

LP PA Judicial Committee

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Members of the Libertarian Party of Pennsylvania:

On November 20, 2021, at 9:03 p.m., the PA LP Judicial Committee (JC) was petitioned by member in good standing, Michael Heise, 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 December 16, 2021, providing the petitioner and the entire LPPA membership an opportunity to testify on the matter with the goal of clarifying answers to the questions at hand. It was the JC's goal to understand how the LPPA, past Conventions' credentialing committees, the board, etc., has interpreted the governing documents and traditionally handled these questions in practice.

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.

I, Michael Heise, would like to submit the following questions related to the LPPA bylaws to the Judicial Committee for interpretation and clarification:

[Begins initial submission to the LP Chair and Secretary for dissemination to the LPPA Membership]

1) According to the LPPA bylaws, what constitutes a member of the Libertarian Party of Pennsylvania?

The LPPA Governing Documents are very clear:

CONSTITUTION: ARTICLE III. MEMBERSHIP:

"An individual endorsing the purpose and principles of the Party may become and remain a member subject to the provisions of the Constitution, Bylaws, and Rules."

BYLAWS ARTICLE II. MEMBERSHIP: Section 1-Establishing Membership:

"A person shall become a member of the Party by fulfilling all of the following qualifications:

- *Making application*
- *Paying such dues as prescribed by the Board of Directors.*
- *Explicit Agreement with the following statement, either by signature or electronic means: "I hereby certify that I do not believe in or advocate the initiation of force or fraud as a means of achieving political or social goals."*

POLICY MANUAL II. Membership:

"Membership shall be established pursuant to the bylaws of the Party."

2) According to the LPPA bylaws, is there any set standard of evidence for what constitutes a registered Libertarian?

Only ARTICLE IX. CONVENTION Section 2 – Delegates, "references registered libertarian" as follows:

"Delegates must be registered Libertarian in Pennsylvania unless prohibited by law."

The Governing Documents are otherwise silent. (Roberts provides little guidance, deferring the organization to PA state law, which permits in person or online registration, each with unique confirm of registration.)

3) Is the SURE database denoted anywhere as the official standard of what constitutes a registered Libertarian?

The governing documents do not provide any official standard for what constitutes a registered Libertarian. Hence, this is not denoted anywhere.

To the extend tradition is arguably a "standard", SURE has been one form regularly used, although testimony at the hearing was that email confirmations and "in person registering" at the convention registration table are also part of that tradition.

4) Does email confirmation from the state of Pennsylvania qualify as proof that one is a registered Libertarian?

The documents are silent on listing any form of method for proof of registration.

To the extent that tradition is one potential “standard”, it’s been testified at hearing that emails have been previously accepted as a confirm at prior PA Conventions. It was also testified that emails could be “spoofed” to fabricate a genuine registration.

5) Does the chair or any members of the credentialing committee have the authority to unilaterally set the standard of what constitutes a registered libertarian and/or delegate?

Not UNILATERALLY, but they have committee authority / leeway to enforce requirements as authorized/required by the governing documents.

The documents speak exactly to what is required to be a “delegate” but are silent on defining how to confirm “registered libertarian”. The bylaws permit the Membership Committee to form a Credentialing Committee which is charged with enforcing this convention delegate requirement and permits it to set procedures for doing so.

Hence, the governing documents permit wide discretion that theoretically can define and redefine what the standards might be at any given time.

With such leeway, they might theoretically exclude actual registered libertarians and/or permit unregistered libertarians depending on procedures / standards chosen.

6) Do the bylaws set any deadlines by which one must be a registered Libertarian before voting at convention?

RE: “registered to vote in PA” as a Libertarian Party member, the answer would be “No”. The bylaws do not set any deadlines.

The documents speak only to deadlines on membership of the LPPA [ARTICLE IX. CONVENTION / Section 2 – Delegates: “Every member in good standing of the Party, as of 180 days before the convention, shall be entitled to be a delegate at such convention by attending in person.”] to what is required to be a “delegate” but are silent on “registered libertarian”.

7) Do primary elections being put on by other political parties constitute an exception on when one has to register as a Libertarian?

The governing documents do not speak to this, hence “No”, this is not an exception.

[Ends initial submission to the LP Chair and Secretary for dissemination to the LPPA Membership]

Our interpretation/ruling on each question, as framed in red disclosure above, was submitted on December 19, 2021, to the LP PA Chair and Secretary for distribution to the membership, as required “within three days” of the December 16 hearing.

Two additional questions originally submitted by Mr. Heise and circulated to the membership were subsequently retracted by the petitioner and are therefore not considered by the JC.

Hearing: We note that the December 16 hearing had robust discussions among members present regarding the breadth of potential interpretations to the existing governing documents that permit

liberal discretion that can and has caused conflict. Problems that arose regarding credentialing at the 2021 convention were enabled because the LPPA's governing documents fail to provide clear procedure and process to 1) guide the Credentialing Committee and 2) for new members to adhere to, leaving the process to be governed by personal/legacy interpretation and recollection of tradition vs. formal institutionally defined procedure and process. While historically the LPPA membership is in harmony rendering such lack of clarity moot, this shortcoming was detrimentally and disastrously exposed at Convention 2021, setting set the stage to exacerbate bitter conflict under the present political circumstances, thus permitting discord to dominate and define Convention 2021.

Discussed also at the Hearing were means the leadership/membership might take to clarify and clearly document procedures and processes to avoid future confusion and henceforth eliminate the potential for real or perceived whim, manipulation, or political convenience to govern procedure, thus diminishing the potential for future, wasteful internal party conflict.

It is the JC's recommendation is that that the governing documents be corrected to accomplish this, and that relevant committees work to clarify exact procedures and processes on all credentialing matters raised in this petition before the next convention.

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

- 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.
- 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.

We believe corrective action can resolve the present lack of fully developed / clearly defined LP PA credentialing procedures and processes raised by this Petition.

Respectfully submitted,

Judicial Committee

Libertarian Party of Pennsylvania