

December 16, 2024

Judicial Committee  
Libertarian Party of California

Sufficiency of Convention Notice – Letter Supporting Every Member

Submitted by: Sandra Kallander

Dear Members of the Judicial Committee:

Thank you for hearing the appellants (Tewksbury, et.al.). It is my fear that if the 2025 Convention is held without proper notice, the election of officers and changes to the Bylaws that may be made will not be valid, and either challenged or simply disrespected by those who realize election and bylaws changes are illegitimate.

Nevertheless, my feelings about a postponement were mixed until I heard that the Executive Committee members have agreed to reschedule the convention if necessary to maintain the integrity of the outcome.

I believe they are correct to do so:

- The only thing more destructive to member morale than being denied the right to vote, or not being invited to attend at all, is the realization that even if one attends the following year and one's vote is counted, the meeting is being conducted under bylaws and officers who were improperly selected the year before. All subsequent actions can be called into question. It only takes one member to challenge inadequate notice and this notice failure is too obvious to ignore.
- Although it seems like a lot of trouble to call for a "do-over" notice, it is by far better than if the proceedings are challenged afterward, requiring a do-over convention (with attendant costs in time and money) or result in a loss of confidence from donors and members.

For appellants, respondents, and members of the Judicial Committee I add the following:

- The Bylaws have quite a few flaws because they get amended in a hurry by libertarians who think the basic principles are obvious and many delegates don't really care about the details sufficiently until a problem arises.
- However, the goals and purposes of the Libertarian Party of California are well-stated in the basic structure of the Bylaws probably because ALL voluntary membership organizations have members who want authority to be decentralized to the members and consider the officers temporary custodians. Like our U.S. Constitution, the Bylaws merely authorize limited authority to elected leadership.
- Members who are elected or appointed to committees are all unpaid volunteers. If they had a micro-managing boss, they would probably quit. The Bylaws are not meant to replace a how-to manual or learning from one's predecessor in office or colleagues; only the most critical pillars of a membership organization are spelled out. It is assumed basic concepts are understood.

- Robert's Rules of Order have successfully defended the rights of members for centuries. They have many more rules than most members use or need, but the common problems of groups all have solutions in RONR. It makes sense to use them when necessary because the LPCA Bylaws are silent on the meaning of a word.
- Libertarians tend to expect leadership to use their own common sense and principles, too. Concepts like "notice" and "member" are defined in RONR and taught in law school, but even so, use a dictionary!

**NOTICE! IMPORTANT! CONVENTION ANNOUNCED! DON'T MISS IT!**

That's a notice.

Not: Subject: "10/21/24 Executive Committee Meeting Summary"

The subject line of the claimed first notice was about as attention-grabbing as "Omnibus-Spending-bill" (because we can't stop the spending...yet). Nothing about it said, "Notice this message; this affects you more than usual."

Giving notice to the LPCA membership of the most important (only) event of the year, under a subject line related to another matter and resembling all previous unrelated meeting summaries of completed events in which the recipient was ineligible to vote, simply does not constitute "notice" of the annual convention.

## The Bylaws Have Three Pillars of Decentralization

### **Pillar 1. Members Self-Select (by meeting membership requirements)**

Entering and Exiting Membership is automated or preauthorized, and left entirely up to the individual to meet the requirements, continue to meet the requirements, or to exit by ceasing to meet the requirements or by resignation.

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### **Bylaw 6: Membership, Section 1**

*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.*

[Omitted, 2 more sentences irrelevant to Membership/this discussion (1 redundant; 1 misplaced).]

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<b>Membership achieved upon meeting the requirements</b>	Permission is given to <b>be a member</b> ( <i>not</i> "apply as," "continue as," "renew as," or "become"). <b>Granted</b> in line one of <b>Section 1</b> , above; it is automatic/ <b>preauthorized</b> : <b>"Individuals may <u>be</u> members..."</b>
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I can't list any bylaws that grant another individual authority to add or remove a person into or out of membership because there aren't any. No individual is authorized to deny another individual entrance or exit. The only way to remove a member against their will while they meet the requirements is for the Executive Committee to suspend them first. Even then, the individual can appeal to the Judicial Committee. This makes sure that both committees have agreed upon the removal and that this is not just a personal vendetta.

**Pillar 2. The Membership List**

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<b>"Membership List" is not defined in the Bylaws</b>	"Membership List" is not defined in the Bylaws. Yet, it is so important it has its own Bylaw. One concludes it is, in concept, the comprehensive list of all state (and county) "Central Committee members."
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Common sense or consult the Dictionary. But further evidence supports this conclusion:

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**From Bylaw 10: County Organizations, Section 2**

*State Central Committee membership shall be the only requirement for County Central Committee membership...*

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If the above gives the State Central Committee members authority to determine who is eligible to belong to a County Central Committee, the counties need to confirm state membership status. The list is shared for reference, so counties know who is eligible:

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**Bylaw 7: Membership Lists, Section 1**

*The Executive Committee shall provide one copy of a County Central Committee's membership list monthly to that county organization's Secretary or designated officer at no charge, or by mutual arrangement, or to any other officer of that county at cost within ten days of a request.*

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The Membership List must be used for determining who is a state Central Committee member and thus eligible to be a member of a county Central Committee. If you are *not* on this master list, you are presumed *not* to be a member of the state Central Committee.

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<b>County members are listed as subsets of the Membership List</b>	The LPCA's provision to counties of the Membership List (per <b>Bylaw 7</b> ) and <b>Bylaw 10</b> , together, represent that those on the list meet the requirements for membership.
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The Membership List changes in real time based on individuals' input of data or the ticking of time going by (dues expiration), and its representation in NEON or elsewhere may be corrected only by the individual whose data are represented (change of address, renewals, etc.), or with their permission. Again, there is no authority given to anyone else to change a member's status without either the consent of the member or a Judicial Committee decision.

### **Pillar 3. The member's right to participate and vote.**

Almost the only benefit promised members is the right to vote on party matters. Being given notice of the time and place of the convention in advance is a prerequisite.

A membership organization requires members to select volunteer members to take on various roles and responsibilities. Many of these are elected directly by the membership at the annual convention. Nothing in the bylaws *requires* members to go to the convention and/or to vote or tells them *how* to vote, but to do any of that requires advance notice.

This is how these three pillars work together to keep authority decentralized:

Let's suppose that a new chair is elected. We will call her Ms. Pelosi.

She wants more members based on her own criteria and prefers to invite people to join as if choosing guests for her birthday party (bringing gifts, singing her praises).

Our automated portal, executing the preauthorized process of signing up self-selected new members willing to agree to and meet the requirements the membership previously adopted (Bylaw 6, Section 1) still controls entry.

Suppose Ms. Pelosi decided to create a separate list of people to invite.

Fortunately, it isn't her job to invite people to the convention.

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#### **From Bylaw 11: Officers, Section 2**

*No state offices shall be combined.*

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#### **From Bylaw 11: Officers, Section 5**

*The Secretary shall be responsible for maintaining the Party membership list, for receiving or sending formal notifications as specified in these Bylaws and Convention Rules, and shall be responsible for recording and promptly distributing minutes of Party proceedings.*

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Bylaw 11, describing the duties of officers in the Executive Committee, clearly states that the offices shall not be combined, and that the Secretary is to send formal notices.

Now suppose that Ms. Pelosi gives her enemies list to the Secretary, asking him to remove them from notification.

If the Secretary is doing his job, he will refuse. He also supervises the Credentials Committee and manages the Membership List, so if caught, he will take the blame.

Alternatively, suppose Ms. Pelosi proposes that he simply delays notices to her enemies, giving her friends more time to accumulate funds and make arrangements to attend.

And Mr. Biden obliges. It is immaterial whether he does so from incompetence or lack of moral compass or ignorance of the bylaws. What *is* material is whether each member was given proper notice. Proper notice is required.

What happens next? Luckily, the county organizations play a role in verifying member status. They will have made sure many members are aware of the convention date. They have copies of the Membership List for their county. Each member has receipts from the automated system and welcome letters often signed by the Chair, Secretary, or Treasurer.

Oh, but Ms. Pelosi isn't done. She and Mr. Biden decide to erase the database. No more members. Fortunately, all the members must do is pay \$25 and they're back! Good as new!

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### **Bylaw 8: Dues Sharing**

#### **Section 1: New and Renewing Membership Dues**

*A new member is one who has no membership record in the state Party's database at the time they pay annual membership dues. A renewing member is one who has a record of membership in the state Party's database at the time they pay their dues. The state and county Party organizations shall split the new and renewal membership dues 50/50.*

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There really should be no confusion about why the Membership List is a list of every member. It doesn't matter if it is split and shared and used at county or state level. It can be on paper, in digits, or in person. The sum of the parts is the complete list, and it is based on who meets all the requirements of Bylaw 6: Membership, Section 1.

Neon appears to be the best form of this list. Up-to-date, up-to-the-minute. It's not an-opt-in-with-centralized-approval list.

Notice must go to every member of the Central Committee. Best practices would be to send notice to past or lapsed members reminding them to renew. Even the ones who never attend are paying dues to support the rest of us and need to know we still meet.

And, notice should go out to everyone at the same time, in time to meet the 120 day requirement. Failure to notify as required is a failure of respect; there are plenty of other parties and organizations that ignore our values and don't count our votes. We must do better than they do.

Sincerely,

Sandra Kallander  
Member of the Central Committee

[Any resemblance between Ms. Pelosi, Mr. Biden, or anyone else is purely coincidental. My mom is a Democrat and I love her.]