article 5: Due Process, Self-Incrimination, and Freedom of Association

Due Process of Law is required in a free and democratic society and guaranteed by the Fourth Amendment. For this reason, we resolve to uphold due process of law, even when contrary to our own stated interests. This does not imply that we agree with all laws, but the process of law must be upheld throughout until either we are victorious in our desire for reform of the law or no further changes are possible.

Our country's Constitutional Fifth Amendment gives freedom from self-incrimination. While the interests of justice and freedom require truth, no individual should ever be compelled to testify against themselves, nor by failing to testify against themselves implied to have admitted guilt by omission. We are against the practice of compelling people to incriminate themselves, and we view it as an abuse of the system. Many times, what someone is hiding is not their own guilt, but rather their associations to others. Such associations, where productive, should never imply complicity or agreement to an individual's motives. Even in cases where someone is clearly evading justice, true justice cannot be upheld if we circumvent the rights of even those whose crimes involve the most heinous acts imaginable. We also have the freedom to associate and gather for any reason we feel is appropriate, as long as we're not engaging in violence, as guaranteed by the First Amendment. We believe in democratic processes, and gathering to show support for or opposition to any policy is an informal request for a redress of grievances. These are protected rights and were made so by the Founding Fathers of our nation.

Our freedom of association is important and fundamental; and thus, by remaining silent, we should not feel compelled to either commit perjury or incriminate ourselves. If we are penalized for remaining silent, such penalties currently imply that we have admitted guilt. Implication of guilt being different from an assurance of guilt, such evidence should never be submitted to any court where it shows that a person was compelled to admit guilt when

it was not indeed admitted.

We resolve to advocate due process of law; to discover, ensure, and remove all end-runs around true justice; and to uphold that a person's association with a group does not imply inclusion in, acceptance of, or support for their ideals and goals.

Article 6: Minorities, Prejudice, & Foreign Sovereignty

Minorities are not recognized as separate for the rest of the population. We are all human. Prejudice simply makes no sense, where matters of predetermination are concerned. We recognize that there are differences in skin color, bone structure, belief, thought, attitude, and values. These differences are desirable and important to a free society. Therefore, such differences should be embraced rather than used as a means of separation or limitation. We have no room for prejudgment.

As such, the only limitations for any office within our party is the ability to do the job, and to be either a voting citizen of our nation, or to be of legal resident-alien status and/or to be working on attaining citizenship status.

We also recognize that those who hail from foreign nations deserve the benefit of education regarding our system of government and how it works, as well as addressing any perceived shortcomings therein. However, if they do not want such education, we should not force their acceptance of it. Even if a government requests assistance, it should be the voice of the people which is heard, rather than the voice of the governing body. This is the upholding of democratic principle and operation by consensus.

Foreign nations likewise should not be forced to enforce our laws; nor should we theirs. All nations deserve to conduct their own internal affairs as sovereign. While we can criticize and admonish, democratic principles demand that we allow other governments to operate in the manner they see fit, even if we do not agree with their methods, ideology, or definitions.

They have the right to kill and enslave their citizens; they do not have the right to do the same to ours. Likewise, we should not force democratic ideals upon them. We should uphold the right of sovereignty even in our own lands. The principles of democracy should convey to the people the necessity of action, and leave the choice of action to the people.

This guarantee of sovereignty does not imply that we should support tyrants. Our nation cannot and should not support or continue to permit tyranny in any form. When a nation that we trade with kills or enslaves its citizens, our nation has a right to speak against such things. We also have a right to cease trade. We must be willing to accept the risks associated with maintaining high ideals and yet not forcing those ideals on others. Even with the cessation of trade, however, we must support democratic processes and continue to encourage democratic ideals, even while we cease trade with those who would enslave or oppress their populations. We must be willing to inconvenience ourselves to uphold our principles, or they are not principles at all, and merely words which convey a nice idea.

We must also maintain our own sovereignty. Foreign nations have no right to impede or intrude upon our sovereign status; likewise, we have no rights where foreign nations are concerned. To try to control foreign countries is to invite the ire of others. Our nation does not need or deserve the ire of others. We should therefore support sovereignty of all countries while encouraging democratic ideals, without direct interference in the operation of sovereign nations or their systems of government. If our system is superior, people will naturally see that it is so and adopt it; if otherwise, a better system will surely come into place.

We resolve to help our country understand that foreign powers should remain sovereign in all things, even where we disagree.

Article 7: File Sharing, Distribution, Consumer Rights, and Originator Rights

There is no crime in sharing files, nor should there be. The crime comes when those who created the content of these files are unpaid. We do not aim to legitimize theft; we aim to help create a business model that incorporates free distribution.

Those who share music should pay the artists directly. No middle-man is necessary, as no fee is needed for distribution. We therefore do not recognize the legitimacy of organizations

whose main purpose, in their current incarnation, is to protect corporate interests above those of the artists and the consumers.

We reject all claims made of benefit to the artist and the upholding of artists' rights until such time that either their practices significantly alter to permit such benefit, or such benefit becomes plain for all to see. So long as industry organizations of any kind continue to exploit either consumers or the originators of the products such organizations (or their members) produce, our purpose in the defense of democratic principles is compounded. Those who share movies should pay the producer(s) of the film, not the distributors. Again, distribution should be free. There is already sufficient capital exchange that occurs in the production and theater showing of any film; there is no need to burden consumers by requiring their further purchase of media where no purchase should be needed.

Those who share software should pay only if that software is useful to them, and then only what that software is worth to them. Programmers should be the ones paid; not distribution companies who are no longer necessary. Specifically, game designers should have the same status as rock stars in our society, because what they do excites us just as much. Large distribution companies should not be necessary in a system built around our modern infrastructure, particularly when such infrastructure virtually eliminates the need for physical media. The challenge, then, becomes one of convincing users that a particular game is worth paying for. Profits increase and price decreases at the same time. It benefits the programmers when a game is sold; but if people are unwilling to buy, then the game's value to the population decreases. Simple economics are no longer possible when a company seeks to hide its resources behind one distributor.

Market-savvy consumers are no longer loyal to branding, but to the originating studios--and thence, to the programming team itself. If a team is unsuccessful at amalgamation but they produce a perfect product, then amalgamation is not necessary. Likewise, if consumers are best served by the presence of a given form of entertainment and can obtain it for free, they should obtain it for free and only pay what they believe it is worth. The enjoyment of gaming is found in the challenge to win, not in the winning itself. Excluding people on the basis of ability to pay means excluding potential talent.

We intend to work toward the establishment and maintenance of a profitable business model in all aspects of distributed-media industry, a model which does not exploit artists or require the originators of works to sign away their rights to their innovative works. We want to help a flailing industry to realize the errors of its ways in a new and market-savvy society, because the old ways no longer work. We reject the idea that in order to profit, one must exploit others or force them to our will.

We do not accept that there is anything inherently wrong with file sharing. It is our wish to create a climate in which the free exchange of cultural ideals can occur. We do not accept that entertainment should be our top priority, nor do we agree that any one person, group, or industry (short of humanity itself) can own the rights to any culture, nor to the product thereof.

We have a business model to base things from. It's a matter of risking the loss of control that those of industrial thinking believe is necessary to profit. Many companies have proved that it's completely unnecessary to continue the old methods of market domination. The best company in the world is the one which is best able to adapt to the changing needs of society; not one which seeks to override these needs with an outdated business model. We must find a means to work within the system, but so must those who oppose us. The stakes are high, and one entire industry's existence hangs in the balance. It is time they listened instead of making demands.

We resolve to educate the public about lawful uses of file-sharing, its beneficial purposes, and why it should become legal to share all manner of files.

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We resolve to educate the public about lawful uses of file-sharing, its beneficial purposes, and why it should become legal to share all manner of files.

Article 8: Unpopular Beliefs, Free Speech, and Network Neutrality

For millennia, unpopular beliefs were held to be criminal. The adherents of many ideas now widely accepted were persecuted for hundreds of years before finally finding acceptance. Endless persecutions still exist for new ideas. We are willing to allow unpopular beliefs because it is only when unpopular beliefs are permitted that we are also permitted to hold our own unpopular beliefs.

We uphold the right to be unpopular. Where there is a difference of opinion, people should be at least willing to listen. The less people are willing to listen to things they personally find distasteful, the less those who express such things will be able to learn.

Likewise, we are against others determining our desires and shaping our apparent will against our wishes. Free speech demands that computer networks likewise remain open and free from the interference of others. The right of the people to be free from governmental infringement upon our communications is guaranteed in our nation's First Amendment to the Constitution. However, commercial interference must also be protected against. While we are not opposed to the use of self-regulating "smart" networks, we are opposed to the use of such for the purposes of profitability, and we are likewise opposed with regard to human-managed networking apparatus because of the high potential for abuse.

Selfregulating

networks are neutral, as the rules regarding their operation are unchanged. We therefore support network neutrality, rather than any kind of "equal" network. A neutral network is required for democracy to prevail.

We resolve to uphold the right of free speech, because even if we disagree with the message, the right to speak and be heard should be upheld in all cases. This includes the right to express unpopular beliefs in a rational manner, as well as the right to be free from interference with our expression by the unscrupulous.

Article 9: Acting Within The Law & Civil Liberties

We do not promote, advocate, support, or engage in illegal activities. Where there is a disparity between individual action and the law, the law wins. However, if the law is incorrect, based on incorrect or invalid principles, or created because of political pressures rather than because it's right, we hold that these laws should be changed or abolished. We recognize, using our nation's history as a reference, that changing a law sometimes requires non-violent civil disobedience. No member of the Pirate Party of New York may be denied or revoked membership for participating in a social movement for people's rights that is within the platforms and/or beliefs of the State Party. Whether or not the members participation in a social movement is "within the platforms and/or beliefs of the State Party" is left to the discretion of Administrative Officers in the party.

We uphold the civil liberties of all peoples. Freedom to innovate is at all levels the right of the people. It benefits government when the people innovate, because governmental interests in the promotion of progress and the upholding of popular rights is based in the ability to express new ideas.

We reject the notion that civil liberties must be sacrificed in order to maintain order or to serve justice.

We resolve to further civil liberties in our own country through education and public service.

Article 10: Voting, Voting Rights, and Taxation

All citizens are entitled to participate in their government. We will promote the right to vote for all citizens, regardless of legal status. Our Declaration of Independence explains that taxation without representation under the law was abhorrent to our founding fathers. We hold this to be a timeless truth, and so if any portion should be disallowed voting rights, the same should be entitled to be free from taxation.

This includes unpopular segments of society, such as criminals, as well as more popular segments, and members of our elected government.

Our candidates are free to support or oppose the Electoral College system, as this system has not been shown to either uphold or denigrate democratic principles, the values of a free society, or anything that opposes these. However, we do recognize that this system is in need of reform. In a well-regulated democratic society with open communications,

representative voting is not really necessary, as our infrastructure is capable of clearly indicating the will of the people.

Gerrymandering circumvents the reason for having free and open elections in a democracy. Though gerrymandering is common practice in our country, we are opposed to it, and would seek to establish a nonpartisan committee to review and establish boundaries for each Congressional district based on both predetermined and more current fair criteria, where voting is concerned. We would also seek to establish new criteria by Constitutional Amendment, if necessary to secure a nonpartisan method of dividing Congressional districts. If such is not necessary, we would see no need to continue working toward it. We resolve to uphold the right of truly universal suffrage among our citizens. What the population demands, it should receive, even if against the wishes of a governing body. As such, we also resolve to ensure democratic processes at all levels of our operation.

Article 11: Freedom, Societal Advancement, and Being a Pirate

A free society recognizes that freedom comes at a price. This price is responsibility to the government. Government and the governed should be an equal, symbiotic, and interdependent relationship, whereby the government provides what the people demand, and the people provide the needs of government in return. Where one has more control over the other, there can be no stability or balance in the long term.

We understand that society is advancing into a new era of thought, and this era is marked by extended opportunities and competitive generosity. Beginning with several thousand consumers, it has become several hundred companies, and this movement is growing not only in scope, but also in magnitude.

We recognize that in order for society to advance, there must be an appreciation of values. The advent of the internet in the average person's life universally causes social change, and this is a global change that cannot be legislated against. We support this transition into a new society, with new values and new ideas. Our aim is to promote this change, and to assist those who have difficulty with it.

We also see that others label us pirates because we disagree with them (regardless of whether or not we actually engage in piracy, we are so labeled because of our opposition to their ideals). We are told that any time one uses something that doesn't belong to them, that one is engaging in infringement, and therefore piracy. Because we all use language (which doesn't belong to us), we are infringing on those who created it. Because we don't pay a royalty, we are all Pirates.

We resolve to continue using the name "Pirate" for our political party, in the name of freedom and social progress.

Title 2: Structure

Article 1: Separation of Powers

All powers within the Pirate Party of New York shall be separated into seven sections, comprising a National Administration of the Pirate Party of New York:

1. Administrative;
2. Operations;
3. Legal;
4. Promotional;
5. Records;and
6. Financial

These powers being necessary for the timely operation of the Pirate Party, each shall have one officer for each of these powers, whose principal responsibility shall be the smooth operation of the Pirate Party, and who shall have secondary duties commensurate to the power which that person shall represent while in the capacity of office.

TheAdministrative Officer, who may also be called the Administrator, shall oversee all matters involving the internal administration of the Pirate Party of New York, and shall act as spokesperson for the Pirate Party of New York in general (though this may be delegated to a specific spokesman as provided for within this document). The Administrator shall also oversee all elections within the Pirate Party of New York, and shall ensure that

democratic processes are upheld. The Administrative Officer shall also coordinate communications with the Pirate Party International as well as the National Committee and the various other Pirate Party groups throughout the country and the world. The Administrator is also the directing officer for all operations within the Pirate Party of New York. The Administrator also shall also be the coordinating officer for the various state officers and shall have the power to approve of the formation of committees individually. In such case that funds are allocated for the payment of salary for officers in the Pirate Party of New York, if there is a time in which a decision must be made as to the cutting of pay, the Administrative officer shall be the first to cut their pay to the amount they believe is necessary to maintain adequate payment of other Officers. This proposed amount to cut Administrative pay is to be submitted to Officers in the Pirate Party of New York by the Administrative Officer for review and then approval.

The Operations Officer, who may also be called the Assistant Administrative Officer, shall oversee all matters involving the internal and external operations of the Pirate Party of New York, and shall also conduct all business as necessary in the absence or incapacity of the Administrator, and as the Administrator shall direct. The Operations Officer shall also have the duty to undertake the duties of those offices which shall be vacant, as they shall be from time to time, and to assist in the smooth transition of office from one administration to the next. The Operations Officer shall also act in the capacity of Liaison to the Federal, State, and Local Government, for any officials, officers, agents, employees, or affiliates within the United States Government who may need direct contact with the state party. The Operations Officer may also have direct oversight into the public affairs of the Administrator, and shall report such to the other officers if a need to report such is perceived.

The Legal Officer, who may also be called the Administrative Lawyer or Legal Advisor, shall oversee all matters involving law, including (but not limited to) the proposed and actual legislation of Congress, litigation in cases that are of interest to the Pirate Party of New York--particularly in cases where consumer rights are in play--or which are of national interest, and approval of all activities undertaken by the party in which there is a question of legal standing or legality in action. The Legal Officer shall also be responsible for the recording of all policies within the Pirate Party, and shall forward all records to the Records Officer. The Legal Officer shall also act as legal counsel to the Pirate Party of New York, for such time as there is a need for legal counsel. The Legal Officer may ask for fees above any normal pay for activities in the capacity of legal defense, prosecution, petitioning, or other direct activity within the justice system on behalf of the Pirate Party of the United States, if such activity is required by the needs of the other officers.

The Promotional Officer, who may also be called the Marketing Administrator or Publicity Advisor, shall oversee all matters involving the promotion of the Pirate Party of New York, including (but not limited to) the issuance of press releases in the name of the Administrator (with approval thereof), all signage and promotional materials, and the authorization of the use of copyrighted materials. The Promotional Officer shall also act in the capacity of improving the image of the Pirate Party, and shall advise the other officers of the Pirate Party in methods to improve the Pirate Party of New York's image with regard to the public. The Promotional Officer shall also oversee all official web sites, and shall maintain an adequate knowledge or staff to administer these, and to ensure their compliance.

The Records Officer, who may also be called the Recorder or Records Administrator, shall oversee all matters involving the official records of the Pirate Party of New York, including (but not limited to) the maintenance of both paper and electronic archives. The Recorder shall also be responsible for the recording of meeting minutes and publication thereof.

The Financial Officer, who may also be called the Administrative Accountant or Accounting Administrator, shall oversee, establish, maintain, and provide for all financial transactions, accounts, accounting, financial recording, investments, and bookkeeping functions, as well as banking within the Pirate Party, including having direct oversight with regard to all party,

campaign, and other finances. Our state requires "Treasurers" so more than one Financial Officers is needed. The Administrative Officer, after reporting their reason to the National Committee and getting approval, may expand the number of Financial Officers as they are needed. The Financial Officers shall also be responsible for all budgeting and financial planning aspects of the Pirate Party of New York's finances. All records shall be transferred in duplicate to the Records Officer. The Financial Officers shall require the signature of at least one other officer before disbursing any party funds via any means other than cash-onhand, but not in the establishing, maintaining records of, closing, or otherwise transferring money between accounts and/or financial institutions owned by the Pirate Party of the United States.

All officers shall be required to present a unified front to outside influences. In such cases, when a decision is made that may affect the good standing of the entire party, or if such decision should be adverse to the membership of the party, or to the established aims and goals of the party, or not consistent within the law, or by any other estimation of the one faced with such decision, the same should defer to the entire body of officers for decisions to be made, unless by failure to make such decision on the spur of the moment shall result in even greater harm to the party, its officers, or its members. Officers who make such decisions will need to notify the other officers in the most expedient manner possible.

Failure to adhere to this policy may result in censure and ban from office, as well as summary removal upon discovery of such decision

Officers are permitted to hold more than one office, if duly elected into these offices. Officers also holding provisional state administrative titles shall not be considered in violation of this standard.

Article 2: Nomination, Election and Appointment

All nominations shall be accomplished by either announcing candidacy for a position, or by having someone else announce the candidate's nomination for the position. The nominee may withdraw the nomination at any time before the actual vote. Nominations shall be announced a minimum term of 7 days before a vote should be held. Nominations may be held open for up to 30 days. All nominations must be announced in a public area, such as the wiki, forums, or chat channels, where members are likely to be able to see them. There is no requirement for members to see them: if nominees are unwilling to get people to vote for them, that's not an issue the party needs to address.

All officers shall be elected by veto consensus vote. This means that members shall be nominated by any member the electoral body of the Pirate Party of New York for a specific position. If there shall be no dissenting voice, the nomination shall stand, and no seconding nomination shall be needed. An agreement among the peers involved in the election process shall suffice unless there be contention about who is the best candidate, at which time a vote may be called by the Administrative Officer (or Acting Administrative Officer). The vote shall be open and tallies shall be counted according to the method of voting, as appropriate to the occasion.

All votes shall be done by use of an anonymous voting mechanism, which shall be accomplished using any means at the disposal of the Administrative Officer, or by any appointed. If no anonymous mechanism exists, the closest approximation may be used if agreed to by a majority of those voting.

Officers have the right, responsibility, and duty to appoint agents and assistants as the need demands. Officers do not have a requirement to compensate these appointees, as all positions within the party are voluntary. Volunteers may be paid if funds permit, and as necessary to ensure their retention within the party, if their position should be considered vital to the Pirate Party of New York's operation. Officers may select or change the titles of those under them as necessary or as beneficial to the position.

Article 3: Meetings, Quorum, Participation, and Adjournment

All meetings shall be announced no less than seventy-two (72) hours in advance, and no more than ninety (90) days in advance. It is preferred that seven (7) days' notice be given.

Officers and members who are unable to attend shall be required to give notice within twenty-four (24) hours before the meeting. Any meeting with less than seven (7) days of advance notice shall be considered an emergency meeting.

Quorum for official meetings shall require no fewer than two (2) officers and two (2) nonofficers

be present at all meetings in order to satisfy the requirement of quorum. If no officers shall be present, the meeting shall not begin. An exception to this rule may be declared by consensus agreement of those present if there be no officers.

The State Administration of Pirates shall announce and hold one (1) regular meeting each calendar year on the Seventh of July, which shall be the State Convention of the Pirate Party.

At such meeting, the following orders of operation shall take precedence over all other pressing matters:

1. This Constitution of the Pirate Party of New York shall be reviewed in its entirety, and amendments proposed if any portion thereof shall be considered a non-issue.
2. The members of the State Administration of Pirates shall review all activities during the preceding year, and shall issue a report therefore.
3. The members of the Pirate Party of New York shall, as a body, elect to uphold or remove any amendment proposed, excluding temporary emergency measures, which shall end upon that day unless consensus among the attendees shall indicate popular favor.

The Pirate Party of New York shall then attend to other orders of operation on the agenda before them.

The State Administration of Pirates may also convene during, and for up to 24 hours after, each election. This meeting is closed to the public, and is for watching and analyzing the election dynamics unfold. However, state and national delegates may enter and leave at will, and may convey information at will to the public. No planning of any kind may occur during this convention.

All members of the Pirate Party of New York are welcome to participate at all times during any meeting. However, members may be ejected from the meeting for continuous, irrelevant, disruptive and counterproductive behavior. Members are entitled to at least two warnings. Members of the press should identify themselves as such, or risk permanent removal of all members of their news agency at the option of the Administrator. All other members of the public are welcome to attend official meetings without limitation, though only members may vote on any given topic.

Time-sensitive matters may be voted upon by the membership at large after the fact; such matters shall be votes of confidence or no confidence in the person or persons who have undertaken such activities.

All meetings must be recorded. It is the duty of the Records Administrator to provide for such recording, and for the publicity required in accordance with the law and de facto standard.

All meetings may be fully adjourned at any time, provided no existing matters need to be addressed. If new matters need to be addressed, such matters may be deferred to the following meeting. Temporary intermissions may be granted for reasons of sanity, health, and comfort during extended meetings.

Article 4: Compensation

All compensation is commensurate with the necessity of retention. Therefore, officers shall be paid an equal share of the funds budgeted for their payments. Officer pay may not exceed 10% of the total budget. Administrative costs may not exceed 15% total, including pay of all officers. Budgeting is the duty of the Financial Officer.

However, if there be no monies raised, then no pay should be allotted. The Legal Officer may request pay for legal services as outlined, whether monies have been raised or not.

The fees made due by such activities shall have priority as collected from voluntary contributions, and shall not accrue interest or service charges for nonpayment, unless approved by popular vote among the membership.

Article 5: Limitations of Power

Officers may not act in any capacity on behalf of the Pirate Party of New York, save that which is specified within this document.

Officers must act in a manner that is honorable, truthful, just, and forthright. Officers may take oaths of secrecy and keep them, provided that such oaths do not seek to circumvent public interests.

Officers must ensure that a democratic process is retained at all levels of operation within the party, and encourage democratic process in all levels of government.

Officers who demonstrate an inability to operate within these limitations may be removed from office with cause.

Article 6: Prohibited Powers of State Parties

Individual state Pirate Party organizations may not contravene decisions made by the Pirate Party of the United States, except where such decisions are clearly contrary to state laws.

State-level Pirate Party organizations may not speak for the Pirate Party of the United States, except where specifically permitted or authorized.

Article 7: Vacancies & Removal From Office

Vacancies will occur from time to time, as officials within the Pirate Party find that they are unable to devote time to their office, or by reason of removal from office, death, or another incapacity. In such cases, a replacement officer may be elected at the following regular meeting of the State Administration of the Pirate Party of New York by those in attendance. The duties of vacant offices shall be apportioned to the other officers within the Pirate Party of New York, until such time as a new officer shall be elected.

Officers who die while in office shall be considered removed. Officers may individually resign their commission, and when such resignation becomes effective, they shall be considered removed from office. Officers who are removed from office for any other reason must be voted out of office. Officers who are voted out of office may be voted out at any meeting, emergency or otherwise, where a quorum exists. Officers who are removed from office may not nominate or appoint a replacement. All officers must be elected by the body of membership.

If all positions are vacated, the electoral body of the Pirate Party of New York may hold an emergency meeting to elect new officers.

Title 3: Activities

Article 1: Symbols, Slogan, and Our Mascot

We may reserve the right to add meaningful symbols as needed for promotion. Our official symbol may change by changing the description in this paragraph, though change of the basic symbol should be rare enough to warrant a two-thirds majority voting requirement for any change to occur.

Our state party's official symbol will be determined once the party agrees on the design of our symbol.

Our current official slogan for the State Party is "No Quarter Given" and may be amended or changed as needed for promotional purposes.

Our mascot is the Statue of Liberty, which may be stylized as needed for the purposes of marketing.

Article 2: Donations

The Pirate Party of New York may collect contributions, donations, and other monies with limitation. Our campaigns will be financed by individual donors not exceeding \$2,300-perperson

which is the federal limit for such contributions. A funding campaign of individuals and public financing is to be used in order to not rely heavily on special interest's campaign money that could sway the party to vote in favor of something that they are, by principle, against. Spending of such monies in accordance with the law is in all ways permitted.

Article 3: Standards of Practice in Accounting

All funding shall be maintained with regard to records, reporting, and dispersion in accordance with law or statute. All accounting practices shall maintain, as a minimum

standard, the standards of practice equivalent to those found in the private sector. The Pirate Party of New York may utilize any methodologies within the bounds of law, statute, and standards of practice herein outlined.

The Pirate Party of New York may own, operate, and specify the uses, within the bounds of applicable law, of any number of accounts at financial institutions. Such accounts must be reconciled at least monthly, and more often is more desirable.

Article 4: Discrepancies

All discrepancies in accounting or party activity with regard to our stated aims shall be considered a gross infraction of the bylaws, and a reprimand may include termination of office for those found to have willfully engaged in the infraction of said bylaws. Those who report such discrepancies may be recorded, but the privacy of the individual must be maintained throughout the internal investigation. Those who have been found to have unintentionally caused such discrepancies shall receive a reprimand which may not include termination of office.

If such discrepancies violate the laws or rules of conduct within the United States, the jurisdiction of law enforcement shall reign supreme with full cooperation from all officers.

Title 4: Oaths

Oaths may be sworn by any member for any reason, within or without the Pirate Party of New York. Such oaths are treated as verbal contractual obligations and shall be upheld within the party as contractually binding. Oaths may not bind an individual against any civil rights. Oaths must be witnessed by at least two people, in addition to the oath-taker, and the person or people to whom the oath is given. Oaths may be recorded by the Records Officer if such oaths potentially impact the operation of the party.

Title 5: Amendments

Amendments to this Constitution shall be heard by the State Administration of the Pirate Party of New York using a participatory consensus system. Amendments must be announced and held for study for at least two meetings, prior to being adopted.

Amendments may not be given for temporary issues; instead, temporary emergency orders may be given, which may not exceed 6 months without a consensus vote. Temporary emergency orders must be voted on at the next regular meeting of the Pirate Party of New York, or as soon as is feasible. Emergency measures must be voted upon by all non-officers at the meeting, and must pass with a two-thirds approval or higher to be upheld.

Emergency measures do not count as amendments to this document, and must be voted upon every meeting until either adopted as an amendment or discontinued. At any meeting where two-thirds or more of those assembled should not uphold the measure, it should be discontinued or the same shall be cause for a vote of no confidence in the instigating officer.

Amendments to this Constitution must be unanimously upheld by all members voting in a popular vote. Those who abstain should not be counted as opposing or supporting. Those who oppose may have opportunity to address specific concerns. These concerns must be either upheld and incorporated, or logical reason given for refusal to uphold. A recall vote may be held only four times before an amendment must be resubmitted.

Any vote which exceeds 3/4 shall be considered passed by consensus, and may be considered unanimous if all objections have been addressed already, if the dissenting votes are dissenting because of continued objection to an item which has already been addressed to its exhaustion, rather than simple opposition to the entire amendment.

Those who abstain may outnumber voters. This is expected and acceptable for a consensus system.

Title 6: Ratification

This document may be ratified by the signatures of one acting member of the State Administration of the Pirate Party, whether duly elected or not. It shall then hold the power of validity within the Pirate Party of New York's operation, and shall be a final document.

No portion of this document, should it be held invalid by law or popular dissent, shall hold to invalidate any other. No right retained or supported shall be construed to deny any other, nor shall it construe any disparagement of the law, nor support for any disparagement or

failure of adherence therein.

Pirate Party of New York agrees to and is bound to all responsibilities listed in the national constitution.

Signatures

We, the below signed, acting as officers, do hereby ratify and swear, with our digital signatures, that this Constitution is a worthy and worthwhile document, and that we do uphold it as it has been executed. By our signatures, we swear that to our best knowledge and belief, the Constitution has been appropriately ratified by the signification of votes by members, potential members, and interested individuals.

I hereby sign and affirm via digital signature that I support the constitution of the Pirate Party of New York as was presented in the meeting of May 6th, 2010

Jay Emerson

Administrative Officer