



June 17, 2022

Todd Corsetti
State Central Committee Member, Libertarian Party of Idaho
7732 W Buckskin Rd
Pocatello, ID 83201

RE: Validity of the Libertarian Party of Idaho 2022 State Convention

Dear Todd:

Thank you for the opportunity to advise you with regard to the validity of the Libertarian Party of Idaho (LPID) state convention held on April 2, 2022. There are two questions related to the validity of the convention: (1) whether the convention was called and conducted on proper authority under Idaho law and the LPID Bylaws; and (2) whether the date that the convention was held was proper under Idaho law and the LPID Bylaws.

The following analysis and opinion are given based on information provided by members of the LPID, including members of the State Central Committee, which I accept at face value. Should that information change, or prove incomplete or inaccurate, the opinion expressed herein is subject to revision.

BACKGROUND

The LPID held its annual state convention on April 2, 2022. The convention was called and organized by the Party officers and Executive Board. Those officers included Jennifer Imhoff-Dousharm as Chair and Robert Imhoff-Dousharm as Acting Treasurer. At the time of the convention, there were no elected members of the State Central Committee, as defined by Idaho Code 34-504. At the convention, business was conducted as specified in Idaho Code 34-707. Delegates to the Libertarian Party National Convention were selected, including Robert Imhoff-Dousharm. New officers and Executive Board members were elected, which included Robert Imhoff-Dousharm as Chair and Jennifer Imhoff-Dousharm as Region 2 Chair. A motion was presented and passed unanimously by the delegates ratifying the convention and the actions taken.

After the state convention, the selected delegates attended the national convention in Reno, NV, held May 26-29, 2022. Leading up to and at the national convention, Robert Imhoff-Dousharm challenged two votes of the delegates, in which another delegate was elected as delegation chair, on the grounds that he was the state party Chair. An appeal to the national party Parliamentarian settled the issue by recognizing the vote of the delegation. Robert Imhoff-Dousharm then left the national convention without further participation.

A letter dated May 30, 2022 was sent to the Idaho Secretary of State by members of the former Executive Board, including Jennifer Imhoff (“Chair”), Robert Imhoff (“Acting

Treasurer”), Jenniver Luoma (“Member”), Joe Evans (“Region 2 chair” [sic]), and Beth Clark (“Region 3 Chair”). The letter claimed that the April 2, 2022 annual convention was not properly conducted under Idaho Code § 34-707 because “State Central Committee members did not properly organize and call that meeting.” Although a new Executive Board was elected at the convention, they proposed to revert to the “original Executive Board” until such time as a convention has been completed and its minutes approved by the Executive Board. The letter did not elaborate nor explain any basis and further the conclusion that the state convention was not valid. The letter also asked for assistance in assigning the role of Treasurer back to “the original Treasurer of record prior to April 2nd, 2022.”

During the Idaho state primary elections on May 17, 2022, precinct committeemen were elected and at subsequent meetings, members of the State Central Committee were appointed in accordance with Idaho Code § 34-502 and the LPID Bylaws. Those members of the State Central Committee have asked for clarification as to the validity of the April 2, 2022 convention and the authority of the former Executive Board members to nullify the convention and the business conducted during it..

ANALYSIS

I. Authority to Call and Conduct the Convention

The convention held on April 2, 2022 was called and conducted by the Executive Committee of the LPID.

Idaho Code § 34-707 mandates that a “state convention shall be held by each political party in each election year at a time and place determined by the state central committee.” 2022 is an election year, and therefore, the law requires that the LPID hold a state convention because it is a political party. If no convention is held, then the party is in violation of the law.

Article VII Section 1 of the Bylaws specify that “the four officers of the Party ... are the officers of the State Central Committee.” Prior to and at the time of the convention, there was no elected State Central Committee. In the absence of an elected State Central Committee, the Bylaws, by declaring the four officers of the party to be the officers of the State Central Committee, empower the officers to act for and on behalf of the State Central Committee. In effect, the four officers of the Party were the State Central Committee because there was no elected body.

The officers called a state convention in mid-February 2022. The officers then conducted a state convention on April 2, 2022, in Idaho Falls, at which certain actions were taken. Rules for the convention were adopted in accordance with I.C. § 34-707. New Party officers and Regional Chairs were elected to serve on the Executive Committee. Delegates were selected to participate in the national convention. Other business was conducted. The minutes of the convention were recorded.

Under the Bylaws, the officers of the LPID had authority to act as the State Central Committee to call and convene a convention pursuant to I.C. § 34-707. In fact, they did just that.

The convention was lawful according to the laws of the State and the Bylaws of the party. Therefore, the convention was duly called and conducted and all actions taken by the convention were valid and binding upon the party.

II. Timing of the convention

The Bylaws specify that “regular Conventions shall be held each year, in the final two weeks of the month of April, or in accordance with the Election Laws of the State of Idaho.” Bylaws Art. V Sec. 1. The laws of the State of Idaho, specifically I.C. § 34-707, empowers the State Central Committee to determine the time and place of the state convention. As established above, the Executive Board is empowered by the Bylaws to act for and on behalf of the State Central Committee in the absence of an elected body.

The Bylaws, by giving the option to hold a convention “*or* in accordance with the Election Laws of the State of Idaho” give discretion to the State Central Committee to hold the convention at a time other than in the final two weeks of April. Because the state laws give the state central committee the ability to determine when the convention will be, The State Central Committee may, in effect, call and hold a convention at any time.

Acting for the State Central Committee, the officers called and conducted a state convention on April 2, 2022. In effect, the State Central Committee called and held the convention on a date that it determined. Such a determination was within the powers specified in the Bylaws and in accordance with the law. Therefore, the timing of the convention in early April was allowed under the Bylaws and Idaho law.

CONCLUSION

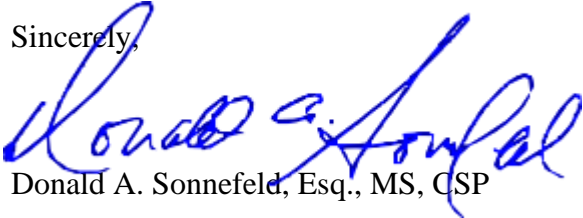
Idaho Code § 34-707 further directs “[e]ach state convention shall write and adopt rules and regulations governing the conduct of their respective conventions.” Neither Idaho law, nor the Bylaws require the Executive Board to approve the minutes of a convention. Such minutes are a matter of record and the Party Secretary is bound to maintain the convention minutes as official records of the Party. The members of the former Executive Board had no authority under Idaho law or the LPID Bylaws to declare the convention invalid. Similarly, to the extent that the newly elected members of the Executive Board determined that the convention was called or conducted improperly, they have no authority to unilaterally undo the actions taken. The convention is self-governing and under the law directs the State Central Committee and the Executive Board by “[a]dopt[ing] rules, regulations and directives regarding party policies, practices and procedures.” I.C. § 34-707(4). The convention is the penultimate governing body of the Party. The convention governs the Executive Board, not the other way around.

Therefore, the convention being duly called, organized, and held within the provisions of the Bylaws and in compliance with the laws of the State of Idaho, the actions taken at the convention are valid and binding upon the Party.

The letter sent to the Secretary of State alleging that the convention was not properly called according to Idaho Code 34-707 was erroneous and false. All action by the prior executive

committee taken since the convention are invalid and should be considered void from their inception. The Executive Board elected at the April 2, 2022 convention are the rightful officers of the Party and their respective regions. To the extent that those action are given any credibility, the State Central Committee will need to take action according to the LPID Bylaws to clarify and remedy the confusion that the letter from the former Executive Board members has created.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donald A. Sonnefeld". The signature is fluid and cursive, with the first name "Donald" being the most prominent.

Donald A. Sonnefeld, Esq., MS, CSP

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