

LP PA Judicial Committee

judicial@lppa.org

Johannes Erharth, Chairman

Ryan Bourinski

Ken Krawchuk

Aaron Reinsmith

Richard Schwartz

February 12, 2022

Members of the Libertarian Party of Pennsylvania:

On January 24, 2022, the PA LP Judicial Committee (JC) was petitioned by member in good standing, Joseph Van Wanger, to interpret a handful of questions through the lens of the LPPA Governing Documents. The JC internally concluded that the questions within the Petition were pertinent to the JC's designated fiduciary duty to members, citing the following authority:

1) LPPA CONSTITUTION

ARTICLE IV. ORGANIZATION: Section 4 – Judicial Committee:

*“...The Judicial Committee **shall be the final body of appeal in all matters regarding interpretations of the Constitution, Bylaws, and Rules or Resolutions of the Party.**”*

ARTICLE VII. THE JUDICIAL COMMITTEE: Section1–Organization:

*“The Judicial Committee shall elect a chair **who shall receive all appeals and petitions and schedule hearings** so as to obtain a quorum of the Judicial Committee...”*

2) POLICY MANUAL

VI. JUDICIAL COMMITTEE

*2. The Judicial Committee **shall review any question of non-compliance with LPPA Constitution, Bylaws, put forward in writing to the Committee by any LPPA member in good standing to determine the need for committee action.***

The Judicial Committee held a hearing on February 9, 2022, providing the Petitioner and the LPPA membership an opportunity to provide relevant testimony on the matter with the goal of clarifying answers to the questions at hand.

Based on this hearing and our own internal deliberations, the Judicial Committee, under its duty and authority as the *“the Final Body of Appeal in all matters regarding interpretations of the Constitution, Bylaws, and Rules or Resolutions of the Party”*, provides its interpretations to the petitioned questions as follows.

Below, the JC presents The Petition as submitted, adjusted in green text with questions numbered and in bold, with the JC's interpretations/rulings following each question indented and in blue text.

---Start of Ruling---

Dear Judicial Committee Members,

As a member in good standing, I hereby request a hearing be held on the following questions:

1. Who makes up the credentialing committee?

According to the Bylaws, it's made up of the Membership Committee and the LP Treasurer, or appointed by the LPPA Chair in the absence of such committee.

Citation:

Bylaws IX: Section 3 – Credentialing Committee

It shall be the responsibility of the party membership committee to credential all pre-registered convention attendees prior to the day of the convention. On the day of the convention, it shall be the responsibility of the membership committee and party treasurer to credential all convention attendees....

In the absence of a functioning membership committee, it shall be the responsibility of the party chair to appoint a person or persons with access to the party database to act in this capacity.

2. What are the exact steps that should be taken to place members on the credentialing committee?

The credentialing committee members are not selected. Instead, it forms automatically as defined per Bylaws, consisting of the Membership Committee and a Treasurer, or by Chair appointment if no Membership Committee exists. See citation above.

3. Can volunteers who are not voted on by the Board of Directors be placed on to the credentialing committee?

No. The Credentialing committee is formed per citations above. The LPPA is a volunteer-run organization that requires its Board to appoint volunteers to committees as members.

NOTE: Per the Policy Manual, committees are authorized to use volunteers to help the committees if the Committee Chair approves. However, this is distinctly NOT adding volunteers as formal committee members with committee-level voting privileges.

Citation:

Policy Manual SECTION VII:

1.3. Standing Committees: The Committees listed below are established in the Bylaws and their composition is determined by the Board of Directors. The Board has the authority to approve or remove committee members at any time by majority vote.

*1.3.a.3. Members of this Committee shall inform the credentialing committee for annual Libertarian Party of Pennsylvania Conventions in conjunction with the Treasurer. Standing Committees shall be composed of no more than seven voting members. **Committees shall be empowered to enlist people to help them in their work, with the approval of the Committee Chair, but these additional people shall not be voting members.***

4. Can volunteers be placed on to committees without first being voted on by the Board of Directors?

No. They may not. This is functionally the same question as #3, previously cited.

5. Can the board of directors challenge a County Committee Petition for Representation on the LPPA Board of Directors?

Yes. Robert's Rules, 6:17 (2), would permit such a challenge.

6. Who has the authority to add and remove members from standing committees?

According to the Bylaws, the Board. See prior citations.

7. Who has the authority to add and remove members from working committees?

Solely, the Board. Per the bylaws:

ARTICLE VIII. COMMITTEES, Section2–Working Committees There shall be such working committees appointed by the Chair as the Board of Directors deems appropriate. Working committees shall exist at the discretion of the Board of Directors.

Sincerely,
Joseph Van Wagner

Mon, Jan 24, 5:35 PM

---End Ruling---

The JC would like to thank all who provided testimony at the hearing and further assisted by providing notes and citations in writing.

Relief

The JC reminds everyone that the LP PA Body (membership/leadership) always has means to rectify any Judicial Committee rulings or interpretations deemed unsatisfactory, as follows:

- 1)** Per our governing documents, any JC decision “can be overturned by three quarters members present at a convention”. [CONSTITUTION: ARTICLE IV. ORGANIZATION – Section 4].

- 2) The Bylaws may be updated at Convention to reflect the will of the membership more accurately and clearly, or differently.
- 3) The “Policy and Standing Rules” manual may be formally updated during ordinary LPPA business to reflect the will of the membership more accurately and clearly.

Respectfully submitted,

Judicial Committee

Libertarian Party of Pennsylvania