

Austin Martin, et al., Appellants
v.
Libertarian National Committee, Respondent
Filed: February 17, 2026
Decided: April 8, 2026

Opinion by Blay Tarnoff, joined by Stephan Kinsella, Rob Latham, and Robert Stratton

Per Article 7.12 of the Libertarian Party Bylaws,¹ Appellant Austin Martin appeals the decision of the Libertarian National Committee (LNC) not to permit the seating of an alternate representative selected by Region 1 for not having been eligible to be a member of the LNC at the time of his selection.

Facts

On May 10, 2025, the state chairs of the affiliate parties that comprise Region 1, a region entitled to two representatives and two alternate representatives, voted to select James Wiley of Colorado “secondary alternate” representative to the LNC.

On or about May 15, it was discovered that Mr. Wiley had failed to meet the definition of a “sustaining member” of the Party since March 2, 2025, his last donation to the Party having been one year prior to that date.²

Also on or about May 15, Party Chair Steven Nekhaila directed that because Mr. Wiley was not eligible to become a member of the LNC at the time of his selection,³ the vote to elect him was invalid and Mr. Wiley could not be seated as a member of the LNC until he became a sustaining member and a valid vote was subsequently taken.

On May 15, Mr. Wiley repaired his status as a sustaining member.

A meeting of the LNC was held on May 17. A point or order was raised by Appellant Austin Martin concerning the directive of the Chair that the May 10 Region 1 vote to select Mr. Wiley was invalid. The

¹ “Upon appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void.”

² “Sustaining members’ are members of the Party who:

- a. During the prior 12 months have donated, or have had donated on their behalf, an amount of at least \$25; or
- b. Are Life members”

Libertarian Party Bylaws Article 4.4.

³ “A National Committee member shall be a sustaining member of the Party and shall not be the candidate of any party except the Party or an affiliate.” *Id.* Article 7.4.

Chair ruled the point of order not well-taken, Mr. Martin appealed from the ruling of the Chair, and the Chair was sustained.

On May 24, the state chairs of Region 1 voted to ratify the original election of May 10; Chair Nekhaila thereafter directed that Mr. Wiley may be seated as an alternate representative member of the LNC.

Had Mr. Wiley immediately been seated upon once again becoming a sustaining member, the composition of the LNC might have been altered between the dates of May 15 and May 24, 2025.

Reasoning

Respondent argues that the election of an individual who is not qualified to assume a particular office is invalid, appealing in support to sub-paragraph 46:49(a) of Robert's Rules of Order (RONR), which reads, "If an individual does not meet the qualifications for the post established in the bylaws, his or her election is tantamount to adoption of a main motion that conflicts with the bylaws." Respondent would generally be correct: Robert's Rules of Order, widely adopted as the parliamentary authority by most deliberative assemblies within the Libertarian Party and its affiliates, does detail the default rules of order for those organizations.

This case involves two independent, although affiliated, organizations, one in effect raising a point of order challenging an election conducted by the other. Each such organization has its own rules, which may or may not adopt Robert's Rules of Order as its parliamentary authority, and each which *has* adopted such authority may also adopt special rules of order superseding it.⁴ What may violate the rules in one organization, therefore, may not violate the rules of the other. Moreover, while it is true that an "election is tantamount to adoption of a main motion," such election is tantamount to a motion *brought before the body that held the election*.⁵ A point of order accuses an assembly of failing to follow *its own rules*;⁶ an assembly has no standing to raise a point of order concerning the deliberations of another.

The Region 1 election in question may, indeed, have been improper, even pursuant to its own rules. However, that is a question for Region 1 to address, if it chooses to do so. By the very nature and definition of the deliberative assembly, any manner in which it chooses to make its decisions and how and whether to enforce its own rules are internal matters, to be decided by the assembly, itself.⁷ Other deliberative bodies, such as the LNC, are of course similarly free to judge them as they see fit. But, the

⁴ "Special rules of order supersede any rules in the parliamentary authority with which they may conflict." RONR 2:16.

⁵ The entirety of paragraph 46:49 addresses the issue of timeliness in contesting an election. The fact that a point of order contesting an election may be *timely* as a "continuing breach" cannot be interpreted to mean that another body therefore "ha[s] the *authority*" to make such point of order, as Respondent has so proposed in its brief at 5-7. (Emphasis added.)

⁶ RONR 23:1.

⁷ "A deliberative assembly . . . is a group of people, having or assuming freedom to act in concert, meeting to determine, in full and free discussion, courses of action to be taken in the name of the entire group." *Id.* 1:1.

authority of one body, in its own forum and pursuant only to its own rules, to challenge the acts of another would effectively subject the latter to the mercy and integrity of the former.⁸

Ultimately, while the LNC may be free to adopt a resolution declaring any opinion it so chooses, it is bound to *act* pursuant only to the rules of the National Libertarian Party. While the Party Bylaws do provide recourse against affiliate organizations and the individuals who comprise them for various transgressions, nowhere do they, nor the Party's duly adopted special rules of order, nor Robert's Rules of Order, authorize the LNC to challenge the result of an election nor in any other way interfere with the internally conducted business of an affiliate or a region.⁹ If the LNC believes a region has acted improperly, it may take action only as the Bylaws allow or prescribe.

In that vein, the Party Bylaws explicitly adopt Robert's Rules of Order as its parliamentary authority.¹⁰ Paragraph 46:50 of that authority reads as follows:

Because the voting body itself is the ultimate judge of election disputes, only that body has the authority to resolve them in the absence of a bylaw or special rule of order that specifically grants another body that authority. Thus, for example, when an election has been conducted at a membership meeting or in a convention of delegates, an executive board, even one that is given full power and authority over the society's affairs between meetings of the body that conducted the election, may not entertain a point of order challenging, or direct a recount concerning, the announced election result. While an election dispute is immediately pending before the voting body, however, it may vote to refer the dispute to a committee or board to which it delegates power to resolve the dispute.

This paragraph makes it clear that, barring any provision in the Bylaws or special rule of order to the contrary, the LNC may not void the result of an election conducted by *any body other than itself*. Per this paragraph, it would appear a body would not have the authority even to void elections conducted by its own subcommittees, much less independent organizations, affiliated or not.

⁸ Respondent LNC, at its brief at 5, claims that Party Bylaws Article 6.6 ("The Chair shall preside at all conventions and all meetings of the National Committee. The Chair is the chief executive officer of the Party with full authority to direct its business and affairs, including hiring and discharging of National Committee volunteers and paid personnel, subject to express National Committee policies and directives issued in the exercise of the National Committee's plenary control and management of Party affairs, properties and funds.") "gives the Chair the authority to enforce the National Bylaws and any other policy of the National Committee, which would include declaring a Regional Election invalid due to violation of the eligibility requirements explicitly stated in the National Bylaws." Were this true, the LNC would have the authority to control every aspect of every affiliate and sub-affiliate, down to the fixing of meeting times of county parties. Such theory lacks any authority in support.

⁹ This should not be construed to imply that a duly adopted special rule of order granting such authority would necessarily be in compliance with the Party Bylaws.

¹⁰ "The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party." Party Bylaws Article 16.

Holding

The concern of the Chair of the LNC in this matter was certainly reasonable. The Party Bylaws do mandate that every member of the LNC, whether or not validly elected, must be a “sustaining member of the Party,”¹¹ and it would therefore be reasonable to conclude that the election of Mr. Wiley was invalid and therefore expect it to be re-conducted. Accepting ratification in lieu of a new election also seems a reasonable compromise. However, while the actions of the Chair may have been reasonable and understandable, the decision of the LNC to bar Mr. Wiley from its ranks once he met all the qualifications of office was not in compliance with the Bylaws. Per Article 7.4, the LNC is within its authority, if not required, to bar anyone who does not meet the definition of “sustaining member of the Party” from participation as a member of the LNC.¹² However, it may not so bar any duly appointed individual who *does* meet that definition, as well as all other qualifications; Mr. Wiley was duly appointed, did meet that definition as of May 15, 2025, and was therefore entitled to be seated as the Region 1 alternate representative as of that date. A region or affiliate is free to select anyone it chooses, qualified or not, per its own rules and deliberative process. The LNC is likewise free to take any action it is entitled to take under the rules of the Party in response.

For all of the foregoing reasons, the May 17, 2025 decision of the LNC to bar Mr. Wiley from being seated as the Region 1 alternate representative is hereby null and void. Other than as may have been addressed in this opinion, Appellant’s remaining requests for relief do not fall within the jurisdiction of this Committee to grant.

¹¹ *Id.* Article 7.4, *supra*.

¹² Appellant argues that Mr. Wiley should never have been barred from the LNC, even while he temporarily did not meet the definition of a sustaining member, under the theory that Robert’s Rules of Order provides that “A member of a society who is in arrears in payment of his dues, but who has not been formally dropped from the membership rolls and is not under a disciplinary suspension, retains the full rights of a voting member and is entitled to vote except as the bylaws may otherwise provide.” (RONR 45:1.) This argument fails on several grounds. For one, Mr. Wiley was not in arrears in payment of dues, which are not required for Party membership. Mr. Wiley failed to make a timely *donation* to the Party, which, unlike dues, he was under no obligation to make. For another, Mr. Wiley did at all times retain the full rights of a voting member, including the same right all such members have to run for LNC and be seated as a member, if qualified. Finally, even if one were to accept *arguendo* that Mr. Wiley was being denied the rights of a voting member, by defining “sustaining member,” the Bylaws do explicitly provide for denying such rights when one no longer meets the definition. If, for example, the Bylaws *defined* a member as “an individual who has paid dues within the past year,” then any member who became in arrears would, indeed, automatically lose all “rights of a voting member,” in accordance with the final clause of 45:1.