

Tewksbury, et.al. vs. The Libertarian Party of California Executive Committee
Libertarian Party of California Judicial Committee
RE: Judicial Committee Appeal regarding 2025 Convention Notice

Petition Filed: November 28, 2024

Ruling Issued: December 19, 2024

Detailed Analysis Published: December 26, 2024

Opinion joined by all members of the Judicial Committee; David Bowers, Calvin Lu, Christopher Kula, Avens O'Brien, and Mimi Robson, Chair.

For ease of reference, throughout this document Tewksbury, et.al. (Aaron Bonn, Elizabeth Brierly, Mark Hinkle, Chris Minoletti, and Jessica Tewksbury) will be referred to as the “appellants,” and the Libertarian Party of California (LPCA) Executive Committee (EC) will be referred to as the “respondents.”

RULING

On December 19, 2024, the LPCA Judicial Committee (JC) ruled that the notifications sent out for the 2025 LPCA Convention on October 22 and November 13, 2024, failed to provide sufficient notice, per the LPCA Bylaws.

The JC found in favor of the appellants, and ruled the notification did not meet the requirements for “advance notice.”

The appellants requested the following relief:

1. Determine that the Executive Committee has violated Bylaw 20, Section 2, by failing to provide the membership at least 120 days' advance notice of the 2025 convention arrangements.
2. Direct the Executive Committee to take corrective action, including:
 - A. Setting new convention dates that will allow for a practicable convention-notice process in compliance with the bylaws.
 - B. Providing at least 120 days' notice to the entire membership per the bylaws, being clear that this corrects and supersedes previous information.

The unanimous ruling of the Judicial Committee is as follows:

1. The Executive Committee has violated Bylaw 20, Section 2, by failing to provide the membership at least 120 days' advance notice of the 2025 convention arrangements.
2. The Executive Committee shall take corrective action, including:

- A. Setting new convention dates that will allow for a practicable convention-notice process in compliance with the bylaws.
- B. The LPCA shall provide at least 120 days' notice to the Central Committee Members per the Bylaws and *Robert's Rules of Order, Newly Revised* (RONR). This notice needs to make it clear that it supersedes the previous 2025 convention notice.

BACKGROUND

On November 28, 2024, the appellants, all Central Committee members in good standing of the LPCA, petitioned the JC over allegations that the notifications for the LPCA Annual 2025 Convention weren't noticed properly per the LPCA Bylaws.

All parties agree on the following facts:

1. At the October 21, 2024, meeting of the LPCA EC, the committee passed a motion, in part, to set the 2025 convention dates for February 22-23, 2025.
2. The convention requires 120 days' notice to the membership of the date, time and place of the convention.
3. On October 22, 2024, the LPCA Secretary, Mr. Chris Edgar, sent an email to the lpca-business@googlegroups.com email group with the subject line, "10/21/24 Executive Committee Meeting Summary." In the Summary the Secretary included "1. The Excom set the 2025 LPCA Convention for the following location, dates and time," which included the dates of the convention to be February 22-23, 2024.
4. On November 13, 2024, the LPCA Chair sent an email announcement regarding the convention from the party's membership database (Neon).

The appellants' requested remedy, as noted above, was for the LPCA EC to set a new convention date, and to provide the required 120 days' notice to the membership, and that such notice shall make clear that the new date supersedes the dates that were previously noticed.

The JC determined a timeline for submission of additional information. The respondents were given seven (7) days to submit their response, followed by an additional period extending until December 16, 2024, for the appellants, respondents, and any additional interested parties to submit rebuttals and/or amicus briefs. During the time after the initial seven days, the JC included that it may request additional information, or ask questions of both the appellants and respondents.

ANALYSIS

The parties' written submissions tended to agree on the above facts, thus the JC relied on LPCA Bylaws, and *Robert's Rules of Order, Newly Revised* (RONR) to determine the validity of the actions taken by the LPCA to provide proper notice of the convention.

Under the LPCA Bylaw 20, Section 2, the EC is responsible for setting the time and place of the convention and "shall provide to the *membership* at least one hundred twenty days advance notice concerning these arrangements." (emphasis added)

The respondents asserted, "Appellants do not cite any bylaws or rules from Robert's Rules of Order giving a specific definition of 'notice to the membership' in this context, and none appear to exist."

Notice to membership is clearly defined: (RONR 12th edition, section 9:5, emphasis added):

When notice is required to be sent, unless a different standard is specified that requirement is met if written notice is sent to *each member* either:

- a) by postal mail to the member's last known address; or
- b) by a form of electronic communication, such as e-mail or fax, by which the member has agreed to receive notice.

Per the LPCA Bylaw 5:

- D. All references in these Bylaws and Convention Rules to "mail," "written notification," or similar terms shall be considered to include electronic communications.

Therefore, email notification to all members is sufficient to fulfill this obligation.

Which then brings us to the question of "who" are the members that are required to receive notice. Although it could be deemed as all members of the party (which would include associate non-voting members), the minimum requirement would be per the RONR provisions (RONR 12th edition, section 1:3, emphasis added):

"A *member* of an assembly, in the parliamentary sense, as mentioned above, is a person entitled to full participation in its proceedings, that is, as explained in 3 and 4, the right to *attend meetings*, to *make motions*, to *speak in debate*, and to *vote*. No member can be individually deprived of these basic rights of membership—or of any basic rights concomitant to them, such as the right to make nominations or to give previous notice of a motion—except

through disciplinary proceedings. *Some organized societies define additional classes of “membership” that do not entail all of these rights.* Whenever the term member is used in this book, it refers to full participating membership in the assembly unless otherwise specified. *Such members are also described as “voting members”* when it is necessary to make a distinction.”

Further, per Bylaw 20, Section 1: (emphasis added)

“The Party shall hold an annual convention of delegates of the *State Central Committee* (“convention”) to conduct such business as may properly come before it, at a time and place set according to these Bylaws and in conformance with these Bylaws and Convention Rules.”

And Bylaw 6, Section 1 states that members of the State Central Committee are defined as follows:

“Individuals may be members of the State Central Committee by meeting the following requirements:

- A. Residing in California, and
- B. Accepting the Certification, and
- C. Being a registrant of the Libertarian Party if eligible, and either
 1. Holding elected public office in the State of California (being a member of a County Executive Committee does not meet this requirement), or
 2. Paying such dues as prescribed by the Executive Committee. The Executive Committee may authorize participation in a joint membership arrangement with the national Libertarian Party for the purpose of satisfying the dues requirement.

No State or County Central Committee member shall be a registrant of or hold office in any political party other than the Libertarian Party.”

Therefore, it seems clear that notification **MUST** be sent to all Central Committee members. Per the Secretary’s September membership report (which would presumably be the number of members at the time notification should have been sent), there were 528 Central Committee members. The notification sent on October 21, 2024, to the email group noted above has 90 members who may or may not be central committee members. But if we accept that all 90 members were Central Committee members that would only be 17% of the total number of Central Committee members, which would not meet the notification requirement.

CONCLUSION

The JC has ruled in favor of the appellants in this complaint and are granting all remedies requested. This should be rectified as soon as possible, which is the reason the JC issued the ruling prior to writing the full report. All Central Committee members **MUST** be notified that the current convention dates of February 22-23, 2025, are now null and void, and new dates for the convention will be announced as soon as practicable with the required 120 days' notice.

At the time of writing this report the convention page on the LPCA website still lists the dates for the convention as being February 22-23, 2025, and includes a link for booking lodging for the convention at the host hotel during those dates. This is misleading, and creates further hardship for the Central Committee members, who are likely continuing to book travel to attend a "convention" on an incorrect date.

Opinion by Avens O'Brien, joined by David Bowers and Mimi Robson

December 26, 2024

We recognize that during the hearing, there was some discussion regarding what constitutes "membership", and an indication by both parties for some clarity on the procedure of notification.

In order to avoid further confusion or create new JC appeal concerns, we wanted to identify a few specific actions in light of our findings. There was some debate among the JC about whether our duty was to additionally prescribe actions, however we believe this may be necessary to ensure member rights are respected.

The remedies we granted:

- A. Setting new convention dates that will allow for a practicable convention-notice process in compliance with the bylaws.
- B. The LPCA shall provide at least 120 days' notice to the Central Committee Members per the Bylaws and Robert's Rules of Order, Newly Revised (RONR). This notice needs to make it clear that it supersedes the previous 2025 convention notice.

The following action must be taken immediately:

- Removal of the cancelled convention dates and details from the website.
 - As of the publishing of this report, the previous convention details are still on the website, and we are concerned there may be confusion for members, or people may book flights or hotel rooms without realizing the coming change.

We also recommend the following actions as soon as reasonable:

- An email informing membership of the JC's Ruling and that the convention date and details will be issued in another email once they've been determined.
 - This alerts members to a pending change, without committing to a date.
- An email informing membership of the new date after it's been chosen, at minimum 120 days from the convention start date.
- As soon as reasonable is recognizing that this opinion is being issued on a holiday week.

Further be advised:

- The JC determined that "membership" for the purposes of this discussion is all current Central Committee Members, however we respectfully suggest that lapsed members may benefit from receiving this information as well, so as to possibly encourage renewals. This is merely a suggestion and does not obligate action.