



## LP PA Judicial Committee

[judicial@lppa.org](mailto:judicial@lppa.org)

Johannes Ernhardt, Chairman

Brandon Bentrim

Nickolas Ciesielski

Ken Krawchuk

Preston Smith

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On September 22, 2023, the Judicial Committee of the Libertarian Party of Pennsylvania received a request from Jessica Burton, Affiliate Council Chair of the Libertarian party of Pennsylvania, and a voting member in good standing with the right to Advisory Opinion, regarding state-wide CRM access. Mrs. Burton's email presented several questions to the Judicial Committee, seeking an advisory opinion rather than appealing a decision from either the Executive Board or Affiliate Council. As this is an advisory opinion, nothing in this opinion should be interpreted as the Judicial Committee nullifying any decision of the Executive Board or Affiliate Council, but instead will reflect what the Committee believes would be the likely outcome of an appeal.

Mrs. Burton's full email states:

*My name is Jessica Burton, and I am chair of the affiliate council. There was a motion brought at our joint Executive Board and Affiliate Council board meeting 09/16/2023, "Motion to request state-wide CRM access be granted to all Executive Board Members, including Regional Representatives, by Wednesday Sept 20." Article V, Section 4 (e):*

*The responsibilities of the Regional Representatives include support of their geographical Region and the Affiliates and members therein, to include support of:*

- i. County and Multi-County Affiliates;*
- ii. LPPA members in unaffiliated counties or areas;*
- iii. Affiliation of eligible counties or multi-county areas;*
- iv. Issue coalitions, events, and Party activities;*
- v. Regional Synergy, cohesion, and community building;*
- vi. Communication to the Members of the Region, no less than quarterly, providing details of the business and activities of the Executive Board and LPPA;*

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- vii. *Disseminate received minutes of Affiliate meetings to the Executive Secretary; and*
- viii. *Holding regional meetings, open to all Members of the Region, at least quarterly, to discuss LPPA matters and regional topics.*

*I bring you to Article IV, Section A:*

- i. *The Northwest Region comprises Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Venango, and Warren counties;*
- ii. *The Southwest Region comprises Allegheny, Armstrong, Beaver, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland counties;*
- iii. *The North Central Region comprises Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union counties;*
- iv. *The Southcentral Region comprises Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Lancaster, Lebanon, Juniata, Mifflin, Perry, Schuylkill, and York counties;*
- v. *The Northeast Region comprises Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Susquehanna, Wayne, and Wyoming counties; and*
- vi. *The Southeast Region comprises Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia counties.*

*Listed are all of the counties that comprise each region as defined in the bylaws.*

*I am requesting an advisory ruling on your interpretation of Article XIII (a) Members of the Executive Board shall have, for the duration of their Executive Board membership and limited only by their position, purpose, function, and responsibilities, access to all data owned by the Party, to include state-wide Constituent Relationship Management (CRM) access.”*

*The Executive Chair ruled this motion out of order because he interprets Article XIII section A as... “access to all data owned by the Party, to include*

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*state-wide Constituent Relationship Management (CRM) access.” And directed the IT chair to grant statewide access to all regional representatives.*

*Question 1: Do regional representatives need statewide access to perform their duties as listed in the bylaws?*

*Question 2: Do the bylaws automatically grant statewide access to all regional representatives according to Article XIII section A; even though the statement before says limited only by their position, purpose, function, and responsibilities?*

*Question 3: If someone is granted statewide access to complete one duty, are they allowed to use their access for additional roles outside of their initial role. For example, can a state officer that has statewide access to perform their role use the state data to assist the committee they were appointed to without the committee themselves requesting access?*

## Question 1: Statewide Access to Perform Duties

The first question posed to the Judicial Committee is: “Do regional representatives need statewide access to perform their duties as listed in the bylaws?”

Article V- Board of Directions, Section 4- Executive Board Officer Responsibilities states:

(e) The responsibilities of the Regional Representatives include support of their geographical Region and the Affiliates and members therein, to include support of...

Additionally, Article V- Board of Directors, Section 2- Executive Board states:

(b) The Executive Board’s purpose is to handle the day-to-day business operations of the LPPA, provide leadership with regard to administrative matters, and dutifully execute the respective offices of the Executive Board, as required by these Bylaws.

(c) The Executive Board shall be responsible for the following: management of the organization, control of all organization properties and funds, oversight and execution of all organization affairs, oversight of all organizational Committees, oversight of organizational Affiliates, presiding over Business Meetings, and adherence to these Bylaws, the Policy Manual, and any organization policies, rules, or resolutions.

Nothing in Section 4 states that the listed responsibilities are the only responsibilities of the Regional Representatives, only that the explicit list is included in their responsibilities. Regional representatives, as members of the Executive Board, are responsible for ensuring the Executive Board fulfils its purpose and responsibilities, as are all members of the Executive Board.

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Beyond stating that regional representatives necessarily have a wider range of responsibilities, both implicit and explicit in the bylaws, it is beyond the scope of the Judicial Committee to determine which party resources are necessary to fulfill duties and responsibilities. Article VIII- Judicial Committee states:

### Section 1- Authority

- (a) The primary focus areas of the Judicial Committee shall be Judicial Review in matters of Disciplinary Board, Advisory Opinions, and Dispute Resolution.
- (b) The Judicial Committee shall be responsible for the following:
  - i. Serving as the final body of appeal in all matters concerning interpretations of these Bylaws and all other LPPA governing documents.
  - ii. Acceptance and processing of petitions and appeals on organization matters and motions;
  - iii. Hosting hearings on valid appeals and petitions;
  - iv. Hearing and ruling on valid disciplinary and Suspension Appeals;
  - v. To issue advisory opinions on questions of interpretations of these Bylaws; and
  - vi. To provide advisory opinions in any Business Meeting at their discretion.

The stated responsibilities of the Judicial Committee are to rule and advise on the interpretation of the Bylaws. As required resources to fulfill responsibilities are more of a question to be determined by elected representatives of the members, rather than an appeals body, this question is outside of the scope of the Judicial Committee.

## Question 2: Statewide Access to Regional Representatives

The second question posed to the Judicial Committee is: “Do the bylaws automatically grant statewide access to all regional representatives according to Article XIII Section A; even though the statement before says limited only by their position, purpose, function, and responsibilities?”

As mentioned, Article XIII- Party Data Access (a) states:

“Members of the Executive Board shall have, for the duration of their Executive Board membership and limited only by their position, purpose, function, and responsibilities, access to all data owned by the Party, to include state-wide Constituent Relationship Management (CRM) access.”

While section A mentions that Executive Board members shall be limited in their data access by only their “position, purpose, function, and responsibilities” it is necessary to look that the section goes on to further state that the data Executive Board members should have access is “to include state-wide Constituent Relationship Management (CRM) access.” The specific mention of state-wide CRM access overrides the limitation by “position, purpose, function, and responsibility” and thus grants state-wide CRM access to all members of the Executive Board.

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### Question 3: Access Used for Additional Roles

The third question asked is, “If someone is granted statewide access to complete one duty, are they allowed to use their access for additional roles outside of their initial role. For example, can a state officer that has statewide access to perform their role use the state data to assist the committee they were appointed to without the committee themselves requesting access.”

Access to data is provided to individuals, not necessarily to roles. Roles grant individuals access to particular sets of data. Nothing within the bylaws and policy manual limit access by role only. While concern over misuse of party data is a very serious concern that must be treated with absolute care, all individuals are required to agree to and sign an NDA before access is granted. In signing this NDA, the individual is agreeing to only use party data and access for approved party business. Forcing volunteers to self-limit their access based on different roles that they may hold would be a burden on volunteers as well as whoever is maintaining documentation recording the access volunteers have for each of their roles. This burden is not included in any governing document of the party and the Judicial Committee is unaware of any of our data systems being able to detect the role in which an individual is acting at any given time. This would therefore only be enforceable through some kind of manual review process and individuals self-limiting their access. For example, let’s say that the Public Policy Committee wanted to send out a call to action for a statewide action campaign. The chair of the committee is too busy to get an email set up in the CRM and a regional representative on the board with statewide CRM access is also a member of the committee. If access is granted for only one duty, that regional representative would be required to be granted permission through a process that does not exist in any of the governing documents in order to act on behalf of the committee and send that email. As there is no process or requirement outlined to create and enforce a division in access by duty, there can be no limitation by duty.

### Conclusions:

1. The Judicial Committee cannot determine what may or may not be required for a regional representative to perform their duties. The Judicial Committee is limited to interpreting the governing documents of the party.
2. The bylaws grant regional representatives statewide CRM access.
3. There is no requirement nor process outlined in the governing documents to require members to only use their granted access for the reason they were granted the access. Access is granted to an individual and not a role. Without a bylaw or policy to limit this, as well as a method of tracking access and enforcing access, there is no artificial limitation to the duties a member may use their granted access to perform.

The Judicial Committee extends its gratitude to Mrs. Burton for her inquiry concerning the extent of access granted to party leadership within designated roles or regional boundaries. It is the collective responsibility of all party members to strike a delicate balance between granting the necessary



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access and ensuring that individuals elected to positions of authority have the tools essential for effectively discharging their duties. The trust vested in party leadership with regards to party data must also be taken into careful consideration in order to protect our members.

**Recommendations:**

As protecting data should be a top priority of the party, there may be concerns that arise from this opinion. As this opinion indicates that access is currently granted to an individual and not a role, there may be a need to implement additional policies to further govern access and proper use of the CRM system. The board has wide latitude to create policies to govern proper use of the CRM system and should consider policies to alleviate any fears and concerns that may come from this opinion.

Respectfully submitted,

**Judicial Committee**

Libertarian Party of Pennsylvania