#### APPEAL TO THE LIBERTARIAN PARTY OF COLORADO JUDICIAL COMMITTEE

## RE: ILLEGITIMATE NOMINATION OF ROBERT F. KENNEDY, JR. AND NICOLE SHANAHAN AS THE LIBERTARIAN PARTY OF COLORADO'S PRESIDENTIAL AND VICE-PRESIDENTIAL NOMINEES

**Appellant:** Caryn Ann Harlos

**Appellee:** Board of the Libertarian Party of Colorado

**Date:** July 6, 2024

**Jurisdiction:** Bylaws Article IX, Section 4(4), Appeals of Board decisions pertaining to

items of business

Related Case: Vadney v. Board of the Libertarian Party of Colorado

#### **BOARD DECISION APPEALED:**

Add Robert Francis Kennedy Jr. and Nichole Shanahan [sic] as the President and Vice President nominee for the Libertarian Party of Colorado, for the 2024 Presidential Election. This motion was passed on July 2, 2024. This decision shall be referred to as "the Contested Decision."

#### **BACKGROUND:**

The Libertarian Party of Colorado ("LPCO") is organized under the laws of the state of Colorado as a minor political party and a non-profit corporation with a voting membership.

#### For reference please see:

- Screenshot of Colorado Business Entity Search: Non-Profit Screenshot.png
- LPCO Articles of Incorporation: AOI.pdf

On June 10, 2024, the LPCO Board ("Board") passed a resolution declaring that they would not put Chase Oliver and Mike ter Maat ("the official Libertarian Ticket"), the Libertarian Party nominees for President and Vice-President determined at the Libertarian national convention in May 2024 on its ballot line. On or about June 16, 2024, LPCO member Sean Vadney filed an appeal challenging the validity of this decision under both the national Libertarian Party ("NLP") Bylaws and the LPCO Bylaws. On or about June 21, 2024, the LPCO Judicial Committee ("JC") purported to decline to hear the Appeal but in fact actually rendered an explicit decision against Vadney.

On July 2, 2024, the LPCO Board met and passed a motion (the Contest Decision) that would result in the LPCO putting Robert F. Kennedy, Jr. and Nicole Shanahan on the LPCO's ballot line as the LPCO's nominees for President and Vice-President ("the Substitute Ticket") instead of the official Libertarian Ticket. The LPCO Treasurer Alison Spink was not in attendance at this meeting and subsequently tendered her resignation in protest that same night. The Appellant, Caryn Ann Harlos ("Harlos"), requested the minutes which were received (along with the prior special meeting minutes) as well as the report required to be prepared by the LPCO national Delegation Chair after the national convention detailing out the delegate votes. That latter report has not been received as it does not exist despite being required by the LPCO Bylaws. In reviewing the minutes of the June 24, 2024 and July 2, 2024 meetings several things are noted. First, neither meeting was noticed to the Membership despite the LPCO Bylaws requiring open meetings (Article X.b). It is irrelevant that the bulk of the meetings were in Executive Session, as even noted by both sets of minutes there was "opportunity for public comment." What public? The general Membership was never told of these meetings.

This whole matter was handled in the most sloppy and unprofessional manner possible. The fact that the Board has moved all of their communications to a secret "Teams" group is also in violation of Standing Order of the Board from 2017 which has never been repealed requiring a public email list. Harlos was told multiple times this would be fixed, yet it never was. Right before the 2024 national Convention, the Libertarian National Committee ("LNC") also moved to Microsoft 365 from Google (like the LPCO) and was able to fix the issue of providing a public email list in days. It has been MONTHS for the LPCO, and it is still not fixed. Nor did the LPCO Board do the sensible thing and use the website for posting notices. This is NOT how the Libertarian Party, the "Party of Principle," is supposed to act. Additionally, neither the June 24 or the July 2, 2024 meetings are on LPCO's YouTube channel. In short, this decision was made with the vast majority of membership being in the dark, and none of the notices that were given even to a select group of members (Harlos thought her inclusion in these emails was just a courtesy to her since she complained about not getting notices in the past) disclosed that choosing the anti-libertarian ticket of Kennedy/Shanahan was an item of business. Not once.

#### For reference see:

- August 2017 LPCO Minutes passing email transparency motion:
  - CO 2017-08 Board Meeting Minutes.pdf
- Notice of June 24, 2024 Meeting given to Board and select outside persons with cancellation of said meeting:
  - Notice for June 24 LPCO Special Board Meeting.pdf

- Re-Notice of June 24, 2024 Meeting given to Board and select outside persons without any link to attend:
   ■ Ad Hoc Committee and Special Meeting.pdf
- Notice of July 2, 2024 Meeting given to Board only:
  - Notice of Meeting to Board.pdf
- Notice of July 2, 2024 Meeting given to select people with no link to attend:
  - Notice of July 2 meeting.pdf
- Minutes of June 24, 2024 meeting (which have not yet been made public):
  - LPCO Meeting Minutes June 24, 2024.pdf
- Minutes of July 2, 2024 meeting (which have not yet been made public):
  - LPCO Meeting Minutes July 2, 2024.pdf

This appeal challenges the legitimacy of any decision in favour of the Substitute Ticket as a violation of the LPCO Bylaws, the NLP Bylaws, and subsequently the duty of care and obedience that Officers and Directors of a non-profit corporation owe to the non-profit corporation putting both the LPCO and its Board at risk of financial and other damages due to the Board's gross breach of its duties at the expense of the rights of the LPCO Membership. A decision by the Judicial Committee voiding this violative decision of the Board may keep this matter out of the Colorado court system and allow the Members to handle their own business free of the state. However, as Libertarians, we believe in contracts, and since the state has monopolized rights enforcement, Members may decide to turn to the Courts for relief if it cannot be realized through our internal processes in such a weighty matter that cannot wait until the next Annual Convention to resolve. Multiple persons have requested the Board to call a Special Convention on this subject, working with aggrieved members on an appropriate agenda, thus far without response, and time is running out. Multiple members have called for a recall vote of the Board which if successful would elect replacements to serve until the next Annual Convention in 2025.

#### For reference please see:

- Vadney Appeal: Vadney Appeal.pdf
- NLP Bylaws:
  - 2024-Indexed-LP-Bylaws-and-Convention-Rules-w-2022-JC-Rules-1.pdf
- LPCO Bylaws: CO-Bylaws 2023-04-02.pdf
- LPCO JC Vadney Decision:
  - LPCO Judicial Appeal Decision Vadney 6-16-24 (1).pdf

#### **REQUEST FOR RECUSAL:**

Harlos was LPCO JC Chair at the time of *Vadney* appeal but recused herself due to a self-perceived conflict of interest that would interfere in rendering an impartial decision in this matter due to her position as National Secretary of the LNC. Harlos resigned from the LPCO JC on July 2, 2024. Prior to that time, she never publicly offered an opinion on the ruling. As she noted at that time when Vadney asked for LPCO JC member Kyle Furey ("Furey") to recuse himself due to publicly opining on the matter prior to any official decision, recusal is a personal decision. Harlos now notes that Furey has continued in this practice, dismissing any claims of potential LPCO Bylaws violations without ever hearing any facts of this instant appeal. Harlos asks for his voluntary recusal noting that not doing so could taint the perception of impartiality and perhaps escalate a very serious situation against the Board further. This is a *request*. Harlos has no right to make any such *demand*. The LPCO JC however can in fact adopt a rule on recusal pursuant to the following Bylaw:

**Article IX.6(d)**: The Committee shall set its own rules of procedure consistent with principles of impartiality, equity, and parliamentary law...

Harlos would remind the LPCO JC that these are positions of trust and honour and avoiding the appearance of impropriety and bias is important in maintaining Member trust.

#### For reference please see:

Harlos Resignation: Harlos Resignation.pdf
 LPCO Bylaws: CO-Bylaws 2023-04-02.pdf

#### PREVIOUS APPELLANT'S ARGUMENT INCOMPLETE:

Harlos holds that Vadney's argument was incompletely argued (and did not connect the dots as to how the LPCO JC can and must consider the LNP Bylaws) and that this appeal will flesh out the gaps in light of the much more substantial fact pattern of this new action by the LPCO Board.

#### JUDICIAL COMMITTEE ERROR IN PRIOR DECISION:

Harlos holds that the prior LPCO JC decision was in error on multiple fronts, both procedurally and substantively.

#### Procedural Errors

Harlos does acknowledge that the LPCO Bylaws could use more clarity in this regard, however, the section on the Judicial Committee (LPCO Bylaws Article IX) should be read with the principles articulated above, that being impartiality and equity. Equity requires a fair hearing if a decision is to be reached. If the LPCO JC were to exercise its right not to hear an appeal, it is not to be decided on its merits, it is summarily declined to be considered at all. What is a valid and equitable reason to decline? An example would be an appeal that is clearly and totally outside the scope of the LPCO JC in a prima facie reading. The LPCO JC erred by treating a declination to hear a case that was clearly within its scope as a decision against Vadney. That was not the intent of that LPCO Bylaw. And guess who would know that? Harlos and Vadney who were part of the authorship team of that LPCO Bylaw. The declination provision was meant to allow the LPCO JC to prevent being harassed with clearly frivolous appeals (this clearly was not) or to be forced to have a hearing on something clearly outside its jurisdiction on all points, NOT to have the LPCO JC issue a determination on the merits without granting the Appellant an opportunity to argue his case, the Board to defend, and the Appellant to rebut. Any lack of clarity in the LPCO Bylaws should have been cured by a deference to principles of equity and impartiality which would have included fair due process to Vadney.

#### For reference please see:

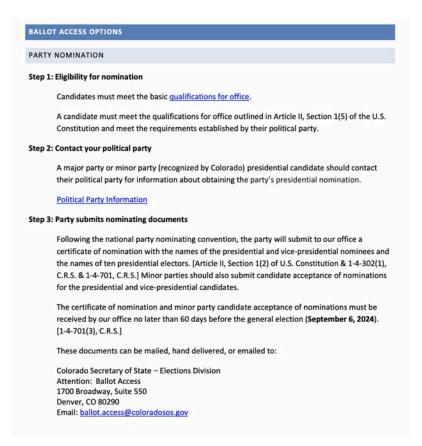
 Member-Submitted 2021 Bylaws report when LPCO JC was added showing Harlos and Vadney on authorship team:
 ■ CO 2021 Member C&B Harlos.pdf

#### Substantive Errors

Putting aside the procedural errors which effectively were a denial of due process to Vadney, the determination was partially in error. Harlos concurs in part that attracting, nominating, and promotion (LPCO Bylaws Article II(f)) of serious candidates is both subjective and discretionary to the LPCO Board; however, the official Libertarian Ticket is not nominated by the LPCO Board but the delegates assembled at the national convention. The LPCO Annual Conventions during which candidates are nominated do not include the Presidential and Vice-Presidential ticket (LPCO Bylaws Article XI.4 and LPCO Convention Standing Rule 4). Further the entirety of LPCO Bylaws Section II is very clearly talking about Colorado candidates, not candidates seeking to represent the country. Bylaws must be interpreted in context. Thus, Harlos maintains that this particular Article was wrongly used by Vadney as it is irrelevant which should have been the determination of the LPCO JC rather than the emphasis of subjectivity.

However, the more serious error comes in the LPCO JC's interpretation of **LPCO Bylaws Article XI.4(a)**. Serious is an understatement. Egregious is more appropriate.

This is a subsection of **LPCO Bylaws Article XI** which deals with *state-level conventions*, and thus, is referring directly to the nomination of candidates which are nominated at state-level conventions which, as stated above, does not include candidates for President and Vice-President. Further, that Article is not talking about freedom from internal Party rules and decisions of the delegates assembled at the national Convention, but freedom **from the laws of the state of Colorado** to wit; "*all rules for nominating candidates are limited to only these Bylaws, and all state laws regarding nominating candidates are to be considered overridden and void.*" And while we Libertarians love to spit at the state, the state still imposes its rules upon us, and the LPCO is not in fact free to literally give its Presidential ballot line to candidates that conflict with those chosen at the national convention.



In fact, that subsection (**LPCO Bylaws Article XI.4(a)**) supports Vadney's case and this instant appeal. The Party indeed has freedom of association, and it freely associated itself as an affiliate of the NLP (much more on that in the main argument), it freely sent delegates to the national convention and enjoyed the benefits of participation in that process, and it freely adopted the LPCO Bylaws. Its associational rights are not violated by requiring it to honour the processes to which it freely bound itself and to which Members have an associational right to expect via its bylaws (which also bind itself to the national Bylaws). It is the Board that has violated that provision.

#### For reference please see:

- Vadney Appeal: Vadney Appeal.pdf
- NLP Bylaws:
  - 2024-Indexed-LP-Bylaws-and-Convention-Rules-w-2022-JC-Rules-1.pdf
- LPCO Bylaws: CO-Bylaws 2023-04-02.pdf
- LPCO JC Vadney Decision:
  - LPCO Judicial Appeal Decision Vadney 6-16-24 (1).pdf
- Colorado President and Vice-President General Election 2024 Candidate
   Qualification Guide: PresidentAndVicePresident.pdf

#### **DISTINGUISHMENT FROM PRIOR APPEAL:**

This appeal is not a rehashing of arguments already decided. While some of those arguments may be part of this appeal, they are not the totality and a much fuller argument is presented herein. Further, the violation by the LPCO Board is much broader and serious at this time, going from a refusal to place the official Libertarian Ticket on its ballot line to nominating and endorsing via an illegitimate process frankly anti-libertarian candidates in ways that stretch the bounds of tolerance beyond its limits.

#### ARGUMENT

List of LPCO Bylaws Alleged to be Breached:

Article I(b)

Article III

Articles VII.1(c)

Articles X(a), X(b)

Article XI, all, but more specifically Articles XI.4(d), X1.4(e). XI.4(h), XI.5(g)

For reference please see:

LPCO Bylaws: CO-Bylaws 2023-04-02.pdf

List of National Bylaws Alleged to be Breached:

Articles 5.2, 5.4 (see also 5.5, 5.6)

Article 14, all

#### **Necessary Implication of National Bylaws:**

The LPCO JC had dismissed potential violations of the national Bylaws in the *Vadney* appeal which is understandable as he did not make clear that the national Bylaws are implicated by incorporation just as surely as Robert's Rules of Order, Newly Revised (RONR 12th ed.) is under **LPCO Bylaws XIV**, and this incorporation is via **LPCO Bylaws I(b)** which states that the LPCO "shall be an affiliate of the national Libertarian Party." Therefore, just as the LPCO JC can and must look to RONR for parliamentary breaches, it can and must look to breaches of the national Bylaws as they govern the affiliate relationship that is required by the LPCO Bylaws.

#### For reference please see:

- NLP Bylaws:
  - 2024-Indexed-LP-Bylaws-and-Convention-Rules-w-2022-JC-Rules-1.pdf

Further, LPCO has voluntarily filed as a state committee of the NLP with the FEC which considers the following prongs for acceptance as same: (1) The NLP qualifies as a political party; (2) the Committees are part of the official structure of the NLP; and (3) the Committees are responsible for the day-to-day operation of the NLP at the state level.

#### For reference please see:

- FEC Qualification Advisory Opinion re: LPCO:
  - AO 2016-19\_ Libertarian Party of Colorado Qualifies as State Party.pdf

This by necessity indicates some level of control and relationship with the NLP which is governed by the NLP Bylaws, and which, by virtue of affiliation, the LPCO is obligated to follow including its procedure for nomination of the Presidential and Vice-Presidential candidates and the agreement not to endorse candidates who are members of another political party for partisan public office (NLP Bylaws Article 5.5). While he is not the Democratic nominee, upon information and belief, Kennedy is a member of the Democrat Party as well as numerous other parties he set up in other states. While he is nominally a member of the Libertarian Party, one can doubt his commitment to the non-initiation of force pledge based upon the policies on his website which go far beyond one or two aberrations and Nicole Shanahan is not a member of the Libertarian Party at all.

#### WHAT IS AN AFFILIATE?

It is helpful to look first at the NLP Bylaws on how an affiliate is brought into being (highlighting added):

**Article 5.2:** The National Committee shall charter state-level affiliate parties from any qualifying organization requesting such status in each state, territory, and the District of Columbia (hereinafter, state). Organizations which wish to become state-level affiliate parties shall apply for such status on a standard petition form as adopted by the National Committee, which petition shall be signed by no fewer than ten members of the Party residing in the appropriate state. Affiliate party status shall be granted only to those organizations which adopt the Statement of Principles and file a copy of their constitution and/or bylaws with the Party Secretary

The key word here is that affiliates are *chartered* by NLP. What does this entail? RONR provides the answer at 2.7fn4:

The word *charter* may also refer to a certificate issued by a national or state organization, granting the right to form a particular local or subordinate unit... it supersedes any rules the subordinate body may adopt, because it carries with it the requirement that the subordinate unit adopt no rules that conflict with those of the grantor.

This is recognized by the NLP in its statement in its Bylaws (**NLP Bylaws Article 5.5**) that "The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, except as provided by these bylaws." By becoming and remaining an affiliate, which status is explicitly recognized in the LPCO Bylaws, the LPCO Bylaws subordinates itself to the NLP Bylaws where they speak.

Harlos realizes the Board thinks that they are the leaders of some independent island and can do as they please but that is not how the affiliate relationship works, that's now how any of this works. If they wish to have that freedom, they are free to go and form their own political party. It does no good to argue that there is no literal piece of paper extant calling itself the LPCO Charter, it was *chartered* and that is what that means, in the exact same way that the LPCO itself charters sub-affiliates under its control. The LPCO certainly had no problem exercising that relationship over the Libertarian Party of El Paso County though I doubt it can produce a piece of paper.

For reference please see:

- NLP Bylaws:
  - 2024-Indexed-LP-Bylaws-and-Convention-Rules-w-2022-JC-Rules-1.pdf

For all of the arguments below, the preceding paragraphs are incorporated by reference to avoid unnecessary duplication.

#### Violation of LPCO Bylaws Articles I(b) and III

#### Article I: Name and Affiliation

[\*\*\*]

(b) The Party shall be an affiliate of the national Libertarian Party which relationship can be severed by the Party only by a 3/4 vote of all registered delegates at a regular state convention with the same threshold required for any additional affiliations. Notice of this action must be included in the call to convention.

[\*\*\*]

#### **Article III: Principles**

The Party shall take no position inconsistent with the Statement of Principles of the national Libertarian Party.

The LPCO is an affiliate of the NLP and is under the NLP Bylaws in the relevant areas in which they touch. There are multiple areas in which this decision violates the NLP Bylaws which intertwine with the LPCO Bylaws.

#### **NLP Bylaws Article 5: Affiliate Parties**

[\*\*\*]

4. No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws.

[\*\*\*]

Nominating entails and goes beyond more endorsement.<sup>1</sup> The Substitute Ticket contains at least one person who is a member of multiple other parties, that being Robert F. Kennedy, Jr. who upon information and belief is still a registered Democrat and is the founder and likely member of multiple other political parties throughout the

<sup>&</sup>lt;sup>1</sup> Some argue that this prohibits fusion candidates. Harlos holds that it clearly does. The fact that the LNC has not seen fit to enforce this provision against state affiliates which run fusion candidates is irrelevant. Colorado is not a fusion state, and the LNC has discretionary enforcement power.

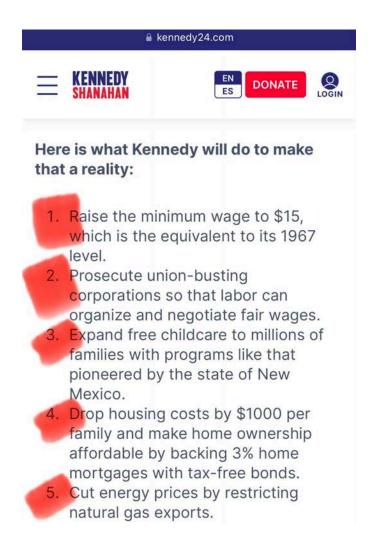
country. It is likely that Nicole Shanahan is as well (and she is not even a Libertarian Party member and thus has not signed the non-initiation of force pledge), but there is no evidence that the LPCO Board bothered to make any inquiries to this extent but have presumed to idolize their "Liberty Pledge" (which is nowhere mentioned in any governing documents of the LPCO or the NLP) in place of the Statement of Principles. Ironically, Shanahan does not appear to have even signed this "Liberty Pledge." While LPCO may claim that Kennedy is at least a nominal "Libertarian" (for the fire sale price of \$25 and a membership pledge signed with his fingers crossed behind his back), they can make no such claim for Shanahan.

One may think that the second sentence in this national Bylaw is disconnected from the first, but it is inherently related as endorsing non-Libertarian candidates is considered to be *de facto* an action inconsistent with the Statement of Principles which states, "Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent."

The LPCO Board seems utterly ignorant as to the importance and content of the Statement of Principles despite its prominence in the LPCO Bylaws (which does not exist with such prominence in any other state bylaws, see specifically LPCO Bylaws Articles II, III, V(b), V(c), V(f), VII.2(b), VII.3(n), IX.2(b) - which Harlos notes requires the LPCO JC to hold the Statement of Principles in its position of prominence - XI.4(c), XI.4(e)(2), XI.5(a), XI.5(f). This is not even taking into consideration the non-initiation of force pledge required by the LPCO Bylaws which the Substitute Ticket already actively promises to break on its campaign page which the LPCO Board shamelessly promotes including such anti-Libertarian policies as raising the minimum wage, even more taxation on marijuana, forcing private insurers to cover certain items, closing tax "loopholes" that allow people to escape theft, creating winners and losers in the energy field (continuing current policies, just with different winners and losers while profanely daring to call that the "free market"), a "massive subsidized daycare initiative" (quote directly from his website).....

There is more but there is only so much that Harlos' gag reflex can be expected to endure in writing this appeal. The Substitute Ticket is not only not Libertarian or libertarian, it is actively ANTI-LIBERTARIAN on far more issues than on which Libertarians could find agreement.

And the Substitute Ticket proudly proclaims many of these:



So much Libertarian. Not at all inconsistent with the Statement of Principles.

I would also note that allowing the LPCO Board to support a candidate who policies are so pyrotechnically in opposition to the Statement of Principles would render absurd the power of the LPCO Board to disaffiliate one of its own sub-affiliates for the same action (**LPCO Bylaws Article V(f)**) and the privilege of LPCO Board members to be ex officio members of each sub-affiliate's board for the purpose of upholding the spirit and letter of the Statement of Principles of the National Party (**LPCO Bylaws Article VII.3(n)**).<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> See RONR 12th Ed. 56:68(2) *Principles of Interpretation*: When a provision of the bylaws is susceptible to two meanings; one of which conflicts with or renders absurd another bylaw provision, and the other meaning does not, the latter must be taken as the true meaning.

#### For reference please see:

- NLP Bylaws:
  - 2024-Indexed-LP-Bylaws-and-Convention-Rules-w-2022-JC-Rules-1.pdf
- LPCO Bylaws: CO-Bylaws\_2023-04-02.pdf
- Kennedy 2024 Policies Page (grab your air sickness bag first): https://www.kennedy24.com/policies

#### **Violation of LPCO Bylaws Article I(b) (Part Two)**

#### **Article I: Name and Affiliation**

[\*\*\*]

(b) The Party shall be an affiliate of the national Libertarian Party which relationship can be severed by the Party only by a 3/4 vote of all registered delegates at a regular state convention with the same threshold required for any additional affiliations. Notice of this action must be included in the call to convention.

[\*\*\*]

The affiliate relationship is so important that it has a higher vote threshold (super majority, super quorum) than other actions and can only be severed at a regular convention with proper notice. But there are ways this relationship can be severed by other parties, namely the LNC. Given the importance of this relationship, actions of the LPCO Board which they most definitely know could have this result are at worst, a purposeful end-run around this LPCO Bylaw which reserves such a decision to that high threshold of delegates in a regular convention by provoking a near certain disaffiliation motion from the LNC (which may pass). There is absolutely no doubt that fielding rival candidates to the official Libertarian Ticket is just cause for the LNC to consider disaffiliation. It is in effect, at least attempted "suicide by LNC," in gross violation of rights of Members to decide such a grave action.

It is often counter-argued that the national Bylaws do not explicitly place any obligation on state affiliates to place the ticket on their ballot lines. This is an evasion worthy of Clinton stating "it depends upon what the meaning of the word is, is." The fact that affiliates are constituent units with autonomy except "as provided by these bylaws" (National Bylaws 5.5) does exactly that by providing the only processes for the selection of the Libertarian Party nominees for President and Vice-President (by the delegates at a national convention every four years | National Bylaws Article 14.1), by whom they can be removed (the LNC | National Bylaws Article 14.3). This power is

reserved to others, not power-mad state boards in violation of the rights of their memberships who are in contract with them.

For reference please see:

NLP Bylaws: 
■ 2024-Indexed-LP-Bylaws-and-Convention-Rules-w-2022-JC-Rules-1...

LPCO Bylaws: ■ CO-Bylaws\_2023-04-02.pdf

#### **Violation of LPCO Bylaws Article X(a)**

#### **Article X: Meetings**

(a) Any meeting to elect Party Directors or National Convention Delegates, or any assembly to nominate candidates, shall be held at a public place at the time specified by the Chair. The time and place of such meeting shall be published once in a newspaper of general circulation in each county wherein Members reside, no later than fifteen (15) days before such meeting.

The LPCO Board is an "assembly" (see RONR 12th ed. 1:1), and thus the meeting where the Substitute Ticket was allegedly nominated was not properly noticed as required by this LPCO Bylaw and thus null and void.<sup>3</sup>

#### For reference please see:

LPCO Bylaws: ■ CO-Bylaws\_2023-04-02.pdf

#### Violation of LPCO Bylaws Article X(b)

(highlighting added)

[\*\*\*]

(b) The Board shall convene open meetings at such times and places as may be determined by action of the Board, by call of the Chair, or by written request of one-third (1/3) or more of the current Board....

[\*\*\*]

An "open" meeting is meaningless if no one knows about it so this LPCO Bylaw necessarily entails a reasonable form of notice to the membership. This used to be accomplished by either posting to the LPCO website or by posting a notice on the

<sup>&</sup>lt;sup>3</sup> The LPCO Board may ask if its meeting to appoint Directors to fill vacancies is in violation of this provision. In the past, appointments were distinguished from elections. In this case, the Contested Decision was explicitly the addition of a "nomination."

LPCO public email list (which list no longer exists though required by an un-rescinded 2017 motion of the LPCO Board). This is particularly true when the meeting is not the regular monthly meeting established by a Standing Rule, that being the second Monday of the month at the Independence Institute. Ironically, the LPCO Board recognized the "open" requirement at the contested meeting (and the one immediately preceding) by having an "opportunity for public comment." How can the public comment if the public was unaware of the meeting to begin with? Ironically there was public comment at these meetings, that being of Jim Wiley, a member of the LPCO Board's inner circle who enjoys more notice than the rest of the Membership. All animals are equal but some animals are more equal than others.

#### For reference please see:

- LPCO Bylaws: CO-Bylaws 2023-04-02.pdf
- August 2017 LPCO Minutes: CO 2017-08 Board Meeting Minutes.pdf
- Notice of June 24, 2024 Meeting give to Board and select outside persons with cancellation: ■ Notice for June 24 LPCO Special Board Meeting.pdf
- Re-Notice of June 24, 2024 Meeting given to to Board and select outside persons without any link:
   Ad Hoc Committee and Special Meeting.pdf
- Notice of July 2, 2024 Meeting given to Board only:
  - Notice of Meeting to Board.pdf
- Notice of July 2, 2024 Meeting give to select people with no link to attend:
  - Notice of July 2 meeting.pdf
- Minutes of June 24, 2024 meeting (which have not been made public):
  - LPCO Meeting Minutes June 24, 2024.pdf
- Minutes of July 2, 2024 meeting (which have not been made public):
  - LPCO Meeting Minutes July 2, 2024.pdf
- LPCO Standing Rules:
  - CO\_2021-11-12\_Board\_Standing\_Rules\_and\_Special\_Rules\_of\_Order.pdf

### Violation of LPCO Bylaws Article XI (all) but more specifically Articles XI.4(d), X1.4(e). XI.4(h), XI.5(g)

**Article XI (all)** deals with LPCO conventions and the types of business which is authorized to be conducted therein, specifically in this case, nomination of candidates for partisan public office. But, as is made contextually clear throughout, this is for Colorado-specific candidates, even those for Federal office, they specifically represent Colorado and Colorado only, not the entire country. There is no authorization in the LPCO Bylaws for nominations for nation-wide office. None. And that makes perfect sense since the LPCO is an affiliate, and as detailed earlier in this brief, that power is

reserved to the delegates assembled in a national convention every four years, and in extraordinary circumstances to the LNC. Not the LPCO Board. In fact, the LPCO Bylaws explicitly limit the power of the LPCO Board thusly:

#### **Article VII: State Party Directors**

#### Section 1. Composition of the Board of Directors

[\*\*\*]

(c) The Board shall have control and management of all the affairs, properties, and funds of the Party consistent with these Bylaws and shall meet in the manner specified in these Bylaws and may delegate its authority in any manner it deems necessary.

[\*\*\*]

The authority of the LPCO Board must be consistent with the LPCO Bylaws. Nominations of Presidential and Vice-Presidential candidates are not within the power of the LPCO Board. The powers related to nomination of candidates are spelled out below and would be rendered absolutely absurd if they referred whatsoever to the Presidential and Vice-Presidential nominations (highlights of absurdity added):

#### **Article XI: Conventions**

[\*\*\*]

#### **Section 4. Nomination of Candidates**

- (a) The United States Supreme Court has recognized that the nomination of candidates—under political party rules—falls under the First Amendment's Freedom of Association protections and therefore overrides state laws when such rules so state. As such, all rules for nominating candidates are limited to only these Bylaws, and all state laws regarding nominating candidates are to be considered overridden and void. The Party reserves all First Amendment Rights in this regard.
- (b) Sustaining Members who wish to be a candidate for partisan office in Colorado other than President or Vice President may submit an application to the Board or its designated committee no later than forty-five (45) days before the Annual Convention. Sustaining Members shall be notified that the application process is open no later than ninety (90) days before the Annual Convention. A web page for the candidates shall be posted on the Party website at least thirty (30) days before the Annual Convention.
- (c) The application shall consist of:
  - 1) a photograph of the candidate;
  - 2) the application form provided by the Board;

- 3) a biography and a minimum of three (3) issue positions for the web page;
- 4) filling out any electronic forms required by the Party or the national Libertarian Party; and
- 5) signing a statement to the effect that they support the Statement of Principles of the national Libertarian Party and a statement disavowing the initiation of force to achieve political or social goals.
- (d) Each candidate must have been a Sustaining Member during the entire period from January 1st of the Convention year until the convention at which they are nominated or for ninety (90) days prior to any nomination by an Affiliate.

  (e) Candidates may be nominated by Delegates to the Annual Convention with the exception of candidates previously nominated by an Affiliate.
  - (1) For any partisan offices, Annual Convention Delegates shall vote by approval voting to nominate candidates for those offices.
  - (2) All candidates shall sign a statement that they support the Statement of Principles of the National Libertarian Party and a statement disavowing the initiation of force to achieve political or social goals.
- (f) Candidates may be nominated by a Vacancy Committee designated by the Delegates.
  - (1) The Board or its designees shall serve as the Vacancy Committee unless the Delegates to the Annual Convention direct otherwise.
  - (2) The Vacancy Committee shall operate between Annual Conventions and shall vet candidates as needed.
- (g) In addition to candidates, "None of the Above" (NOTA) shall be a choice on every nomination ballot cast. At no time shall NOTA be removed from the nomination ballot, even under suspension of the Convention Rules. Should NOTA win the nomination for a partisan office, nominations may be reopened for one additional round of voting. Only new candidates are eligible to run on the additional ballot. If NOTA wins on the second ballot, there will be no candidate for that race.
- (h) Any Party nominee in a partisan contest where party identification on the ballot is permitted shall use the designation "Libertarian." Only candidates nominated by the process set forth in this Article may use this designation. A Party nominee qualifies for campaign assistance from the Party.
- (i) The Party, its affiliates, and its elected Directors in their official capacities, either individually or as a group, shall endorse only Libertarian Party nominees for election to partisan public office.
- (j) At any time that any of the Party's candidates participate in a primary election, the Party shall opt-out of allowing Unaffiliated or other persons who are not Party Members from participation and provide appropriate notice to the Secretary of

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The requirements for nomination by the LPCO or by its vacancy committee include that the candidate has to have been **AN LPCO MEMBER FROM JANUARY 1ST OF THE YEAR OF THE CONVENTION**. Were the Substitute Ticket LPCO members? Would it be ridiculous to require that the Presidential and Vice-Presidential candidates always be LPCO members. Of course. But if the LPCO Board is going to claim nomination authority for the LPCO alone, apart from the NLP, that is what the LPCO Bylaws would require. Have both members of the Substitute Ticket signed the non-initiation of force pledge and the Statement of Principles? No. Kennedy signed the pledge, but his policy positions deny it and should be considered a blatant repudiation. He did not sign the Statement of Principles. Shanahan has signed neither. And only candidates pursuant to that Article are permitted to use the "Libertarian" designation in Colorado per the LPCO Bylaws which would make NO sense if this was intended to include the President and Vice-President nominations. The LPCO Board cannot have it both ways. The LPCO Convention Rules make this clear as well, the LPCO only nominates *Presidential Electors* and not the Presidential or Vice-Presidential candidates:

#### Rule 4: Partisan Public Office Nominations and Balloting (When Applicable)

- (a) The Campaigns Director shall include in his report and announce a list of partisan public offices open for election in the following order. Nonpartisan offices shall not be included.
  - (1) Federal Offices:
    - (i) Presidential Electors
    - (ii) U.S. Senate
    - (iii) U.S. House of Representatives, in order of district number

And this is precisely what was done. Harlos wishes she could give to the LPCO JC a copy of the Convention Minutes, but the LPCO Board has also disregarded this Convention Rule:

#### Rule 11: Minutes

Draft minutes will be posted to the Party website within sixty (60) days of adjournment sine die of the Business Session of the Convention for Member comment. Convention minutes shall be approved by the Board within ninety (90) days of adjournment sine die of the Business Session of the Convention.

It is actually quite astonishing how much basic procedure of a professional political party has been ignored. Perhaps starting on the basics rather than trying to play Game of Thrones would be in order for the LPCO Board.

If the LPCO Board is claiming that since they are the "vacancy committee," they are entitled to fill a "vacancy" in these nominations; that is also ludicrous for the following reasons at a minimum:

- The LPCO Board is authorized to fill vacancies left by the LPCO Annual Convention or subsequent resignation|death|disqualification of same. The Presidential and Vice-Presidential candidates are not nominated at an LPCO Convention.
- Assuming arguendo that such candidates were included in the scope of the vacancy committee, such candidates would have to meet all of the other qualifications including membership in the LPCO and the signing of the non-initiation of force pledge and the Statement of Principles.
- The Board did not advertise the meeting at which they were to make these alleged nominations in a newspaper of general circulation at least fifteen days prior to such meeting as alleged in a prior violation allegation above.

The most weighty of the LPCO Board violations in this section is found here:

#### **Article XI: Conventions**

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#### **Section 4. Nomination of Candidates**

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(i) The Party, its affiliates, and its elected Directors in their official capacities, either individually or as a group, shall endorse only Libertarian Party nominees for election to partisan public office.

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The LPCO Board cannot endorse candidates that are not Libertarian Party nominees for election to partisan public office. As it is impossible for the LPCO Board to nominate candidates for President and Vice-President (and even if they could, the Substitute Ticket fails to meet the qualifications under the LPCO Bylaws); there either are no Libertarian Party nominees in this race (meaning they could make no endorsement-and only the LNC can fill any alleged "vacancy" not the LPCO Board) or the Libertarian Party nominees are those whom the national convention declared: Chase Oliver and Mike ter

<sup>&</sup>lt;sup>4</sup> If the LPCO Board is going to create a *post hoc* justification for its action of alleging illegitimacy in the vote at the national Convention that was not included in the motion nor in the press release that followed, that power belongs to the LNC not the LPCO Board. Further, there is no rhyme or reason other than rank

#### For reference please see:

- LPCO Bylaws: CO-Bylaws 2023-04-02.pdf
- LPCO Standing Rules:
  - CO\_2021-11-12\_Board\_Standing\_Rules\_and\_Special\_Rules\_of\_Order.pdf
- Minutes of July 2, 2024 meeting (which have not been made public):
  - LPCO Meeting Minutes July 2, 2024.pdf
- Vice-Presidential Voting Spreadsheet from the national convention:
- VICE-PRESIDENT SPREADSHEET.xlsx
- Presidential Voting Spreadsheet from the national convention:
- PRESIDENT SPREADSHEET.xlsx

#### **CONCLUSION**

The violations of the LPCO Bylaws (and the national Bylaws which are necessarily implicated by the LPCO Bylaws) are numerous with several of the violations being sufficient on their own to void the Contested Decision even if others are dismissed. The LPCO Board has shown feckless and reckless disregard for the rights of its Membership in breach of its fiduciary duties. Only coerced political democracy is *de facto* tyranny. If one presumes to take the mantle of leadership in an organization which uses contracts (bylaws) and some democratic processes must honour that voluntary agreement and processes, or they become the tyrants.

PRIMARY RELIEF REQUESTED: Declare the Contested Decision void as being in violation of the LPCO Bylaws pursuant to any or all of the argument listed above.

SECONDARY RELIEF REQUESTED: Instruct the LPCO Board that withholding notices of meetings of the LPCO Board from the Membership places them in violation of LPCO Bylaws Article X(b) and order that future meetings comply with such public notice.

TERTIARY RELIEF REQUESTED: Request the LPCO Chair to explain why she did not comply with the requirements in LPCO Bylaws Article XI.4(g) and for the LPCO Board to prepare a remedial plan to ensure that future Chairs do act in

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opportunism in their choice of an anti-libertarian ticket. If the LPCO Board legitimately was trying to honour the will of the Colorado delegates to the national Convention properly elected at its own Annual Convention it would have selected Toad (if going by the Round 1 votes) or Dr. Michael Rectenwald (if going by the Round 6 votes) and Clint Russell to put on its ballot. Robert F. Kennedy, Jr. was nominated at said convention and eliminated in the first round of voting with a mere 2.07% of total convention votes (19 votes, none of which were from Colorado).

compliance. This may include the preparation of an LPCO Delegation Chair Manual or inclusion in the Chair's continuity binder.

In Liberty,
Caryn Ann Harlos
LPCO yearly Sustaining Member and National Libertarian Party Life Member

#### REGGETS ONE D Presidential Electors' Acceptance of Nomination JUL 09 2024 1:50 pm Complete, sign, and return this form to the Colorado Secretary of State. The electors listed on this form must be registered voters in the state of Colorado. ELECTIONS I accept the nomination to represent the following Presidential SECRETARY OF STATE and Vice-Presidential candidates as a presidential elector. President Vice President Maat **Elector Information** MICHELE 1. Name Residence Address Mailing Address E-Mail Address Business Phone # Signature 2. Name EFFORY ALLEN OFROK Residence Address Mailing Address E-Mail Address Business Phone # Signature 3. Name sean Sean is the only elector on this list who was properly nominated at the 2024 state Residence Address convention. Mailing Address E-Mail Address Business Phone # Sean Vadney Date 07/06/2024 Signature

4. Name	100001-	1	
4. 176.116	Joseph Jo	hason	
Residence Address			
Mailing Address			
E-Mail Address			
Business Phone #	77		
Signature	telh		Date 7/6/2024
5. Name	KEVIN GUBRAI	KON	
Residence Address	•		
Mailing Address			
E-Mail Address			
Business Phone #			
Signature	& Dellowson		Date 7/6/2024
6. Name	GUI GULBRAN'S	c,)	
Residence Address	•		
Mailing Address			
E-Mail Address			
Business Phone #		(111)	
Signature	by I bellion		Date 7/4/24
7. Name			
Residence Address			
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E-Mail Address			
Business Phone #			
Signature	Af Coman		Date 7/6/2024

8. Name	Bette Rose Ryan	
Residence Address	s	
Mailing Address		
E-Mail Address		
Business Phone #		
Signature /	outh Rosa Ryan Date	
Signature 2	Date of the state	07/06/2024
9. Name	Janet Turner	
Residence Address		
Mailing Address		
E-Mail Address		
Business Phone #		
Signature	enet Terren Date	07/8/2024
10. Name	Douglas Wade Jones	
Residence Address		
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	JOL <b>V 3</b> 2024	
	ELECTIONS SECRETARY OF STATE	
17	Colorado Secretary of State 1700 Broadway, Suite 550	
De Ph	Denver, Colorado 80290 Phone: (303) 894-2200 x6333	
ALL MANAGEMENT AND ADDRESS OF THE PARTY OF T	Fax: (303) 869-4861 Email: ballot.access@coloradosos.gov	SOS Revised July 12, 2023 Section 1-4-302 & 1-4-304 C.R.S

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Candidate Acceptance of Nomination for President	Office Use Only:
Complete, sign, and return this form to the Colorado Secretary of State. Please type or print legibly.	
Office Information	
Year of General Election	
Name of Party	
Qualifications for Office (You must check each box to affirm that you meet all qualifications	tions for this office)
☐ Age of 35 Years ☐ Resident of the United States for at least 14 years	☐ Natural-born U.S. Citizen
Candidate Information	
Full Legal Name	
Name <u>exactly</u> as it will appear on the official ballot	
Residence & Mailing Address	
Residence Street Address	
City State Zip Code	
Mailing Street Address	
City State Zip Code	
Telephone & E-mail Address	
Business Phone # Residence P	hone #
E-mail Address Website (opt	ional)
Campaign Website (optional)	
Website	
Signature	
Applicant's Affirmation I accept the nomination and solemnly affirm that I meet all the qualifications for the office prescribed b	y law and the U.S. Constitution. Furthermore,
the information provided on this form is, to the best of my knowledge, true and correct.	[seal]
	[sear]
Signature of Candidate Date of Signing	
STATE OF	
COUNTY OF	
Subscribed and sworn to before me this day of, 20 by	Printed name of Candidate Above
Signature (and Title) of Notary / Official Administering Oath	
My Commission Expires:	



Colorado Secretary of State 1700 Broadway, Suite 550 Denver, Colorado 80290 Phone: (303) 894-2200 x6333 Fax: (303) 869-4861 Email: ballot.access@coloradosos.gov

Provided Information  Year of General Election  Name of Party  Qualifications for Office (You must check each box to affirm that you meet all qualifications for this office)  Age of 35 Years  Resident of the United States for at least 14 years  Natural-born U.S. Citizen	Candidate Acceptance of Nomination for Vice President	Office Use Only:
Year of General Election  Name of Party  Qualifications for Office (You must check each box to affirm that you meet all qualifications for this office)  Age of 35 Years Resident of the United States for at least 14 years Natural-born U.S. Citizen  Condidate Information  Full Legal Name  Name exactly as it will appear on the official ballot  Residence & Mailing Address  Residence Street Address  City State Zip Code  Maiting Street Address  City State Zip Code  Telephone & E-mail Address  Business Phone # Residence Phone # E-mail Address  Business Phone # Residence Phone # Residence Phone # E-mail Address  Graphy Mebsite (optional)  Website (optional)  Identify the nomination and solemnly affirm that I meet all the qualifications for the office prescribed by law and the U.S. Constitution. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.  [seal]  Signature of Candidate Date of Signing  STATE OF	complete, sign, and return this form to the Colorado Secretary of State. Please type or print legibly.	
Name of Party  Qualifications for Office (You must check each box to affirm that you meet all qualifications for this office)  Age of 35 Years   Resident of the United States for at least 14 years   Natural-born U.S. Citizen    Age of 35 Years   Resident of the United States for at least 14 years   Natural-born U.S. Citizen    Candidate Information	Office Information	-
Qualifications for Office (You must check each box to affirm that you meet all qualifications for this office)    Age of 35 Years	Year of General Election	
Age of 35 Years   Resident of the United States for at least 14 years   Natural-born U.S. Citizen	Name of Party	
Condidate Information  Full Legal Name  Name exactly as it will appear on the official ballot  Residence & Mailing Address  Residence Street Address  City State Zip Code  Mailing Street Address  City State Zip Code  Telephone & E-mail Address  Business Phone # Residence Phone # E-mail Address  Campaign Website (optional)  Website   Residence Phone # Re	Qualifications for Office (You must check each box to affirm that you meet all qualifications	for this office)
Name exactly as it will appear on the official ballot	☐ Age of 35 Years ☐ Resident of the United States for at least 14 years ☐	Natural-born U.S. Citizen
Name exactly as it will appear on the official ballot  Residence & Mailing Address  Residence Street Address  City	Candidate Information	
Residence & Mailing Address  Residence Street Address  City State Zip Code	Full Legal Name	
Residence Street Address  City State Zip Code	Name <u>exactly</u> as it will appear on the official ballot	
Residence Street Address  City State Zip Code	Residence & Mailing Address	
City State Zip Code		
Mailing Street Address  City State Zip Code  Telephone & E-mail Address  Business Phone # Residence Phone #   E-mail Address Website (optional)  Website (optional)  Website   Applicant's Affirmation  I accept the nomination and solemnly affirm that I meet all the qualifications for the office prescribed by law and the U.S. Constitution. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.   [seal]  Signature of Candidate Date of Signing  STATE OF  COUNTY OF		
Telephone & E-mail Address  Business Phone # Residence Phone Phone Phone Phone Phone Phone Phone Phone		
Telephone & E-mail Address  Business Phone # Residence Phone # E-mail Address Website (optional)  Campaign Website (optional)  Website  ignature  Applicant's Affirmation  I accept the nomination and solemnly affirm that I meet all the qualifications for the office prescribed by law and the U.S. Constitution. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.  [seal]  Signature of Candidate Date of Signing  STATE OF  COUNTY OF		
Business Phone # Residence Pho		
E-mail Address	Telephone & E-mail Address	
Campaign Website (optional)  Website  ignature  Applicant's Affirmation  I accept the nomination and solemnly affirm that I meet all the qualifications for the office prescribed by law and the U.S. Constitution. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.  [seal]  Signature of Candidate  Date of Signing  STATE OF	Business Phone # Residence Phone #	
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Applicant's Affirmation I accept the nomination and solemnly affirm that I meet all the qualifications for the office prescribed by law and the U.S. Constitution. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.  [seal]  Signature of Candidate  Date of Signing  COUNTY OF	Website	
Applicant's Affirmation I accept the nomination and solemnly affirm that I meet all the qualifications for the office prescribed by law and the U.S. Constitution. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.  [seal]  Signature of Candidate  Date of Signing  COUNTY OF	ianaturo	
the information provided on this form is, to the best of my knowledge, true and correct.  [seal]  Signature of Candidate  Date of Signing  STATE OF  COUNTY OF		
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STATE OF	are information provided on this form is, to the best of my knowledge, that this confects	[seal]
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COUNTY OF	STATE OF	
Day Month Year Printed name of Candidate Above		
	Day Month Year Printed	name of Candidate Above
Signature (and Title) of Notary / Official Administering Oath	My Commission Expires:	



Colorado Secretary of State 1700 Broadway, Suite 550 Denver, Colorado 80290 Phone: (303) 894-2200 x6333 Fax: (303) 869-4861 Email:ballot.access@coloradosos.gov

Certificate of Nomination for President	Office Use Only:
Complete, sign, and return this form to the Colorado Secretary of State. Please type or print legibly.	
Office Information  Year of General Election  Name of Party	
National Convention Information	
Location of Convention Dates of Convention	
Name of Party Chair or Secretary	
Telephone Number of Chair/Secretary E-mail	
Candidate Information	
Name of Presidential Nominee	
Residence Street Address	
City State Zip Code	
Certificate of Nomination for Vice President "Presidential Electors' Acceptance of Nomination" for Vice President If candidates were nominated by a committee, attach a copy of the resolution passed at the convention which to make the nomination.	
Signature  Affirmation of Party I certify that the candidate listed on this form was nominated at the stated convention and is legally qualified to so Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.	erve as President of the United States. [seal
Signature of Party Chair or Secretary Date of Signing	
STATE OF	
COUNTY OF	
Subscribed and sworn to before me this day of, 20 by  Day Month Year Printed name of	f Party Chair or Secretary
Signature (and Title) of Notary / Official Administering Oath	
My Commission Expires:	



Colorado Secretary of State 1700 Broadway, Suite 550 Denver, Colorado 80290 Phone: (303) 894-2200 Fax: (303) 869-4861

Email: ballot.access@coloradosos.gov



SOS Revised April 11, 2024 Section 1-4-701, C.R.S.

Certificate of Nomination for Vice President	Office Use Only:
Complete, sign, and return this form to the Colorado Secretary of State. Please type or print legibly.	
Office Information	
Year of General Election	
Name of Party	
National Convention Information	
Location of Convention Dates of Convention	
Name of Party Chair or Secretary	
Telephone Number of Chair/Secretary E-mail	
Candidate Information	
Name of Vice-Presidential Nominee	
Residence Street Address	
City State Zip Code	
Signature	
<b>Affirmation of Party</b> I certify that the candidate listed on this form was nominated at the stated convention and is legally qualified States. Furthermore, the information provided on this form is, to the best of my knowledge, true and correct.	to serve as Vice President of the United
	[seal
Signature of Party Chair or Secretary  Date of Signing	
STATE OF	
COUNTY OF	
Subscribed and sworn to before me this day of, 20 by  Day Month Year Printed name	of Party Chair or Secretary
Signature (and Title) of Notary / Official Administering Oath	
My Commission Expires:	



Colorado Secretary of State 1700 Broadway, Suite 550 Denver, Colorado 80290 Phone: (303) 894-2200 Fax: (303) 869-4861

Email: ballot.access@coloradosos.gov



SOS Revised April 11, 2024 Section 1-4-701, C.R.S.

FILED IN DENVER

DISTRICT COURT DISTRICT COURT, DENVER COUNTY, STATE OF COLORADO JUL 26 2024 DATE FILED: July 26, 2024 CASE DUNWBERC 2014 CASE 1437 Bannock Street COUNTER CLERK MMM Denver, Colorado 80202 ▲ COURT USE ONLY ▲ Petitioner: CARYN ANN HARLOS V. Respondents: LIBERTARIAN PARTY OF COLORADO, a Colorado non-profit corporation and HANNAH GOODMAN, as Chair of the non-profit corporation Case Number: Caryn Ann Harlos, pro se 24 CV 578 874 S. Lindsey Street Castle Rock, Colorado 80104 Division: Phone Number: 561-523-2250 Email: carynannharlos@gmail.com VERIFIED PETITION FOR EMERGENCY PRODUCTION OF NON-

PROFIT RECORDS UNDER COLO. REV. STAT. §7-136-102, REQUEST FOR DECLARATORY RELIEF, AND REQUEST FOR PRELIMINARY INJUNCTION, OR IN THE ALTERNATIVE, PERMANENT INJUNCTION

COMES NOW, Petitioner Caryn Ann Harlos, who petitions and alleges as follows:

#### I. PARTIES

- 1. Petitioner Caryn Ann Harlos ("HARLOS") is a Colorado resident, residing at 874. S. Lindsey Street, Colorado, Florida 80104 and a member of the Libertarian Party of Colorado by virtue of her Colorado Libertarian voter registration, payment of yearly dues to the Respondent non-profit corporation, and lifetime membership in the national Libertarian Party, any one of which qualifies HARLOS as a member.
- 2. Respondent Libertarian Party of Colorado, Inc., ("LPCO") is a Colorado registered non-profit corporation, Registration No. 20161117514, with its principal place of business in Denver, Colorado.
- 3. Respondent Hannah Goodman ("GOODMAN") is a resident of the state of Colorado, residing at 310 S. Morlan Ave, Holyoke, Colorado 80734 and is the elected Chairwoman of Respondent LPCO and its Chief Executive Officer.

#### II. JURISDICTION AND VENUE

4. The Court has personal jurisdiction over the Parties pursuant to Colo. Rev. Stat. §13-1-124(1)(a) because the Parties either conduct business in the State of Colorado or are individuals who reside in the

State of Colorado, respectively.

- 5. The Court has subject matter jurisdiction pursuant to Article II §6 of the Colorado Bill of Rights, Article VI §9 of the Colorado State Constitution, and Colo. Rev. Stat. §7-136-102.
- 6. Venue is proper in Denver County because Respondent LPCO is a Colorado entity who does business in Denver County.

#### III. GENERAL ALLEGATIONS

- 7. Each allegation in this Petition is incorporated into each request for relief. Further, the allegations in each claim for relief are incorporated into all other claims for relief.
- 8. **C.R.C.P 8** requires only a "short and plan statement of the claim showing that the pleader is entitled to relief." It also provides, "Relief in the alternative or of several types may be demand." It further provides, "A party may also state as many separate claims or defenses he has, regardless of consistency and whether based on legal or on equitable grounds or both." Finally, it provides "No dollar amount shall be stated in the prayer or demand for relief."
- 9. The LPCO is an incorporated nonprofit association and <u>minor</u> policy party, governed and operating under the laws of the State of Colorado.
- 10. As an incorporated nonprofit association and <u>minor</u> policy party, the LPCO operates under bylaws adopted April 1-2, 2023, hereinafter referred to as the "LPCO Bylaws" (see Exhibit 1 LPCO Bylaws).
- 11. The LPCO is a membership corporation (see Exhibit 2 Articles of Incorporation) with its membership defined in the **LPCO Bylaws Article IV**. There are over 40,000 registered Libertarians in Colorado who are basic members of the non-profit corporation. The total voting membership is unknown but is believed to be 300 or less of which HARLOS is one.
- 12. As an officer of the LPCO, GOODMAN and the rest of the LPCO Board of Directors is obligated to follow its bylaws, to wit:

The Board shall have control and management of all the affairs, properties, and funds of the Party consistent with these Bylaws and shall meet in the manner specified in these Bylaws and may delegate its authority in any manner it deems necessary. **LPCO Bylaws** Article VII.1(c).

- 13. Bylaws are a contract between a corporation (shareholder or otherwise) and its membership:
  - "A corporation's bylaws constitute a contract between the corporate entity and its shareholders" and "in construing corporate bylaws, we apply the same rules used to interpret statutes, contracts, and other written instruments." (internal citations and quotations omitted); P.F.P. Fam. Holding, L.P. v. Stan Lee Media, Inc., 252 P.3d. 1, 3 (Colo. App. 2010) cited by Vanterpool v Fed'n of Chiropractic Licensing Bds., Civil Action 22-cv-01208-CNS-NRN, United States District Court, District of Colorado noting, "This applies with equal force to non-profit organizations." (internal citations

omitted)

"In interpreting [in this instance the bylaws of a voluntary athletic association], we seek to give effect to the intent and the reasonable expectation of the parties... To determine the intent and expectations of the parties, we view the contract in its entirety, not in isolated portions." *Bloom v. National Collegiate Athletic Assoc.*, 93 P. 3d 621 (Colo. App. 2004) (internal citations omitted)

- 14. As provided by the **LPCO Bylaws Article I(b)**, it is a **chartered** affiliate of the national Libertarian Party ("NLP") and subject to its bylaws adopted May 2024 hereinafter referred to as the "NLP Bylaws" (see Exhibit 3 national Libertarian Party Bylaws). This relationship can only be severed as provided for in that same Article, which power is not given to the Board of Directors.
- 15. Under the **LPCO Bylaws XIV** and **NLP Bylaws Article 16**, the parliamentary authority for both organization is the most current edition of *Robert's Rules of Order*, *Newly Revised* ("RONR") as follows:

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, any Standing Rules, and any Special Rules of Order the Party or the Board of Directors may adopt. **LPCO Bylaws Article XIV**.

and

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. **NLP Bylaws Article 16**.

- 16. As a chartered state-level affiliate of NLP, the LPCO is entitled to use the trademarked name "Libertarian Party" and is obligated to follow the NLP Bylaws where they speak, see **NLP Bylaws** Articles 5.1 and 5.5.
- 17. As a **chartered** affiliate, in addition to the obligations required and rights given in the NLP Bylaws, RONR provides:

The only limitations upon the rules that such a body [such as the Colorado state-level chartered affiliate of the NLP – LPCO] can thus adopt might arise from the rules of a parent body (as those of a national society restricting its state or local branches), or from national, state, or local law affecting the particular type of organization. **RONR 2:2** and **NLP Bylaws Article 5.5.** 

The word *charter* may also refer to a certificate issued by a national or state organization, granting the right to form a particular local or subordinate unit... it supersedes any rules the subordinate body may adopt, because it carries with it the requirement that the subordinate unit adopt no rules that conflict with those of the grantor. **RONR 2.7fn4** and **NLP Bylaws Article 5.1**.

- 18. Under the LPCO Bylaws Article XI and attached Convention Rule 4, it is only state-level or below candidates that are nominated at the LPCO Annual Convention which is in according with the NLP Bylaws Article 14.1 which states: "Nominations of candidates for President and Vice-President of the United States may be made only at the regular convention immediately preceding a Presidential election."
- 19. Virtually no Presidential or Vice-Presidential candidate could meet the requirements under the LPCO Bylaws Article XI if it were interpreted as allowing nominations of those positions since they require the nominees to "have been a Sustaining Member during the entire period from January 1st of the Convention year until the convention at which they are nominated." This is reflected in Convention Rule 4, which is attached to the LPCO Bylaws which omits those positions in the list of offices for which nominations are done by convention. This also tracks with Colorado minor party law, specifically Colo. Rev. Stat. §1-4-1304(2)(b).
- 20. Any vacancy committee created by the LPCO Bylaws XI can only fill vacancies for which nominations are permitted to be done at the LPCO's Annual Convention. Even if the LPCO convention were permitted to nominate Presidential and Vice-Presidential candidates at its Annual Convention, despite any Bylaws provisions to the contrary, these offices can only be filled by a vacancy committee if authorized by a specific resolution of that nominating convention per the Nomination Paperwork required by the Colorado Secretary of State (see Exhibit 4 Colorado Certificate of Nomination for President with highlighting added). There was no such resolution passed at the 2024 LPCO annual convention nor at the 2024 Libertarian Party national Convention.
- 21. Chase Oliver and Mike ter Maat were the Libertarian Party nominees from the LPN convention which took place on May 24-26, 2024 ("Official Libertarian Ticket") (see Exhibit 5– Announcement from the NLP). The LPCO sent delegates to that convention and participated fully. In fact, GOODMAN ran for internal national Party office and lost that race (see Exhibit 6 official tabulation sheet for NLP Vice-Chair race).
- 22. On July 2, 2024, the LPCO passed a motion nominating Robert F. Kennedy, Jr. as President and Nicole Shanahan as its nominees despite having absolutely no Bylaws authority or resolution authority to do so (see Exhibit 7 Minutes of Meeting) presumably under the authority of being a "vacancy committee" though it was never moved in that manner nor was proper notice given as required under the LPCO Bylaws X(a) (ignoring the fact that there was no vacancy in those nominations and are required by the Nomination Paperwork for the Secretary of State to be nominated at a National Convention or under the authority thereof see Exhibit 8 Colorado Certificate of Nomination for President with highlighting added), to wit:<sup>1</sup>

Any meeting to elect Party Directors or National Convention Delegates, or any assembly to nominate candidates, shall be held at a public place at the time specified by the Chair. The time and place of such meeting shall be published once in a newspaper of general circulation in each county wherein Members reside, no later than fifteen (15) days before such meeting. LPCO Bylaws Article X(a) (emphasis added).

23. Robert F. Kennedy, Jr. ("RFK, Jr.") did properly seek the Libertarian Party's Presidential

<sup>&</sup>lt;sup>1</sup> Further, only the NLP has the authority to remove/suspend Presidential or Vice-Presidential nominations and replace them. **NLP Bylaws Article 14.3-5**.

nomination at the national convention and lost on the first out of seven rounds of voting with only 19 votes out of the whole convention (2.07% of the vote) with exactly zero delegates from Colorado casting their vote for him. Nicole Shanahan did not seek the Libertarian Party's Vice-Presidential nomination.<sup>2</sup>

- 24. After becoming aware that publication in a newspaper of general circulation was required to fill any alleged vacancies, the LPCO published a legal notice in the Denver Post stating that a "vacancy committee" [meeting] will be held "to nominate the Libertarian Candidates for President, Vice-President... and to gather acceptance of nomination signatures from the Libertarian Party's 10 presidential elector[sic]." (see Exhibit 9 Denver Post Legal Notice).
- 25. Upon information and belief, the Official Libertarian Ticket has already submitted ten presidential electors which have been accepted by the Secretary of State (see Exhibit 10 Email from Colorado Secretary of State dated July 24, 2024).
- 26. At the LPCO Annual Convention on March 23, 2024, it is believed that at least the following persons were elected as Presidential Electors, but the LPCO has failed to produce convention minutes by the time of this Petition: Gus Canteverro, Marc Cavin, Kyle Furey, Eliseo Gonzalez, Wayne Harlos, Jacob Luria, and Eliseo Gonzalez with the rest of the names being unknown though at least one of the persons already submitted by Official Libertarian Ticket was conceded by GOODMAN to be one of those already elected. Another, as noted previously, is Wayne Harlos, spouse of HARLOS, who has not resigned that position.
- 27. The Colorado Secretary of State has already stated:

...[I]t now appears that there is an effort to withdraw these candidates as the Libertarian candidates in Colorado. Colorado law would allow a candidate to withdraw from nomination, but the law gives this right to withdraw only to the candidate themselves, not to the candidate's party. C.R.S. 1-4-1001 (1)(a) states, "Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The withdrawing candidate shall sign and acknowledge the letter before an officer authorized to take acknowledgement sand shall file the letter with the designated election official with whom the original certificate or petition of candidacy was filed.: Similarly, presidential electors in Colorado function as agents of the candidate, and are bound to vote for that candidate should they win the election in Colorado. See Section 1-4-304(5), C.R.S. So while a presidential elector could withdraw themselves from participating in a vote in the electoral college, this withdrawal does not function as a withdrawal of candidacy for the candidate in question. Instead, that vacancy would be filled by the other electors at the meeting of the electoral college. See 8 CCR 1505-1, Rules 24.3.1 and 24.3.3. Therefore, in the absence of a submission of a withdrawal form from either candidate, our office must proceed with placing Mr. Oliver and Mr. ter Maat on the Colorado ballot as the Libertarian Party candidates for President and Vice-President... in the absence of a withdrawal form from either candidate, those discussions

<sup>&</sup>lt;sup>2</sup> Under the LPN Bylaws, only draft convention minutes are available at this time, which can be viewed here: <a href="https://drive.google.com/file/d/10oE0\_QEs9SXC\_wApNwfI-MY5BOYkOt\_R/view?usp=drive\_link">https://drive.google.com/file/d/10oE0\_QEs9SXC\_wApNwfI-MY5BOYkOt\_R/view?usp=drive\_link</a>. The nominations for President and Vice-President can be found on pages 27-28 and 41-42, and the vote totals for RFK, Jr. showing only 19 votes with none of those from Colorado can be found on page 230.

would not affect our determination the candidate paperwork we have received for the Libertarian Party is complete. (see Exhibit 10 – Email from Colorado Secretary of State dated July 24, 2024)

# IV. FIRST CLAIM FOR RELIEF: EMERGENCY DEMAND FOR PRODUCTION OF RECORDS FROM NON-PROFIT CORPORATION UNDER COLO. REV. STAT. §7-136-02 FOR PROPER PURPOSE

- 28. On July 9, 2024, HARLOS sent an email requesting inspection of corporate records under **Colo. Rev. Stat. §7-136.02** to GOODMAN and the last known attorney for the LPCO which request was acknowledged in writing by GOODMAN on July 15, 2024 with a confirmation that GOODMAN was gathering records (*see* Exhibit 11 Records Request Demand to LPCO with attached email and Exhibit 12 Email from GOODMAN). There was no indication that the records would not be produced.
- 29. The date of the inspection was set for July 19, 2024, ten days after the demand date, at the Independence Institute in Denver Colorado which is the location for the LPCO's monthly business meeting. This inspection date allowed more than the minimum five business days prescribed under the statute as a courtesy to the LPCO and included an offer for the documents to be produced electronically to save everyone the time and expense of travel to a physical location (see Exhibit 11 Records Request Demand to LPCO with attached email).
- 30. On July 17, 2024, two days before the inspection date, HARLOS wrote the LPCO and counsel reminding of inspection date and requesting the courtesy of a response as to whether the records would be produced electronically or at the physical location. HARLOS also informed the LPCO and counsel that she would be travelling to that location and would demand reimbursement if there was no prior production nor anyone present at the location to produce the requested documents (*see* Exhibit 13 Email dated July 17, 2024). HARLOS received no response.
- 31. On July 19, 2024, HARLOS travelled to the Independence Institute at the time stated in the demand and waited for thirty minutes without avail. After the first fifteen minutes of waiting, HARLOS emailed the LPCO and counsel advising that she was present, and she also took pictures evidencing her presence (see Exhibit 14 photographs from Independence Institute including date and time-stamp metadata and Exhibit 15 email dated July 19, 2024). This location is up to a two-hour round trip due to traffic conditions and is a 66-mile round trip. HARLOS had to take the morning off from her employment to attend.
- 32. On July 19, 2024, hours after the time for inspection had come and gone, HARLOS was sent correspondence from the LPCO counsel admitting negligence in not responding the day prior and improperly refusing the records request. HARLOS responded re-asserting the propriety of her document request and stating that she would be seeking reimbursement for her economic and non-economic damages for the wasted trip (see Exhibit 16 Emails dated July 19, 2024 and Denial letter from counsel). Counsel did not reply.

The documents requested, as well as the good faith, lawful, and proper reasons, were stated as follows:

#### **DEFINITIONS**

Communications is meant to include any form of electronic or written medium to include mail, emails, texts, chats, Discord messages, private messages and the like. It also includes communications sent or directed to the LPCO even if no response was given.

LPCO means not just the Officers and Directors but its staff/official volunteers to include specifically the Executive Director Jim/James Wiley and anyone else that has been issued an official lpcolorado.org email address. In the notices of electronic links to meetings it is noted that there are multiple people who are issued official lpcolorado.org email addresses.

#### RECORDS REQUESTED:

- 1. A complete list of the voting membership including mailing addresses.
- 2. A copy of any and all communications with the RFK, Jr. campaign and its agents or others acting on its behalf or in advocacy of the LPCO endorsing that campaign and/or putting it on the LPCO ballot line.
- 3. A copy of any and all communications that the LPCO has had with any PAC including any "state organizer" communications regarding the subject addressed in request number 2.
- 4. A copy of any and all communications that the LPCO has had with official representative(s) of any other state Libertarian party or the national party (including communications with the national Reconciliation Committee) regarding the subject addressed in request number 2.
- 5. A copy of any and all communications that the LPCO has had with the Oliver/ter Maat team including but not limited to Steve Dasbach and Jim Turney regarding the subject addressed in request number 2 and the state's alleged refusal to put the Oliver/ter Maat ticket on the LPCO ballot line.
- 6. A list of all persons who have been issued lpcolorado.org email addresses.

The reasonable and lawful purpose of these requests is for the membership to determine if there is cause and grounds for a derivative lawsuit against the Corporation and/or any of its Olicers and Directors and to solicit potential Plaintiffs from among the membership. Further it is noted that under the Colorado Non-Profit Corporations Code that the membership can demand a special meeting/convention under certain conditions since the Board has thus far refused to call one and even if does in response to this demand, there is no guarantee that it will notice an agenda acceptable to the aggrieved membership which would include the required that it be held virtually and include a voluntary recall vote of the Olicers and Directors with only the persons who would have been eligible to

vote at the LPCO's last Annual Convention being eligible to vote at any special convention.

- 33. The request was untimely denied for the following reason: "As you know, the statute requires that a member's demand for inspection of corporate records be made in good faith and for a proper purpose. In your case, your stated purpose for the inspection is to solicit potential plaintiffs for a derivative lawsuit against the party and its officers and directors, and to demand a special meeting/convention. These purposes are not proper under the statute, as they are not related to your rights as a member of the corporation."
- 34. The denial was clearly improper as the request was narrowly tailored to a specific request based upon the prior actions and knowledge of HARLOS in the LPCO's improperly refusing to place the Official Libertarian Ticket on its ballot and indica of potential illegal coordination and collusion with the RFK, Jr. campaign to deny the members of the LPCO of their rights under the LPCO Bylaws. Nothing could be more related to HARLOS' rights as a member of the corporation.
- 35. Under Colo. Rev. Stat. §7-126-401, a certain percentage of members of a non-profit corporation are entitled to file a derivative lawsuit and under common law any member may file a breach of contract or other suit under tort.
- 36. Under Colo. Rev. Stat. §7-127-102, a certain percentage of members of a non-profit corporation are entitled to demand a special meeting (convention).
- 37. The purpose of the right to inspect documents is to protect the rights of members of a non-profit corporation, and the fact that the non-profit corporation does not wish to be subject to a lawsuit or a demand for a special meeting is not a proper denial, as is requesting records evidencing what kind of "negotiations" were undergone to potentially conspire to keep the Official Libertarian Ticket off the ballot thereby disenfranchising the voters of Colorado and members of the LPCO of their right to vote for those candidates is certainly a "lawful purpose" under Colo. Rev. Stat. §7-136-102.

WHEREFORE, HARLOS requests that this Court enter an Order compelling production of the requested records of the non-profit corporation LPCO at the earliest possible date and time and enter an award of reasonable costs for Respondents' prior refusal and need to seek Court redress.

## V. THIRD CLAIM FOR RELIEF: REQUEST FOR DECLATORY RELIEF

- 38. Art. II. §6 of the Colorado State Constitution (the Colorado Bill of Rights) enumerates that "Courts of justice shall be open to every person, and speedy remedy for every injury to person, property or character; and right justice should be administered without sale, denial, or delay.
- 39. Art. VI §9 of the Colorado State Constitution established Colorado District Courts as those of general jurisdiction.

- 40. Pursuant to Colo. Rev. Stat. §13-51-101 et. Seq. and C.R.C.P. 57, parties may request, and the court may liberally grant, to any person, a declaration of right rights status and other legal relations to various legal instructions, in order to settle and afford relief from uncertainty.
- 41. A declaratory judgment action must be based on an actual controversy. To have standing to bring a declaratory action, a plaintiff must assert a legal basis on which a claim for relief can be ground. The plaintiff must allege an injury in fact to a legally protectable or cognizable interest. *Constitution Assoc. v. N.H. Ins. Co.*, 930 P.2d 556 (Colo. 1996).
- While courts have interpreted Colo. Rev. Stat. §1-3-106 as removal of the court's subject matter jurisdiction over internal party controversies, this is not an "internal controversy" such as over the identity of the proper officers, but even if it were, that statute only applies to Colorado major political parties, and not minor political parties such as the LPCO as per Colo. Rev. Stat. §1-3-100.3.
- 43. There are no intra-party remedies available to HARLOS as the LPCO has recognized rightly that any alleged vacancies must be filled by a "vacancy committee" and not the Board of Directors qua Board of Directors and committee decisions (though the HARLOS has demonstrated this is clearly beyond any authority of a legitimate vacancy committee) are not appealable under the **LPCO Bylaws Article IX.4**, Lowry et. al. v. District Court of Second Judicial Dist. et. al., 74 P. 896 (1903).
- 44. Further, although the Respondents may argue that this case is not justiciable due to it allegedly involving a sheerly "political question," this is not the case. It does not involve mere policy determinations which are at the heart of the political-question doctrine, *Baker v. Carr*, 369 US 186, 217; 82 S. Ct. 691; 7 L. ed. 2d 663 (1962). Rather it involves the very narrow and limited question of contractual compliance with the LPCO Bylaws and the LPN Bylaws. For a court to view otherwise would provide court sanction to a complete lawless "takeover" of a membership organization by its leadership denying the most basic of rights to its membership, freedom of association and political agency which is even more loathsome due to the perpetrators being their own political party.
- 45. While, "in the absence of some clearly arbitrary and unreasonable invasion of a member's rights, courts will not review the internal operation and affairs of voluntary organizations, Jorgensen Realty v. Box, 701 P. 2d 1256 (Colo. App. 1985) (internal citations omitted), the circumstances here are precisely arbitrary and unreasonable with reckless and wanton disregard for the most basic of rights of the members, the right to be able to vote for the candidates duly chosen through freedom of association with a political party that should not be fecklessly disregarded by its leaders.
- 46. In sum, HARLOS seeks a Declaratory Judgment that the LPCO Bylaws, in conjunction with the LPN Bylaws and Colorado law, prohibit the LPCO from making its own Presidential and Vice-Presidential nominations outside of the LPN national convention or a resolution of said convention and further prohibits them from submitting paperwork purporting to do same. Further, to the extent required by the LPCO Bylaws and Colorado law, provide and certify the names of sufficient Presidential electors.

# VI. THIRD CLAIM FOR RELIEF: REQUEST FOR PRELIMINARY INJUNCTION OR IN THE ALTERNATIVE, PERMANENT INJUNCTION

- 47. In exercising its discretion, the trial court must find that the moving party has demonstrated: (1) A reasonable probability of success on the merits; (2) a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief; (3) that there is no plain, speedy, and adequate remedy at law; (4) that the granting of a preliminary injunction will not disserve the public interest; (5) that the balance of equities favors the injunction; and (6) that the injunction will preserve the status quo pending a trial on the merits. Rathke v. MacFarlane, 648 P.2d 648 (Colo. 1982); Wakabayashi v. Tooley, 648 P.2d 655 (Colo. 1982); Am. Television & Communications Corp. v. Manning, 651 P.2d 440 (Colo. App. 1982); Iowa Nat. Mut. Ins. Co. v. Cent. Mortg. & Inv., 708 P.2d 480 (Colo. App. 1985); Bloom v. NCAA, 93 P.3d 621 (Colo. App. 2004); Gitlitz v. Bellock, 171 P.3d 1274 (Colo. App. 2007).
- 48. <u>A preliminary injunction would preserve the status quo.</u> The status quo is clearly the inclusion of the duly nominated Libertarian Party Presidential and Vice-Presidential ticket on the Colorado Libertarian ballot line as indicated by the official communication from the Secretary of State.
- 49. There is a danger of real, immediate, and irreparable injury which may be prevented by injunctive relief: The voting process is under tremendous scrutiny in today's political climate. The LPCO Bylaws and the LPN Bylaws are clear on the selection process of the Libertarian Presidential and Vice-Presidential candidates. Colorado voters will be irreparably harmed if this process is permitted to be sabotaged and recklessly disregarded by the LPCO and GOODMAN.
- 50. The preliminary injunction is necessary to prevent harm: Although the Secretary of State has clearly indicated that absent a withdrawal of candidacy from the Official Libertarian Ticket, the submission for the Colorado Libertarian Presidential and Vice-Presidential ballot line is complete (see Exhibit 10 Email from Colorado Secretary of State dated July 24, 2024), the LPCO and GOODMAN have indicated that they intend to continue to pursue putting RFK, Jr. and Nicole Shanahan on this ballot line despite RFK, Jr.'s overwhelming rejection at the Libertarian Party national convention, including earning zero votes from Colorado delegates (see Exhibit 17 Article dated July 24, 2024 from CPR News).
- 51. There is no plain, speedy, and adequate remedy at law. The Secretary of State has already issued an opinion upon which the membership and public, including HARLOS, should be able to rely upon the contractual agreement and with the rapidly approaching deadlines for finalization of the candidates to appear on the November general election ballot.
- 52. The granting of a preliminary injunction will not disserve the public interest. Colorado voters will not harmed by RFK, Jr. and Nicole Shanahan not appearing on the Libertarian Party ballot line as they have already collected and turned in enough petition signatures to appear on the Colorado general election ballot as Independents. Colorado voters are harmed by less choice, not more. Colorado Libertarians, and HARLOS in particular, is harmed by having her political agency and freedom of political association shamelessly and lawlessly stripped away by a rogue Board of Directors and Chair of the LPCO.

- 53. The balance of equities favors the injunction. The membership, including HARLOS, has a right to be able to count on the contractual agreement between the membership and the LPCO, and the balance of power lies squarely on the side of the LPCO Board who has scoffed at the Bylaws, claiming Bylaws pale in the light of "vance" and "doing things differently, whether or not the rules permit it.<sup>3</sup> Equity demands that the members are not left impotent when those in "control" deprive them of their rights.
- 54. There is reasonable probability of success on the merits on the part of the movant: The contractual obligations as set forth in the General Allegations are clear and the importance to the public of choice and political freedom of association is so overwhelmingly paramount that there is little doubt or ambiguity on this issue. The lawlessness and disregard of the LPCO and GOODMAN toward the rights of the members of the LPCO is established by clear and convincing evidence as well as their determination to pursue continuation of this posture.
- 55. If the Court does not find that the HARLOS has met the standards for a preliminary injunction, and particularly in light of the very short time for the submission of Certificates of Nomination for the 2024 Colorado general election ballot (September 5, 2024), the less demanding standards applicable for permanent injunctions can be considered. *Henson v. Hoth*, 258 F. Supp. 33 (D. Colo. 1966). A trial court has broad discretion to formulate the terms of injunctive relief when equity so requires. *Colo. Springs Bd. of Realtors v. State*, 780 P.2d 494 (Colo. 1989).

WHEREFORE, HARLOS requests that this Court issue a preliminary or permanent injunction against the LPCO and GOODMAN enjoining them from continuing their attempts to violate member rights by attempting to supplant the Official Libertarian Ticket from the Colorado Libertarian ballot line, and specifically declare that portion of their advertised meeting on August 12, 2024 to be void as well as any other attempted actions that would have that result, including voiding the electors previously submitted by the campaign.

DATED this 26th day of July 2024

Respectfully Submitted,

Carvn Ann Harlos, pro se

<sup>&</sup>lt;sup>3</sup> For examples, the behavior of the LPCO Board and its supporters in discounting the importance of contractual relationship binding the Party can be found in the open comment portion of this meeting: <a href="https://www.youtube.com/watch?v=r4-NMouncqc">https://www.youtube.com/watch?v=r4-NMouncqc</a>, particularly the LPCO Executive Director Jim Wiley beginning at timestamp 12:33 who openly admitted there is now a "power exchange" (non-consensual) from the membership to the Board who will make the Party to what it will inevitably will be with the implication that bylaws are no obstacle in this naked Game of Thrones game. Many of the comments that follow are also instructive in their utter disregard for the Party principles and bylaws.

## **VERIFICATION**

I, Caryn Ann Harlos, as a member of the Libertarian Party of Colorado, declare under penalty of perjury of the law of the State of Colorado that the foregoing factual allegations are true and correct to the best of my knowledge and belief.

Caryn Ann Harlos

DISTRICT COURT, DENVER COUNTY, STATE OF AUG 0 5 2024 **COLORADO** DENVER, COLORADO DATE FILED: August 5, 2024 12:08 PM 1437 Bannock Street CASE NUMBER: 2024CV578 Denver, Colorado 80202 ▲ COURT USE ONLY ▲ Petitioner: CARYN ANN HARLOS V. Respondents: LIBERTARIAN PARTY OF COLORADO, a Colorado non-profit corporation and HANNAH GOODMAN, as Chair of the non-profit corporation Caryn Ann Harlos, pro se Case Number: 24CV578 874 S. Lindsey Street Castle Rock, Colorado 80104 Division: 259 Phone Number: 561-523-2250 Email: carynannharlos@gmail.com EMERGENCY VERIFIED MOTION FOR TEMPORARY RESTRAINING ORDER ("TRO")

COMES NOW, Petitioner Caryn Ann Harlos ("HARLOS"), and respectfully moves this Court for a TRO pursuant to C.R.C.P. 65(b) with or without notice to the other parties which were served on August 2, 2024 (the Libertarian Party of Colorado "LPCO") and on August 3, 2024 (Hannah Goodman "GOODMAN") respectively. In support of this Motion, HARLOS states as follows:

### PETITIONER REQUESTS THAT THIS HEARING BE HEARD AND DECIDED THIS WEEK

HARLOS, when appropriate, will refer to Exhibits attached to original Petition, renumber from last number used therein, and not re-attach to avoid repetition herein.

#### 1. BACKGROUND

- 1. The LPCO is an incorporated nonprofit association and <u>minor</u> policy party, governed and operating under the laws of the State of Colorado.
- 2. As an incorporated nonprofit association and <u>minor</u> policy party, the LPCO operates under bylaws adopted April 1-2, 2023, hereinafter referred to as the "LPCO Bylaws" (see Exhibit 1 to the initial Petition LPCO Bylaws).
- 3. The LPCO is a membership corporation (see Exhibit 2 to the initial Petition Articles of Incorporation) with its membership defined in the **LPCO Bylaws Article IV**. There are over 40,000 registered Libertarians in Colorado who are basic members of the non-profit corporation. The total voting membership is unknown but is believed to be 300 or less of which HARLOS is one.

4. As an officer of the LPCO, GOODMAN and the rest of the LPCO Board of Directors is obligated to follow its bylaws, to wit:

The Board shall have control and management of all the affairs, properties, and funds of the Party consistent with these Bylaws and shall meet in the manner specified in these Bylaws and may delegate its authority in any manner it deems necessary. LPCO Bylaws Article VII.1(c).

5. Bylaws are a contract between a corporation (shareholder or otherwise) and its membership:

"A corporation's bylaws constitute a contract between the corporate entity and its shareholders" and "in construing corporate bylaws, we apply the same rules used to interpret statutes, contracts, and other written instruments." (internal citations and quotations omitted); *P.F.P. Fam. Holding, L.P. v. Stan Lee Media, Inc.*, 252 P.3d. 1, 3 (Colo. App. 2010) cited by *Vanterpool v Fed'n of Chiropractic Licensing Bds.*, Civil Action 22-cv-01208-CNS-NRN, United States District Court, District of Colorado noting, "This applies with equal force to non-profit organizations." (internal citations omitted)

"In interpreting [in this instance the bylaws of a voluntary athletic association], we seek to give effect to the intent and the reasonable expectation of the parties... To determine the intent and expectations of the parties, we view the contract in its entirety, not in isolated portions." *Bloom v. National Collegiate Athletic Assoc.*, 93 P. 3d 621 (Colo. App. 2004) (internal citations omitted)

- 6. As provided by the **LPCO Bylaws Article I(b)**, it is a **chartered** affiliate of the national Libertarian Party ("NLP") and subject to its bylaws adopted May 2024 hereinafter referred to as the "NLP Bylaws" (see Exhibit 3 to the initial Petition national Libertarian Party Bylaws). This relationship can only be severed as provided for in that same Article, which power is not given to the Board of Directors.
- 7. Under the **LPCO Bylaws XIV** and **NLP Bylaws Article 16**, the parliamentary authority for both organization is the most current edition of *Robert's Rules of Order*, *Newly Revised* ("RONR") as follows.

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, any Standing Rules, and any Special Rules of Order the Party or the Board of Directors may adopt. LPCO Bylaws Article XIV.

and

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. **NLP Bylaws Article 16**.

- 8. As a chartered state-level affiliate of NLP, the LPCO is entitled to use the trademarked name "Libertarian Party" and is obligated to follow the NLP Bylaws where they speak, see **NLP Bylaws**Articles 5.1 and 5.5.
- 9. As a **chartered** affiliate, in addition to the obligations required and rights given in the NLP Bylaws, RONR provides:

The only limitations upon the rules that such a body [such as the Colorado state-level chartered affiliate of the NLP – LPCO] can thus adopt might arise from the rules of a parent body (as those of a national society restricting its state or local branches), or from national, state, or local law affecting the particular type of organization. **RONR 2:2** and **NLP Bylaws Article 5.5.** 

The word *charter* may also refer to a certificate issued by a national or state organization, granting the right to form a particular local or subordinate unit... it supersedes any rules the subordinate body may adopt, because it carries with it the requirement that the subordinate unit adopt no rules that conflict with those of the grantor. **RONR 2.7fn4** and **NLP Bylaws Article 5.1**.

- 10. Under the LPCO Bylaws Article XI and attached Convention Rule 4, it is only state-level or below candidates that are nominated at the LPCO Annual Convention which is in according with the NLP Bylaws Article 14.1 which states: "Nominations of candidates for President and Vice-President of the United States may be made only at the regular convention immediately preceding a Presidential election."
- 11. Virtually no Presidential or Vice-Presidential candidate could meet the requirements under the LPCO Bylaws Article XI if it were interpreted as allowing nominations of those positions since they require the nominees to "have been a Sustaining Member during the entire period from January 1st of the Convention year until the convention at which they are nominated." This is reflected in Convention Rule 4, which is attached to the LPCO Bylaws which omits those positions in the list of offices for which nominations are done by convention. This also tracks with Colorado minor party law, specifically Colo. Rev. Stat. §1-4-1304(2)et. al. as follows:

[\*\*]

- (2) Nominations by a minor political party, to be valid, must be made in accordance with the party's constitution or bylaws. No nomination under this section is valid for any general election unless the nominee:
- (a) Is a registered elector,
- (b) Was registered as affiliated with the minor political party that is making the nomination, as shown in the statewide voter registration system, no later than the first business day of the January immediately preceding the general election for which the person was nominated, unless otherwise provided in the constitution or bylaws of the minor political party; and
- (c) Has not been registered as a member of a major political party at any time after the

first business day of the January immediately preceding the general election for which the person was nominated, unless otherwise provided in the constitution or bylaws of the minor political party.

(3) Any minor political party nominating candidates in accordance with this part 13 shall file a certificate of designation with the designated election official no later than four days after the assembly was held at which the candidate was designated. The certificate of designation must state the name of the office for which each person is a candidate and the candidate's name and address, the date on which the assembly was held at which the candidate was designated, must designate in not more than three words the name of the minor political party that the candidate represents, and must certify that the candidate is a member of the minor political party. The candidate's name may include one nickname, if the candidate regularly uses the nickname and the nickname does not include any part of a political party name. The candidate's affiliation as shown in the statewide voter registration system is prima facie evidence of party membership.

Despite having no authority to nominate Presidential or Vice-Presidential candidates as detailed in the original Petition, neither Robert F. Kennedy, Jr. nor Nicole Shanahan meet any of these requirements.

- 12. Any vacancy committee created by the LPCO Bylaws XI can only fill vacancies for which nominations are permitted to be done at the LPCO's Annual Convention. Even if the LPCO convention were permitted to nominate Presidential and Vice-Presidential candidates at its Annual Convention, despite any Bylaws provisions to the contrary, these offices can only be filled by a vacancy committee if authorized by a specific resolution of that nominating convention per the Nomination Paperwork required by the Colorado Secretary of State (see Exhibit 4 to the initial Petition Colorado Certificate of Nomination for President with highlighting added). There was no such resolution passed at the 2024 LPCO annual convention nor at the 2024 Libertarian Party national Convention.
- 13. Chase Oliver and Mike ter Maat were the Libertarian Party nominees from the LPN convention which took place on May 24-26, 2024 ("Official Libertarian Ticket") (see Exhibit 5 to the initial Petition Announcement from the NLP). The LPCO sent delegates to that convention and participated fully. In fact, GOODMAN ran for internal national Party office and lost that race (see Exhibit 6 to the initial Petition official tabulation sheet for NLP Vice-Chair race).
- 14. On July 2, 2024, the LPCO passed a motion nominating Robert F. Kennedy, Jr. as President and Nicole Shanahan as its nominees despite having absolutely no Bylaws authority or resolution authority to do so (see Exhibit 7 to the initial Petition Minutes of Meeting) presumably under the authority of being a "vacancy committee" though it was never moved in that manner nor was proper notice given as required under the LPCO Bylaws X(a) (ignoring the fact that there was no vacancy in those nominations and are required by the Nomination Paperwork for the Secretary of State to be nominated at a National Convention or under the authority thereof see Exhibit 8 to the initial Petition Colorado Certificate of Nomination for President with highlighting added), to wit: 1

<sup>&</sup>lt;sup>1</sup> Further, only the NLP has the authority to remove/suspend Presidential or Vice-Presidential nominations and replace them. **NLP Bylaws Article 14.3-5**.

Any meeting to elect Party Directors or National Convention Delegates, or any assembly to nominate candidates, shall be held at a public place at the time specified by the Chair. The time and place of such meeting shall be published once in a newspaper of general circulation in each county wherein Members reside, no later than fifteen (15) days before such meeting. LPCO Bylaws Article X(a) (emphasis added).

- 15. Robert F. Kennedy, Jr. ("RFK, Jr.") did properly seek the Libertarian Party's Presidential nomination at the national convention and lost on the first out of seven rounds of voting with only 19 votes out of the whole convention (2.07% of the vote) with exactly zero delegates from Colorado casting their vote for him. Nicole Shanahan did not seek the Libertarian Party's Vice-Presidential nomination.<sup>2</sup>
- 16. After becoming aware that publication in a newspaper of general circulation was required to fill any alleged vacancies, the LPCO published a legal notice in the Denver Post stating that a "vacancy committee" [meeting] will be held "to nominate the Libertarian Candidates for President, Vice-President... and to gather acceptance of nomination signatures from the Libertarian Party's 10 presidential elector[sic]." (see Exhibit 9 to the initial Petition Denver Post Legal Notice).
- 17. Upon information and belief, the Official Libertarian Ticket has already submitted ten presidential electors which have been accepted by the Secretary of State (see Exhibit 10 to the initial Petition Email from Colorado Secretary of State dated July 24, 2024).
- 18. At the LPCO Annual Convention on March 23, 2024, ten persons were nominated by the Convention as Presidential Electors. It is definitely known that two of those, Wayne Harlos and Sean Vadney, have not resigned the Campaign and have agreed to be bound by the officially nominated candidates as required by Colorado Law.
- 19. The Colorado Secretary of State has already stated:

...[I]t now appears that there is an effort to withdraw these candidates as the Libertarian candidates in Colorado. Colorado law would allow a candidate to withdraw from nomination, but the law gives this right to withdraw only to the candidate themselves, not to the candidate's party. C.R.S. 1-4-1001 (1)(a) states, "Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The withdrawing candidate shall sign and acknowledge the letter before an officer authorized to take acknowledgement sand shall file the letter with the designated election official with whom the original certificate or petition of candidacy was filed.: Similarly, presidential electors in Colorado function as agents of the candidate, and are bound to vote for that candidate should they win the election in Colorado. See Section 1-4-304(5), C.R.S. So while a presidential elector could withdraw themselves from participating in a vote in the electoral college, this withdrawal does not function as a withdrawal of candidacy for the candidate in question. Instead, that vacancy would be filled by the other electors at the meeting of the electoral college. See 8 CCR 1505-1,

<sup>&</sup>lt;sup>2</sup> Under the LPN Bylaws, only draft convention minutes are available at this time, which can be viewed here: <a href="https://drive.google.com/file/d/10oE0\_QEs9SXC\_wApNwfI-MY5BOYkQt\_R/view?usp=drive\_link">https://drive.google.com/file/d/10oE0\_QEs9SXC\_wApNwfI-MY5BOYkQt\_R/view?usp=drive\_link</a>. The nominations for President and Vice-President can be found on pages 27-28 and 41-42, and the vote totals for RFK, Jr. showing only 19 votes with none of those from Colorado can be found on page 230.

Rules 24.3.1 and 24.3.3. Therefore, in the absence of a submission of a withdrawal form from either candidate, our office must proceed with placing Mr. Oliver and Mr. ter Maat on the Colorado ballot as the Libertarian Party candidates for President and Vice-President.... in the absence of a withdrawal form from either candidate, those discussions would not affect our determination the candidate paperwork we have received for the Libertarian Party is complete. (see Exhibit 10 to the initial Petition – Email from Colorado Secretary of State dated July 24, 2024)

20. Colo. Rev. Stat. §1-4-302 provides as follows (highlight added):

Party nominations to be made by convention.

- (1) Any convention of delegates of a political party or any committee authorized by resolution of the convention may nominate presidential electors.
- (2) All nominations for vacancies for presidential electors made by the convention or a committee authorized by the convention shall be certified by affidavit of the presiding officer and secretary of the convention or committee.

There was no vacancy committee provided by the 2024 Annual LPCO convention (see Exhibit 18 – Draft Minutes of 2024 LPCO Annual Convention). A mere standing mention in the minor party Bylaws is not sufficient. No elector vacancies whatsoever may be made by vacancy committee for the LPCO.

21. Since the LPCO has announced its intention to hold a partially invalid "vacancy committee" on August 12, 2024, with the intent to nominate Robert F. Kennedy, Jr. and Nicole Shanahan as its Presidential and Vice-Presidential nominees (or any other persons other than Chase Oliver and Mike ter Maat), an emergency temporary restraining order is needed to keep this from confusing voters, prejudicing the legitimate nominees, and being distributed to the press. (see Exhibit 9 to the initial Petition – Denver Post Legal Notice) and (see Exhibit 19 – August 1, 2024 Denver Post article in which LPCO declares its continued violative intentions). Neither the LPCO Bylaws nor Colorado state law, as noted in the General Allegations, provide for the LPCO to directly nominate Presidential or Vice-Presidential candidates at their annual Convention or by any alleged "vacancy committee."

#### II. Legal Standard

- 22. In Colorado, the issuance of a TRO is governed by C.R.C.P 65(b), and its primary purpose is to prevent immediate and irreparable harm to one of the parties in the suit. <u>City of Golden v. Simpson</u>, 843 P.3d 87. Although it can be gone without notice, the parties have been served in this conflict.
- 23. A TRO would preserve the status quo. The status quo is clearly the inclusion of the duly nominated Libertarian Party Presidential and Vice-Presidential ticket on the Colorado Libertarian ballot line as indicated by the official communication from the Secretary of State.
- 24. There is a danger of real, immediate, and irreparable injury which may be prevented by a TRO: The voting process is under tremendous scrutiny in today's political climate. The

LPCO Bylaws and the LPN Bylaws are clear on the selection process of the Libertarian Presidential and Vice-Presidential candidates. Colorado voters will be irreparably harmed if this process is permitted to be sabotaged and recklessly disregarded by the LPCO and GOODMAN

- 25. The TRO is necessary to prevent harm: Although the Secretary of State has clearly indicated that absent a withdrawal of candidacy from the Official Libertarian Ticket, the submission for the Colorado Libertarian Presidential and Vice-Presidential ballot line is complete (see Exhibit 10 to the initial Petition Email from Colorado Secretary of State dated July 24, 2024), the LPCO and GOODMAN have indicated that they intend to continue to pursue putting RFK, Jr. and Nicole Shanahan on this ballot line despite RFK, Jr.'s overwhelming rejection at the Libertarian Party national convention, including earning zero votes from Colorado delegates (see Exhibit 17 to the initial Petition Article dated July 24, 2024 from CPR News).
- 26. There is no plain, speedy, and adequate remedy at law. The Secretary of State has already issued an opinion upon which the membership and public, including HARLOS, should be able to rely upon the contractual agreement and with the rapidly approaching deadlines for finalization of the candidates to appear on the November general election ballot.
- 27. The granting of a TRO will not disserve the public interest. Colorado voters will not harmed by RFK, Jr. and Nicole Shanahan not appearing on the Libertarian Party ballot line as they have already collected and turned in enough petition signatures to appear on the Colorado general election ballot as Independents. Colorado voters are harmed by less choice, not more. Colorado Libertarians, and HARLOS in particular, is harmed by having her political agency and freedom of political association shamelessly and lawlessly stripped away by a rogue Board of Directors and Chair of the LPCO.
- 28. The balance of equities favors the TRO. The membership, including HARLOS, has a right to be able to count on the contractual agreement between the membership and the LPCO, and the balance of power lies squarely on the side of the LPCO Board who has scoffed at the Bylaws, claiming Bylaws pale in the light of "relevance" and "doing things differently, whether or not the rules permit it. Equity demands that the members are not left impotent when those in "control" deprive them of their rights.
- 29. There is reasonable probability of success on the merits on the part of the movant: The contractual obligations as set forth in the General Allegations are clear and the importance to the public of choice and political freedom of association is so overwhelmingly paramount that there is little doubt or ambiguity on this issue. The lawlessness and disregard of the LPCO and GOODMAN toward the rights of the members of the LPCO is established by clear and convincing evidence as well as their determination to pursue continuation of this posture.

<sup>&</sup>lt;sup>3</sup> For examples, the behavior of the LPCO Board and its supporters in discounting the importance of contractual relationship binding the Party can be found in the open comment portion of this meeting: <a href="https://www.youtube.com/watch?v=r4-NMouncqc">https://www.youtube.com/watch?v=r4-NMouncqc</a>, particularly the LPCO Executive Director Jim Wiley beginning at timestamp 12:33 who openly admitted there is now a "power exchange" (non-consensual) from the membership to the Board who will make the Party to what it will inevitably will be with the implication that bylaws are no obstacle in this naked Game of Thrones game. Many of the comments that follow are also instructive in their utter disregard for the Party principles and bylaws.

WHEREFORE, HARLOS requests that this Court issue an Emergency TRO until a hearing on a temporary or permanent injunction against the LPCO and GOODMAN can be heard restraining them from holding any "vacancy committee" meeting on August 12, 2024.

DATED this 5th day of August 2024

Respectfully Submitted,

Caryn And Harlos, pro se

## VERIFICATION

I, Caryn Ann Harlos, as a member of the Libertarian Party of Colorado, declare under penalty of perjury of the law of the State of Colorado that the foregoing factual allegations are true and correct to the best of my knowledge and belief.

Caryn Ann Harlos

## CERTIFICATE OF SERVICE

Petitioner affirms that this Verified Motion for Emergency Temporary Restraining Order ("TRO") has been mailed to the Respondents via US Mail and to the Respondents email of statechair@lpcolorado.org on August 5, 2024.

Caryn Ann Harlos, Pro Se

## BRIEF ON BEHALF OF THE PETITIONERS TO THE JUDICIAL COMMITTEE CONCERNING THE DISMISSAL OF THE NATIONAL DIRECTOR BY THE CHAIR

### FACTS AND EVENTS

The original and amended agenda for the August 7-8, 1982, meeting of the National Committee in Billings contained no item concerning the dismissal of the National Director. Indeed, there was no mention of the action until the morning of the second day of the two-day meeting.

At that time, the Chair asserted that in her role as the chief executive officer (Article 7, Paragraph 4 of the Bylaws) she was unilaterally dismissing the National Director and that in her view the National Committee had no role in the matter.

Objections were raised by several members and a motion was made to devote 20 minutes in discussing the issue. This motion was voted down because the Chair contended that it needed a two-thirds vote. A point of order was then raised suggesting the dismissal action was an illegal usurpation of power reserved exclusively to the National Committee outlined in (Article 8, Paragraph 8 of) the Bylaws.

The Chair, in her role as presiding officer of the National Committee, ruled that in her other role as chief executive officer, she did have authority to dismiss the National Director. She then added that the point of order was without merit.

The ruling of the Chair as presiding officer was appealed. In the debate which followed, the Chair remained as presiding officer and defended her action as being an appropriate exercising of her power as chief executive officer. In addition, she cited a statement of the previous Chair made at the time the National Director was selected (by an overwhelming vote of the National Committee) that the contract with the National Director could be terminated by either party. The contention of the Chair implies that she, and not the National Committee, is the other party and that the unilateral declaration of the previous Chair is binding on the National Committee.

She also presented for the first time a verbal list of complaints that were answered by the National Director as best he could, since the lack of advance notice precluded his being able to produce documented support of his conduct as National Director.

The vote on the appeal was 17 yeas and 11 nays, more than half but less than two-thirds. It is this action of the National Committee that the Petitioners are appealing for a determination of whether or not it violates the Bylaws of the Party.

## THE CASE AGAINST THE UNILATERAL DISMISSAL OF THE NATIONAL DIRECTOR BY THE CHAIR

The key issue in the controversy of the dismissal of the National Director is how should important issues be decided, especially those which are vital to the functioning of the libertarian movement. There are two models which produce quite different institutions. One is individual exchange where the only explicit or implied contract is between the seller and the purchaser. The other involves group effort on the part of the supplier, thereby requiring a system of direction on the part of the principals with respect to the management of the effort. This latter system comprises corporations, organized religions and governments, except for dictatorships.

An important part of group direction of activities is a system of information and analysis of issues. For large groups like the Libertarian Party, a system of delegated authority is established to avoid the high costs of consulting the entire membership or even convention delegates for each issue of significance requiring decision.

The system which has been adopted by the Party can be characterized as having four levels, identified below:

- 1. Entire membership
- 2. State parties
- 3. Biennial convention
- 4. National Committee

The basic document which defines relationships is the set of Bylaws. The Bylaws have been adopted by a two-thirds vote of convention and contain explicit apportionment of powers and where the assignment is not explicit, Robert's Rules of Order, Newly Revised is established in Article 13 of the Bylaws as the fallback authority.

The principal effect of this structure is to lay out a formalized system wherein issues of importance can be addressed in a systematic way. This is not only a matter of right in a society which voluntarily adopts rules governing its functioning, it is also a matter of what works well. Indeed, the only kind of system which works at all is one where the decision-makers are those responsible for the consequences of their decisions.

This brief will show that the Chair does not have the authority to take important actions unilaterally. In particular, she lacks the power to dismiss the National Director, and make the National Committee and the Party as a whole bear the financial and other consequences. The brief will also request that the Judicial Committee repair to a reasonable extent the damage already done and limit the discretion of the Chair to inflict similar damage in the future by retaining jurisdiction over this case until the next national convention.

## BOARDS CANNOT FORMULATE THEIR OWN RULES

The first point which should be established is that the National Committee is not the basic decision-making body of the Party. That is the biennial convention. The National Committee, by contrast, has power to act by virtue of authority delegated to it in the Bylaws adopted at past conventions. The National Committee is not a "society" in the sense that Robert's uses the term. It is a "board" acting on behalf of the larger society.

The distinction is important because boards do not have the same broad authority as the society itself. According to Robert's (page 401) a

board has only such power as is delegated to it by the bylaws or by vote of the society's assembly referring individual matters to it.

The authority granted in the Bylaws is contained in Article 8, Paragraph 8.

The National Committee shall have control and management of all the affairs, properties and funds of the Party consistent with these Bylaws.

There are two important powers which boards do not receive automatically. One is the authority to formulate its own rules of procedure. Boards cannot adopt their own rules of procedure when they are part of a larger society. (See Robert's page 404.) Thus, the fact that the National Committee is a subsidivision of the Party, means that it is not entitled to establish its own permanent standing rules.

The other power which a board does not possess has to do with delegating authority. Since the National Committee is itself a recipient of delegated authority, it cannot further delegate without a specific provision in the Bylaws. Robert's says it clearly on page 403.

As a general principle, a board cannot delegate its authority—that is, it cannot empower a subordinate group to act independently in its name—except as may be authorized by the bylaws (of the society) or other instrument under which the board is constituted; but any board can appoint committees to work under its supervision or according to its specific instructions; such committees of the board always report to the board. (Emphasis is in the original.)

The operational word in the citation is "independently." That is, boards cannot delegate authority to act independently, without a specific provision in the Bylaws. A rereading of the Bylaws will show that there is no such provision either with respect to the National Committee's formulating its own rules, or with respect to the ability of further delegating authority to act independently of the National Committee.

The implication that these two limitations of the National Committee's authority hold for the Chair's dismissal of the National Director, is important. By virtue of these two limitations imposed by Robert's, neither the past Chair nor the National Committee itself could have properly established its own permanent rules with respect to the selection or dismissal of the National Director.

In addition, the National Committee is not empowered to delegate its authority to contract with the National Director. Moreover, the Chair is never entitled to usurp such a power by mere declaration. Thus, the claim that the Chair has independent power to dismiss the National Director is patently false.

## AGENDA, RULINGS BY THE CHAIR, APPEAL, AND REQUIRED VOTES

To understand the extent to which the wrong procedures were used, it will help if the correct ones were outlined. To begin with, the Chair should have placed the item on the agenda. Advance notice would have enabled a full and frank discussion of the problem, with all sides prepared to make positive contributions to a solution.

If time did not permit advance notice, then the Chair should have entertained a suspension of the rules to consider the issue. This, of course, would have required a two-thirds vote. It would also require in either case that the Chair step down temporarily from being the presiding officer while she is proposing a course of action for the National Committee. The motion that the Chair proposes would also require a two-thirds vote, because it is in the nature of a motion to rescind without previous notice.

It can be seen that the underlying principle is that important issues should be carefully considered in an environment where the impartiality of the Chair is above question. Having said that, let us now step through the correct procedure, comparing it with what was actually done and identifying the procedural rules which should have been followed.

First, the purpose of the agenda is to prepare for an orderly and efficient debate. The key is having enough time to prepare so that time is not spent on repetitious debate and so that important dimensions of an issue are not left out of the discussion.

Once the agenda for a meeting is set, changes, especially the inclusion of a new item, require a two-thirds vote. As Robert's puts it (on page 316)

After an agenda or program has been adopted by the assembly, no change can be made in it except by a two-thirds vote (or by unanimous consent).

This means that the Chair is not entitled to introduce a new item on the agenda without first obtaining a suspension of the rules. It does not suffice to interpret the subsequent vote of 17-11 as tantamount to an effective suspension. The reason, of course, is that 17/28 is less than two-thirds.

The mistake of not suspending the rules was compounded when the Chair ruled in response to a point of order that she was entitled to dismiss the National Director because of her position as chief executive officer. Putting aside the substantive merits of that assertion, the procedural point to be made is that a presiding officer is not entitled to rule on an issue which is unrelated to presiding. Indeed, the Chair has no business presiding when the issue being discussed relates to another office she holds. Robert's makes this point on pages 333 and 334.

If the presiding officer is a member of the society, he has—as an individual—the same rights as any other member; but the impartiality required of the chair in an assembly precludes his exercising these rights while he is presiding. Normally, especially in a large body, he should have nothing to say on the merits of pending questions.

... In debate on an appeal or a point of order that the chair has submitted to the judgement of the assembly, the foregoing rule does not apply, and the presiding officer does not leave the chair, since his participation in the debate relates to the function of presiding.

When the issue does not relate to presiding, then the Chair should properly step down and in no case attempt to assure approval of the issue by ruling in a matter which is not one of procedure. At another point Robert's (on page 218) indicates that the Chair cannot make rules on any subject, just on questions relating to parliamentary law. This clearly precludes the Chair from ruling on powers she holds under another title, and remaining as presiding officer to defend her asserted prerogatives in another role. This is precisely what the Chair did in Billings, and it was patently out of order.

## POWERS OF A CHIEF EXECUTIVE OFFICER

The authority of the chief executive officer is not defined in the Bylaws. Thus, one must look elsewhere for guidance on whether or not the widely used definition of the past implies the ability to remove other senior managers.

The position of chief executive officer is, of course, common in business. Usually, a distinction in a large corporation is made between present operations and investment in future operations. Typically, the chief executive specializes in the latter and the chief operating officer has major responsibility for the former. A large corporation may even have a chief financial officer, a chief administrative officer, and other officers reflecting major divisions of responsibility within the firm. Corporations tend to decentralize not only into profit centers at the operating level, but also into cost centers at the senior staff level.

That in itself is insufficient to shed light on whether the chief executive officer or the board of directors typically have authority to remove officers. However, according to one source, R. M. Miller in the Manual and Guide for the Corporate Secretary (Englewood Cliffs: Prentice-Hall, Inc., 1969):

The general rule is that, in the absence of any contrary provision in the statute, articles, or bylaws, the removal of an officer by a corporation must be made by the person or body authorized in the first instance to elect or appoint him. The power of removal and appointment is generally granted to the board of directors by the bylaws of the corporation.... As in other matters, the statute prevails over a bylaw that is inconsistent with it. Thus, if the statute gives the directors power to elect an officer, the directors may remove him, even though the bylaws provide lotherwisel.

The question of what is the law in that regard requires a more authoritative answer than provided by just one author, even of a manual. It is submitted that the conclusive answer is given by the Model Business Corporation Act. This act, as of January 1978, "has been adopted in substance in more than 25 states" according to the American Bar Association.\*

Moreover,

major portions have been followed in many others. Its provisions embody the collective judgement of experienced corporate lawyers and academicians from diverse locations in the United States and, the Committee believes, are entitled to persuasive weight.

Not unlike Article 8, Paragraph 8, in the Party's Bylaws, Section 35 of the MBCA provides that

All corporate powers shall be exercised by or under the authority of, and the business and affairs of a corporation shall be managed under the direction of, a board of directors...

Included in the responsibilities of the board of directors is to select and remove officers (MBCA Sections 50 and 51).\*\* Specifically,

<sup>\*</sup> The Committee on Corporate Laws, Section of Corporation, Banking and Business Law, Corporate Director's Guidebook (Chicago: The American Bar Association, 1978), page 1. The number of states now exceeds 35, according to the Preface in the MBCA revised in 1979.

<sup>\*\*</sup> The Committee on Corporate Laws, Section of Corporation, Banking and Business Law, Model Business Corporation Act (Philadelphia: The American Bar Association, 1979), page 44.

any officer or agent may be removed by the board of directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the contractual rights.\*

It would appear that the clear intent of the prevailing law governing the structure of corporations places the removal of senior management in the hands of the board of directors rather than the chief executive officer.

One still might question whether the law is reflected in actual practice. In other words, are a sizeable number of important corporations operating outside the MCBA with respect to the responsibility for selecting and removing senior management. To answer that question, one can consult a survey of chief executive officers from 248 member companies of the Business Roundtable conducted in 1977.

In the sample, all but five of these companies had (in 1977) more than \$200 million in assets, 136 companies had assets in excess of \$1 billion, and 70 corporations actually had assets in the \$3 billion plus range.\*\* Clearly, the sample includes chief executive offers from most of the successful corporations in the United States.

This is what they have to say about "management and board selection and succession."

From our own experience, we would describe the board's functions along the following lines.

It is generally understood that a principal board function is the selection of the chief executive officer and his principal management associates. A corollary function is to replace managers...

One is compelled to conclude, therefore, that the law and the prevailing practice in large corporations is to place the responsibility for selection and removal of all senior managers in the hands of the board of directors, not the chief executive officer. To assert that a chief executive officer has exclusive license to hire and fire all others in the firm is a gross misunderstanding of the role of the chief executive officer and the manner in which responsibility is actually assigned in a corporate environment.

Before leaving the survey of the Business Roundtable, the major conclusion from the report deserves detailing because of its relevance to the practice of the Chair's not notifying the National Committee in advance of important issues which might require action. The Business Roundtable report

<sup>\*</sup> Ibid.

<sup>\*\*</sup> The Role and Composition of the Board of Directors of the Large Publicly
Owned Corporation (New York: Business Roundtable, January 1978),
page 18.

concludes that the flow of information is crucial for sound decisions by the board and

the chief executive officer is central to this process. The CEO himself will be one of the principal sources of board information. . He should collaborate with the board in assuring a proper flow of information from operating components and staff functions. Indeed, it is fair to say that the typical CEO devotes a substantial fraction of his time to engaging in, or arranging for, communications to the board or to board committees.\*

Having established that chief executive officers are typically not vested with the authority to select and remove the other senior management, attention can now turn to the proper relationship as outlined by Robert's with respect to the president of an organization and an executive secretary. These terms, of course, correspond to Chair and National Director as we use them in the Party.

## PRESIDENT (CHAIR) AND THE EXECUTIVE SECRETARY (NATIONAL DIRECTOR): ROBERT'S VIEW OF THEIR ROLES

The Bylaws of the party do not mention the position of National Director. One would presume this is a carryover from an earlier day when there were insufficient funds to hire a salaried officer and the Chair was also the general manager of the organization. In this context, identifying the Chair as the chief executive officer is understandable, if a bit out of date.

Remarkably, Robert's sketches out a parallel scenario on page 387.

In some organizations, the executive and managerial function that would otherwise be exercised by the president is entirely split off and vested in the executive secretary. This arrangement leaves the president his duties as presiding officer and spokesman for the organization. In any case, the president should not attempt to give orders to the executive secretary independently unless the bylaws so authorize; in the absence of such a provision the executive secretary receives his direction from the board or executive committee.

This is what has evolved over time in the Party, except that the current Chair has apparently missed the transition.

It is also remarkable how the organization of a corporation is similar to the arrangement sketched out by Robert's. There is a natural division of responsibility between the day-to-day operations and the other functions. At the senior level of a nongovernmental organization, the characterstic which promotes success is a division of responsibility, rather than a detailed supervision of one officer by another.

Ibid., page 24.

Lest it be claimed that Robert's is ambiguous about the functions of an executive secretary and the relationship between that person and the board, note the following from Robert's, page 387.

In most organizations, the executive secretary is employed by the board of directors under contract . . . .

The executive secretary is in charge of the central office of the society and acts under the immediate direction of the board and the executive committee.

It would also be a mistake to assume that the Chair is essentially the executive committee and thereby entitled to supervise the National Director. Here is the definitive statement in <u>Robert's</u> (page 403) on that matter.

The executive secretary, if there is one, should work closely with the executive committee, but should be appointed by the parent body or at least the board. A board cannot appoint an executive committee unless the bylaws so authorize.

An inspection of the Party's Bylaws shows that no such authorization exists.

To summarize this section, the Bylaws are silent on the post of National Director, but Robert's is not. It says that an executive secretary is responsible to the board and not the presiding officer. The identification in the Bylaws of the Chair as chief executive officer does not in any sense overrule Robert's in this matter. The Bylaws do not define the powers of a chief executive officer, and there is, therefore, no basis for the Chair to claim overriding authority.

When one looks to established law and practice where the roles of the chief executive officer and the board of directors are defined, one finds that CEOs do not typically possess the power to select and remove other senior management. Robert's view on the division of responsibility parallels the prevailing practice in business, suggesting that the Chair's view of her role as chief executive officer is seriously flawed.

## JUDICIAL COMMITTEE RULING OPTIONS

The procedures used by the Chair and the National Committee to dismiss the National Director should be declared illegal. The Judicial Committee should take steps to restrain the Chair and the National Committee from using any of the illegal procedures in the future (1) by retaining jurisdiction of the case until the next National Convention, or (2) by securing agreement by the Chair that she will not abuse the duties of the Chair and mislead the National Committee in the future.

The responsibilities of the Chair should be distinguished from the National Director. It should be reiterated that the Chair is the chief executive officer, but the National Director is the chief operating officer, responsible solely to the National Committee, not the Chair.

Eric O'Keefe should be offered reinstatement or, if the offer is not accepted, the Chair should be made personally liable for damages inflicted on Eric O'Keefe. The Judicial Committee should collect evidence and decide on the damage award.

James L. Johnston

Petitioner and Member of

the Libertarian Party

312-856-6553

Jule R. Herbert, Jr. Petitioner and Member of

the Libertarian Party

202-546-5190

### Libertarian Party Presidential Paperwork

### Caleb Thornton < Caleb. Thornton@coloradosos.gov>

Wed 7/24/2024 10:33 AM

To:Hannah Goodman <hannah.goodman@lpcolorado.org>;Eli Gonz <eli.gonz@lpcolorado.org>;James Wiley <james.wiley@lpcolorado.org>;Andrew Buchkovich <AndrewBuchkovich@lpcolorado.org> Cc:Jeffrey Mustin <Jeffrey.Mustin@coloradosos.gov>

Good Morning,

Over the past few weeks, our office has received calls and emails from various Libertarian party officials at both the national and state level regarding the status of your candidate filings. We are reaching out to clarify what we have received and what paperwork we can accept going forward.

To date, we have received valid national party paperwork nominating Chase Oliver and Mike ter Maat for President and Vice President for the party. We have also received those candidates' acceptance forms, and 10 presidential electors in Colorado for those candidates. These filings appear to match the nomination made by the Libertarian Party at their national convention as reported by the party itself <a href="here">here</a>. Under Colorado law, this is a complete filing for President and Vice President for the party and as of this moment, Chase Oliver and Mike ter Maat will be listed as the Libertarian Party's nominees for President and Vice President on the November ballot.

Based on some of the communication we have received from both the state and national party, it now appears that there is an effort to withdraw these candidates as the Libertarian candidates in Colorado. Colorado law would allow a candidate to withdraw from nomination, but the law gives this right to withdraw only to the candidate themselves, not to the candidate's party. C.R.S. 1-4-1001 (1)(a) states, "Any person who has accepted a designation or nomination may withdraw from candidacy at any time by filing a letter of withdrawal. The withdrawing candidate shall sign and acknowledge the letter before an officer authorized to take acknowledgement sand shall file the letter with the designated election official with whom the original certificate or petition of candidacy was filed."

Similarly, presidential electors in Colorado function as agents of the candidate, and are bound to vote for that candidate should they win the election in Colorado. See Section 1-4-304(5), C.R.S. So while a presidential elector could withdraw themselves from participating in a vote in the electoral college, this withdrawal does not function as a withdrawal of candidacy for the candidate in question. Instead, that vacancy would be filled by the other electors at the meeting of the electoral college. See 8 CCR 1505-1, Rules 24.3.1 and 24.3.3.

Therefore, in the absence of a submission of a withdrawal form from either candidate, our office must proceed with placing Mr. Oliver and Mr. ter Maat on the Colorado ballot as the Libertarian Party candidates for President and Vice-President.

It is also our understanding that the state Libertarian Party may be seeking to nominate Robert F. Kennedy Jr. to the ballot. As I am sure you are aware, Mr. Kennedy has already submitted petitions to this office to be placed on the ballot as an unaffiliated candidate. Should those petitions be determined to be sufficient, please be advised that Mr. Kennedy cannot be placed on the ballot as both a Libertarian and an unaffiliated candidate. Colorado law precludes a candidate from signing more than one acceptance form for the same office. See Section 1-4-701 (2)(b), C.R.S. Therefore, even if the current Libertarian party candidate were to withdraw, the party could not otherwise place Mr. Kennedy on the ballot as the replacement Libertarian candidate (again, should Mr. Kennedy's petitions be deemed sufficient).

Any questions regarding the process for selecting electors for the candidates or the filing of documents with our office are internal party matters for you all to discuss and pass judgement on. However, in the absence of a withdrawal form from either candidate, those discussions would not affect our determination the candidate paperwork we have received for the Libertarian Party is complete.

Thank you,

### **Caleb Thornton**

Legal, Policy, and Rulemaking Manager | Department of State  $303.894.2200 \times 6386$ 

caleb.thornton@coloradosos.gov

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Denver, CO 80290

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## LIBERTARIAN PARTY OF COLORADO



Hannah Goodman, Chair Libertarian Party of Colorado 11757 W Ken Caryl Ave #F124 Littleton, Colorado 80127 <u>chair@lpcolorado.org</u> (303) 837-9393

July 12, 2024

Libertarian National Committee 1444 Duke St. Alexandria, Virginia 22314 <a href="mailto:chair@lp.org">chair@lp.org</a> (800) 353-2887

Chase Oliver for President 3939 Lavista Rd Ste E #368 Tucker, GA 30084 info@votechaseoliver.com (470) 737-4090 Sent by Email

**RE:** Cease & Desist Violations of LPCO Elector's First Amendment Rights

To the board of the Libertarian National Committee and the leadership of Chase Oliver and Mike ter Maat Presidential Campaign,

The Libertarian Party of Colorado (LPCO) has formally invoked its first amendment right of free association under its bylaws to not place Chase Oliver and Michael ter Maat ("Oliver ticket") on its presidential ballot. The Libertarian National Committee (LNC) Secretary, Caryn Ann Harlos, has transmitted to the Colorado Secretary of State paperwork including Certificates of Nomination for President and Vice President to place the Oliver ticket on the Colorado ballot without our expressed permission and counter to the intent and free will of the LPCO. In coordination with the LNC Secretary, the Chase Oliver for President Campaign submitted paperwork including Candidate Acceptance of Nomination of President and Vice President forms.

## LIBERTARIAN PARTY OF COLORADO



This paperwork included a Presidential Electors' Acceptance of Nomination form signed by only one of the electors authorized at the March 23rd, state convention. The other 9 alleged electors listed on this form were not authorized in the same manner provided by law:

C.R.S. § 1-4-302 Party nominations to be made by convention. (1) Any convention of delegates of a political party or any committee authorized by resolution of the convention may nominate presidential electors. (2) All nominations for vacancies for presidential electors made by the convention or a committee authorized by the convention shall be certified by affidavit of the presiding officer and secretary of the convention or committee.

LPCO defines in our bylaws and convention standing rule the manner in which presidential electors are to be nominated, at convention, or replaced, by vacancy committee. Any alternative methods of nominating electors are not authorized by the state Party bylaws and therefore prohibited by Colorado law. You are also hereby put on notice that the filing of the first 4 documents and the Presidential Electors' Acceptance of Nomination forms after the July 1st date when HOUSE BILL 24-1150 became law in Colorado and the following punitive statute came into affect:

C.R.S. § 1-13-725. False slate of presidential electors - penalties. (Effective July 1, 2024)

(1) (a) A person who knowingly enters into an agreement, including a written agreement, oral agreement, or agreement using electronic communications, with one or more individuals to commit offering of a false instrument for recording or forgery commits conspiring to commit offering of a false instrument for recording or forgery.

...

- (2) (a) Upon conviction for conspiring to offer a false instrument for recording or forgery, as set forth in subsection (1)(a) of this section, offering a false instrument for recording, as set forth in subsection (1)(b) of this section, or forgery, as set forth in subsection (1)(c) of this section, the court shall impose a fine of not more than ten thousand dollars on the defendant.
- (b) If the defendant is convicted of perjury as described in subsection (1)(d) of this section, or subornation of perjury as described in subsection (1)(e) of this section, the court shall order that the defendant is ineligible to be a member of the general assembly and incapable of holding any office of trust or profit in the state, as provided by section 4 of article XII of the state constitution, and impose a fine of not more than ten thousand dollars on the defendant.

## LIBERTARIAN PARTY OF COLORADO



LPCO by virtue of having been organized by Colorado Libertarians in this state as a party since 1971 owns its ballot line under Colorado law even before the first Libertarian Party national convention was held. The national party Secretary, acting in the capacity of an officer and agent of the LNC and in coordination with the Chase Oliver for President campaign, has violated our free speech, our property, and our autonomy and jeopardized the LPCO's ballot access. Our freedom of association, protected in the first amendment of the United States' Constitution and repeated in our own bylaws, has been violated by your joint action:

Section 4. Nomination of Candidates (a) The United States Supreme Court has recognized that the nomination of candidates—under political party rules—falls under the First Amendment's Freedom of Association protections and therefore overrides state laws when such rules so state. As such, all rules for nominating candidates are limited to only these Bylaws, and all state laws regarding nominating candidates are to be considered overridden and void. The Party reserves all First Amendment Rights in this regard.

This violation must be immediately reversed to prevent the similar outcomes as has happened in many states<sup>1</sup>. I hereby demand that you cease and desist from this activity immediately and withdraw any presidential nomination paperwork filed with the Colorado Secretary of State within 5 days from your receipt of this letter. Further, cease and desist your attempt to have any of the electors chosen at the March 23rd, 2024 Colorado Libertarian State Convention disenfranchised of their rights as electors. If you do not take action to cease and desist within the given time frame, I will have no choice but to take appropriate procedural and legal action against you.

Sincerely,

<u>s/Hannah Goodman</u>Hannah Goodman, ChairLibertarian Party of Colorado

1

https://www.cbsnews.com/news/arizona-alternate-electors-indictment/

https://www.cbsnews.com/news/wisconsin-fake-elector-trump-allies-charged/

https://edition.cnn.com/2022/07/19/politics/georgia-grand-jury-trump-electors/index.html

https://www.npr.org/2023/12/06/1217680464/nevada-false-electors-charged

https://www.cnn.com/2023/07/18/politics/michigan-fake-electors-bios/index.html

https://www.newsweek.com/trump-fake-electors-each-state-2020-election-1814076

Sign

LMC Business List (Public)

1

#### Conversations

(i)

From: Angela McArdle <angela....@lp.org>

Sent: Wednesday, July 10, 2024 6:00:28 AM (UTC+00:00) Monravia, Reykjavik

To: LP Secretary <secr...@lp.org>; LNC Business <lnc-bu...@lp.org>; 4eb01eb...@amer.teams.ms <4eb01eb...@amer.teams.ms>; businesslist-forward <businessli...@lp.org> Subject: Re: NOTICE OF EXECUTIVE COMMITTEE MEETING 7/11/24 AT 9PM EASTER

We are at freedomfest trying to fundraise and do work. This week is not convenient for any meeting and you know that. You didn't run any of this by me. A time sensit opportunity have arisen so we will meet and do what needs to be done.

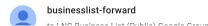
You will not usurp my authority as chair. You have taken unilateral actions this week that have put us at risk of legal action. To be clear, you acted outside the scope or sent that form to the SOS, knowing that Ipco had entered into a written agreement with Kennedy. Now you want to rope us in and have us sanction your actions and p involve us if you are sued for it.

I want to make it abundantly clear you had no authority to do so and I did not know about it. We are not getting pulled into a lawsuit on your behalf.

I've also learned that you have personally threatened to sue Ipco and sent a demand letter, so you have a serious conflict of interest here and should not even be votir this board.

Angela McArdle LNC Chair

From: LP Secretary <secr...@lp.org> Sent: Wednesday, July 10, 2024 12:46:48 AM



Jul 10, 2024, 12:2

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June 16, 2024

ATTN: Judicial Committee of the Libertarian Party of Colorado

Subject of Appeal: Resolution presented by Ms. Kirsten Steinke to the Libertarian Party of

Colorado Board and unanimously passed on June 10, 2024.

I am submitting an appeal to this resolution as it directly contradicts not only the will of the duly

elected delegates at our National Convention, but our state and national bylaws.

Section One: Where this Resolution Fails to Comply with the Bylaws

In Article 2(f), the Libertarian Party of Colorado bylaws state that one of our Party's purposes is

"nominating serious Party candidates for political office". The resolution blocks this purpose and

denies Colorado Party Members (and Coloradans in general) the option to vote for a Libertarian

presidential candidate. This resolution contradicts a crucial purpose of the Party as clearly

detailed in this Article

This resolution also violates the entirety of Article 10 of our national bylaws, specifically

Sections 6 and 7, as Chase Oliver and Mike ter Maat were legitimately nominated by the national

delegates according to this Article. It can be concluded by any reasonable person that as an

affiliate of the national party under Section 5 of the national bylaws, the Libertarian Party of

Colorado, who willingly participated in it by sending delegates to the national convention, must

respect the process detailed in Article 10 that has been delegated to the national level rather than

the state. The board of the Libertarian Party of Colorado does not have the power to suspend the

nomination of a presidential ticket; Article 14, Section 5 states that this power lies with "a ¾ vote of the entire membership of the National Committee at a meeting".

I would also like to bring to light the potential motives of this resolution that violate the bylaws. Our chairwoman has publicly endorsed the presumptive Republican presidential nominee in the press. In an interview with CPR News, our chairwoman stated that she "plans to vote for the presumed Republican candidate in the presidential election". This violates Article 5, Section 4 of our national bylaws, which states "No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election", and as the chair of the Libertarian Party of Colorado acts as its "chief executive officer" according to our state's bylaws in Article 6, Section 3(a) therefore can reasonably be seen as the figurehead of the state party. The chairwoman's prominent position in the party and her chief association with the board and this resolution clearly present a conflict of interest and a violation of the national bylaws, therefore in and of itself making this resolution null and void.

#### Section Two: Debunking Claims Regarding the Resolution's Legitimacy

Ms. Stienke made a few claims about the bylaws during the presentation of this resolution in an attempt to prove its compliance with them.

Ms. Stienke claims that "the Libertarian Party of Colorado bylaws grant authority over presidential candidate nominations to the board". This claim is false, as no such authority is ever granted to the board of the Libertarian Party of Colorado in Section 4 (Nomination of Candidates) of the state bylaws. This claim also contradicts the fact that this power has already

clearly been designated solely to the duly elected delegates at the National Convention in Articles 10 and 14 of the national bylaws. As previously mentioned, Article 14, Section 5 of the national bylaws grants the power of suspending a presidential nomination solely to "the entire membership of the National Committee at a meeting". The Libertarian Party of Colorado holds no legitimate authority over presidential nominations.

Ms. Stienke claims that "the national party's bylaws do not specifically compel states to submit paperwork to their secretaries of state on behalf of the national party candidate". While this very particular criteria is not outlined specifically in the national bylaws, any reasonable person would draw the conclusion that this is a duty of state parties to fulfill. In Article 14, Section 4 of the national bylaws, the "National Committee shall respect the vote of the delegates [for presidential and vice presidential nominees]". As an affiliate of the national party that sent delegates to the national convention, a reasonable person would conclude that the Libertarian Party of Colorado must also respect this vote under the provisions of Article 5 in the national bylaws.

Ms. Stienke references Article 2(a) and (b) of the state bylaws stating that the purpose of the Libertarian Party of Colorado is to "provide leadership and direction for the Libertarian movement in Colorado and communicate the message and positions of the Party." The provision outlined in (f) of this same Article as mentioned in Section One of this appeal was omitted in her statement. It can also be reasonably argued that this resolution actually contradicts Article 2(a) and (b), as the board has failed to provide leadership and direction for the Libertarian movement in Colorado by violating the bylaws, failing to fulfill its duties, and blocking a legitimate

Libertarian presidential ticket that can efficiently communicate the message and positions of the Party from appearing on the 2024 Colorado ballot.

### Conclusion

The resolution passed by the board of the Libertarian Party of Colorado on June 10, 2024 regarding the Oliver ter Maat presidential ticket usurps a power solely held by the duly elected delegates at the National Convention according to the bylaws. The board of the Libertarian Party of Colorado holds no legitimate power to withhold this ticket from the Colorado ballot. This resolution presents a conflict of interest and sets a dangerous precedent that violates both the state and national bylaws. Chase Oliver and Mike ter Maat were legitimately nominated as the Party's presidential ticket by the delegates at the 2024 Libertarian Party Convention according to Article 10 of the national bylaws. It is the obligation of the Libertarian Party of Colorado to honor this nomination as an affiliate of the Libertarian National Party confined by Article 5 of the national bylaws. In order for the board of the Libertarian Party of Colorado to remain compliant with the state and national bylaws, this resolution must be repealed immediately and the board must submit all necessary paperwork to the Secretary of State to ensure that the Oliver ter Maat presidential ticket appears on the Colorado ballot in the 2024 presidential election.

Sincerely,

Sean Vadney

Vice Chair of the Libertarian Party of Douglas County

## JONATHAN M. JACOBS, RP, CPP

Parliamentary Consultant

Mailing Address 630 North 63<sup>rd</sup> Street, Apartment 3<sup>rd</sup> Floor Rear Philadelphia, PA 19151 Telephone: (215) 229-1185 E-mail: jjparlia@yahoo.com

### **Parliamentary Opinion**

### Facts Submitted by Client

After some initial contact, Hannah Goodman, the chair of the Libertarian Party of Colorado (LPCO) signed a letter of agreement with the parliamentarian on July 16, 2024, relating to the selection of presidential electors. Presidential electors are chosen within a state to elect the President and Vice President of the United States; one is granted for each member of Congress that the state has.

At the LPCO Convention on March 23, 2024, ten individuals were elected as electors. These were, Jacob Luria, Kyle Furey, Sean Vadney, James Wiley, Keith Laube, Eilseo Gonzolez, Marc Cavin, Wayne Harlos, Augostino Cantavero, and John Kittelson. At that point there was no nominee of the national Libertarian Party, as it would have its nominating convention in late May.

Chair Goodman indicated that the LPCO Convention had been properly called and had a quorum.

In May, the national Libertarian Party met in a convention and elected Chase Oliver as its presidential nominee and Mike ter Maat as its vice presidential nominee<sup>1</sup>.

On July 9, 2024, a list of electors, purportedly from the Oliver campaign, was submitted to the Colorado Secretary of State's Office. This list included Sean Vadney, but his was the only name from the list of those elected at the convention. The others listed are Michele R. Poague, Jeffory Allen Orrok, Joseph Johnson, Kevin Gulbranson, Guy Gulbranson, John Carl Hjersman, Bette Rose Ryan, Janet Turner, and Douglas Wade Jones.

Due to this discrepancy, Chair Goodman asked the following questions:

- 1. Does the LPCO select the presidential electors?
- 2. Does the national Libertarian Party or the candidate also get to select or remove presidential electors?
- 3. Can you recommend a remedy if this list is improper?

### Works Cited

The current LPCO Bylaws, adopted in April 2023 shall be cited as Bylaws. Earlier versions, including what had been a separate constitution, shall be cited as "CO" with title and date.

The bylaws of the national Libertarian Party (LP), as adopted in May 2024<sup>2</sup>, shall be cited as Bylaws. The platform of the national LP shall be cited as "Platform."

Both the national LP Bylaws (Article 16) and the LPCO Bylaws (Article XIV) provide that the current, 12<sup>th</sup>, edition of Robert's Rules of Order Newly Revised<sup>3</sup> is the parliamentary authority of both groups. It will be cited as RONR.

Jonathan M. Jacobs, RP, CPP
Parliamentary Opinion

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### Commentary

The parliamentarian is well aware that there are controversies involving both the LPCO and the Oliver/ter Maat campaign, some of which have at least an element of parliamentary procedure. This opinion, however, is limited to the selection Libertarian presidential electors in Colorado.

The method for choosing electors is set by each state<sup>4</sup> by a variety of methods; it is important for all involved individuals to remember that. Likewise, what the elector can do, how he can vote, varies from state to state. This has played a role in the history of the LP. In 1972, an elector from Virginia that was pledged to the Republican ticket cast his vote for LP nominees John Hospers and Toni Nathan, for President and Vice President, respectively. This "faithless elector," Roger L. MacBride, was the nominee for President of the Libertarian Party in 1976.<sup>5</sup>

While the votes of "faithless electors" may be cast in some states, it is effectively prohibited in others. Colorado "[p]rohibits faithless electors and explicitly cancels faithless votes." In other words, if the Libertarian nominee were to get the most votes, the elector may not exercise any judgement in voting for that candidate. Who the elector is, and what his political views on the nominee are, has no effect on the issue. The electors are selected in Colorado by a convention of the party, where delegates to the national convention are chosen.

This process is not uniform in all states. In Pennsylvania, for example, the electors are selected by each nominee<sup>7</sup> and the elector has full freedom in how to vote.<sup>5</sup> Because there are multiple procedures for choosing electors in different states, there can be legitimate confusion.

Internally, the method the LPCO uses for choosing electors part of the method for choosing nominees for "partisan office" in Article XI, Section 4. e., of the Bylaws that is, they are chosen by the convention. This is also specified in the Convention Standing Rules of the LPCO, in Rule 4, a,1, i. Under RONR, this would mean by a majority vote and properly called convention (44:1). The meeting would also have to be quorate (3:3). In the case of a vacancy after such a convention a "vacancy committee" will fill the vacancy (Bylaws Article XI, Section 4. f.0).

Except for Mr. Vadney, the other nine were **not** selected electors according to the Bylaws. Further, since the electors were elected by the delegates, this effectively disenfranchises the state convention delegates.

The LP Bylaws do not so much as mention presidential electors or even hint that a nominee can appoint one as a matter of right. Their policy manual does not include the term. Only the LPCO may act to appoint electors.

There are several ways to fix the problem. First, the fact that the selection of the nine violates the bylaws can be communicated to the Oliver campaign. They may not be aware of the specific bylaw violation or that the electors cannot exercise any discretion, but must vote for the nominee with the most votes; this is quite possible due the variants in the process in different states. In other words, this may be an honest mistake on the part of the Oliver campaign. The campaign, moving with alacrity, may correct the filing with the Secretary of State's Office. This may involve having each of the nine withdraw his or her name or a more general statement.

Second, after being informed of the specific Bylaw violations, if the Oliver campaign declines to rectify the situation, the national LP Bylaws may be consulted. Article 14.4 provides that a nominee shall have "full support" only as long as the campaign is "conducted in accordance with the platform of the Party."

The Platform states, "Laws should be limited in their application to violations of the rights of others through force or fraud, or to deliberate actions that place others involuntarily at significant risk of

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harm (1.7)." Likewise the Statement of Principles, at least in referring to governmental action, notes that the LP shall, "support the prohibition of robbery, trespass, fraud, and misrepresentation." The Preamble notes that, "that force and fraud must be banished from human relationships." The filing of paperwork falsely designating electors may be considered fraud within the meaning of the Platform. If that determination is made by the Libertarian National Committee, the suspension clause of Article 14.5 may be triggered.

In addition, the nine people are members of the LPCO, and would be subject to disciplinary action under the general clauses of "tending to injure the good name of the organization, disturb its well-being, or hamper it in its work (RONR, 63:24)." This process is arduous, and contentious and would be done by the LPCO. See Chapter XX of RONR.

The parliamentarian would hope that all the parties would be able to resolve the matter using the first method. Certainly, the parties should at least be fully informed of the first option before the second one is taken.

### **Opinion**

- 1. The LPCO selects presidential electors at its convention, or in the case of vacancies, by a vacancy committee. Michele R. Poague, Jeffory Allen Orrok, Joseph Johnson, Kevin Gulbranson, Guy Gulbranson, John Carl Hjersman, Bette Rose Ryan, Janet Turner, and Douglas Wade Jones were not selected by either.
- 2. Neither the Libertarian National Committee nor the Oliver campaign may select electors in Colorado.
- 3. The options for remedy here may be:
  - A. For the Oliver campaign to correct the filing listing only those people that were elected at the convention. Those were, Jacob Luria, Kyle Furey, Sean Vadney, James Wiley, Keith Laube, Eilseo Gonzolez, Marc Cavin, Wayne Harlos, Augostino Cantavero, and John Kittelson.
  - B. After informing the Oliver campaign, the Libertarian National Committee, and those members falsely claiming to be electors of the first option:
  - i. Invoke the suspension clause in the LP Bylaws, in regard to the Oliver campaign as a violation of the Platform.
  - ii. Initiate disciplinary action against the nine members claiming to be electors in violation of the LPCO Bylaws.

Signed,

onathan M. Jacobs, RP, CPP

Data:

7/24/24

Jonathan M. Jacobs, RP, CPP

Parliamentary Opinion

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J. M. J.

This is based on general principles of parliamentary procedure, the bylaws of this organization, and the cited parliamentary authorities; nothing in this opinion should be construed as an interpretation of statutory or case law.

### **End Notes**

https://govt.westlaw.com/pac/Document/NE7FF6540343011DA8A989F4EECDB8638?transitionType=Default&contextData=%28sc.Default%29

Jan J

<sup>&</sup>lt;sup>1</sup> There is currently a demand letter and threat of legal action claiming their nomination is effectively void. As of the date of the opinion, they are the Libertarian nominees.

<sup>&</sup>lt;sup>2</sup> There has been a demand letter indicating that the singular amendment, regarding the seating of delegates, made to the bylaws is void. Nothing in this opinion refers to that amendment.

<sup>&</sup>lt;sup>3</sup> Robert, Henry M., *Robert's Rules of Order Newly Revised*, 12th Edition. Eds. Sarah Corbin Robert, Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Daniel E. Seabold, Shmuel Gerber, New York: Public Affairs, 2020.

<sup>&</sup>lt;sup>4</sup> Inclusive of the District of Columbia.

<sup>&</sup>lt;sup>5</sup> Fair Vote, https://fairvote.org/resources/presidential-elections/ , accessed 7/26/24 See also: https://www.coloradosos.gov/pubs/rule\_making/CurrentRules/8CCR1505-1/Rule24.pdf

 $<sup>^6 \</sup> Colorado \ Secretary \ of \ State, \ https://www.sos.state.co.us/pubs/elections/Candidates/FAQs/electoralCollege.html\ , \ accessed \ 7/26/24$ 

<sup>&</sup>lt;sup>7</sup> "Meet Pennsylvania's Electoral College voters: Everything they can — and can't — do," *Spotlight PA*, 11/13/2020, https://www.spotlightpa.org/news/2020/11/pennsylvania-election-2020-electors-who-are-they-faithless-legislature/ , accessed 7/26/24 See also:



## SECRETARY'S MINUTES - LPCO Special Meeting July 2, 2024

### Attendance

Present:

Chair (Goodman)

Vice-Chair (Gonzalez)

Secretary (Buss)

\*Executive (Wiley)

Campaigns (Luria)

Communications (Marinovich)

Fundraising (Marinovich)

Outreach (Steinke)

Membership (Williams)

Legislative (Vance)

\*Adam Haman

### Call to Order

Goodman called the meeting to order at 7:05 p.m. It was held with virtual participation only.

### Opportunity for public comment

Wiley commented on the need for us to fully understand that we are all under a Non-Disclosure Agreement and that some information to be discussed will be very party-sensitive. Goodman informed us that the meeting would go into executive session, and only Board members and Adam Haman would be allowed. But when we return for the executive session, everyone will be welcome as normal.

<sup>\*</sup> Not Board members

Goodman stated that we must discuss the Robert F. Kennedy, Jr. campaign's response to our questions and demands.

The members present of the Board and Mr. Adam Haman then went into executive session at around 7:10 p.m.

### Return from executive session

Gonzalez moved to add Robert Francis Kennedy Jr. and Nichole Shanahan as the President and Vice President nominee for the Libertarian Party of Colorado, for the 2024 Presidential Election. This motion was seconded by Buss, Goodman insisted that we do a roll call vote where she would abstain. [20240702-00]

Chair (Goodman) - Abstain
Vice-Chair (Gonzalez) - Yes
Secretary (Buss) - Yes
Campaigns (Luria) - Yes
Communications (Marinovich) - Yes
Fundraising (Marinovich) - Yes
Outreach (Steinke) - Yes
Membership (Williams) - Yes
Legislative (Vance) - Yes

Motion passed.

### **Adjournment**

The meeting adjourned without objection at 7:46 PM.

### **Tables and Appendices**

Table of motions considered.

Motion #	Summary	Disposition
20240702-00	Explore Robert F. Kennedy, Jr response	PASSED

Respectfully Submitted,
Ashley S Buss
LPCO Secretary - secretary@lpcolorado.org - 3039610094



### SECRETARY'S MINUTES - LPCO Meeting June 10, 2024

### Video of meeting

The video for this meeting can be found at:

https://www.youtube.com/watch?v=AfjTO-rCzng&pp=ygUSTFBDTyBib2FyZCBtZWV0aW5n

### Status of Minutes Since Last Report

DATE(S)	BODY MEETING	STATUS
20240408	Libertarian Party Board Regular Meeting	Awaiting Approval
20240513	Libertarian Party Board Regular Meeting	Awaiting Approval

### **Attendance**

**Present:** 

Chair (Goodman)

Vice-Chair (Gonzalez)

Treasurer (Spink)

Secretary (Buss)

Executive (Wiley)

Affiliates (Vacant)

Campaigns (Luria)

Fundraising (Marinovich)

Communications (Marinovich)

Outreach (Steinke)

Legislative (Vance)

**Absent:** Membership (Williams)

Vacant: Affiliates

**Proxies:** No Additions

**Staff Volunteers:** Database (Aitken), Technology (Savoy)

Affiliate Representatives: None

**Committee Representatives:** None outside of Board members

LNC Representatives: None

### Call to Order

Goodman called the meeting to order at 7:04 p.m. It was held at the Independence Institute in Denver, Colorado, and virtual participation was also available.

### Opportunity for public comment

Ron Tupa (D CD7) presented why we, as the Libertarian Party of Colorado, should oppose Proposition # 310 in the November election. It was well received by the members.

### Approval of Agenda and minutes

A proposed agenda was prepared and published on LPedia and the state party website.

Without objection, the agenda was approved.

There were no minutes from the last stated meeting or the convention at this time; they are being worked on.

### Reports

Reports from Affiliate Representatives: None

Reports from LNC Representatives:

It was reported that Region # 1 of the LNC now accounts for twenty percent of the entire membership. We were reminded to consider paying some of the out-of-pocket travel expenses for our Region 1 representative.

Reports Board: None

Reports Staff:

Database: Thanked the Treasurer for her efforts in keeping the financials current.

Technology: None

### Reports Committee:

Merchandising: None

Audit: None

Convention: None

### **Special Orders**

None

### Unfinished business and general orders

None

### New business with previous notice

Mises Caucus:

Lauren moved the following resolution:

Whereas, the Libertarian Party of Colorado (LPCO) Bylaws grant authority over presidential candidate nominations to the Board;

Whereas, the purpose of the LPCO, as outlined in Article II of our bylaws, is to:

- (a) provide leadership and direction for the Libertarian movement in Colorado; and
- (b) communicate the message and positions of the Party;

Whereas, LPCO members understand that these purposes are partially achieved by understanding how power actually functions in this country and using that understanding to oppose and countersignal the regime in real time;

Whereas, the nationally nominated ticket has repeatedly failed to acknowledge the regime's true role in critical issues, such as COVID-19 masking and distancing, so-called "gender-affirming care," and the subversion of the rule of law against former President Trump, which began with intelligence agency-crafted lies about Russian collusion and has devolved into Soviet-level lawfare;

Whereas, the nationally nominated ticket has shown a consistent unwillingness to challenge the expansion of state power and has failed to provide a clear, principled libertarian alternative to current policies;

Whereas, such stances are incompatible with the psychology of individuals who understand the workings of power and seek to oppose it;

Whereas, the LPCO's electoral strategy aims to leverage our position to secure concessions that advance liberty and undermine the regime in unwinnable races while building a local bench of elected officials who can eventually win;

Whereas, nominating a candidate who cannot credibly oppose the regime is fundamentally incompatible with the values and strategy of the LPCO;

BE IT RESOLVED that the LPCO will not submit paperwork to place the Oliver/ter Maat ticket on the Colorado Presidential ballot;

BE IT FURTHER RESOLVED that the LPCO will explore all available options in accordance with its existing electoral strategy;

BE IT FURTHER RESOLVED that the LPCO calls on the Libertarian National Committee (LNC) to either decertify the Oliver/ter Maat ticket or permit states to pursue their own electoral strategies to maximize Libertarian outcomes, as authorized by the national bylaws. Steinke seconded the motions, and it passed with a vote of the board. [20240610-00]

Affiliates Director resignation Buss moved. We accepted the resignation, which was seconded by Gonzalez, and it passed with a vote from the board. [20240610-01]

Gonzalez moved a Resolution Opposing the Implementation of Ranked-Choice Voting.

Whereas, ranked-choice voting, also known as ballot initiative 310, undermines the integrity and simplicity of the democratic process in Colorado;

Whereas, ranked-choice voting can lead to confusion among voters, as it requires them to rank candidates in order of preference, potentially disenfranchising those who are unfamiliar with the system;

Whereas, ranked-choice voting may result in the election of candidates who are not the most preferred choice of the majority, as lower-ranked votes can ultimately determine the winner;

Whereas, ranked-choice voting often necessitates complex and expensive voting systems, which could strain limited electoral resources and increase administrative burdens;

Whereas, ranked-choice voting may exacerbate political polarization by encouraging voters to select extreme candidates as their top choices, rather than compromising on more moderate options;

Whereas, ranked-choice voting could hinder minor party representation by diluting the impact of bloc voting and undermining the ability of minor party candidates to build broad coalitions;

Therefore, be it resolved that the Libertarian Party of Colorado opposes the ballot initiative and/or adoption of ranked-choice voting and urges policymakers to preserve the traditional plurality-based voting system, which is straightforward, transparent, and best reflects the electorate's will.

This resolution was seconded by Steinke, and it passed with a vote of the board. [20240610-02]

### New business without previous notice

None

### **Announcements**

A couple of affiliate meeting notices were presented.

Goodman has set the next board meeting for July 8, 2024, at 7:00 P.M. at the Independence Institute in Denver, Colorado. Virtual participation will also be available.

### Adjournment

The meeting adjourned without objection at 8:06 PM.

### **Tables and Appendices**

Table of motions considered.

Motion #	Summary	Disposition
20240610-00	Oliver/ter Maat ticket	PASSED
20240610-01	Affiliates Director	PASSED
20240610-02	Ranked-Choice Voting	PASSED

### **Email Ballots**

The following email ballots were completed since the last report.

None.

Respectfully Submitted,
Ashley S Buss
LPCO Secretary - secretary@lpcolorado.org - 3039610094

**To:** Libertarian Party of Colorado, Inc., a Colorado non-profit Corporation

c/o Hannah Goodman, State Chair, statechair@lpcolorado.org and Gary D. Fielder,

Corporate Counsel, criminal defense @fielderlaw.net

**Date:** July 9, 2024

**Re:** Member request for records under C.R.S. 7-136.02

The Libertarian Party of Colorado (LPCO) is a non-profit corporation organized under the laws of the State of Colorado and thus is subject to the Colorado Non-Profit Corporations Code. LPCO's Articles of Incorporation note it is has a "voting membership" which is not the directors and officers but a voting membership which is detailed in the Party Bylaws as "Sustaining Members." For reference on the distinction between voting members and the directors see: <a href="https://schaublelawgroup.com/resources/nonvoting-members-vs-voting-members-vs-board-members-whats-the-">https://schaublelawgroup.com/resources/nonvoting-members-vs-voting-members-vs-board-members-whats-the-</a>

difference/#:~:text=In%20Colorado%2C%20nonprofit%20corporations%20can,not%20re quired%20to%20do%20so. For a copy of the Articles of Incorporation see: https://drive.google.com/file/d/1OmYgvZ852X0lTbnZxVfJmm530Uu3X ID/view, specifically:

#### auditional incorporator are stated in an attachment.

5. (If the following statement applies, adopt the statement by marking the box.)

✓ The nonprofit corporation will have voting members.

6 Provisions regarding the distribution of assets on dissolution.

Caryn Ann Harlos is both a yearly dues-payer and a Life Member of the National Libertarian Party and thus qualified to make this request under the above statute.

#### **DEFINITIONS**

**Communications** is meant to include any form of electronic or written medium to include mail, emails, texts, chats, Discord messages, private messages and the like. It also includes communications sent or directed to the LPCO even if no response was given.

**LPCO** means not just the Officers and Directors but its staff/official volunteers to include specifically the Executive Director Jim/James Wiley and anyone else that has been issued an official lpcolorado.org email address. In the notices of electronic links to meetings it is noted that there are multiple people who are issued official lpcolorado.org email addresses.

### **RECORDS REQUESTED:**

- 1. A complete list of the voting membership including mailing addresses.
- 2. A copy of any and all communications with the RFK, Jr. campaign and its agents or others acting on its behalf or in advocacy of the LPCO endorsing that campaign and/or putting it on the LPCO ballot line.
- 3. A copy of any and all communications that the LPCO has had with any PAC including any "state organizer" communications regarding the subject addressed in request number 2.
- 4. A copy of any and all communications that the LPCO has had with official representative(s) of any other state Libertarian party or the national party (including communications with the national Reconciliation Committee) regarding the subject addressed in request number 2.
- 5. A copy of any and all communications that the LPCO has had with the Oliver/ter Maat team including but not limited to Steve Dasbach and Jim Turney regarding the subject addressed in request number 2 and the state's alleged refusal to put the Oliver/ter Maat ticket on the LPCO ballot line.
- 6. A list of all persons who have been issued lpcolorado.org email addresses.

The reasonable and lawful purpose of these requests is for the membership to determine if there is cause and grounds for a derivative lawsuit against the Corporation and/or any of its Officers and Directors and to solicit potential Plaintiffs from among the membership. Further it is noted that under the Colorado Non-Profit Corporations Code that the membership can demand a special meeting/convention under certain conditions since the Board has thus far refused to call one and even if does in response to this demand, there is no guarantee that it will notice an agenda acceptable to the aggrieved membership which would include the required that it be held virtually and include a voluntary recall vote of the Officers and Directors with only the persons who would have been eligible to vote at the LPCO's last Annual Convention being eligible to vote at any special convention.

While the statute requires inspection and copying, if it is more convenient for the LPCO, this information can be provided in the five-day window required by statute in electronic form via a google folder or similar link to carynannharlos@gmail.com. Otherwise, Caryn Ann Harlos requests inspection and copying at the location of the Corporation's monthly business meeting at the Independence Institute in Denver Colorado on the morning of July 19, 2024 at 9:00 a.m. This longer time frame is to make it easier to accommodate everyone's schedule. If that location is not available, Ms. Harlos can meet a corporate representative in the parking lot to retire to a mutually agreeable nearby location.

Further, in addition to a potential derivative lawsuit, please be advised that the individual Officers and Directors might be subject to a breach of contract of action as detailed by their numerous Bylaws violations that can be find in the appeal of Caryn Ann Harlos found here:

### https://drive.google.com/file/d/12e12INH5pIABI2UH-CKxa8gY15hOMSe0/view?usp=sharing

Any decision by the Judicial Committee is internal Party governance and guidance and does not extinguish the rights of members to allege breach of contract or a derivative action in a court of law though they prefer their rights be upheld internally. This letter is also a demand not to spoliate any potential evidence, which demand was also made verbally at the LPCO monthly meeting on July 8, 2024 by Caryn Ann Harlos.

A serial resignation of the Board in which the Officers and Directors resign one at time, with a new Officer or Director who vows to follow the will of the delegates at the national Convention in accordance with the LPCO Bylaws and the national Libertarian Party Bylaws and honor the affiliate relationship, appointed after each resignation, will cause Caryn Ann Harlos to withdraw this request.

PLEASE ACKNOWLEDGE UPON RECEIPT VIA EMAIL OR A HARD COPY WILL ALSO BE SENT VIA US MAIL TO COUNSEL AND THE CORPORATE REGISTERED AGENT IN TIME TO MEET TO BE RECEIVED TO GIVE A FIVE-DAY WINDOW. IF THE CORPORATION DOES NOT INTEND TO RESPOND OR SHOW UP, CARYN ANN HARLOS WILL SEEK DAMAGES FOR LOST TIME AND AGGRAVATION.

Signed
/s Caryn Ann Harlos
LPCO Sustaining Member and National Libertarian Party Life Member

Nothing in this request is to be construed as any request on behalf of or at the behest of the national Libertarian Party. Ms. Harlos is acting merely as an LPCO voting member.

### LAW OFFICE OF GARY FIELDER, ESQ.

July 19, 2024

Caryn Ann Harlos 874 S. Lindsey St. Castle Rock, CO 80104 carynannharlos@gmail.com

Re: Demand for Inspection of Corporate Records

Dear Ms. Harlos,

As you may be aware, I have been representing the Libertarian Party of Colorado (LPCO), who have asked that I respond to your request for the inspection of corporate records. We have reviewed your demand letter and the relevant Colorado statutes, and have determined that your request for records does not comply with C.R.S. § 7-136-102, and exceeds what you are entitled to as a member. As you know, the statute requires that a member's demand for inspection of corporate records be "made in good faith and for a proper purpose."

In your case, your stated purpose for the inspection is to solicit potential plaintiffs for a derivative lawsuit against the party and its officers and directors, and to demand a special meeting/convention. These purposes are not proper under the statute, as they are not related to your rights as a member of the corporation.

Due to the lack of good faith and the improper purpose of your request, we must respectfully decline to provide the records you have demanded. We hope this decision will be respected and that we can all move forward in a manner that best serves the interests of the Libertarian Party of Colorado and its members.

Sincerely,

Gary D. Fielder, Esq.

## FW: NOTICE OF EXECUTIVE COMMITTEE MEETING 7/11/24 AT 9PM EASTER

businesslist-forward

Jul 8, 2024, 5:50:00 PMJul 8

From: LP Secretary <secr...@lp.org> Sent: Monday, July 8, 2024 9:49:49 PM (UTC+00:00)

businesslist-forward

Jul 9, 2024, 1:59:08 AMJul 9

From: LP Secretary < secr...@lp.org > Sent: Tuesday, July 9, 2024 5:58:53 AM (UTC+00:00)

businesslist-forward

Jul 9, 2024, 11:40:17 PMJul 9

From: Angela McArdle <angela....@lp.org> Sent: Wednesday, July 10, 2024 3:40:07 AM (UTC+00:

businesslist-forward

Jul 9, 2024, 11:55:11 PMJul 9

From: LP Secretary <secr...@lp.org> Sent: Wednesday, July 10, 2024 3:55:02 AM (UTC+00:00)

businesslist-forward

Jul 10, 2024, 12:11:22 AMJul 10

From: Angela McArdle <angela....@lp.org> Sent: Wednesday, July 10, 2024 4:11:15 AM (UTC+00:

businesslist-forward

Jul 10, 2024, 1:46:58 AMJul 10

From: LP Secretary <secr...@lp.org> Sent: Wednesday, July 10, 2024 5:46:48 AM (UTC+00:00)

businesslist-forward

Jul 10, 2024, 2:00:42 AMJul 10

to LNC Business List (Public) Google Group

From: Angela McArdle <angela...@lp.org>

Sent: Wednesday, July 10, 2024 6:00:28 AM (UTC+00:00) Monrovia, Reykjavik

We are at freedomfest trying to fundraise and do work. This week is not convenient for any meeting and you know that. You didn't run any of this by me. A time sensitive fundraising need and opportunity have arisen so we will meet and do what needs to be done.

You will not usurp my authority as chair. You have taken unilateral actions this week that have put us at risk of legal action. To be clear, you acted outside the scope of your authority when you sent that form to the SOS, knowing that Ipco had entered into a written agreement with Kennedy. Now you want to rope us in and have us sanction your actions and possibly take legal action or involve us if you are sued for it.

I want to make it abundantly clear you had no authority to do so and I did not know about it. We are not getting pulled into a lawsuit on your behalf.

I've also learned that you have personally threatened to sue Ipco and sent a demand letter, so you have a serious conflict of interest here and should not even be voting on any legal action from this board.

From: LP Secretary < secr...@lp.org >

Sent: Wednesday, July 10, 2024 12:46:48 AM

Hard disagree. You can call an LNC meeting in 5 days. Of course I get that's how you are ruling and if it passes ExComm I'll attempt to get sponsors and make it a full LNC vote.

I had the sponsors for Wed. You asked for Thurs and I agreed out of courtesy despite having the sponsors.

Then you learn I simply can't stay more than 1 hour and 15 minutes with one important matter and another thing you know is controversial is shoved in and you make sure it's rushed through by unilaterally claiming we will have public comment when that's mere custom. I'm sure you have the votes. Fine. But that's not right.

Rush something through. I'll do what I need to. Win some, lose some. But selling out our Party to RFK Jr. is not something I'm going to stand idly for. I'll obviously obey the rules and do my duty but that's not right. And I'll never concede out of courtesy a day I have sponsors for again being done dirty like this.

You're the chair. You can do that. And as I said to Nick Sarwark, I sadly say now, you know I'm going to oppose you on this.

And you'll say Ms. Harlos, you are going to do whatever it is you think you need to do.

It is time sensitive and the motion stands. We can discuss it further at the meeting.

The ExComm does not have the authority to authorize joint fundraising efforts as it is not urgent/or within its scope. That would require a full LNC vote, you can uniliaterally call a full LNC meeting for five days hence.

In Liberty, Caryn Ann Harlos

LNC Secretary and LP Historical Preservation Committee Chair ~ 561.523.2250

We will not be closing public comment but we will shorten it.

For Thursday: Motion to authorize joint fundraising effort with Robert F. Kennedy Jr.

Outlook not hitting reply all

I have a work meeting at 10:15pm so I will be moving to immediately go into ExSession and no public comment. We had extensive public comment on Sunday.

From: LP Secretary

Sent: Monday, July 8, 2024 3:49:49 PM

To: LNC Business < <a href="mailto:lnc-bu...@lp.org">lnc-bu...@lp.org</a>>

Subject: NOTICE OF EXECUTIVE COMMITTEE MEETING 7/11/24 AT 9PM EASTER

TOPIC: Colorado Legal Issues

You are invited to a Zoom meeting.

When: Jul 11, 2024 09:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://us02web.zoom.us/meeting/register/tZYsfuGtpz0iGdz8Sj\_WvlxA1SIHOuA1wNcV

After registering, you will receive a confirmation email containing information about joining the meeting.

In Liberty, Caryn Ann Harlos

LNC Secretary and LP Historical Preservation Committee Chair ~ 561.523.2250

businesslist-forward

Jul 10, 2024, 2:22:50 AMJul 10

From: LP Secretary <secr...@lp.org> Sent: Wednesday, July 10, 2024 6:22:40 AM (UTC+00:00)

businesslist-forward

Jul 10, 2024, 3:31:26 AMJul 10

From: LP Secretary <secr...@lp.org> Sent: Wednesday, July 10, 2024 7:31:12 AM (UTC+00:00)

businesslist-forward

Jul 10, 2024, 4:42:05 AMJul 10

From: Adrian Malagon <adrian....@lp.org> Sent: Wednesday, July 10, 2024 8:41:48 AM (UTC+00:

businesslist-forward

Jul 11, 2024, 3:35:10 PMJul 11

to LNC Business List (Public) Google Group

Subject: Re: NOTICE OF EXECUTIVE COMMITTEE MEETING 7/11/24 AT 9PM EASTER

I received a draft of the fundraising agreement and will share it tonight during exec session after providing some highlights to the members & public

## FW: Something interesting from the Libertarian Party of Colorado

### businesslist-forward

Jul 22, 2024, 4:58:02 PM (3 days ago) Jul 22

From: LP Secretary <secr...@lp.org> Sent: Monday, July 22, 2024 8:57:45 PM (UTC+00:00)

### businesslist-forward

Jul 22, 2024, 5:03:08 PM (3 days ago) Jul 22

From: Angela McArdle <angela....@lp.org> Sent: Monday, July 22, 2024 9:03:00 PM (UTC+00:00)

### businesslist-forward

Jul 22, 2024, 5:03:55 PM (3 days ago) Jul 22

From: LP Secretary <secr...@lp.org> Sent: Monday, July 22, 2024 9:03:47 PM (UTC+00:00)

### businesslist-forward

Jul 22, 2024, 5:07:47 PM (3 days ago) Jul 22

From: LP Secretary <secr...@lp.org> Sent: Monday, July 22, 2024 9:07:36 PM (UTC+00:00)

### businesslist-forward

Jul 22, 2024, 5:10:24 PM (3 days ago) Jul 22

to LNC Business List (Public) Google Group

Subject: Re: Something interesting from the Libertarian Party of Colorado

I have no idea what the LPCO is telling people, and I am not interested in smearing our affiliate or spreading rumors on the public list.

I also don't need you reaching out to the media on my behalf since you've placed us at risk of legal action and acted outside of the scope of your bylaws stated authority. There is a threat of legal action pending, including your own threat of legal action.

### Angela McArdle

Chair, Libertarian National Committee

1 of 2 7/25/2024, 8:27 PM

From: LP Secretary < secr...@lp.org > Sent: Monday, July 22, 2024 4:03 PM

That just must be a terrible rumour. The LPCO is telling people that. I am relieved to hear it is not true.

In Liberty, Caryn Ann Harlos

LNC Secretary and LP Historical Preservation Committee Chair ~ 561.523.2250

That's incorrect.

Angela McArdle

Chair, Libertarian National Committee

They claim that the Chair has currently told the Colorado Secretary of State to withdraw the Certificate of Nomination. I told them that I do not consent to withdraw and will resubmit if necessary.

Only the full LNC can order such a thing. I would ask the Chair to confirm. In any event, I have let them know that I do not withdraw my certificate — no harm if LPCO is just spreading rumours.

In Liberty, Caryn Ann Harlos

LNC Secretary and LP Historical Preservation Committee Chair ~ 561.523.2250

businesslist-forward

Jul 22, 2024, 5:11:22 PM (3 days ago) Jul 22

From: LP Secretary <secr...@Ip.org> Sent: Monday, July 22, 2024 9:11:11 PM (UTC+00:00)

businesslist-forward

Jul 22, 2024, 5:11:52 PM (3 days ago) Jul 22

From: LP Secretary <secr...@lp.org> Sent: Monday, July 22, 2024 9:11:45 PM (UTC+00:00)

businesslist-forward

Jul 22, 2024, 5:17:01 PM (3 days ago) Jul 22

to LNC Business List (Public) Google Group

From: LP Secretary < secr...@lp.org >

Sent: Monday, July 22, 2024 9:16:49 PM (UTC+00:00) Monrovia, Reykjavik

So that outsiders are not confused, my "threat" is as a LPCO member to LPCO alone. I have legal rights in Colorado which do not concern the LNC.

From: LP Secretary < secr...@lp.org > Sent: Monday, July 22, 2024 3:11:45 PM



## SECRETARY'S MINUTES - LPCO Meeting June 10, 2024

### Video of meeting

The video for this meeting can be found at:

https://www.youtube.com/watch?v=AfjTO-rCzng&pp=ygUSTFBDTyBib2FyZCBtZWV0aW5n

### Status of Minutes Since Last Report

DATE(S)	BODY MEETING	STATUS
20240408	Libertarian Party Board Regular Meeting	Awaiting Approval
20240513	Libertarian Party Board Regular Meeting	Awaiting Approval

### **Attendance**

**Present:** 

Chair (Goodman)

Vice-Chair (Gonzalez)

Treasurer (Spink)

Secretary (Buss)

Executive (Wiley)

Affiliates (Vacant)

Campaigns (Luria)

Fundraising (Marinovich)

Communications (Marinovich)

Outreach (Steinke)

Legislative (Vance)

**Absent:** Membership (Williams)

Vacant: Affiliates

**Proxies:** No Additions

**Staff Volunteers:** Database (Aitken), Technology (Savoy)

Affiliate Representatives: None

Committee Representatives: None outside of Board members

LNC Representatives: None

### Call to Order

Goodman called the meeting to order at 7:04 p.m. It was held at the Independence Institute in Denver, Colorado, and virtual participation was also available.

### Opportunity for public comment

Ron Tupa (D CD7) presented why we, as the Libertarian Party of Colorado, should oppose Proposition # 310 in the November election. It was well received by the members.

### **Approval of Agenda and minutes**

A proposed agenda was prepared and published on LPedia and the state party website.

Without objection, the agenda was approved.

There were no minutes from the last stated meeting or the convention at this time; they are being worked on.

### Reports

Reports from Affiliate Representatives: None

Reports from LNC Representatives:

It was reported that Region # 1 of the LNC now accounts for twenty percent of the entire membership. We were reminded to consider paying some of the out-of-pocket travel expenses for our Region 1 representative.

Reports Board: None

Reports Staff:

Database: Thanked the Treasurer for her efforts in keeping the financials current.

Technology: None

### Reports Committee:

Merchandising: None

Audit: None

Convention: None

### **Special Orders**

None

### Unfinished business and general orders

None

### New business with previous notice

Mises Caucus:

Lauren moved the following resolution:

Whereas, the Libertarian Party of Colorado (LPCO) Bylaws grant authority over presidential candidate nominations to the Board;

Whereas, the purpose of the LPCO, as outlined in Article II of our bylaws, is to:

- (a) provide leadership and direction for the Libertarian movement in Colorado; and
- (b) communicate the message and positions of the Party;

Whereas, LPCO members understand that these purposes are partially achieved by understanding how power actually functions in this country and using that understanding to oppose and countersignal the regime in real time;

Whereas, the nationally nominated ticket has repeatedly failed to acknowledge the regime's true role in critical issues, such as COVID-19 masking and distancing, so-called "gender-affirming care," and the subversion of the rule of law against former President Trump, which began with intelligence agency-crafted lies about Russian collusion and has devolved into Soviet-level lawfare;

Whereas, the nationally nominated ticket has shown a consistent unwillingness to challenge the expansion of state power and has failed to provide a clear, principled libertarian alternative to current policies;

Whereas, such stances are incompatible with the psychology of individuals who understand the workings of power and seek to oppose it;

Whereas, the LPCO's electoral strategy aims to leverage our position to secure concessions that advance liberty and undermine the regime in unwinnable races while building a local bench of elected officials who can eventually win;

Whereas, nominating a candidate who cannot credibly oppose the regime is fundamentally incompatible with the values and strategy of the LPCO;

BE IT RESOLVED that the LPCO will not submit paperwork to place the Oliver/ter Maat ticket on the Colorado Presidential ballot;

BE IT FURTHER RESOLVED that the LPCO will explore all available options in accordance with its existing electoral strategy;

BE IT FURTHER RESOLVED that the LPCO calls on the Libertarian National Committee (LNC) to either decertify the Oliver/ter Maat ticket or permit states to pursue their own electoral strategies to maximize Libertarian outcomes, as authorized by the national bylaws. Steinke seconded the motions, and it passed with a vote of the board. [20240610-00]

Affiliates Director resignation Buss moved. We accepted the resignation, which was seconded by Gonzalez, and it passed with a vote from the board. [20240610-01]

Gonzalez moved a Resolution Opposing the Implementation of Ranked-Choice Voting.

Whereas, ranked-choice voting, also known as ballot initiative 310, undermines the integrity and simplicity of the democratic process in Colorado;

Whereas, ranked-choice voting can lead to confusion among voters, as it requires them to rank candidates in order of preference, potentially disenfranchising those who are unfamiliar with the system;

Whereas, ranked-choice voting may result in the election of candidates who are not the most preferred choice of the majority, as lower-ranked votes can ultimately determine the winner;

Whereas, ranked-choice voting often necessitates complex and expensive voting systems, which could strain limited electoral resources and increase administrative burdens;

Whereas, ranked-choice voting may exacerbate political polarization by encouraging voters to select extreme candidates as their top choices, rather than compromising on more moderate options;

Whereas, ranked-choice voting could hinder minor party representation by diluting the impact of bloc voting and undermining the ability of minor party candidates to build broad coalitions;

Therefore, be it resolved that the Libertarian Party of Colorado opposes the ballot initiative and/or adoption of ranked-choice voting and urges policymakers to preserve the traditional plurality-based voting system, which is straightforward, transparent, and best reflects the electorate's will.

This resolution was seconded by Steinke, and it passed with a vote of the board. [20240610-02]

### New business without previous notice

None

### **Announcements**

A couple of affiliate meeting notices were presented.

Goodman has set the next board meeting for July 8, 2024, at 7:00 P.M. at the Independence Institute in Denver, Colorado. Virtual participation will also be available.

### Adjournment

The meeting adjourned without objection at 8:06 PM.

### **Tables and Appendices**

Table of motions considered.

Motion #	Summary	Disposition
20240610-00	Oliver/ter Maat ticket	PASSED
20240610-01	Affiliates Director	PASSED
20240610-02	Ranked-Choice Voting	PASSED

### **Email Ballots**

The following email ballots were completed since the last report.

None.

Respectfully Submitted,
Ashley S Buss
LPCO Secretary - secretary@lpcolorado.org - 3039610094

## JONATHAN M. JACOBS, RP, CPP

Parliamentary Consultant

Mailing Address 630 North 63<sup>rd</sup> Street, Apartment 3<sup>rd</sup> Floor Rear Philadelphia, PA 19151 Telephone: (215) 229-1185 E-mail: jjparlia@yahoo.com

### **Parliamentary Opinion**

### Facts Submitted by Client

After some initial contact, Hannah Goodman, the chair of the Libertarian Party of Colorado (LPCO) signed a letter of agreement with the parliamentarian on July 16, 2024, relating to the selection of presidential electors. Presidential electors are chosen within a state to elect the President and Vice President of the United States; one is granted for each member of Congress that the state has.

At the LPCO Convention on March 23, 2024, ten individuals were elected as electors. These were, Jacob Luria, Kyle Furey, Sean Vadney, James Wiley, Keith Laube, Eilseo Gonzolez, Marc Cavin, Wayne Harlos, Augostino Cantavero, and John Kittelson. At that point there was no nominee of the national Libertarian Party, as it would have its nominating convention in late May.

Chair Goodman indicated that the LPCO Convention had been properly called and had a quorum.

In May, the national Libertarian Party met in a convention and elected Chase Oliver as its presidential nominee and Mike ter Maat as its vice presidential nominee<sup>1</sup>.

On July 9, 2024, a list of electors, purportedly from the Oliver campaign, was submitted to the Colorado Secretary of State's Office. This list included Sean Vadney, but his was the only name from the list of those elected at the convention. The others listed are Michele R. Poague, Jeffory Allen Orrok, Joseph Johnson, Kevin Gulbranson, Guy Gulbranson, John Carl Hjersman, Bette Rose Ryan, Janet Turner, and Douglas Wade Jones.

Due to this discrepancy, Chair Goodman asked the following questions:

- 1. Does the LPCO select the presidential electors?
- 2. Does the national Libertarian Party or the candidate also get to select or remove presidential electors?
- 3. Can you recommend a remedy if this list is improper?

### Works Cited

The current LPCO Bylaws, adopted in April 2023 shall be cited as Bylaws. Earlier versions, including what had been a separate constitution, shall be cited as "CO" with title and date.

The bylaws of the national Libertarian Party (LP), as adopted in May 2024<sup>2</sup>, shall be cited as Bylaws. The platform of the national LP shall be cited as "Platform."

Both the national LP Bylaws (Article 16) and the LPCO Bylaws (Article XIV) provide that the current, 12<sup>th</sup>, edition of Robert's Rules of Order Newly Revised<sup>3</sup> is the parliamentary authority of both groups. It will be cited as RONR.

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### Commentary

The parliamentarian is well aware that there are controversies involving both the LPCO and the Oliver/ter Maat campaign, some of which have at least an element of parliamentary procedure. This opinion, however, is limited to the selection Libertarian presidential electors in Colorado.

The method for choosing electors is set by each state<sup>4</sup> by a variety of methods; it is important for all involved individuals to remember that. Likewise, what the elector can do, how he can vote, varies from state to state. This has played a role in the history of the LP. In 1972, an elector from Virginia that was pledged to the Republican ticket cast his vote for LP nominees John Hospers and Toni Nathan, for President and Vice President, respectively. This "faithless elector," Roger L. MacBride, was the nominee for President of the Libertarian Party in 1976.<sup>5</sup>

While the votes of "faithless electors" may be cast in some states, it is effectively prohibited in others. Colorado "[p]rohibits faithless electors and explicitly cancels faithless votes." In other words, if the Libertarian nominee were to get the most votes, the elector may not exercise any judgement in voting for that candidate. Who the elector is, and what his political views on the nominee are, has no effect on the issue. The electors are selected in Colorado by a convention of the party, where delegates to the national convention are chosen.

This process is not uniform in all states. In Pennsylvania, for example, the electors are selected by each nominee<sup>7</sup> and the elector has full freedom in how to vote.<sup>5</sup> Because there are multiple procedures for choosing electors in different states, there can be legitimate confusion.

Internally, the method the LPCO uses for choosing electors part of the method for choosing nominees for "partisan office" in Article XI, Section 4. e., of the Bylaws that is, they are chosen by the convention. This is also specified in the Convention Standing Rules of the LPCO, in Rule 4, a,1, i. Under RONR, this would mean by a majority vote and properly called convention (44:1). The meeting would also have to be quorate (3:3). In the case of a vacancy after such a convention a "vacancy committee" will fill the vacancy (Bylaws Article XI, Section 4. f.0).

Except for Mr. Vadney, the other nine were **not** selected electors according to the Bylaws. Further, since the electors were elected by the delegates, this effectively disenfranchises the state convention delegates.

The LP Bylaws do not so much as mention presidential electors or even hint that a nominee can appoint one as a matter of right. Their policy manual does not include the term. Only the LPCO may act to appoint electors.

There are several ways to fix the problem. First, the fact that the selection of the nine violates the bylaws can be communicated to the Oliver campaign. They may not be aware of the specific bylaw violation or that the electors cannot exercise any discretion, but must vote for the nominee with the most votes; this is quite possible due the variants in the process in different states. In other words, this may be an honest mistake on the part of the Oliver campaign. The campaign, moving with alacrity, may correct the filing with the Secretary of State's Office. This may involve having each of the nine withdraw his or her name or a more general statement.

Second, after being informed of the specific Bylaw violations, if the Oliver campaign declines to rectify the situation, the national LP Bylaws may be consulted. Article 14.4 provides that a nominee shall have "full support" only as long as the campaign is "conducted in accordance with the platform of the Party."

The Platform states, "Laws should be limited in their application to violations of the rights of others through force or fraud, or to deliberate actions that place others involuntarily at significant risk of

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harm (1.7)." Likewise the Statement of Principles, at least in referring to governmental action, notes that the LP shall, "support the prohibition of robbery, trespass, fraud, and misrepresentation." The Preamble notes that, "that force and fraud must be banished from human relationships." The filing of paperwork falsely designating electors may be considered fraud within the meaning of the Platform. If that determination is made by the Libertarian National Committee, the suspension clause of Article 14.5 may be triggered.

In addition, the nine people are members of the LPCO, and would be subject to disciplinary action under the general clauses of "tending to injure the good name of the organization, disturb its well-being, or hamper it in its work (RONR, 63:24)." This process is arduous, and contentious and would be done by the LPCO. See Chapter XX of RONR.

The parliamentarian would hope that all the parties would be able to resolve the matter using the first method. Certainly, the parties should at least be fully informed of the first option before the second one is taken.

### **Opinion**

- 1. The LPCO selects presidential electors at its convention, or in the case of vacancies, by a vacancy committee. Michele R. Poague, Jeffory Allen Orrok, Joseph Johnson, Kevin Gulbranson, Guy Gulbranson, John Carl Hjersman, Bette Rose Ryan, Janet Turner, and Douglas Wade Jones were not selected by either.
- 2. Neither the Libertarian National Committee nor the Oliver campaign may select electors in Colorado.
- 3. The options for remedy here may be:
  - A. For the Oliver campaign to correct the filing listing only those people that were elected at the convention. Those were, Jacob Luria, Kyle Furey, Sean Vadney, James Wiley, Keith Laube, Eilseo Gonzolez, Marc Cavin, Wayne Harlos, Augostino Cantavero, and John Kittelson.
  - B. After informing the Oliver campaign, the Libertarian National Committee, and those members falsely claiming to be electors of the first option:
  - i. Invoke the suspension clause in the LP Bylaws, in regard to the Oliver campaign as a violation of the Platform.
  - ii. Initiate disciplinary action against the nine members claiming to be electors in violation of the LPCO Bylaws.

Signed,

onathan M. Jacobs, RP, CPP

Data:

7/24/24

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J. M. J.

This is based on general principles of parliamentary procedure, the bylaws of this organization, and the cited parliamentary authorities; nothing in this opinion should be construed as an interpretation of statutory or case law.

### **End Notes**

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Jan J

<sup>&</sup>lt;sup>1</sup> There is currently a demand letter and threat of legal action claiming their nomination is effectively void. As of the date of the opinion, they are the Libertarian nominees.

<sup>&</sup>lt;sup>2</sup> There has been a demand letter indicating that the singular amendment, regarding the seating of delegates, made to the bylaws is void. Nothing in this opinion refers to that amendment.

<sup>&</sup>lt;sup>3</sup> Robert, Henry M., *Robert's Rules of Order Newly Revised*, 12th Edition. Eds. Sarah Corbin Robert, Henry M. Robert, III, William J. Evans, Daniel H. Honemann, Thomas J. Balch, Daniel E. Seabold, Shmuel Gerber, New York: Public Affairs, 2020.

<sup>&</sup>lt;sup>4</sup> Inclusive of the District of Columbia.

<sup>&</sup>lt;sup>5</sup> Fair Vote, https://fairvote.org/resources/presidential-elections/ , accessed 7/26/24 See also: https://www.coloradosos.gov/pubs/rule\_making/CurrentRules/8CCR1505-1/Rule24.pdf

 $<sup>^6 \</sup> Colorado \ Secretary \ of \ State, \ https://www.sos.state.co.us/pubs/elections/Candidates/FAQs/electoralCollege.html\ , \ accessed \ 7/26/24$ 

<sup>&</sup>lt;sup>7</sup> "Meet Pennsylvania's Electoral College voters: Everything they can — and can't — do," *Spotlight PA*, 11/13/2020, https://www.spotlightpa.org/news/2020/11/pennsylvania-election-2020-electors-who-are-they-faithless-legislature/ , accessed 7/26/24 See also:

# Presidential Candidate – Appeal Hearing Decision

06/22/2024 / By LP Colorado / News



Mr. Vadney & LPCO Board,

After reviewing the Judicial Committee appeal by Mr. Sean Vadney on June 16, 2024, the Judicial Committee has decided by a unanimous vote not to hear the appeal. The Judicial Committee reserves the right to hear an appeal or to decline. The appeal, as presented, does not meet the burden of proof for an LPCO bylaw violation.

- 1. The appeal highlights events and decisions that the appellant believes violate LP National Bylaws. The LPCO Judicial Committee's scope of duties does not include consideration of LP National Bylaws.
- 2. Section One The claim in Section One is that one of the LPCO's purposes is "nominating serious Party candidates for political office" and the resolution in question blocks this purpose and denies Colorado Party Members and Coloradans the option to vote for a Libertarian

Presidential Candidate. The appeal is correct that the LPCO bylaws state that a purpose of the Party is to "nominate serious candidates." While this statement is in Article II(f), there is no obligation in the LPCO bylaws to nominate any candidates for political office. Therefore, nominations, while a stated purpose of the Party, are decided at the discretion of the LPCO membership at convention and through its representatives on the LPCO Board.

3. Section Two – The appeal is disputing the claim that "the Libertarian Party of Colorado bylaws grant authority over presidential candidate nominations to the board" put forth by Ms. Stienke. Article XI Section 4(a) of the LPCO bylaws states the following: "(a) The United States Supreme Court has recognized that the nomination of candidates—under political party rules—falls under the First Amendment's Freedom of Association protections and therefore overrides state laws when such rules so state. As such, all rules for nominating candidates are limited to only these Bylaws, and all state laws regarding nominating candidates are to be considered overridden and void. The Party reserves all First Amendment Rights in this regard." From this statement, the LPCO has sole discretion in nominating candidates as a First Amendment right, whether by the membership of the Party through the state convention or through the LPCO Board.

The current LPCO bylaws do not require granting ballot access to the LP National Presidential and Vice-Presidential candidates, leaving the decision to the LPCO membership. Timing is crucial for this decision, as the LP National Convention date will always occur after the LPCO State Convention. Therefore, without a special convention, the decision of placing LP National Presidential and Vice-Presidential candidates on the Colorado ballot resides with the LPCO Board as representatives of the LPCO membership.

In liberty,

Eric Bueltel – LPCO Judicial Chair Pro Tem

## Statement Concerning Chase Oliver's Elector Slate From the perspective of one Elector

I, John Hjersman, am since 2015 treasurer of the Libertarian Party of El Paso County. I also served as treasurer of the Libertarian Party of Colorado from 2016 to 2020. I was surprised and somewhat appalled to learn that LPCO intended to submit to the SoS other than the presidential-ticket nominees chosen at the LP national convention, especially when the substituted candidates were not Libertarian.

LP bylaws 5.4: No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. LPCO bylaws 11.4.i: The Party, its affiliates, and its elected Directors in their official capacities, either individually or as a group, shall endorse only Libertarian Party nominees for election to partisan public office.

Asking around about this, I discovered that BetteRose Ryan was intending to help put Chase Oliver and Mike ter Maat on the Colorado Ballot as write-in candidates and to that end, was looking for willing electors. I volunteered to be one and signed the corresponding form.

It is my understanding that the Presidential and Vice Presidential nominees from the LNC are documented and sent to every state over the signature of the national secretary and/or the national chair. The national party's certificate of nomination was submitted to the SoS with the required authorizing signature. I have been told that there is precedent of a candidate filing the certificate of nomination, as in 2000.

I am not sure who actually submitted the list of electors, but it was done. I've been led to understand that a campaign (candidate) can legally submit its list of electors in Colorado. I doubt that the origin of its list is relevant.

The intention of the electors list for Chase Oliver and Mike ter Maat that was collected by BetteRose was not to nudge out the duly elected electors from the state convention, but to make the Oliver campaign selectable by Colorado voters, many of whom are Libertarian.

Respectfully, John C. Hjersman 24 Aug 2024

**Denver District Court** 

Court address: 1437 Bannock Street

Denver, CO 80202

Phone Number: (303) 606-2300

CARYN ANN HARLOS,

Plaintiffs, Court Use Only

v.

HANNAH GOODMAN,

LIBERTARIAN PARTY OF COLORADO,

Defendant

Attorney or Party without Attorney

Case Number: 24CV578

Caryn Ann Harlos, Plaintiff Division: 259

Gary Fielder, Esq. Attorney for Defendant

TRANSCRIPTIONIST'S TRANSCRIPT/FTR PROCEEDINGS

The following hearing was held on August 8, 2024, before
The Honorable David H. Goldberg, Judge of the Denver District
Court.

This transcript is Status Conference in its entirety as requested by Law Office of Gary Fielder.

Charleigh Transcription, LLC P.O. Box 667 Rocky Ford, CO 81067

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- 1 (case called at 10:59:19 a.m. FTR recording time; all parties
- 2 appear via WebEx/phone due to COVID-19; inaudibles due to speakerphone
- 3 quality)
- 4 THE COURT: We are on the record in 24CV578. Please enter your
- 5 appearances.
- 6 MS. HARLOS: My name is Caryn Ann Harlos, pro se.
- 7 MR. FIELDER: Your Honor, thank you very much. Gary Fielder, 19757
- 8 on behalf of the defendants.
- 9 THE COURT: Alright. Good morning. The matter is before this Court
- 10 it was originally assigned to Chief Judge Bowman who is starting a
- 11 three week trial Monday so based on his schedule there was no way he
- 12 could possibly hear a temporary restraining order or preliminary
- 13 injunction. At this point, any preliminary matters? Anything we need to
- 14 take up preliminarily? This is not the temporary restraining order
- 15 hearing. This is the status conference. Nothing more. Anything from the
- 16 plaintiffs?
- 17 MS. HARLOS: Please forgive me a tiny bit because I am pro se,
- 18 what I would like to get to is the temporary restraining order set as
- 19 soon as possible because the action we're seeking to be restrained is
- 20 taking place August 12th which is a meeting of the LPCO board. This is
- 21 very similar to the Williams v Palazzi (phonetically) case that's going
- 22 on in the Arapaho District Court. Dave Williams is the current chair of
- 23 the GOP of Colorado and they were in his words I have no opinion on it,
- 24 illegitimately trying to remove him at a wrongfully called meeting and
- 25 they were granted a temporary restraining order on that meeting. So at

- 1 least to that extent, this is similar.
- THE COURT: I think that was set aside.
- 3 MS. HARLOS: Yeah, for lack of service. They misrepresented
- 4 whether or not they were able to serve.
- 5 THE COURT: I think he found he was without jurisdiction.
- 6 MS. HARLOS: Okay. That's also major party law. LPCO is minor
- 7 party. So major party law says that -
- 8 THE COURT: I'm going to start with one thing -
- 9 MS. HARLOS: Oh, thank you sir.
- 10 THE COURT: When you represent something to me make sure that you
- 11 fully represent something to me because you just said two things that
- 12 were wrong and then admitted they were wrong to me. You're not starting
- 13 out in a very good place with me.
- 14 MS. HARLOS: Thank you, Judge. I wasn't sure if that was true. A
- 15 reporter had told me that he thought it was set aside, but the most
- 16 current Court record that I was able to access because I can't get
- 17 online is that it was not but he believed it would be due to lack of
- 18 service.
- 19 THE COURT: Alright. Proceed.
- 20 MS. HARLOS: So Colorado GOP is under major party law which gives
- 21 great deference to the State Committee. LPCO is under minor party law
- 22 which does not give deference.
- 23 THE COURT: Okay and when you tell me that's there going to be an
- 24 event on August 12<sup>th</sup> be what specifically is going to take place?
- 25 MS. HARLOS: Certainly. They have called in the Denver Public Post

- or the Denver Post, excuse me a quote unquote vacancy committee to
- 2 fill vacancies and the Libertarian Party nominees for the President and
- 3 Vice President. There are no such vacancies. We had a national
- 4 convention at which nominees were selected which was Chase Oliver as
- 5 President and Mike ter Maat as Vice President. The Libertarian Party of
- 6 Colorado was not happy with that selection, but they participated in
- 7 that convention. Honestly I wasn't happy with that selection. They
- 8 weren't my candidates, but they legitimately won and I have the
- 9 Colorado Certificate of Nomination forms here which require that the
- 10 candidates be selected at either a national convention or at a vacancy
- 11 committee authorized by said national convention. The national
- 12 convention did not authorize the Libertarian Party of Colorado to
- 13 select a different candidate other than the one selected at the
- 14 national convention. There is a process to declare a vacancy in the
- 15 national nomination. That lies with the Libertarian National Committee
- 16 under their bylaws article 14. In fact the Libertarian National
- 17 Committee yesterday reaffirmed that Chase Oliver and Mike ter Maat are
- 18 in fact their candidates. I have a copy of their official ballot here
- 19 which I turned in this morning, but from what I understand has not yet
- 20 been given to the Court.
- 21 THE COURT: Okay. Alright. Anything, Mr. Fielder?
- 22 MR. FIELDER: Yes, Your Honor. First I think that there are some
- 23 issues all of which could be resolved at least preliminarily at a
- 24 preliminary injunction hearing. I don't think there's any damage until
- 25 after the assembly meeting and even if the assembly were to operate in

- 1 a fashion that ultimately decided that the Libertarian Party of
- 2 Colorado was going to nominate a different candidate for President,
- 3 then that could still be enjoined because the nomination doesn't have
- 4 to be turned in until I think the first week of September, I think
- 5 around September 2<sup>nd</sup> or September 3<sup>rd</sup> and so if the assembly happened and
- 6 there was a nomination of another candidate and we had a hearing on
- 7 Tuesday or Wednesday, the Court could issue an order that the party not
- 8 send in any candidates until the preliminary hearing, but then we have
- 9 an evidentiary hearing and the Court would be and if the Court
- 10 enjoined that action then there would be no damage and there's no
- 11 guarantee that the assembly will act in the fashion that plaintiff is
- 12 suggesting. Maybe the assembly will result in the nomination of or not
- 13 the nomination of any alternative candidates. So I don't think there's
- 14 any necessity for a hearing on Monday. I did however check my calendar.
- 15 I'm out here on a couple of matters on Monday morning and I could be
- 16 available on Monday if that's necessary, and thank you for clearing up
- 17 the issues for today because I think service was affected over the
- 18 weekend. I entered my appearance on Tuesday. It did take a couple of
- 19 hours for that entry to be accepted in the ISIS system and so I'm still
- 20 working at around forty eight hours reviewing the documents and
- 21 exhibits which aren't voluminous, but also aren't just a couple of
- 22 documents. There's lots of statutes and rules and bylaws that I need to
- 23 be reviewing over the weekend to get ready. I can also file a written
- 24 response. I'm here to cooperate Your Honor, but on the other hand I
- 25 think that the parties should be allowed to do their work without the

- 1 Court interfering, with all due respect in that regard. No harm to
- 2 the plaintiff or any other person in her similarly situated position to
- 3 have that preliminary injunction hearing set within due course. Thank
- 4 you.
- 5 THE COURT: Alright. My understanding of the case based on the
- 6 plaintiff's pleadings for which for a pro se plaintiff are very well
- 7 pled is that there were nominations at the convention and the Secretary
- 8 of State's Office has recognized that and has responded to a question
- 9 in which and I'm going to quote it now appears there's an effort to
- 10 withdraw these candidates as a Libertarian Candidate in Colorado law
- 11 nor to allow a candidate withdraw from the nomination, but the law
- 12 gives the right to withdraw only to the candidates themselves and not
- 13 to the candidate's party. And then there's a cite as to the statute.
- 14 Similarly, presidential electors in Colorado function as agents of the
- 15 candidate are bound to vote for the candidate should they win the
- 16 election in Colorado. So while a presidential elector can withdraw
- 17 themselves from participating in a vote, the electoral college
- 18 withdrawal does not function as a withdrawal candidacy for the
- 19 candidate in question. Instead the vacancy would be filled by the other
- 20 electors at a meeting of the electoral college. Therefore the absence
- 21 of submission of a withdrawal from either candidate, our office must
- 22 proceed with placing Mr. Oliver and Mr. ter Maat on the Colorado ballot
- 23 at Libertarian candidates, President and Vice President in the absence
- 24 of withdrawal from either candidate. Those discussions would not affect
- 25 their determination. The candidate picked would not would not affect

- our determination. The candidate paperwork we have received from
- 2 the Libertarian Party is complete. So at this point my understanding is
- 3 Colorado Secretary of State has accepted candidates. There is no
- 4 indication that there is a vacancy because the candidates have not
- 5 withdrawn and I'm having a hard time understanding what the issue is at
- 6 this point. The party can go ahead and nominate at least in my mind any
- 7 number of candidates or other candidates, but unless and until there is
- 8 a vacancy or the Colorado Secretary of State's Office takes the
- 9 position or accepts someone else, is there a controversy? Is there an
- 10 issue before this Court because the Secretary of State's Office agrees
- 11 with the plaintiff. Your interest or your positions are consonant at
- 12 least at this point.
- MS. HARLOS: May I respond, Your Honor?
- 14 THE COURT: Please.
- 15 MS. HARLOS: First of all I will say that there is damages in the
- 16 public perception when the Libertarian Party of Colorado is putting out
- 17 press releases even though they are contrary to the Secretary of State.
- 18 That Secretary of State email is not widely published. What is getting
- 19 widely published is people being very uncertain about which candidates
- 20 to investigate. There's uncertainty in the electoral process which is
- 21 already so damaging today that we need certainty in this and not have
- 22 this controversy go on for another month where even though they might
- 23 not be allowed to, they're causing such disruption. But I do think
- 24 there is an actual controversy in that the board has made it clear that
- 25 they're not going to try to necessarily go the route of invalidating

- 1 the nominations, but somehow interfere with the electors. One of
- 2 the electors is in the room today. He had tried to sign the nomination
- 3 paperwork for the Libertarian Party of Colorado and was physically
- 4 prevented from putting Chase Oliver and Mike ter Maat at the top by the
- 5 hand of the person nope I will not let you put that there. So this
- 6 Colorado elector couldn't even sign the acceptance of nomination. The
- 7 electors as I understand it right now that are with the Secretary of
- 8 State were turned in by the campaigns themselves. It is Colorado's
- 9 position that we can't LPCO's position, please correct me if I'm
- 10 misunderstanding, that the campaigns can't do that. My reading of
- 11 Colorado law says may, which means and the Secretary of State seems to
- 12 support me saying the candidates themselves are ultimately responsible
- 13 for making sure that they have electors. There is one elector in common
- on both lists, a Mr. Sean Vadney who also wanted to sign his acceptance
- of nomination form, but declined to even try after he saw that the
- 16 other elector was physically prevented from putting down the legitimate
- 17 candidates. So there's a little bit of intimidation going on as well.
- 18 Mr. Vadney is a very young man, you know just getting involved in the
- 19 political process and wants to be able to sign the paperwork without
- 20 being physically prevented. So I do think that there are some damages
- 21 going on, both to public perception. We need to stop having all of
- 22 these articles in Colorado political. Is it going to be RFK, is it
- 23 going to be this person, is it going to be that person. When the
- 24 Secretary of State has clearly said the Libertarian Party candidate
- 25 absent their own Withdrawal are Chase Oliver and Mike ter Maat.

- 1 THE COURT: Okay. With respect to public perception, the
- 2 Court's don't involve themselves in internal struggles and/or
- 3 disagreements in a party. I mean that's not what we do. Assuming the
- 4 Secretary of State were to change its position and accept another that
- 5 was contrary to the positions that you were taking, I think there'd be
- 6 an actual dispute. I don't give advisory opinions.
- 7 MS. HARLOS: Okay.
- 8 THE COURT: So I will give you your day. It's not going to be
- 9 before the 12th because there's been no action taken. There's no
- 10 evidence at least at this point in time that there's irreparable injury
- 11 quote unquote as I see it or that there is any actions taken that's
- 12 inconsistent with that of the Secretary of State's position. I also
- 13 question whether the Secretary of State needs to be a party in light of
- 14 the fact. If Robert Kennedy Jr. and/or other, his running mate are
- 15 accepted and you are asking me to order the Secretary of State to
- 16 recognize your candidates and to set aside the actions that led to Mr.
- 17 Kennedy being the nominee then to me they would need to be before the
- 18 Court and at this point at this point as I see it nothing has taken
- 19 place at least now. It may take place on the 12th. I don't know. So are
- 20 we going to set the hearing after that, not before because I can't
- 21 constrain something where speculation, conjecture, first amendment
- 22 considerations and other various legal, factual policy considerations
- 23 that come into play that prevent me from acting before anything has
- 24 taken place. Again, I understand in this day and age there's a lot of
- 25 confusion in politics period, in every party. Now the mere fact that

- 1 there may be some stigma and/or confusion is in and of itself not
- 2 sufficient to secure a temporary restraining order and/or preliminary
- 3 injunction. So I think that you're putting the cart before the horse
- 4 and as one of my colleague's used to say the Court isn't even the
- 5 horse isn't even in the Court room yet. So with that said, Mr. Fielder
- 6 anything you'd like to say and/or add?
- 7 MR. FIELDER: Well, if that's the case I'd like to make a motion
- 8 to dismiss the matter in that regard and refile upon a case of
- 9 controversy.
- 10 THE COURT: No because it's premature. I haven't heard any
- 11 evidence.
- 12 MR. FIELDER: I'm sorry?
- 13 THE COURT: I haven't heard any evidence. I haven't taken any
- 14 testimony. I'm not in a position to make findings of or fact
- 15 conclusions of law. I'm not in a position to do anything other than I
- 16 wanted to talk with you to get a better understanding and make sure I
- 17 understood your positions. And right now as I understand it, the
- 18 Secretary of State is consistent and supportive of the plaintiff's
- 19 position. Unless and until that changes, there's nothing I can do to
- 20 order somebody to do something or whatever else and I can't get
- 21 involved in your party politics. I just can't. Or any party politics.
- 22 It's just it's not what I do or what we do in this building. That
- 23 would be inappropriate.
- MS. HARLOS: I have a question, Your Honor?
- 25 THE COURT: Sure.

- 1 MS. HARLOS: The point of view that I am taking is this is
- 2 more of a breach of contract action. That there is a contractual
- 3 relationship between the nonprofit cooperation and it's membership and
- 4 that the bylaws which is the contract do not permit whatsoever, even if
- 5 there were a vacancy, the LPCO from nominating a President or Vice-
- 6 Presidential candidate. Per our own bylaws, that power rests with the
- 7 Libertarian National Committee. So I understand that until they attempt
- 8 to do so, there may not be a live controversy, but I the question I
- 9 have for the Court is how the Secretary of State might even be a party
- 10 when I view this as an issue of a breach of contract between excuse
- 11 me the cooperation and its membership.
- 12 THE COURT: And again, with respect to adding a party or the
- 13 Secretary of State, I think that arises if and when they take the
- 14 position or they change their position and you're seeking an order
- 15 requiring them to recognize your candidate as opposed to somebody else.
- 16 That has not happened. As far as declaratory judgements and the -
- 17 you're seeking an injunction here. You're enjoining and restraining the
- 18 defendants or anyone acting by, through, under, in concert with them
- 19 from changing the candidates. That's different than the declaratory
- 20 judgement regarding the contextual or the interpretation and how your
- 21 bylaws and governing documents work within one another.
- MS. HARLOS: I did have a declaratory account -
- 23 THE COURT: And that in and of itself is not the subject of a -
- MS. HARLOS: Okay.
- 25 THE COURT: injunction.

- 1 MS. HARLOS: Correct.
- THE COURT: Right. So that's different. But as far as the
- 3 injunction goes which is my first and primary issue, something that we
- 4 need to address and we need to do so per statute. Within fourteen days.
- 5 It was filed on the  $13^{th}$ . I have the  $19^{th}$  and the  $21^{st}$ . How are your how
- 6 are you looking on those dates, at which point I will take testimony. I
- 7 will entertain your arguments regarding and make findings and
- 8 conclusions.
- 9 MS. HARLOS: Either day is fine with me.
- 10 MR. FIELDER: I'm available on either day.
- 11 THE COURT: Do you have a preference?
- MR. FIELDER: The 21st just because it's -
- MS. HARLOS: I would prefer the  $21^{st}$  as well.
- 14 THE COURT: Alright. Let's go ahead and let me just take a peek
- 15 here. How long do we think it'll take?
- MS. HARLOS: An hour.
- 17 MR. FIELDER: Two hours.
- 18 THE COURT: Alright. I have a hearing at 10:30 which kind of
- 19 breaks up the morning and I apologize. Why don't we we'll set this at
- 20 1:30 in the afternoon and set aside the entire afternoon for you. Any
- 21 other questions or anything today? I just needed to get a better
- 22 understanding of the parties' positions, status, and what I might
- 23 expect between now and then here.
- MS. HARLOS: I did have an additional question.
- 25 THE COURT: Sure.

- 1 MS. HARLOS: The very first count was a production of
- 2 nonprofit cooperate records which was denied. After a trip already to
- 3 Denver, counsel had already admitted negligence and not communicating
- 4 that to me further. Is this something that would need to be set for a
- 5 separate hearing as to whether I'm entitled to these records?
- 6 THE COURT: That again that's discovery. That is something that
- 7 I can and if I find that this case is moving forward or how it's once
- 8 I understand how this case is postured then I think that claim is
- 9 proper before this Court. That's something that I can order. At this
- 10 point I think it's premature.
- 11 MS. HARLOS: If I could respectfully disagree, absent even any
- 12 controversy there's a statutory right of members for cooperate records.
- 13 I would have filed even if we weren't in a presidential year for these
- 14 records. I think it's separate and apart from whether or not the rest
- 15 of the case has merit.
- 16 THE COURT: No. Mr. Fielder is sophisticated in election law. I'll
- 17 have you confer with him as well as cooperate law and I assume that Mr.
- 18 Fielder will accommodate you and will provide you with records that are
- 19 provided for for statute. We have a rule in Colorado that requires
- 20 before the filing of anything you have to confer in good faith and
- 21 conferral here does not via email or something else, but a telephone
- 22 call or a WebEx conference or Zoom or whatever you use. You can't do it
- 23 last I want you to confer it via email and/or something else. But
- 24 I'll have you confer today before you leave this Court house.
- MS. HARLOS: Yeah.

```
THE COURT: Regarding the production of those documents.
1
     Alright? Anything else? Alright. We will be in recess. Thank you very
2
3
    much.
          MR. FIELDER: Thank you.
4
     (case ends at 11:21:55 a.m. FTR recording time)
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## TRANSCRIPTIONIST'S CERTIFICATE

The above and foregoing is a true transcript of the hearing in proceedings taken in the above-entitled case, which was audio recorded in the Denver District Court at the time and place set forth above, which was listened to and transcribed to the best of my ability.

Done this  $19^{th}$  day of August, 2024.

1

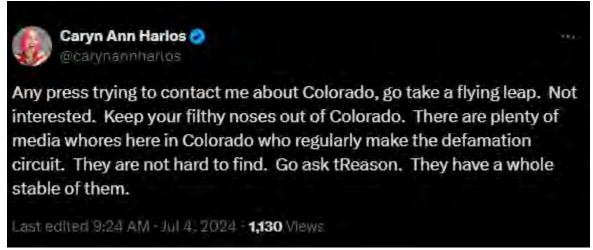
\_/s/ Leigh Parker Transcriptionist

/s/ Cheryl Bassett
Charleigh Transcription, LLC
P.O. Box 667
Rocky Ford, CO 81067

## TWEET STREAM

From:@carynannharlos since:2024-07-01 until:2024-07-10





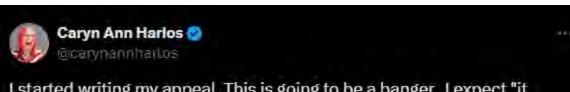




Take as true my assertion that the LPCO Board violated their bylaws, then the Board should really take stock if they wish to be held personally liable for damages and have a personal judgment against them and potentially their property. They are a non-profit corporation and that would usually shield a director, but not from Ultra Vires acts (they should review this article which applies to more than just charities but all non-profits). Do they feel lucky? @allisgood007 you dodged a bullet. They can't state that they exercised due care or have insulation under the business judgment rule – they consulted NO PROFESSIONAL about their bylaws on putting RFK, Jr. on the ballot.

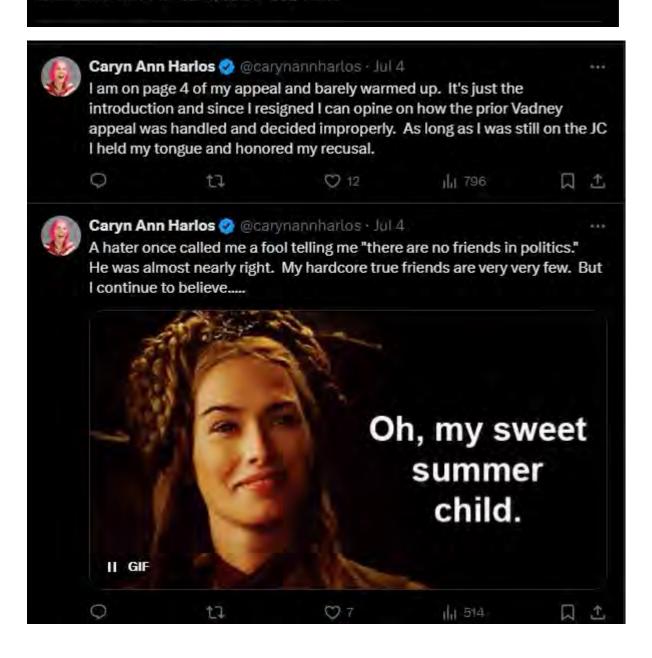
charitylawyerblog.com/2010/07/14/non...

Last edited 3:17 PM - Jul 4, 2024 - 717 Views

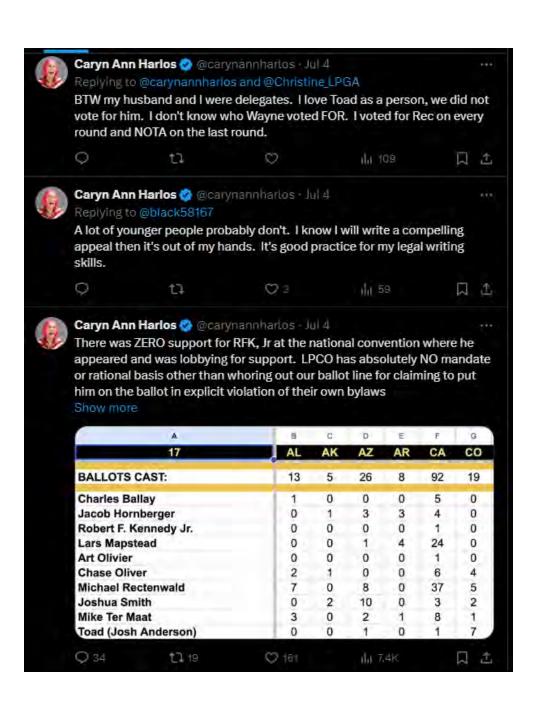


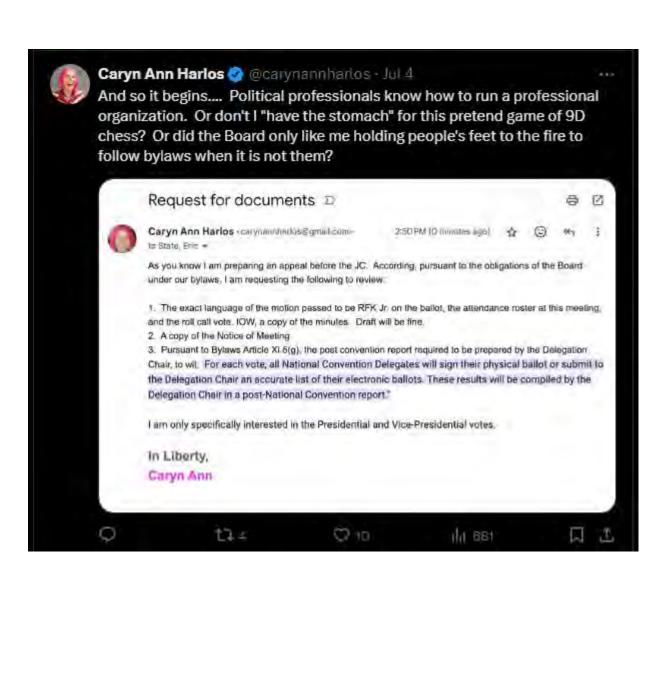
I started writing my appeal. This is going to be a banger. I expect "it depends upon what is, is" level deflection. It will take a good 2-4 days to write. I'm have written drafts of a brief to the 6th Judicial Circuit of the United States Federal Court obviously under supervision of and signature of an attorney. I think I can handle this.

Last edited 6:57 PM - Jul 4, 2024 - 986 Views











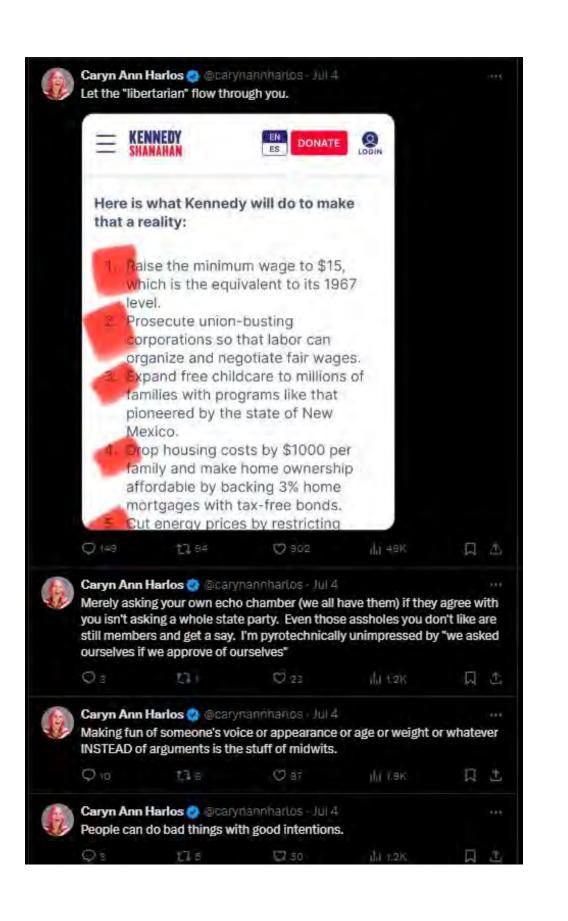
No one is confused but I am going to make this clear. All my opinions on Colorado ARE MY OWN AS A COLORADO MEMBER. I attribute them to no one else. They were not approved by (I didn't ask for approval and will not) the LNC. They have NOTHING to do with the LNC. I am speaking as a Colorado Sustaining Member.

tards Grind You Down. Anarchist. MY PERSONAL Ninions are my own, not those of the Libertarian Par

9:16 AM - Jul 4, 2024 - 711 Views











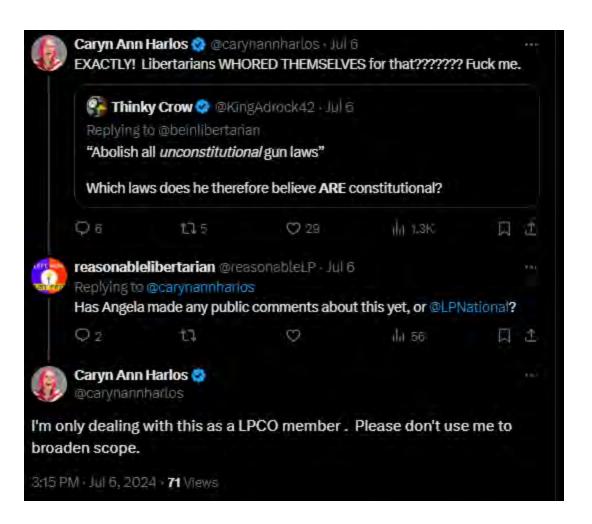


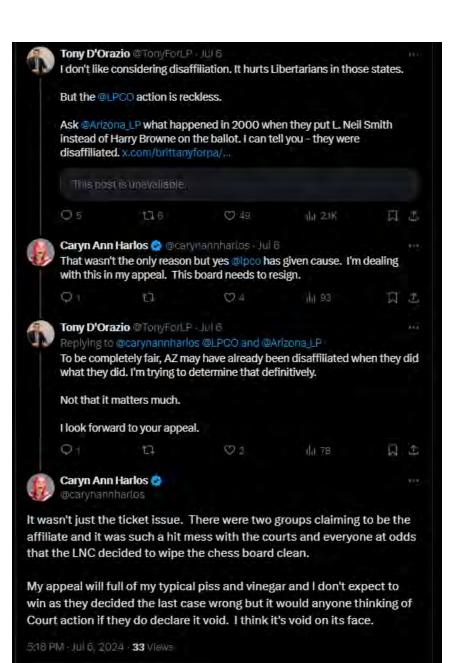














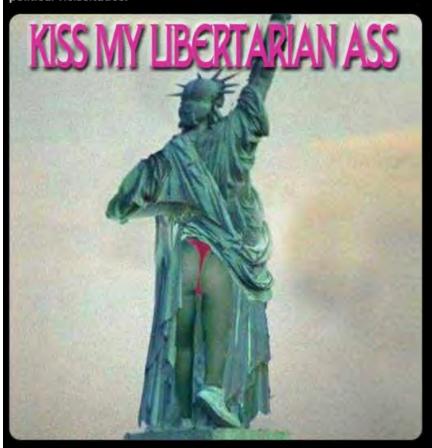






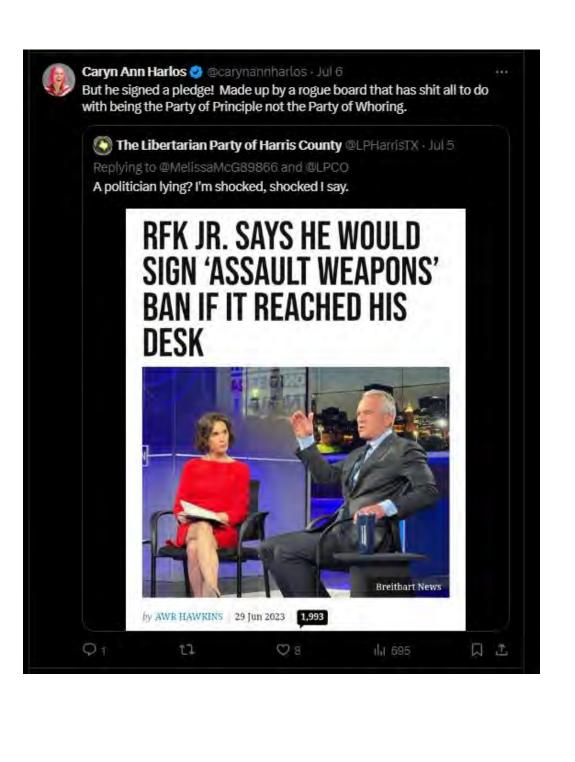


I laugh when people get mad when I show I'm not handled by anyone. I have my principles and values, and I am obedient to them. How little some people knew me or only liked me when convenient to them. So is the way of the world. I'm not changing. My goal: have a heart of gold and balls of brass and give not a fig for the fickle opinions of changing political vicissitudes.

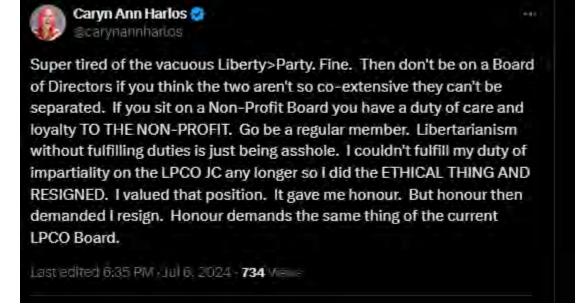


Last edited 2:35 PM · Jul 6, 2024 · 556 Views











Join the LPCO Monthly Board meeting remotely on Monday night 7/8/24 at 7pm Mountain. I will go in person. If you are a CO member I recommend you go in person. There were only be a few hapless Board members there in person but it makes a statement.

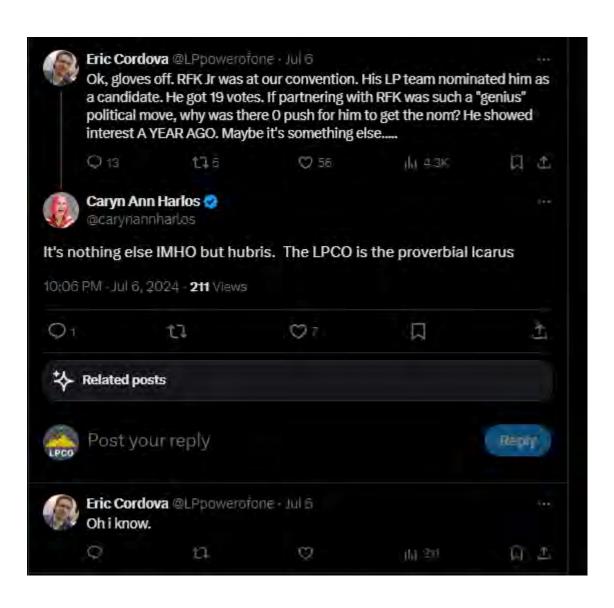
teams.microsoft.com/l/meetup-join/...

Meeting ID: 264 695 309 669

Passcode: aw4MDb

Last edited 8:55 PM - Jul 6, 2024 - 466 Views







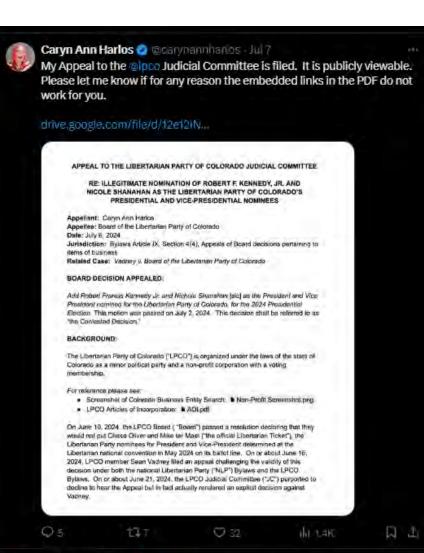




Draft of appeal done!!! 20 pages as I guessed. Other LPCO members should file concurring appeals. Contact me privately for email addresses they would need to go to. I will finalize and submit mine tonight. Yes I will post link for your review. This shit will all be public and transparent.

Last edited 9:37 PM - Jul 6, 2024 - 495 Views



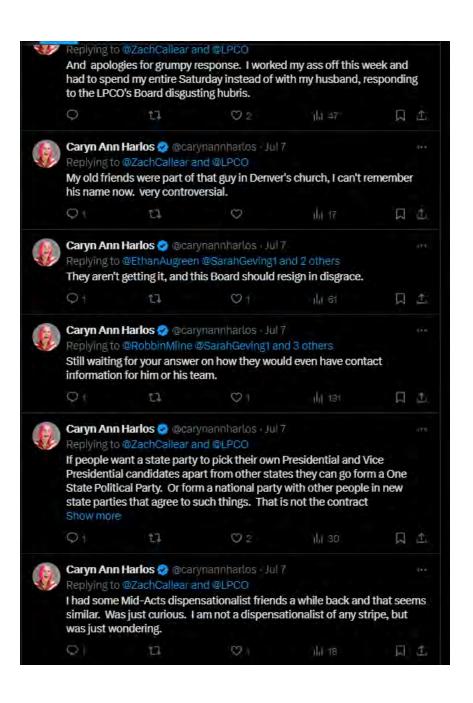




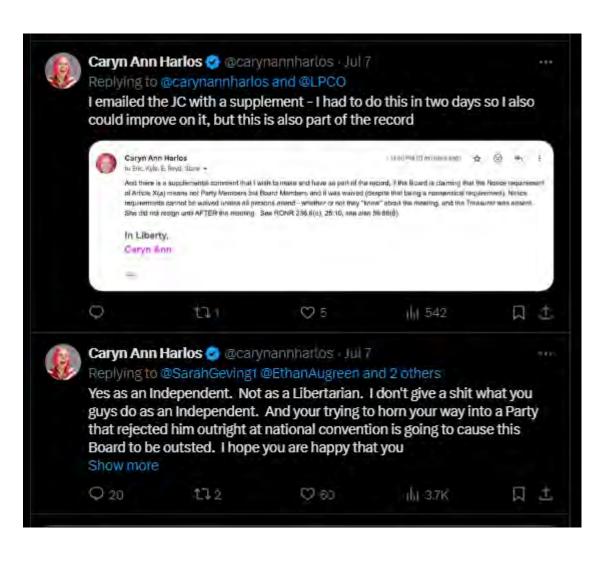
Caryn Ann Harlos @ @carynannharlos - Jul 6

The Presidential race means literally nothing for LPCO. Major party status is through governor race. But their whoring just might help Top Four get in Colorado and kill our ballot access. Fools. Arrogant fools.

#recallLPCOBoard









Let me show how amateur hour this whole Kennedy debable and @Ipco was - nevermind the whole 21 pages of my appeal, THEY VIOLATED NOTICE BWAHAHAHAHA. You all should know something about Notice......#recall\_PCOBoard Now to be clear, the Board didn't have the authority to nominate a substitute ticket, but assume they did - they would have had to comply with this Bylaw. They cannot claim Notice is just to Board members, but if they did, notice cannot be waived because... THERE WAS AN ABSENTEE. THE TREASURER.

# Violation of LPCO Bylaws Article X(a)

# Article X: Meetings

(a) Any meeting to elect Party Directors or National Convention Delegates, or any assembly to nominate candidates, shall be held at a public place at the time specified by the Chair. The time and place of such meeting shall be published once in a newspaper of general circulation in each county wherein Members reside, no later than fifteen (15) days before such meeting.

The LPCO Board is an "assembly" (see RONR 12th ed. 1:1), and thus the meeting where the Substitute Ticket was allegedly nominated was not properly noticed as required by this LPCO Bylaw and thus null and void.<sup>3</sup>

Last edited 12:30 AM : Jul 7, 2024 : 579 Views



Hey @RobertKennedy!r is your team so amateur that you never even checked the CO law for minor party presidential nominations? Notice the mention of NATIONAL CONVENTION?? and the mention of Party rules (which @lpco violated)? Well guess what. As national Secretary I signed the nomination paperwork for @ChaseForLiberty as IS MY DUTY. #recallLPCOBoard

## BECOME A CANDIDATE

All randidates for president or vice president should contact the Federal Election Commission for compaign finance information and other requirements not addressed at the state level.

Federal Election Commission 1050 First Street, NE Washington, DC 20463 1-800-424-9530 Website: www.fec.gov

### BALLOT ACCESS OPTIONS

# PARTY NOMINATION

#### Step 1: Eligibility for nomination

Candidates must meet the basic qualifications for office

A candidate must meet the qualifications for office outlined in Article II, Section 1(5) of the U.S. Constitution and meet the requirements established by their political party.

#### Step 2: Contact your political party

A major party or minor party (recognized by Colorado) presidential candidate should contact their political party for information about obtaining the party's presidential nomination.

Political Party Information

### Step 3: Party submits nominating documents

Following the national party nominating convention, the party will submit to our office a certificate of nomination with the names of the presidential and vice-presidential nominees and the names of ten presidential electors. [Article II, Section 1(2) of U.S. Constitution & 1-4-302(1), C.R.S. & 1-4-701, C.R.S.) Minor parties should also submit candidate acceptance of nominations for the presidential and vice-presidential candidates.

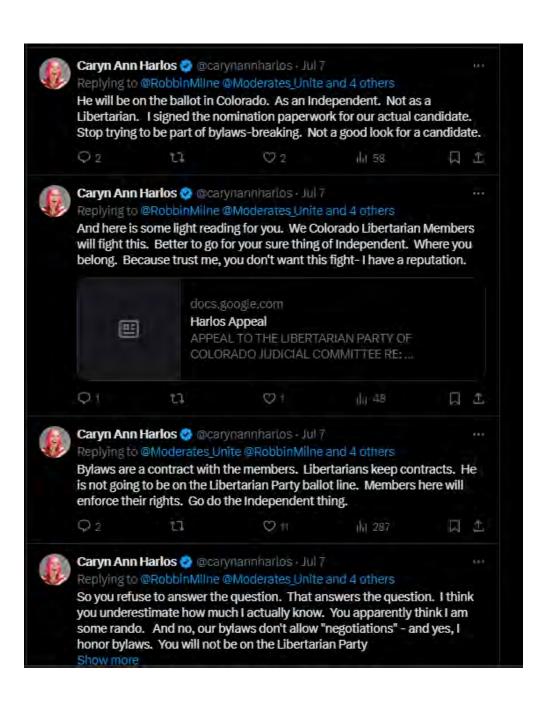
The certificate of nomination and minor party candidate acceptance of nominations must be received by our office no later than 60 days before the general election (**September 6, 2024**). [1-3-701(3), ⊂ R.S.]

These documents can be mailed, hand delivered, or emailed to:

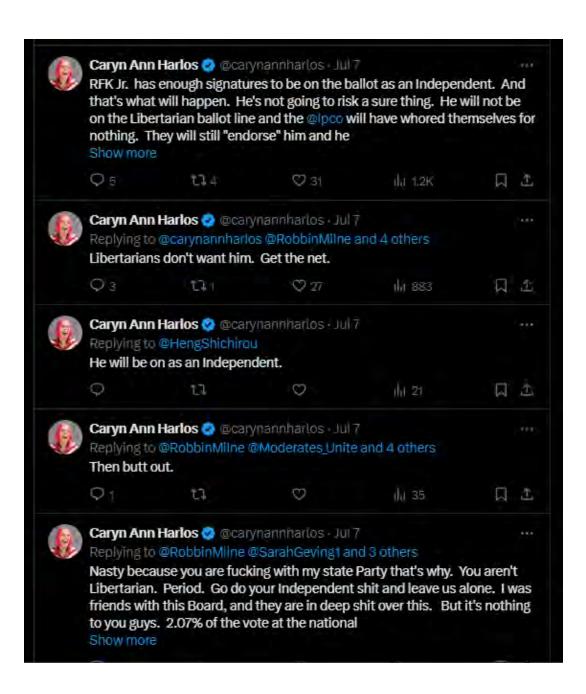
Colorado Secretary of State – Elections Division Attention: Ballot Access 1700 Broadway, Suite 550 Denver, CO 80290

Email: ballot access@coloradosos.gov

Last edited 12:19 AM Jul 7, 2024 - 31.2K Views



















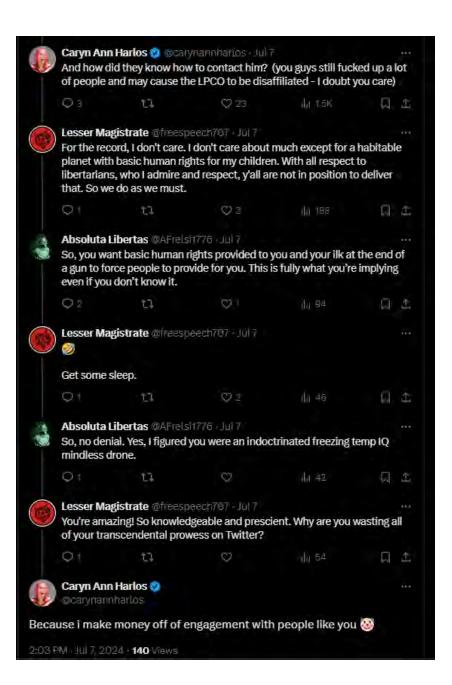
I stand up for people keeping faith and their rules. Since the Mises Caucus leadership now coddles rules breakers, I am no longer associated with them. They lost the high ground. And if anyone tries to pull the "muh wrongly seated delegates" card, Mises people voted to seat them and a Mises state chair (WA) was complicit. That's the last I have to say on the matter. Updating my potential conflicts of interest today.

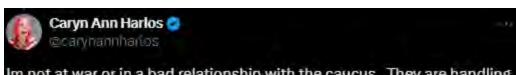
Last edited 10:07 AM - Jul 7, 2024 - 5,309 Views







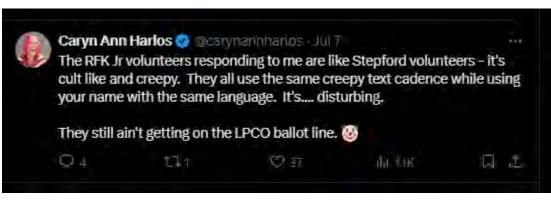




Im not at war or in a bad relationship with the caucus. They are handling CO wrong and that was a deal breaker for me. I have no ill will and am grateful for my three years with them. I will continue to assist them and anyone else who is following rules, regardless of caucus. Anyone who thinks I'm now anti-Mises is gravely mistaken. I'm going back to being done with caucuses. I will not be renewing my dues in the Radical Caucus either.

12:53 PM - Jul 7, 2024 - 215 Vievis









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A claim by the LPCO Chair- and I'm not diminishing her accomplishments but to arrogantly claim the LPCO basically did nothing until she came along is just bullshit. We were definitely stagnated recently but holy fuck:

===And we collected election data for the first time ever in these races.

That is not true. Do you have NO sense of the history of this Party???? Maybe read old newsletters????

====We hired political directors to help us for the first time ever. ===

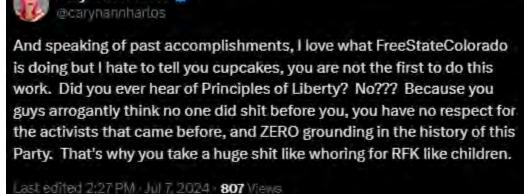
ALSO NOT TRUE. In the 1990s the LPCO had 30k in the bank- a lot for them. David Aitken GOT THE MINOR PARTY LAW PASSED.

Have some fucking respect and humility.

2:22 PM - Jul 7: 2024 - 2,037 VIEWS

118



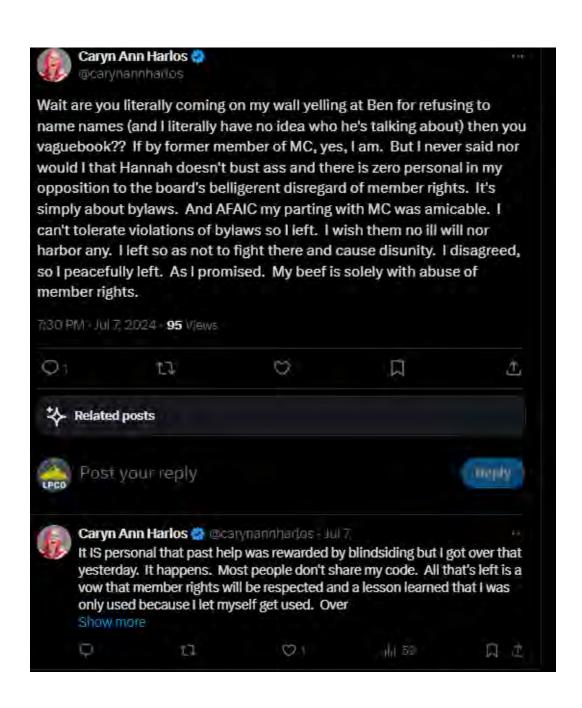




200

And if you are insinuating me in some manner I disagree with Ben's statement. Hannah does the work. It's just not new. The LPCO was a hot mess in the late 2010s but to pretend it had no history before that nor did any of those things is not true. We used to have AN OFFICE. With STAFF. And once again if you are insinuating anything personal with me, nope. You just don't get to violate the bylaws. But Hannah is a workhorse.

712 PM Jul 7, 2024 - 78 Views









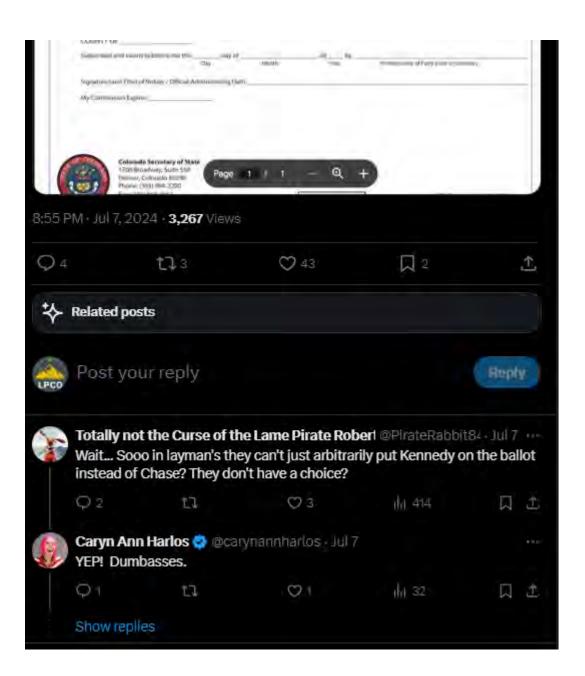


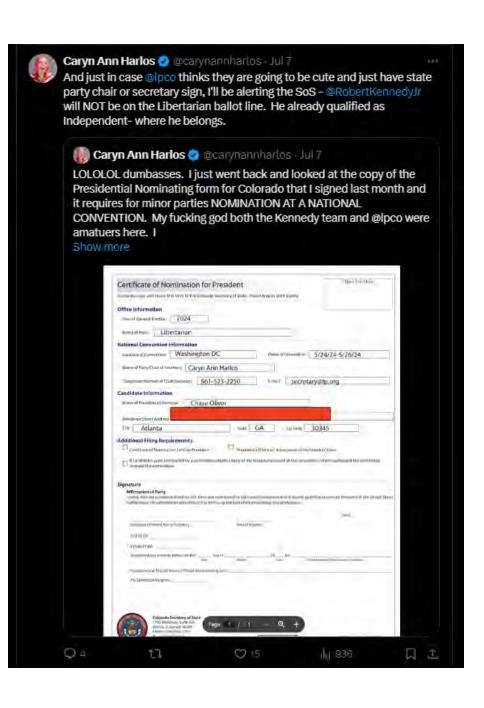




LOLOLOL dumbasses. I just went back and looked at the copy of the Presidential Nominating form for Colorado that I signed last month and it requires for minor parties NOMINATION AT A NATIONAL CONVENTION. My fucking god both the Kennedy team and @lpco were amatuers here. I didn't copy my signed form but national HQ has it, and I will go get another one notarized if I have to and give it to people here who want to be an affiliate. Now the presidential electors could be an issue because there still aren't convention minutes (well over a month overdue) and if LPCO refuses to give those names or they refuse to consent, court intervention can force a special convention JUST for that limited purpose of electing electors. If Chase is not on the ballot, I did everything I could, but it sure as fuck won't be Kennedy. Whored yourselves out for nothing! (I can show I signed it last month by the notary log at Independent Financial)





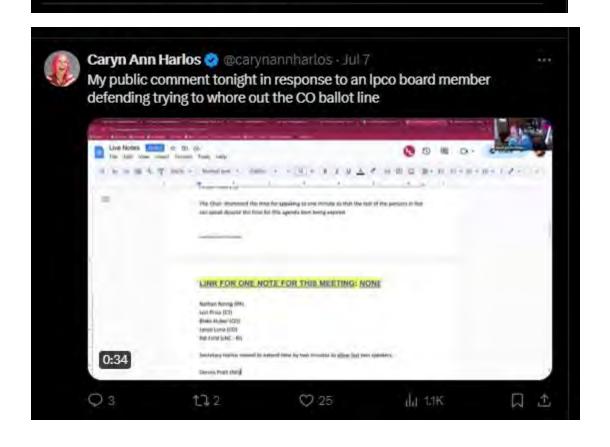






People, just because I have decided to AMICABLY part ways with the MC (and I will also not be renewing dues with the Radical Caucus) does NOT MAKE ME ANTI-MC. We had sharp disagreement over CO, and I left. That is what mature adults do. If I stayed I would have been a source of disunity. I bear them and wish them no ill will. Going caucus-less was the best decision for me right now. A great weight is off of my shoulders as I can just fight for what is right in my state on my own terms. I am not some "defector" that others can use for their own ends. This was a decision FOR ME. I am beyond grateful for the time I was a member.

Last edited 10:05 PM Jul 7, 2024 8,617 Views









Holy hell, the LPCO even recognizes its affiliate status in the footer of the "press release" falsely telling members the Board was able to decide to put Kennedy on its ballot line. And the rest of it.....What in the milquetoast fuck is that? What happened to bold messaging??? "Many government programs????"

of Colorado is the state chapter of the nationally-organized Liber of Party is now the nation's third largest political party. Libertaria Evernment programs and the abolition of all unconstitutional law:

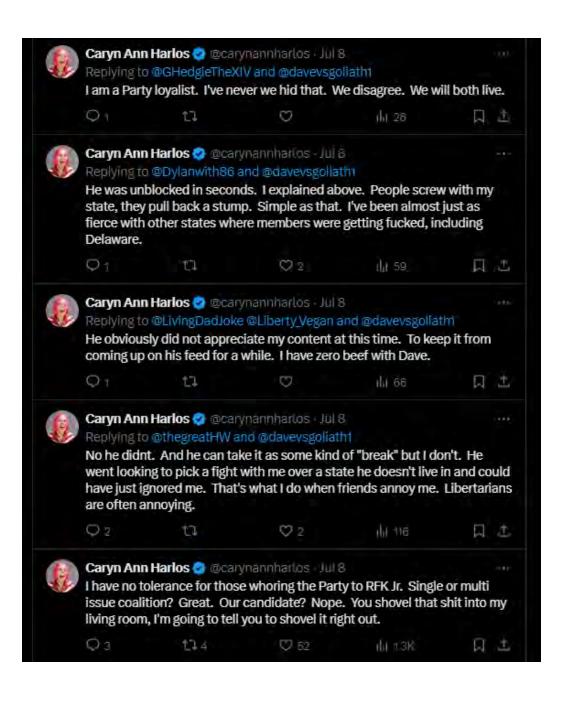
11:20 PM - Jul 7, 2024 - 717 Views



https://x.com/carvnannharlos/status/1810188564300202011







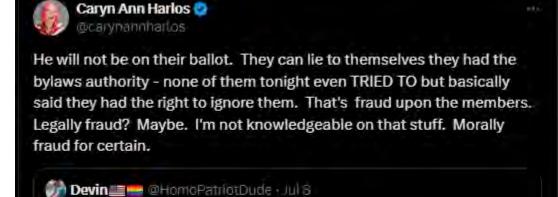


https://x.com/carynannharlos/status/1810414928576356447



The psy-op has already started to try to discredit me. "She's mentally ill" so that you won't listen to my - admittedly fiery- condemnations of those who cannot follow rules and whore to RFK Jr. It's a playbook as old as time and as dirty as politics. I've never been better in my life and such things only dirty the speaker. I'm not a politician. I won't play those games. My vitriole is 95% very calculated. The other 5% may be margaritas.

Last edited 3:31 PM - Jul 8, 2024 - 2,089 Weins



Replying to @Zaphod\_Erisberg and @carynannharlos LPCO is still promoting the lie that Kennedy is on their ballot.

Last edited 11:44 PM - Jul 8, 2024 : 1,335 Views









1 8 9

Case 1:16-cv-02649 Document 1 Filed 10/25/16 USDC Colorado Page 1 of 16

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Circi Arnior No.

CARVN ANN HARDAS, KIYOMERKRICK, ANDREW MADSON,

Plaintiff

Y

DISTRICT ATTORNEY MITCH MORRISSEY, in the office of opening atturney is excelled Cynthea Coppean, in the office opening SECRETARY UP STATE WAYNE WILLIAMS, at the firstly of the opening SECRETARY UP STATE WAYNE WILLIAMS, at the firstly of the opening SECRETARY UP STATE WAYNE WILLIAMS, at the firstly of the opening SECRETARY UP STATE WAYNE WILLIAMS, at the opening SECRETARY UP STATE WAYNE WAYN

Defendants.

## VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plantiffs, through their assembly Adam Fronts and Lovel Saldinkhile of FRSSK & SALAHETRIS LLC, repeatfully alligs as follows:

## INTRODUCTION

- This is a trial rights action for declaratory and inforcative robof himself in particular to 42 U.S.C.
   1984 and language the contractionality of Colorada Revised Statute § 1-13-712 advantages (1) and (2), thath family and at applied.
- Subsections (I) and (S) of Colorado Revised Science § 1/(3-7)2 each probabil important purifical opensis that a programed by the Fire Americanent.
- As a count of Colorado Served States | 1.15/15, Plannife each tice a course outding pointed specific County Reputits even true proceed presentation.

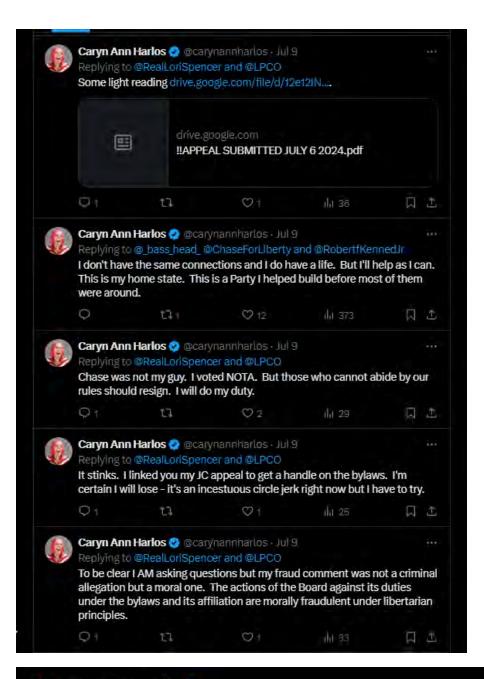




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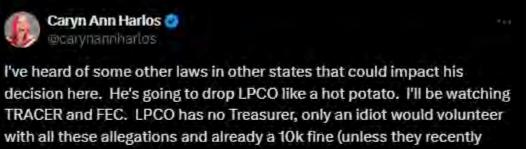






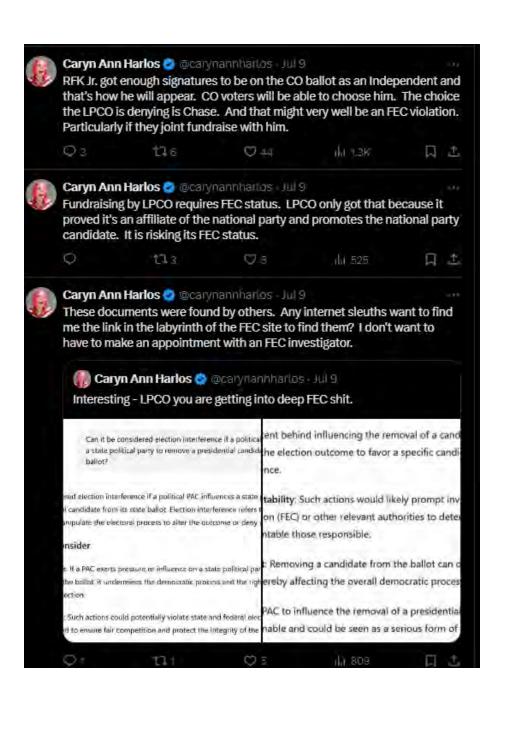


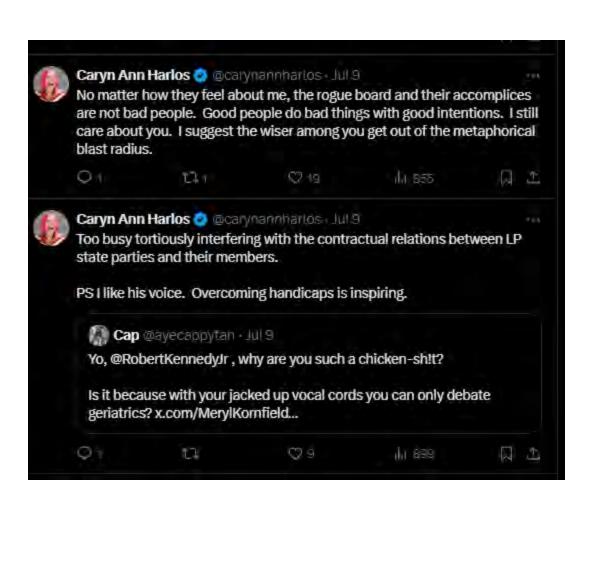




1/27 AM : Jul 9, 2024 - 937 Views

paid it).







As I promised the RFK Jr rep, media is in touch and I'm making it clear his campaign is tearing up and interfering with contractual relations in a Party that is not his with a vainglorious rogue Board. I make it CRYSTAL CLEAR, I only speak as a Colorado member and not for national or as Secretary except to confirm public information such as the fact of my signature to Colorado.

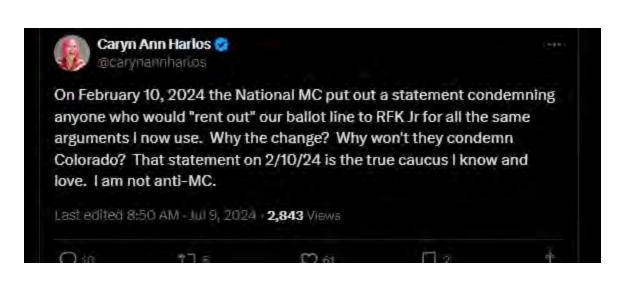
2:35 PM - Jul 9: 2024 - 772 Views

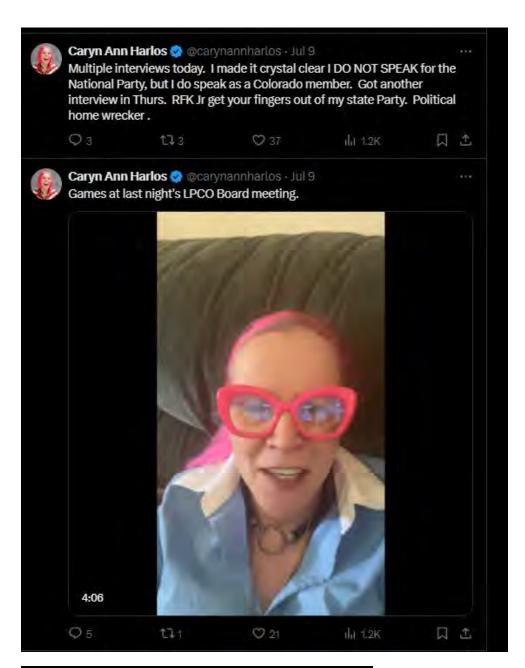


My legal demand letter is going to LPCO today. I will not post screenshots as it contains terms that are acceptable to me and at least several other members that if complied with will resolve the matter. I can't speak for everyone but I suspect most aggrieved member would feel likewise.

2:15 PM : Jul 9, 2024 - 679 Views



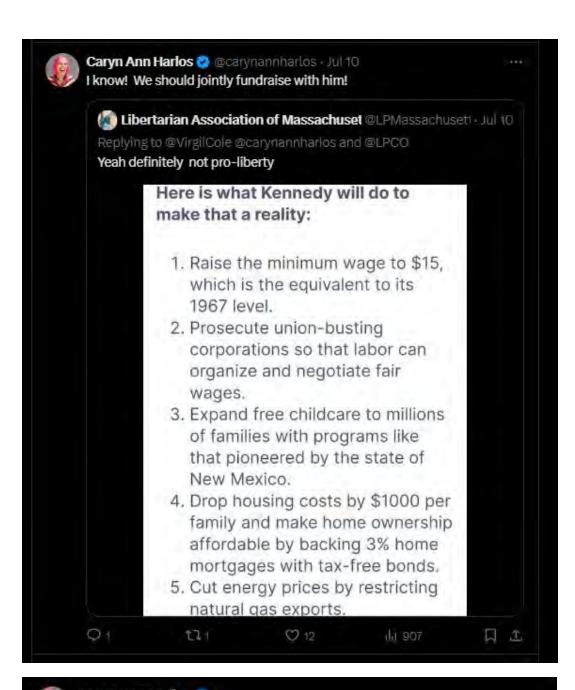


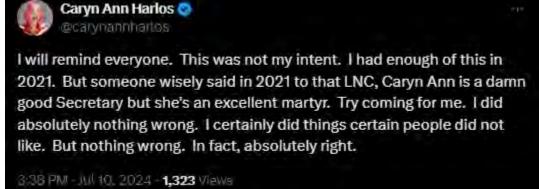


https://x.com/carynannharlos/status/1810767527993299066











Yep.

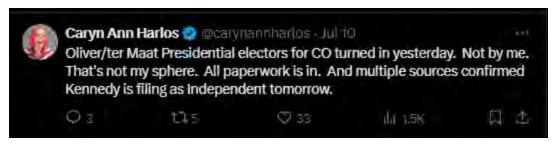
Harlos, who stressed she couldn't speak for the party, said Goodman and other local officials were violating state and national party bylaws by replacing Oliver with Kennedy. She castigated Colorado Libertarians' embrace of Kennedy, who received only marginal support at the party's national convention, as "craven opportunism" in pursuit of funding and attention.

7:04 PM - Jul 10: 2024 - 712 Visws



The Colorado nominating paperwork explicitly says "nominated at national convention" with the only exception being a committee authorized by the national convention. No committee was authorized by the national convention. All the talk to try to intimidate me is hot air. I routinely sign nomination paperwork for our presidential candidates. So no one can claim that was a violation. Sending it? The LNC is bylaws bound to provide full support to the candidate. I did so. You might question why that upsets the Party Chair. Sending it is a ministerial task. She claims it was wrong because I know LPCO signed an agreement with the Kennedy campaign. Actually I "knew" no such thing. Not that it would matter, they have no authority to do so. But I had no such knowledge. Does the Chair have such knowledge? Watch carefully. And this is yet another reason I will not support any "Joint Fundraising Agreement." And yes, the Chair has the votes. It will pass. And I will appeal. Watch for retaliation. I have given no cause except doing my duty, have zero respect for unlawful agreements, and expressing my opinion. Remember, this is supposed to be the "Party of Principle." Watch like a hawk.

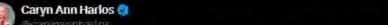
Last edited 3:28 PM - Jul 10, 2024 - 2,221 Visits





If we want ignore our principles and partner up with a statist who agrees with us on a couple of things, we might as well go whole hog and endorse Trump. Of course not. Just because Kennedy is a disrupter does not make him a friend to our cause. Remember he wanted the Democrat nomination. "Joint fundraising" is selling the Party to be used by him. It is political prostitution.

2:56 PM- Jul 10. 2024 . 2,705 Views



As Nolan opined, if our adherence to principle is uncomfortable for you, maybe find another party that doesn't have that impediment.

"I think the principle (of the party) is extremely important," added Jacob Luria, the Colorado party's campaign director. "But I also know that resources and support and other things are very important as well."

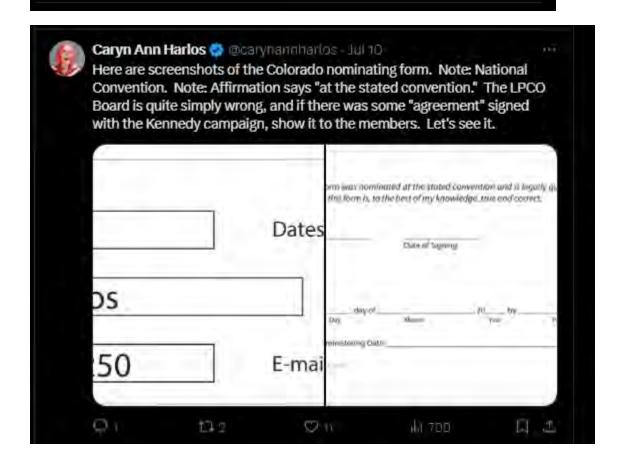
## "EVERYTHING BEFORE THE WORD 'BUT' IS BULLSHIT"

Last edited 7:02 PM - Jul 10, 2024 - 1,047 Views



Presidential Electors for the Oliver/ter Maat campaign were submitted by a representative for the campaign. The paperwork is complete for the Oliver/ter Maat campaign in Colorado as far as I know. The SoS is getting harassed by everyone and their aunt so I have not called them but I have seen the submission and it is dated 7/8/24. Kennedy will turn in his independent petitions on Thursday. It is done for @lpco who sold themselves for nothing.

3:20 PM - Jul 10, 2024 1,356 Views





Hello, I am speaking from my position as CO member who happens to be LNC Secretary. I have to request graphic and title be changed as I cannot speak from my LNC position. I don't have that authority and I do not wish to go against the wishes of the Party Chair in that regard. I apologize if that was not made clear.

11:05 PM Jul 10, 2024 108 Views



Never said it was. I said the basis upon which LPCO is a qualified FEC filer. I'm no FEC expert. There are very strict rules for it. It seems like your amount isn't likely to draw scrutiny. In my appeal is a copy of the FEC recognition – anyone can look at the requirements. I'm no expert. And with that keep kvetching about my opinion. Don't care. It's not your state. It's mine.

12:47 AM - Jul 11, 2024 - 30 Views



Hello, I am speaking from my position as CO member who happens to be LNC Secretary. I have to request graphic and title be changed as I cannot speak from my LNC position. I don't have that authority except as it comes to my routine and ministerial role of submitting nomination paperwork and duty to uphold the will of the delegates and I do not wish to go against the wishes of the Party Chair in that regard. I apologize if that was not made clear. I have plenty to say as CO member with extensive experience. x.com/GrumblingsMedi...

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Last edited 11:13 PM - Jul 10, 2024 - 482 Views

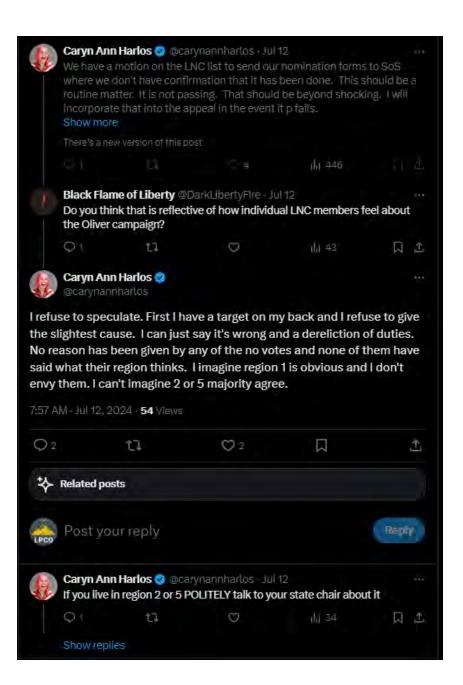


















The LNC contact form is broken. In the continuing pattern of official list barbs at me, I got "scolded" for posting them for causing alleged spam. I must be lucky. I didn't didnt get any spam ... Write me if you want the list. Very few do but if you are one, ask. In fact my phone number public for a decade. I've maybe got 3 prank/hate calls. Lucky I guess.

Last edited 1:10 AM : Jul 12, 2024 : 718 Views

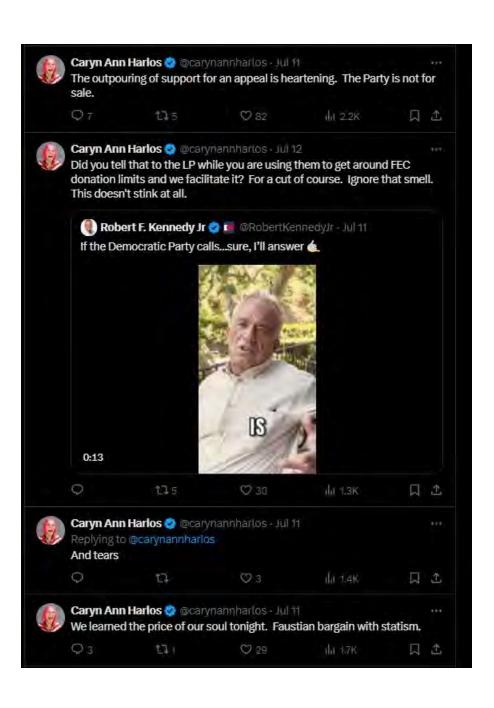


I am appealing the decision tonight at a minimum. I have to buy a one month docusign subscription. Can you chip in? It's \$65 for the month and that was not in my budget sheet - a few chipping in \$5 or \$10 would help.

I need at least 100 delegates to sign.

I weep for the desecration of this party

10:29 PM - Jul 11, 2024 - 3,591 Views









You all wishing me to "attack" LNC members here is a list why I won't.

- The Chair wishes me gone and I'll not give her an excuse though my private page is my own she inappropriately used it to justify comments on official list
- 2. Good people do wrong things with good intentions
- I am focusing on actions not people and will do it productively in my appeal(s)
- 4. I'm keeping to myself and am just sad about what a terrible person said being true "there are no friends in politics" (obviously not universal but true more than not and I wish to keep the ones I have)
- I'm going to do my job and follow our internal procedures and keep to myself

Colorado is my home state and I'll handle my personal business there how I see fit.

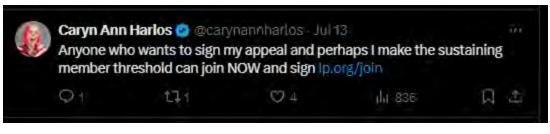
Last edited 9:29 AM - Jul 12, 2024 - 1,024 Views





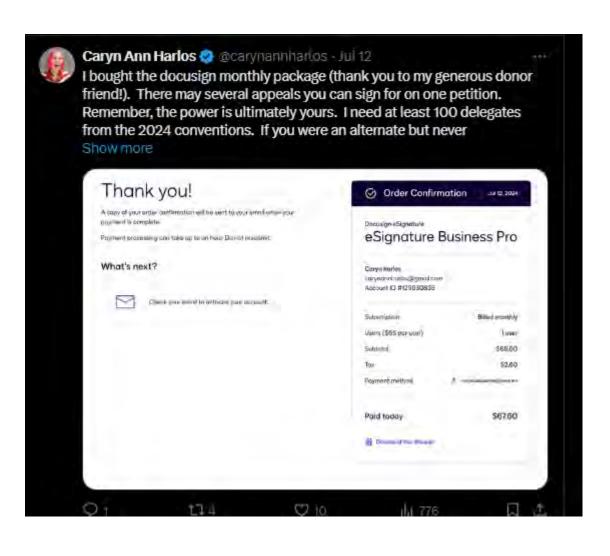
We have a motion on the LNC list to send our nomination forms to SoS where we don't have confirmation that it has been done. This should be a routine matter. It is not passing. That should be beyond shocking. I will incorporate that into the appeal in the event it fails. There is no bylaws compliant excuse not to send those forms and no one in the thread has even tried.

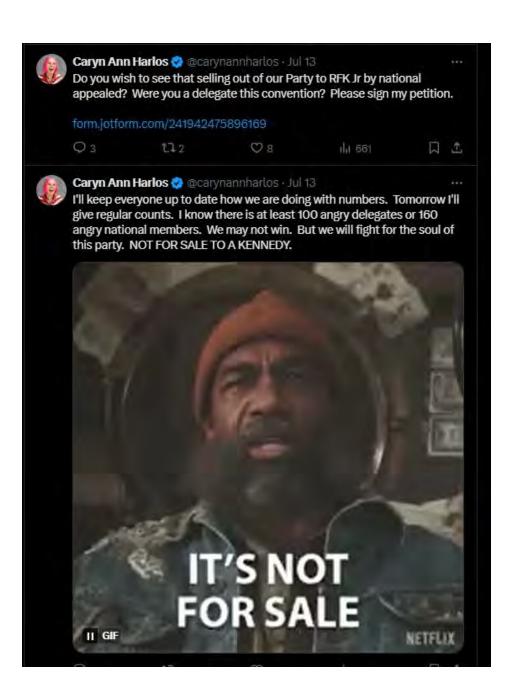
Last edited 8:14 AM - Jul 12, 2024 - 3,189 Views









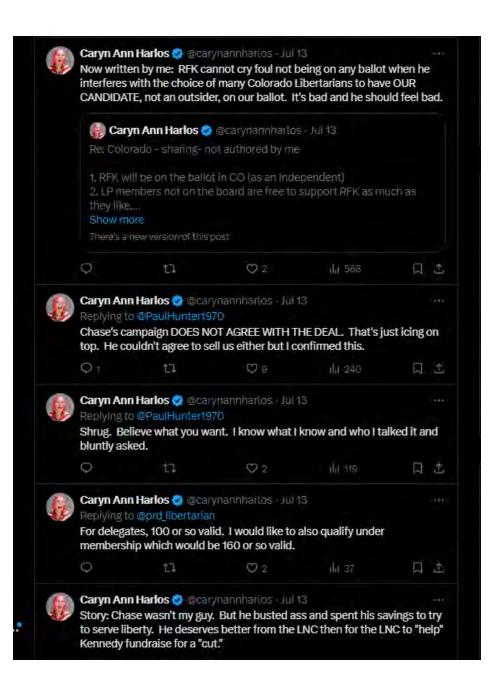




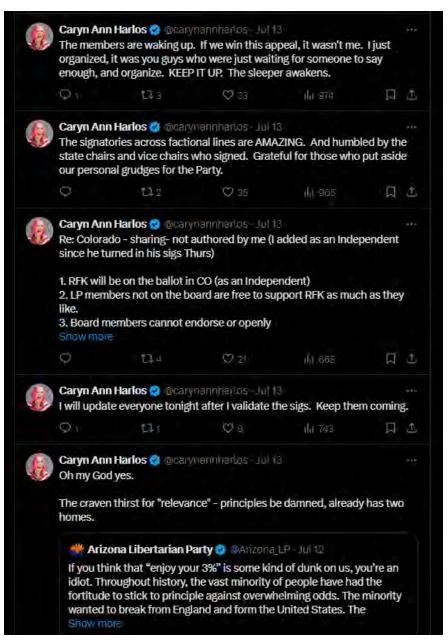














WE DID THIS IN LESS THAN 12 HOURS. I will do my best to show how this is a bylaws violation and it will be in the hands of the JC. At least you know that no matter the outcome YOU HAD A VOICE AND TRIED. The arrogance of treating the Party as a plaything, bylaws and principles be damned will at least have a reckoning. We may lose. We can be proud.

6:57 PM - Jul 13, 2024 - 4,256 Views







More state chairs and current and former LNC members have signed the appeal. I am keeping their privacy. I do not believe our bylaws require signatories to be public, the JC just has to verify them. I will be submitting the signatories under seal. I can't guarantee it but I believe the JC will protect your privacy and you can sign without trepidation.

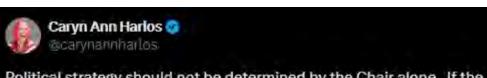
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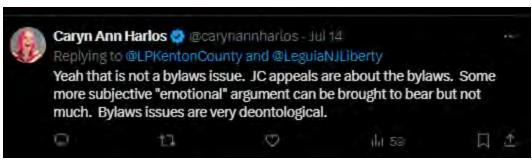


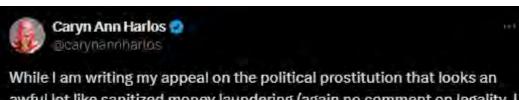


Political strategy should not be determined by the Chair alone. If the LP's strategy is to promote our candidate nominally to help Trump, that should be determined by the LNC in full. Will someone make a motion to say that is our strategy or to deny it? I confess, I thought it was clever at first to get some policies implemented since minus a huge black swan event we are not going to win. I regret that. I was wrong, and no longer agree. No one is elected to be a yes man. I have my hands full, some other LNC member should make the motion to commit us to that or to instruct the Chair otherwise. She never ran on a promise she would do that to our candidate.

Last edited 11:54 AM Jul 14, 2024 - 1,638 Views







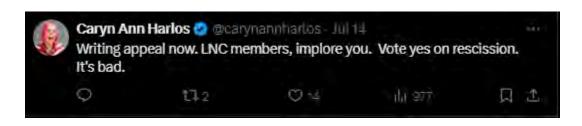
while I am writing my appeal on the political prostitution that looks an awful lot like sanitized money laundering (again no comment on legality, I am sure legal advice was sought), I would love to know YOUR Bylaws-based arguments against the "Kennedy fundraising deal." I cannot possibly think of all good arguments. Help me out.

9(12 PM - Jul 14; 2024 - 776 Views

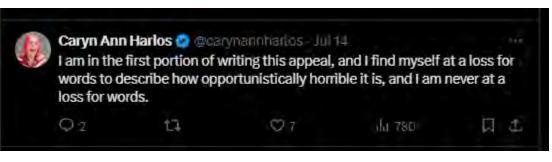


There are people who have legitimate policy issues with Chase as I have with every single candidate we have ever had, including the one I voted for at convention. There are also people who honestly just don't like that he's openly gay. Come at me, but you are lying to yourself if you don't think that happens enough to be worth a mention. I am one of the half-gays, so there.

Last edited 9:31 PM - Jul 14, 2024 - 1,938 Views







	what this party was built for. It's unprincipled and not reasonable. We can make money by smuggling in drugs too.				
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	Caryn Ann Harlos @ @carynannhartos Jul 15  The LP is attempting to play the Game of Thrones forgetting you either win or you die.				
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If your issues with Chase have nothing to do with his sexuality then my prior comment has nothing to do with you. Don't be the lady that protesteth too much. I have issues with some of his positions as I did with every single other candidate and did with my preferred candidate. However these collages of someone just being a flamboyant gay man as some kind of own against him speak a different story. It has as much depth as dismissing me because I have pink hair. Sometimes the dog that yelps is the one who was hit with the stone. If it doesn't apply to you, move on.

11:07 PM - Jul 14, 2024 - 1,595 Views

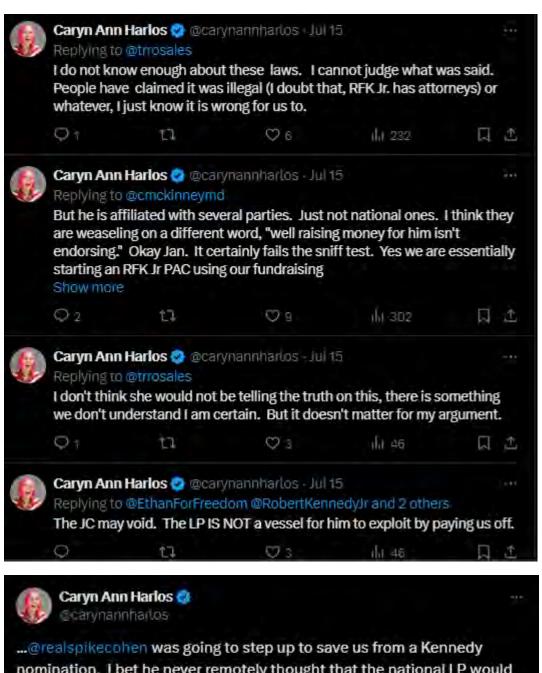


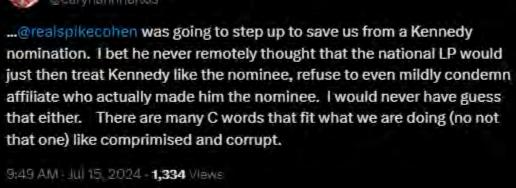
Here is a portion of my public comment against the motion. I am very subdued, because although she mocks me for this, and perhaps I \*am\* just paranoid (read the list, judge for yourself), I do believe the Chair is behaving in a retaliatory manner against me, and I will not give her cause. Yes sometimes a cigar is just a cigar, but sometimes, someone \*really is\* dimming the lights.

## Secretary LibertarianPar...

1:09

11:95 PM - Jul 14, 2024 - 1,010 Views

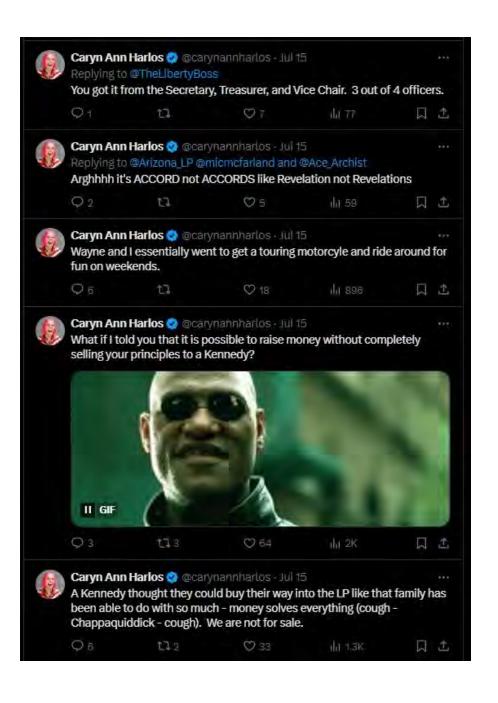




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Members who don't like decisions often don't get to talk. There is timelimited (has to be) structured time for comment. LNC members who strongly disagree should be able to discuss with members as long things kept to dull roar (though our Policy Manual allows much more). Others who don't like it, don't have to read. The number of signatures I received shows that members are not happy. Good leaders don't simply dismiss that, tell them to be quiet or just say they are "loser brigade." It gets old.

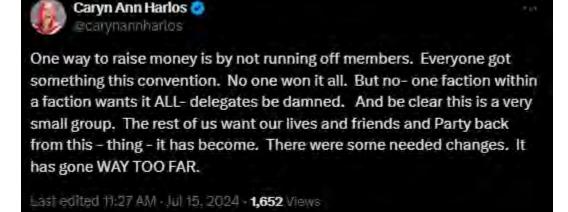
9:37 AM - Jul 15, 2024 - 1,379 Views













When 3 out of the 4 officers from completely different ideological perspectives ALL oppose this Kennedy scheme, one flaming radical, one former CLC board member, and one old school pragmatist.... maybe you ought to listen. Particularly when those three have likely 30 years of LNC experience between them. We might actually know a thing or two. Mock away, that is why the party is broke. People acting like nothing was ever done before they showed up.

Last edited 6:55 PM Jul 15, 2024 4,072 Views

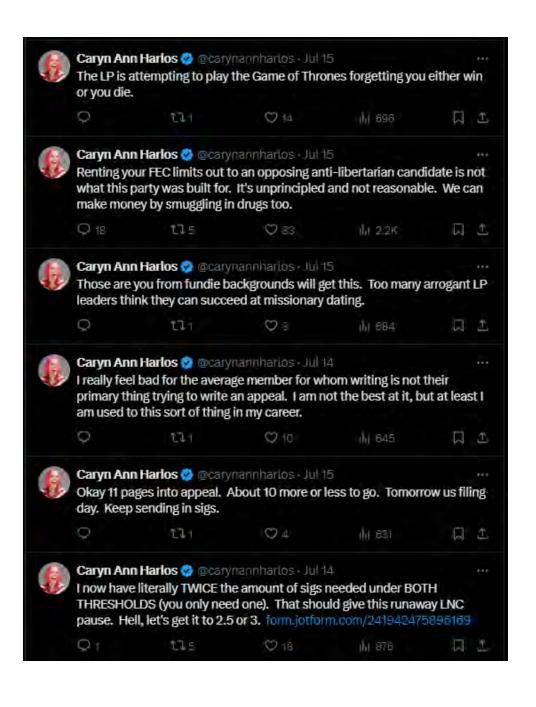












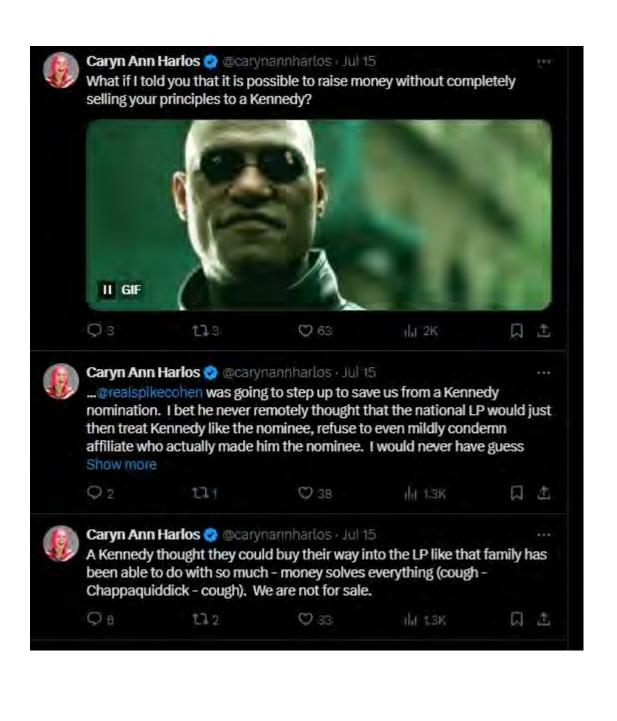


If your issues with Chase have nothing to do with his sexuality then my prior comment has nothing to do with you. Don't be the lady that protesteth too much. I have issues with some of his positions as I did with every single other candidate and did with my preferred candidate. However these collages of someone just being a flamboyant gay man as some kind of own against him speak a different story. It has as much depth as dismissing me because I have pink hair. Sometimes the dog that yelps is the one who was hit with the stone. If it doesn't apply to you, move on.

11:07 PM - Jul 14, 2024 - 1,597 Views



https://x.com/carynannharlos/status/1812707486819918180





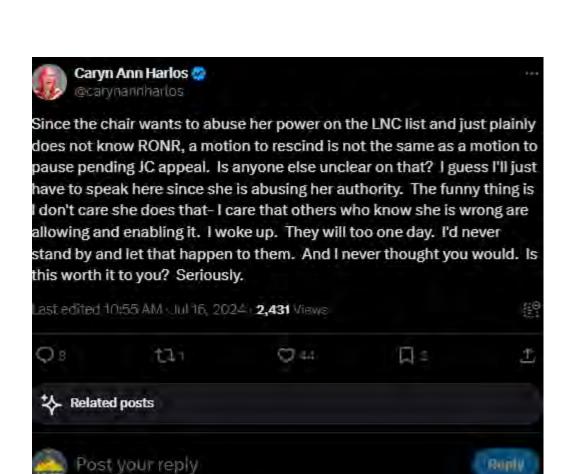


Radicals, Mises, moderates, prags, classical liberals, "haters" and all permutations came together to support this appeal. I have been part of many appeals to the JC. The only one that had more support (and not the same thing as signatures not required) was the 2021 voided removal of me. That was automatic appeal, but out of ones I had to get signatures from, this one was far more supported and diverse.

11:21 PM - Jul 15, 2024 - 894 Views







We are learning what the price of honor is. I stand up for those being wronged even if I think their position is wrong. Abuse of power is sanitized

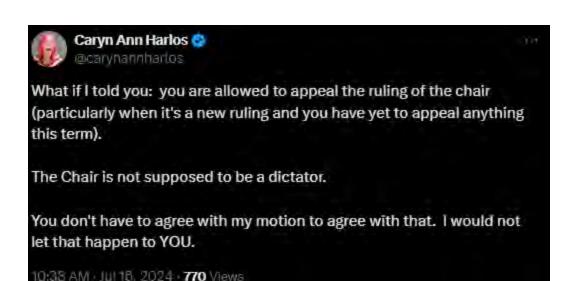
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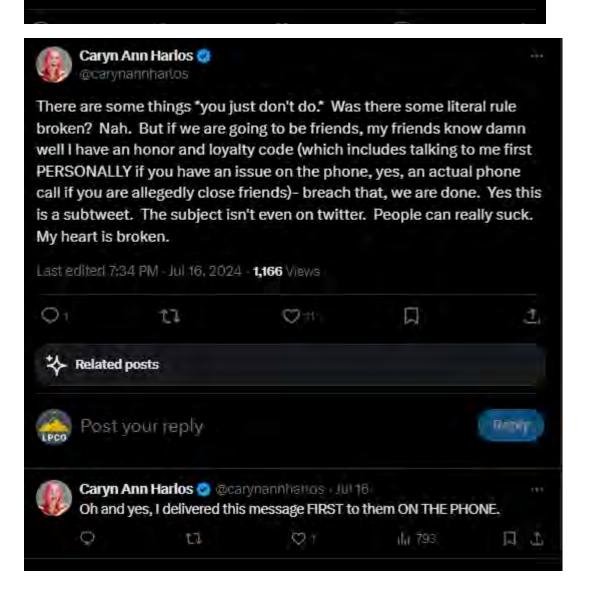
because you don't agree with the opinion of those being abused.

Caryn Ann Harlos 😵 @carynannharlos - Jul 16

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There are some things "you just don't do." Was there some literal rule broken? Nah. But if we are going to be friends, my friends know damn well I have an honor and loyalty code (which includes talking to me first PERSONALLY if you have an issue on the phone, yes, an actual phone call if you are allegedly close friends) - breach that, we are done. Yes this is a subtweet. The subject isn't even on twitter. People can really suck. My heart is broken.

Last edited 7:34 PM - Jul 16, 2024 - 1,169 Views



Well let's get it out. People are asking me why I didn't learn after some infamous letters last year. I couldn't. I was still incredibly wounded after 2021. When you suffer intense trauma your brain protects you. In short, I\*had\* to believe it was not that bad. Not dissimilar to battered wife syndrome. I have escaped and look back and go wow. Just fucking wow. And I was becoming that. I have many regrets.

Last edited 7:59 PM : Jul 16, 2024 : 1,407 Views



Caryn Ann Harlos 🙋 @carynannharlos - Jul 16

Who \*asked\* me to take on this fight of despots? No one. I do things because THEY ARE RIGHT. As someone once said, Caryn Ann walks to her own beat and follows her own code .... fiercely.

OT

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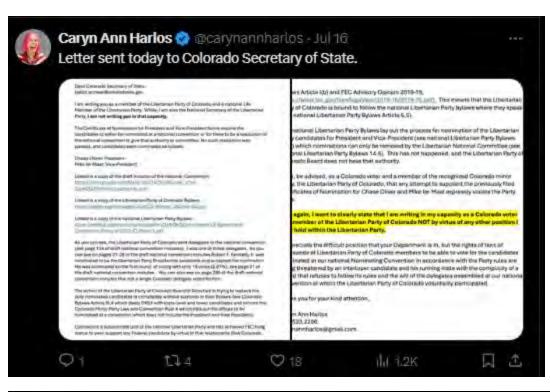
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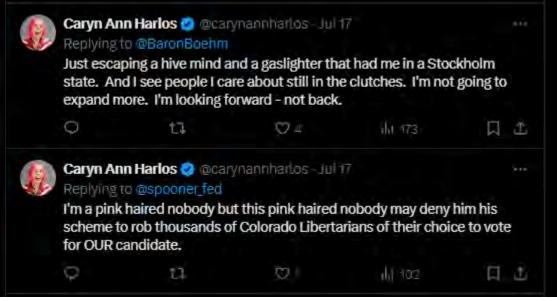
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Robert F. Kennedy, Jr. and the LPCO Board are trying to violate the rights of tens of thousands of registered Libertarians in Colorado according to our Party Rules. Neither should be in any position of authority. If RFK Jr cannot even abide by Party's Bylaws how can we expect him to abide by the Constitution (cough, second amendment). "If a man cannot be trusted with the small things, how can he be trusted with the larger things?"

Last edited 7:39 PM - Jul 16, 2024 1,350 Views



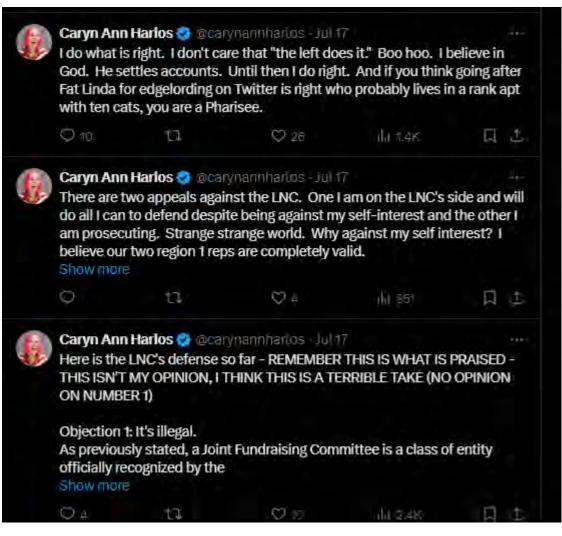








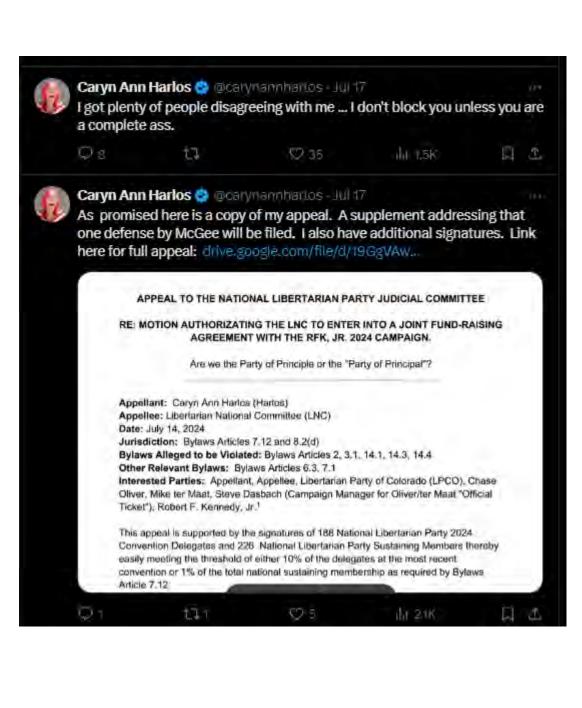




https://x.com/carynannharlos/status/1813571543294750939









I am truly sorry that so many were deceived about what the LP is. We exist to promote and run Libertarians. Not soft-endorse Republicans or Kennedies. Not to be delusional "King Makers." You were sold something that simply isn't true. That's not your fault. Come at me, insult me, it doesn't change that fact. And I have been here ten years. Not a huge long time, but longer than most of the critics. I will be here when you leave if you don't wish that path. And that's okay. But I will defend my Party. And wish you well. I have never hid who I am in this regard. If it makes you feel better, call me names and be hostile. I just mute unless it is over the line then I block, and maybe we will talk again in the future. If it makes you feel better to things out on me, shrug.

Last edited 7:12 PM - Jul 17, 2024 - 29.5K Views



LNC members who agree with me can file an amicus. Just like you can vote "no" on something that ends up winning, despite what you are being whispered to behind the scenes, there is nothing improper about an LNC member filing an appeal and there is nothing improper about you joining. Yes, people talk. I know a lot more than you may think. We are going to take our Party back. I miss the days of rads v prags rather than big L Libertarians vs "King Makers" and trying to sell our Party.



## 📳 Caryn Ann Harlos 🥝 @carynannhailos - Jul 17.

As promised here is a copy of my appeal. A supplement addressing that one defense by McGee will be filed. I also have additional signatures. Link here for full appeal: drive.google.com/file/d/19GgVAw...

## APPEAL TO THE NATIONAL LIBERTARIAN PARTY JUDICIAL COMMITTEE

RE: MOTION AUTHORIZATING THE LNC TO ENTER INTO A JOINT FUND-RAISING AGREEMENT WITH THE RFK, JR. 2024 CAMPAIGN.

Are we the Party of Principle or the "Party of Principal"?

Appellant: Caryn Ann Harlos (Harlos).

Appellee: Libertarian National Committee (LNC)

Date: July 14, 2024

Jurisdiction: Bylaws Articles 7.12 and 8,2(d)

Bylaws Alleged to be Violated; Bylaws Articles 2, 3.1, 14.1, 14.3, 14.4

Other Relevant Bylaws: Bylaws Articles 6.3, 7.1

Interested Parties: Appellant, Appellee, Libertarian Party of Colorado (LPCO), Chase Oliver, Mike ter Maat, Steve Dasbach (Campaign Manager for Oliver/ter Maat "Official

Ticket"), Robert F. Kennedy, Jr.1

This appeal is supported by the signatures of 168 National Libertarian Party 2024 Convention Delegates and 226 National Libertarian Party Sustaining Members thereby easily meeting the threshold of either 10% of the delegates at the most recent convention or 1% of the total national sustaining membership as required by Bylaws Article 7.12.

ast edited 7:28 PM Jul 17, 2024 - 1,211 Views



Thank you Mr. Hagopian:

I do want to note just a copy of procedural misstatements so that they are not seized upon to distract from Mr. Hagopian's weighty arguments. It would take 5 LNC members to call a meeting, but the Chair, if she really thought this "urgent" could have unilaterally called one in five days. Also note that I originally called for an Ex Commn meeting for "Colorado Legal Issues" and it was for a mundane request for a typical letter from our general counsel. I cannot be more specific but it was not about a lawsuit or anything earthshattering. Then the Chair tacked on this actually earthshattering thing in a blindside move. None of the officers had any clue. Three out of four officers oppose this. In the event the JC may think the legal issues that Mr. Hagopian brought up are outside their purview of Bylaws review, I would remind you that we are under RONR per the Bylaws, and RONR (see 2:2, 2:18) states that the superior authority is the law. I know that might rankle Libertarians, but it is what it is. The law can destroy us and our Bylaws through RONR make it definitely a standard a review.

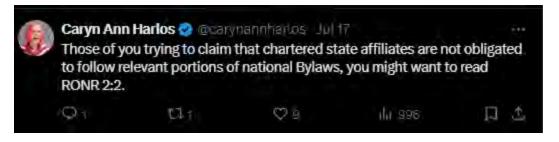
8:44 PM - Jul 17, 2024 1,182 Views



Keep shouting into the void. The LP is what it is and there are many many like me. And because we are motivated by a pure love of the Party and not opportunism, we will outlast and win over those who are not. I wish you well in your journey but I am now looking for those who are about the Libertarian Party and going to be ignoring the rest.

7:19 PM - Jul 17, 2024 - 1,692 Views

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Follow back

I am an officer of the LIBERTARIAN PARTY and the LIBERTARIAN NATIONAL COMMITTEE, INC. Officers of non-profit corporations owe a duty of loyalty to the Corporation. I understand that is a burden some do not want. No shame in being honest about that. Then don't seek to be on the Board. Individual members have FAR more options, but I believe in duty.

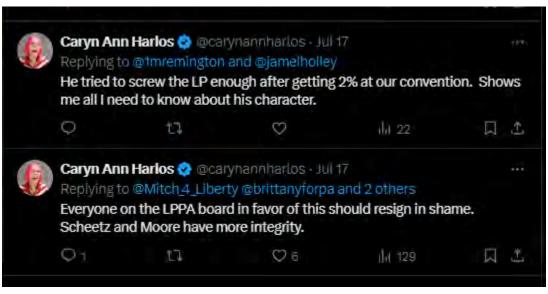
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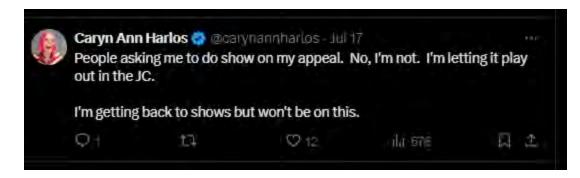


Some of you don't like me posting all these thoughts on Twitter. Listen, let's get real. I am absolutely outnumbered on the LNC. I learned from 2021 just leave them be there. I will make a few post and vote and do my job. My personal life is for my personal opinions. Hectoring when vastly outnumbered will do no one any good, and I believe good people can be deceived and wrong. I don't want to flood inboxes of people I hold to be friends. Reading my wall is a choice.

7:51 FM - JUL 17, 2024 - 2,697 Views









Fuck I've been telling you all 2021 damaged the fuck out of me. Two best friends back stabbed me, the lies, the corruption. When the now infamous files came out, I couldn't mentally handle it again. And she's doing it again. But I don't care. Another unrelated friend pulled some shit instant AFUERA! I compartmentalized. Those people on the 2021 LNC mindfucked me good. But I'm out of the cocoon. I'm back. And strong as a fucking ox. I went through some real shit. I was still dealing with a twenty year DA/DV marriage that I ran from. There's hope at the end.

Last edited 12:18 AM - Jul 18, 2024 - 2,054 Views



It's funny how the edge lords come after me as if I claimed NO ONE could ever support anyone else. This is the Party Chair with sone fucked up delusions. I don't mean that in medical sense- it's hyperbolic. She's no kingmaker. But acts like she's king. And she's playing our party. Funny she reminds me now a lot like Sarwark.

7:50 AM - Jul 18, 2024 - 1,188 Views



It's amazing to me how people have no sense of duty yet call themselves "right leaning" or anti left. You guys are fake. I am in a VOLUNTARY group. As an officer. I voted NOTA #300. I lost! I (checks notes) FOLLOW THE RULES OF OUR VOLUNTARY CONTRACTUAL GROUP. I have no respect for those in leadership in affiliates who don't have the integrity to RESIGN if they can't. Yes that includes Colorado. The whole Board are oath breakers which is... pretty degenerate.

Last edited 8:26 AM - Jul 18, 2024 1,682 Views



Caryn Ann Harlos 🙋 @carynannharlos - Jul 18

The current LNC has already determined the Party principles are for sale, they are only haggling on the price.

\*no rancor, again I escaped the hive mind, I believe many of them can

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Caryn Ann Harlos 

@carynannharlos

And wow that was another rant. All of my appeal was disclosed. The names of the signers were not because not required to. There are people who fear retaliation. Now the JC can overrule my objection but that's up to the JC not Angela. They would have to redact the email addresses and phone numbers. She is just out of control. And seriously I know you some of you on the LNC see it. She's trying to intimidate me into not exercising basic rights.

Last edited 6:44 PM - Jul 16, 2024 - 1,353 Views



I'll say it again at the risk of being "good people on both sides." I know the hive mind. I know the live bombing. It is not even intentional or malicious by most. It's human nature. Nearly every single colleague who disagrees believes sincerely they are right. I still consider them friends but tragically wrong on recent events. I will maintain that posture. I'll say to them though. It's much better not having to be bound. I still extend my hand. I was part of the crowd. It does feel good. Freedom feels better.

1:15 PM - Jul 16, 2024 - 1,598 Views







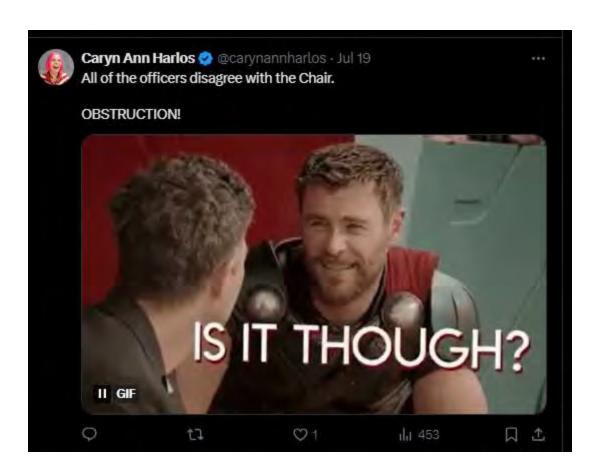
The other motion an appeal signed for failed. I will be writing that appeal. This is a member right. Watch the Chair try to retaliate. I'm not writing it immediately as I have other obligations to fulfill first but it will be done after those other obligations are. Watch. You guys know I know how to go apeshit on the list. I haven't. She has. Watch.

Last edited 7:41 PM Jul 18, 2024 / 710 Views





Last edited 10:04 FM - Jul 18, 2024 - 1,342 Views







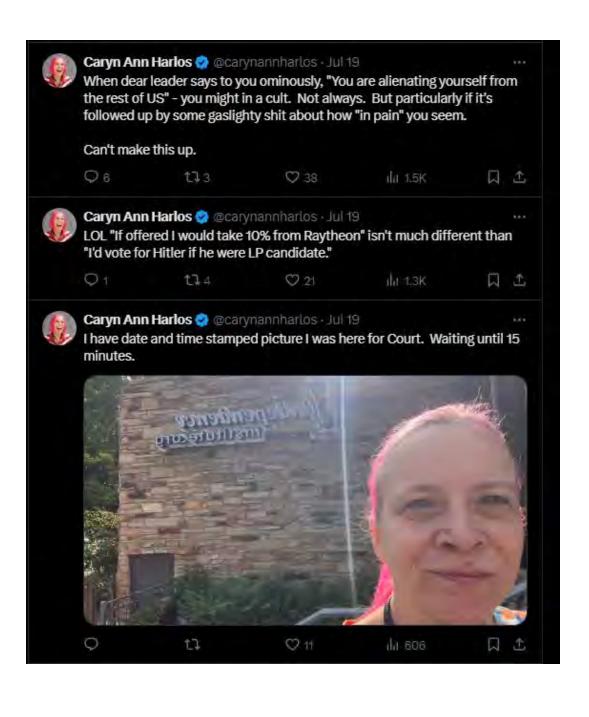
Our procedures allow for internal complaints. Our bylaws allow for JC appeals. The Chair is low key threatening retaliation for both. That's super messed up. I'm talking about it here because only opinions approved by her are permitted on list. Fine. I'll talk here. But members should know how messed up that is. It's far worse than Sarwark was. He was much more savvy and subtle.

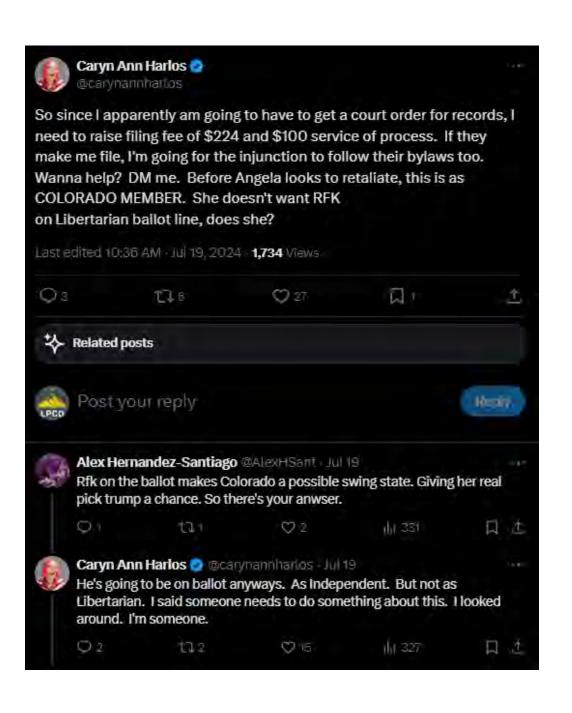
Last edited 1:15 AM - Jul 19, 2024 - 506 Views









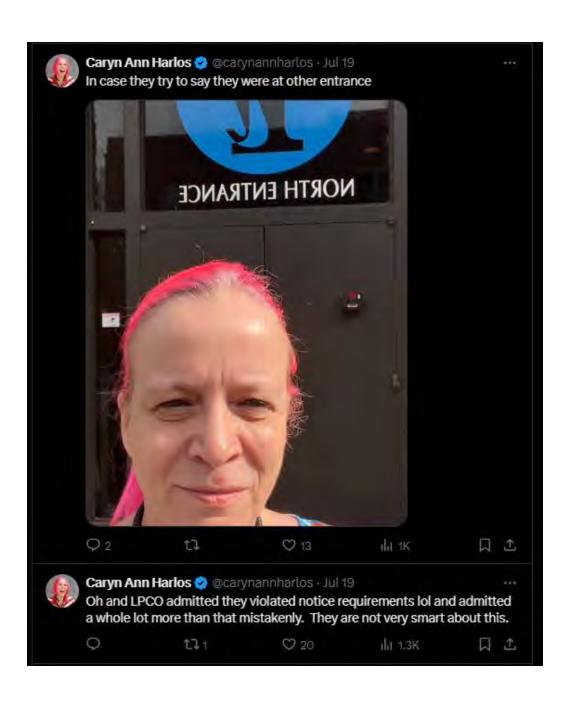




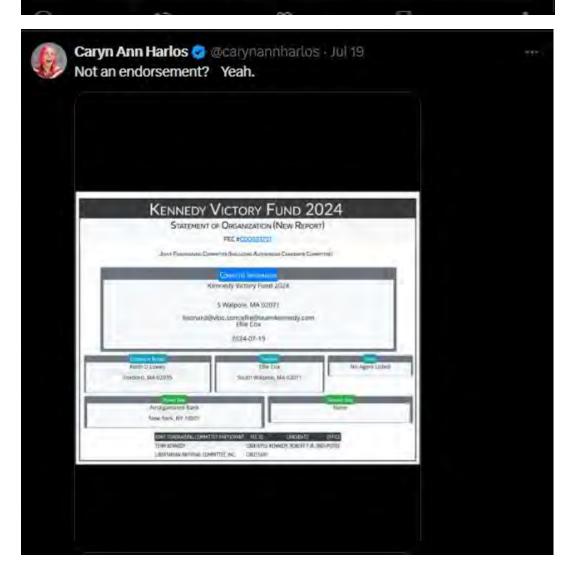
I got all filing fees/ guess at cost of process server covered (though that might be more – those always vary)! When case gets going I'll need small reserve for efiling fees. CO charges a service fee (\$15 IIRC) for each filing. It's crazy how they nickel and dime you.

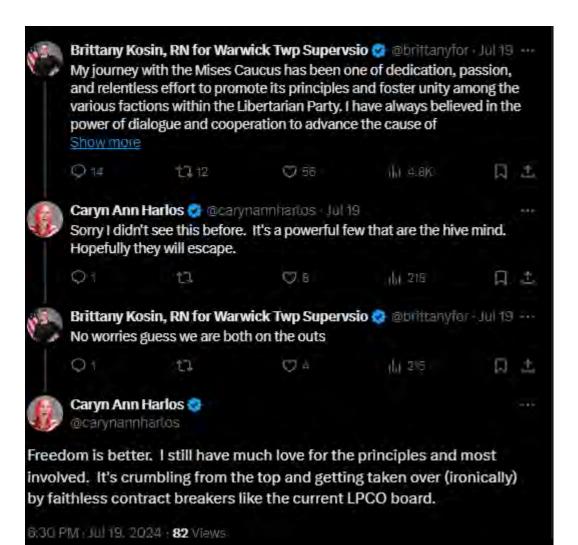
I have a few folks on standby to help as they come up. I've got a couple party obligations to fulfill today and tomorrow and then I'll start writing. I have a strategy that I'm keeping to myself for obvious reasons.

4:55 PM : Jul 19, 2024 - 882 Views











### I don't know original source but true:

"If Sarwark tried to do a joint fundraiser with Jill Stein where she got most of the money, used the tag Newsom2028, openly rooted for Biden, showed up to the DNC to hand out pro-Biden literature, dragged his feet certifying the nominee, ignored precedence as states did not did submit the candidate or outright refused to submit the candidate, and refused to support the LP candidate unless it was in states that helped swing things for Biden, people would appropriately be losing their minds. This is no different than what the LNC is doing for Trump. If you're outraged by my hypothetical, then it's time to be outraged by reality."

Last edited 6:28 PM - Jul 19, 2024 - 2,259 Views





Caryn Ann Harlos @ @carynannharlos Jul 19 Endorsing Trump I see. The "haters" were right.



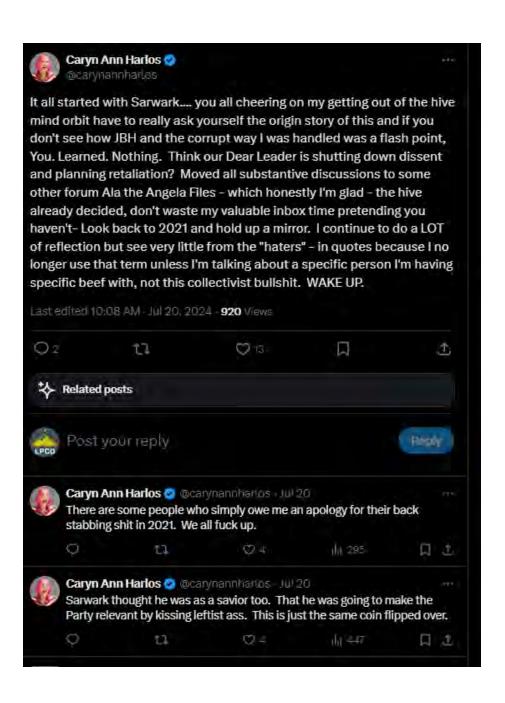
The news is out. We're grateful for the fundraising partnership with the Kennedy campaign, but we are still committed to Chasing Biden out of office, and seeing Donald Trump put a Libertarian in his cabinet. We will be supporting Chase Oliver, especially in swing states, and we're hopeful that this news will open up additional fundraising opportunities for us.

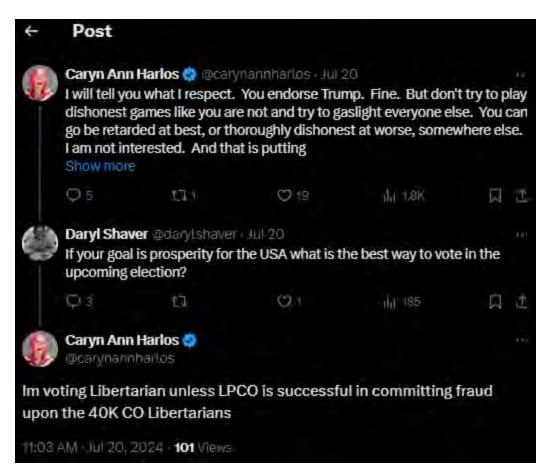
If you'd like to partner with the LNC or our state affiliates to raise funds, please reach out.





2:38 AM Jul 20, 2024 - 608 Visins









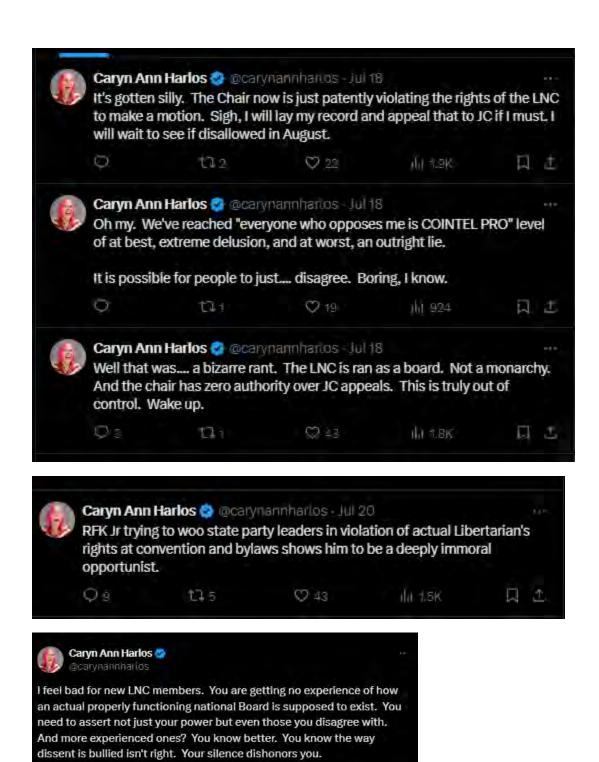
I'm amazed that it has shocked anyone that once it was openly admitted to me that the goal was to make the Party hard right I opposed. Just like when Nick revealed his hard left goals to me. I'm not a conservative. I am a Libertarian and this is the LIBERTARIAN PARTY. We don't cuck for Trump. Or Kennedys.

Last edited 1:16 PM- Jul 20, 2024 - 11.4K Views





Introducing the Kennedy Victory Fund 2024



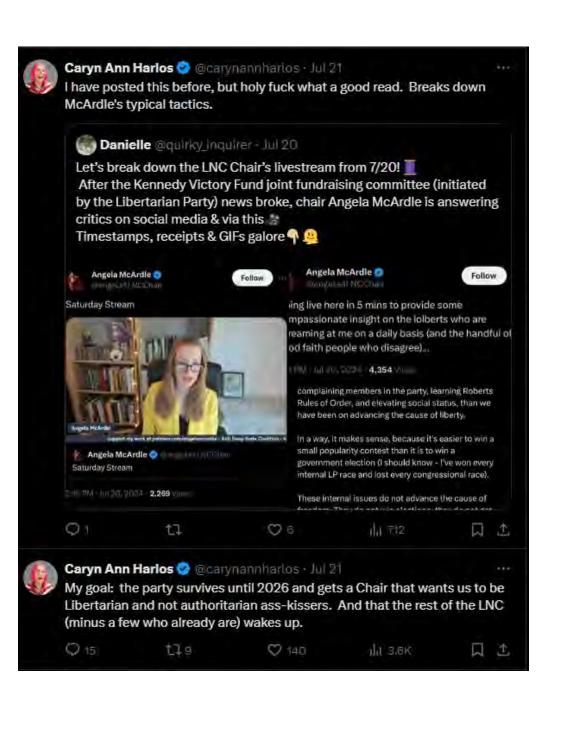
CAH video explaining that she's in 95% control and 5% is alcohol, then explains her mental issues. https://x.com/carynannharlos/status/1810414928576356447

4:41 PM - JUI 20, 2024 - 809 Views

### Calling us dumbasses <a href="https://x.com/carynannharlos/status/1810130491921612845">https://x.com/carynannharlos/status/1810130491921612845</a>





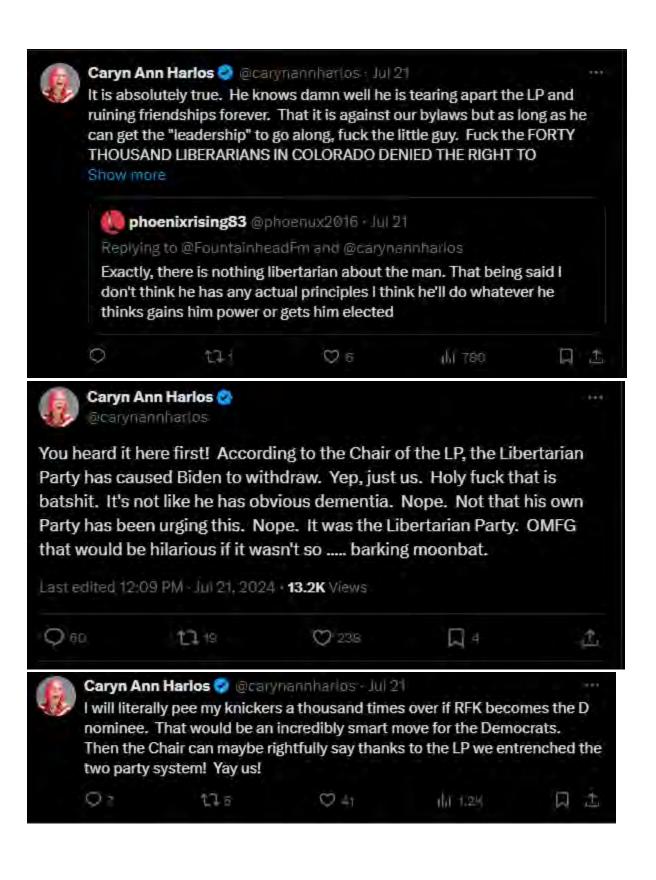




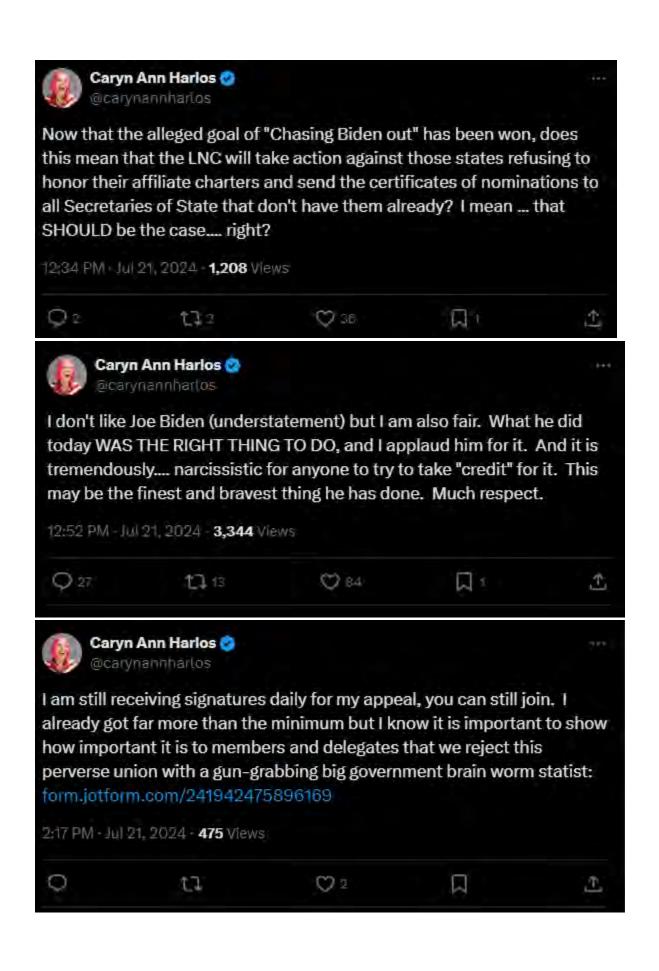












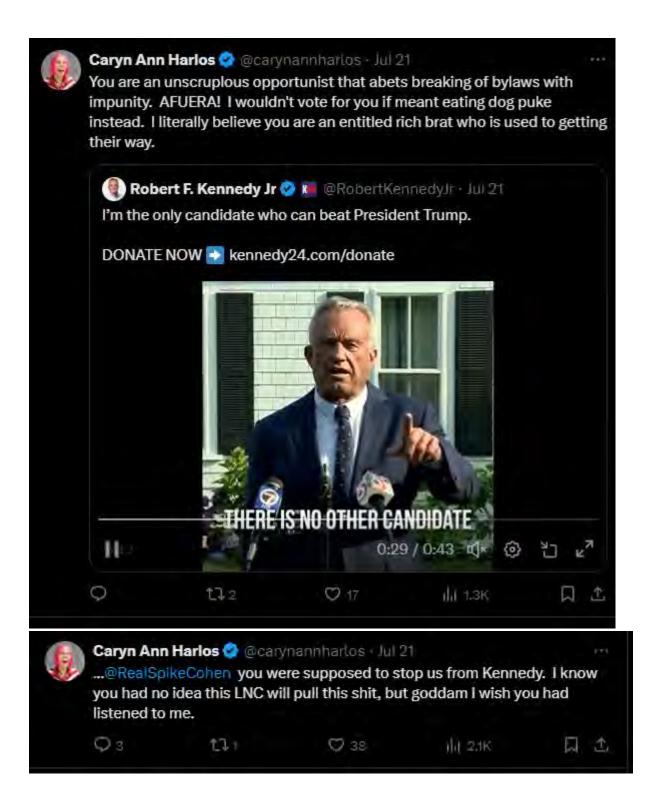


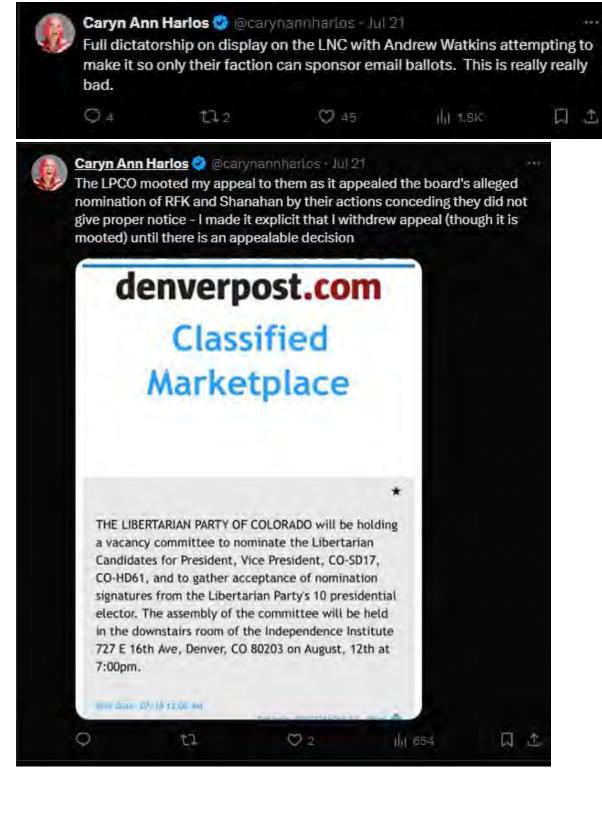
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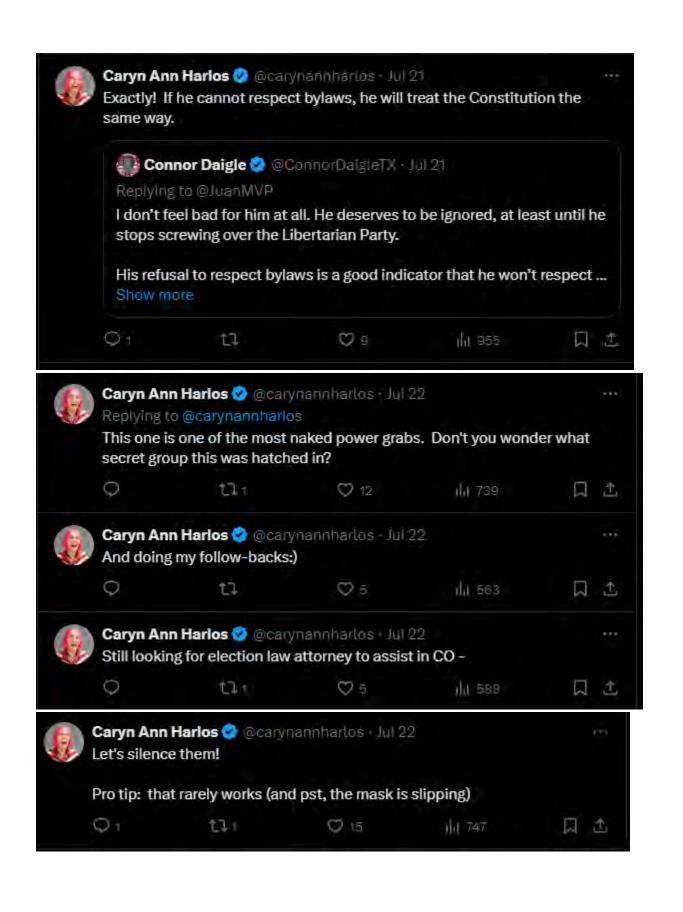








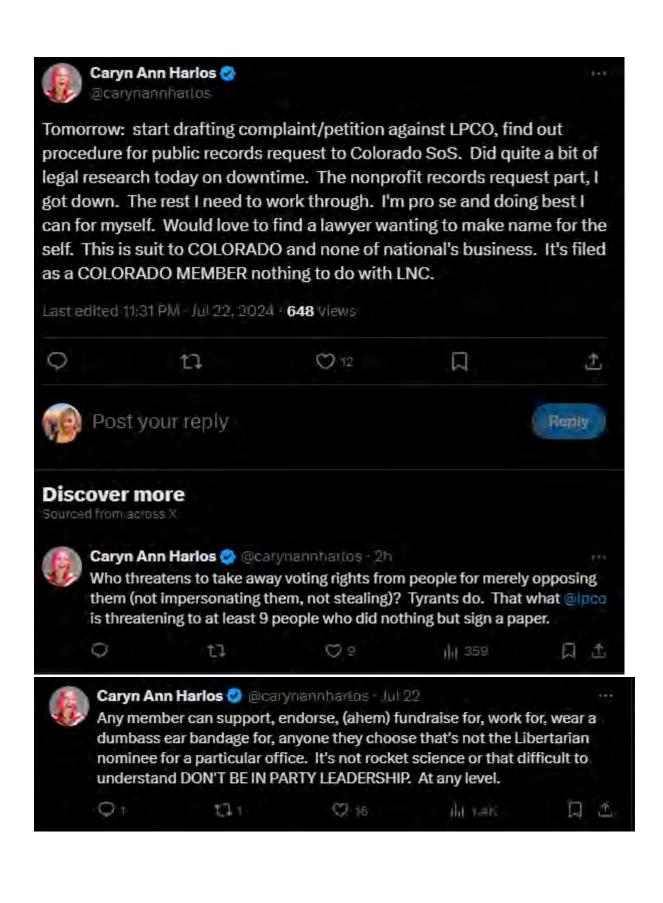












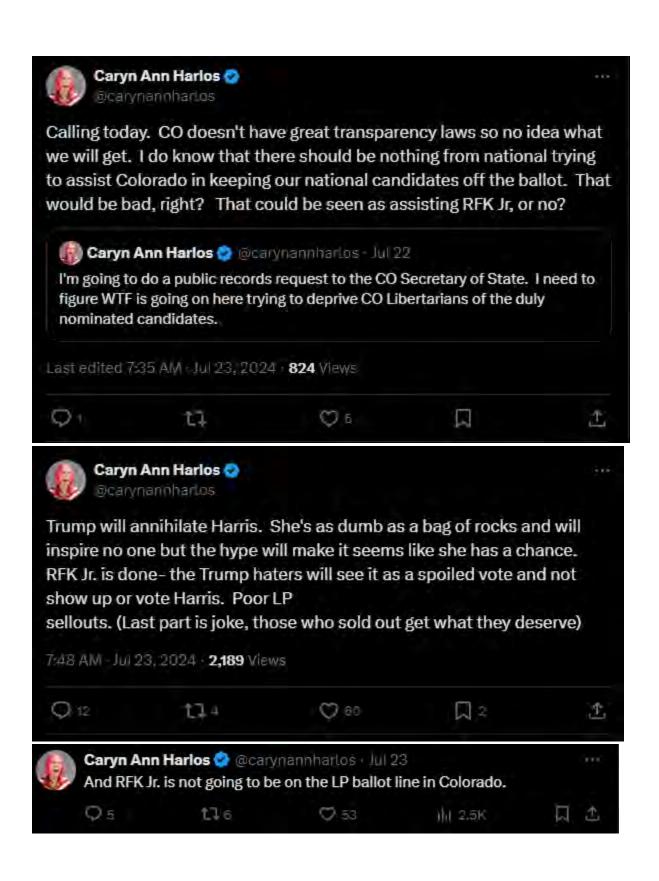


Anyone surprised by my positions on latest happenings just proves you never knew me. I'm predictable and inexorable. Part of the problem is some new people with no sense or respect of our history forget I'm not new like that. In tribute to one of my fave gothic horror novels, You forget Ned, I was born in the Coombe.

企

12:38 AM · Jul 23, 2024 · **830** Views









Submitting today. National should have had NO part in assisting Colorado in putting RFK on ballot and keeping our candidates off. We will find out. LPCO claims they had help. I want to find out. LPCO has stretched the truth before. Like about their bylaws.

# Act (CORA)

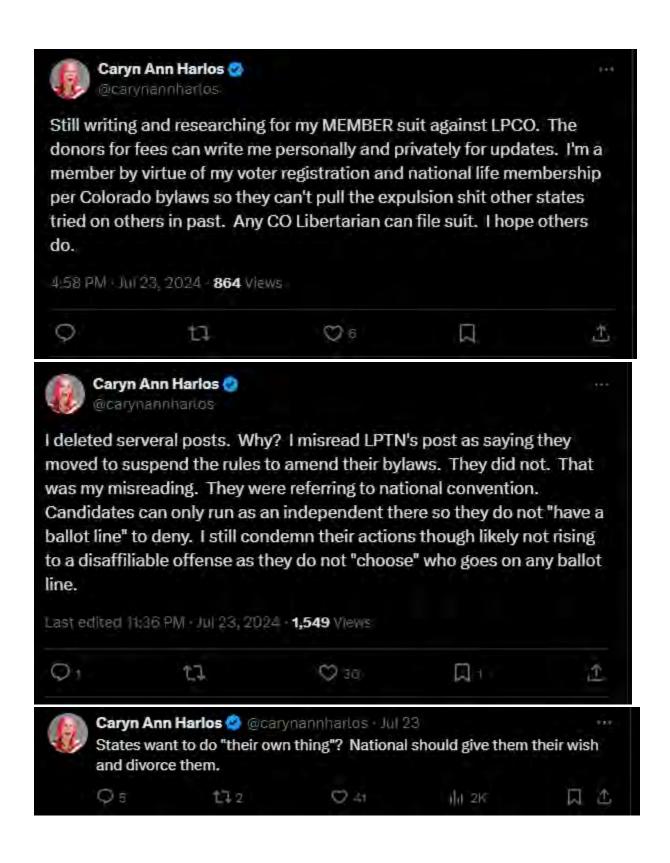
## What is CORA?

The Colorado Open Records Act
"CORA" requires that most public
records be available to the public. A
"public record" includes most
writings made, maintained, or kept
by our office. However, there are
some exceptions concerning records
made available under CORA.

Anyone can request public records in the possession of a government office, including the Secretary of State's office. See the <u>Department of State CORA Policy (PDF)</u> here.









Good Morning.

Over the pust fine vesses, out office has recoved case and ensure more various Libertarion party afficient at both the categories and state level requiring the same of your candidate filings. We are reaching out to comply what we have received and what preprinting we can social going brivaria.

To own, we have received visid national party processor in mining Chase Oliver and Miller for Meast for President and Vice President for the party. We view also received those conditions acceptance forms, and 10 presidential electron is colorado for those conditions. These things appear to matter the commission made by the Libertonian Party of their institution convention as reported by the party filer? from the Colorado less, this is a complete filing for President and Vice President and Vice President and Vice President for the New York Institute of the Colorado less, this is a complete thing for President on the New York Institute of the Colorado less, this is a complete thing for President on the New York Institute of the Colorado less, this is a complete thing for President on the New York Institute of the Colorado less, this is a complete thing for President on the New York Institute of the Colorado less than the Colorado

Based on some of the communication we have received from the state and nettons party, if now appears that there is an effect to withdraw these candidates as the beamum determination that the like gives his right to withdraw does not accepted the remaining of the transfers, not to the candidates of the like candidates as the first of the like gives his right to withdraw from candidates of the remaining not to the candidates of the first of the like gives his right to withdraw from candidates of the right of the remaining the latter of withdraws. The withdrawing condidate shall sign and acknowledge the latter before an officer sultorized to take acknowledgement sum that the first before an officer sultorized is take acknowledgement sum that the latter party of the designated electors official with whom the original conflictor or person of candidates were filed."

Sentiarry presidential electors in Coloredo function as agents of the condidate, and are bound to vote for their condidate should they win the electron in Colorado. See Section 1-4-304(5), C.9.8. So white a presidential electry color withdraw themselves from perfudenting in a vota in the electronic colorge. We also forward does not function as a windown of condidately for the conditions in quantum. Futures, they votation would be fixed by the other electron at the reserver of the electronic colorge. See 8 CCP1 1305-1 makes 24 if 1 and 24 if 3

Therefore, in the statement of a sethington of a sethington whom from intreviousle, dur office must proceed with placing Mr. Oliver and Mr. be Mast on the Colorado ballot as the Colorado ballot as the Colorado ballot as the Colorado

Any qualities regarding this process for additional for the candidates or the long of documents with use office are interest pany matters for you as to assume any yours judgement on However, in the approved from from either candidate, have discussions would not effect the determination the candidate paperwork we have exceeded the the Lauritation Party is companie.

There you

#### Caleb Thornton

Legal, Policy, and Rulemaking Manager | Department of State 303:894.2200 x 6386

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1700 Broadway, Suite 550





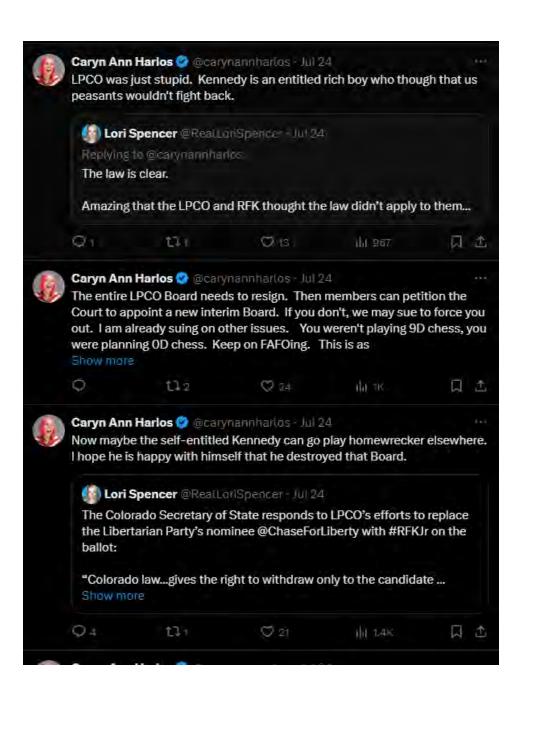


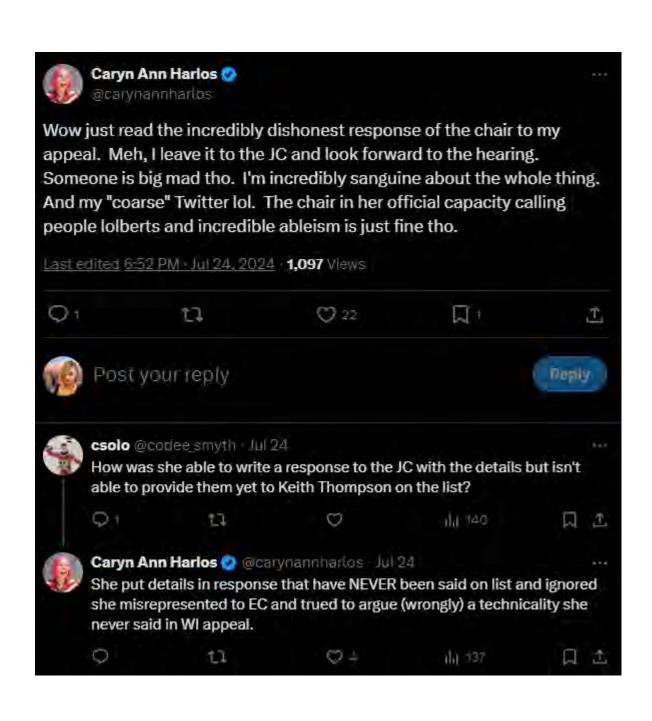










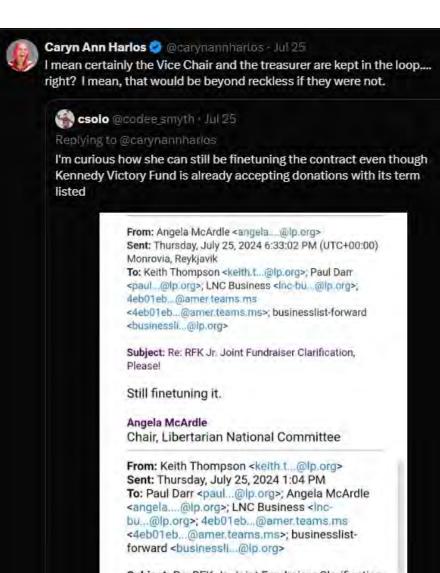


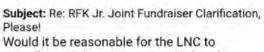












actually read the contract to which we've

09



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Caryn Ann Harlos @ @carynannharlos | Jul 25

I wrote the SoS today about the status of my public records request. If I don't hear back, I'll go personally to Denver tomorrow to find out. There's no way anyone from the national party did anything to keep Chase off the ballot, right?

07

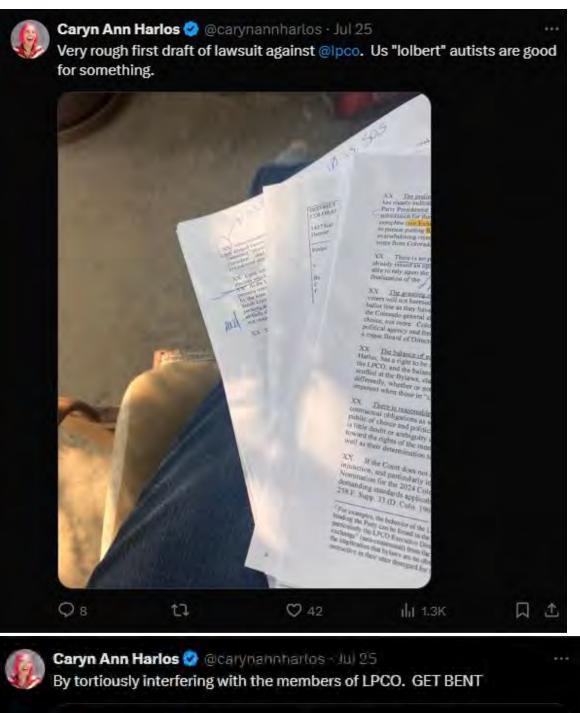
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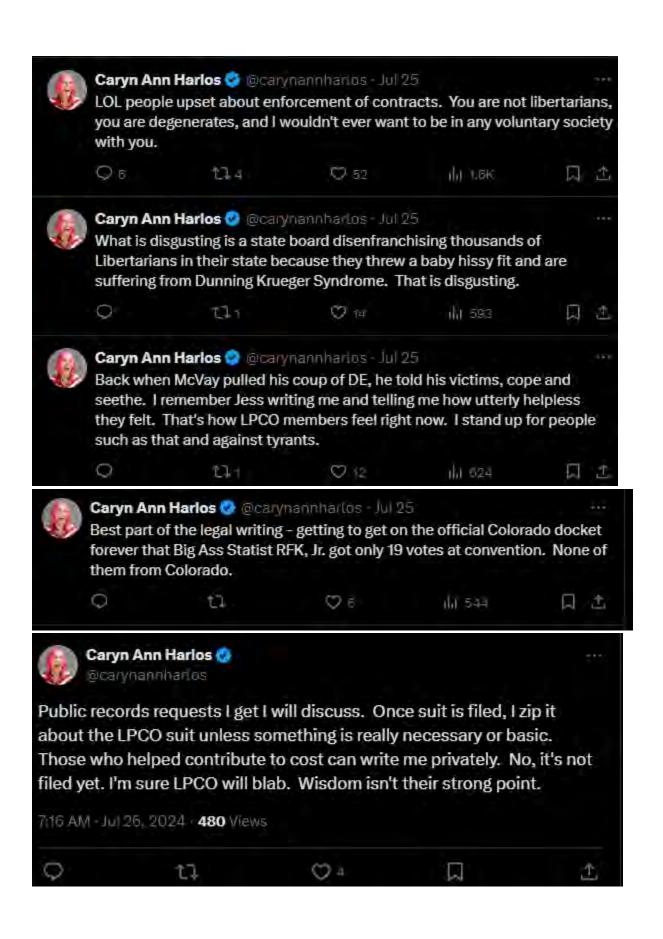
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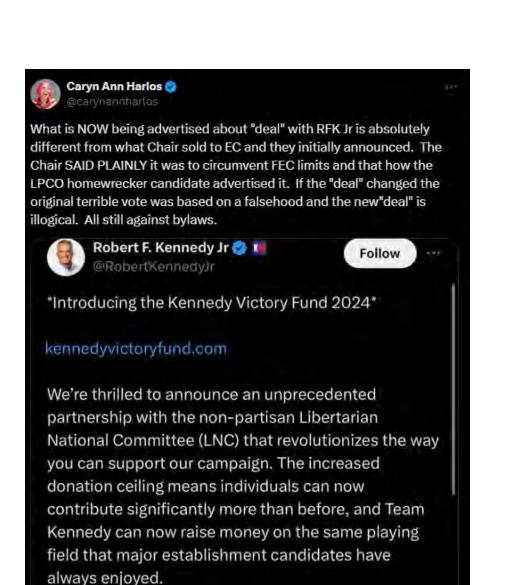












Join us in this historic effort to shatter the two-party stranglehold and unite resources for the benefit of all Americans.



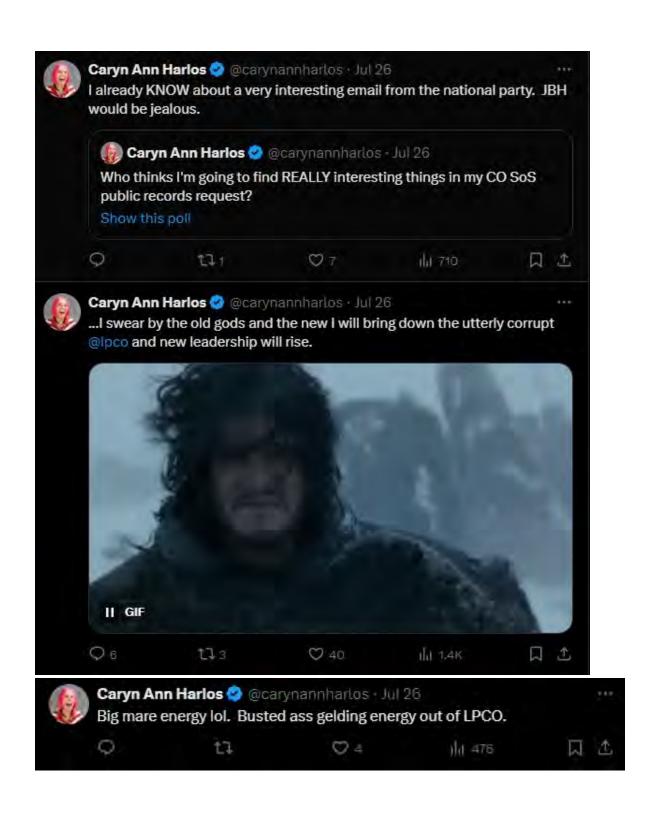
















Reading McArdle's JC Response Brief to CAH's Appeal.

She takes credit for Chase remaining on the ballot in Pennsylvania. I wasn't on the ground during that issue so I can't tell if it's true but I never saw anything about it on the business list.

A recent amendment to an email motion also made the JFC conditional upon support of the Oliver Ter Maat ticket - a clear act of support.

Contrary to Ms. Harlos' assertion, the Reconciliation Committee was formed to keep the Oliver Ter Maat ticket on the ballot in a difficult year. Although it was not successful in Colorado, the committee succeeded in negotiating with the Libertarian Party of Pennsylvania on behalf of the Oliver Ter Maat ticket. Regardless, the actions of the Reconciliation Committee have nothing to do with the JFC.

Ms. Harlos also asserts that Chair McArdle's tongue in cheek social media comments about Donald Trump are constructive actions of the LNC. This is completely unrelated to anything regarding the JFC and it is surprising that Ms. Harlos would address anyone else's social media habits considering the incredibly coarse nature of her own social media.























## Caryn Ann Harlos 🔮 @carynannharlos - Jul 27

Going out today! Lolbertarian autists unite!

July 27, 2024

## VIA FEDERAL EXPRESS

Colorado Secretary of State 1700 Broadway, Suite 550 Denver, CO 80290 Visit us at galantalism per

Dear Sir/Madam:

Attached please find my check in the amount of \$656.00 as per your attached email for the public records request. I made for the following iteras:

Any and all information relating to the 2024 Presidential and Vice-Presidential ballot line/election for the Libertanian Patry, no matter the source, to include but limited to emails, phone messages, notes, letters, filings, or challenges. This would include any information attempting to put Robert F. Kennedy Jr. on the Libertarian ballot line or attempting to invalidate any submissions in favor of the candidates nominated at the Libertarian National Convention, Chase Oliver and Mike ter Maat.

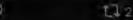
This request includes any communications from anyone claiming to act on behalf of any of the abovementioned campaigns and/or any branch of the Libertarian Party or these respective campaigns. The search terms of Robert F. Kennedy Jr. in connection with the Libertarian Party, and the Libertarian Party itself from the time from May 1, 2024 through present are suggested. Additional search terms include Caryn Ann Harlos, Angela McArdle, Hannah Goodman, Jacob Luria, Jim Wiley, and Amaryllis as well as any email addresses ending in Ip.org or Ipcolorado.org or any Kennedy campaign associated email domain.

This request does NOT include voluminous filings such as Mr. Kennedy's petitions to potentially qualify as an Independent, only his attempts to secure the Libertarian Party ballot whether on his own behalf or on behalf of the Libertarian Party.

The time frame for this request is the beginning of May 2024 through the present.

Llook forward to receipt of these items, and if appropriate, return of any anused funds.

Caryn Ann Harlos















https://x.com/carynannharlos/status/1817254941464879548

Caryn Ann Harlos 🙋

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	0	13	∅ 3	(6) 790		1
1	Caryn Ann Harlos @ @carynannharlos Jul 27  Hannah is so dumb she thinks I'm suing her for damages. LOL we are both poor.					
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Presidential candidate, & some outright support RFK. 3 of these people work with the LPCO. They should resign.

Democrat and Republican candidates could accept 600k—a 100x financial advantage.

Follow

What do you think about the reports that RFK was

It's not over yet.

Ethan Augreen 🗐 🚐 🕰

Of course, we'll never have the backing of big corporations. But we now have something better—an alliance of independents and third parties that boosts our combined fundraising potential to match the Rs and Ds for the first time in history.

After all, as 51% of the electorate, we independents are the biggest voting block in the United States.

So join us as we add some rocket fuel to this rocket

Nor did they acknowledge that we had to allocate millions in support of ballot access that the other two candidates got gratis, and millions more for security, in the face of persistent Secret Service denial, long after RFK met every metric.

Well, we've never been willing to give up on the









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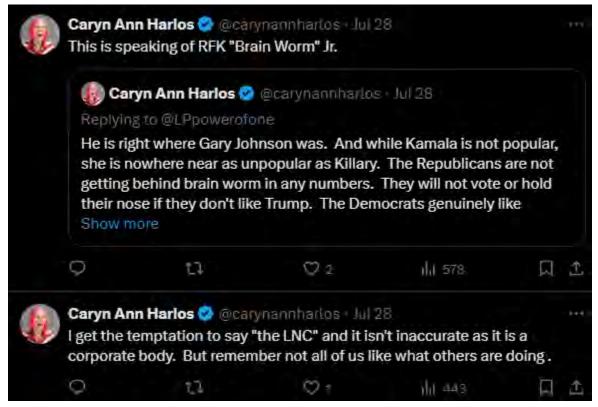


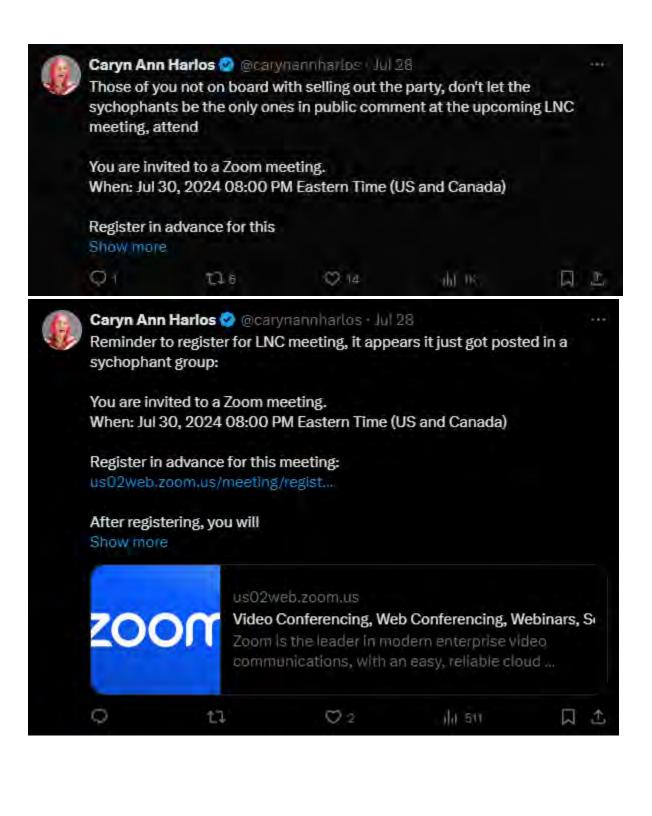






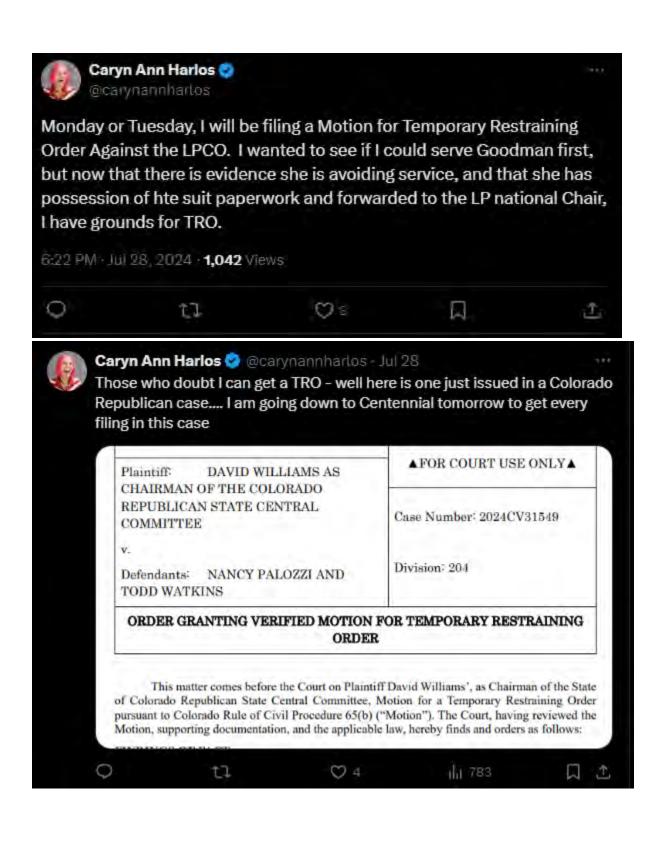
Let's Talk About RFK, Jr. and my Libertarian Party of Colorado Lawsuit! - YouTube





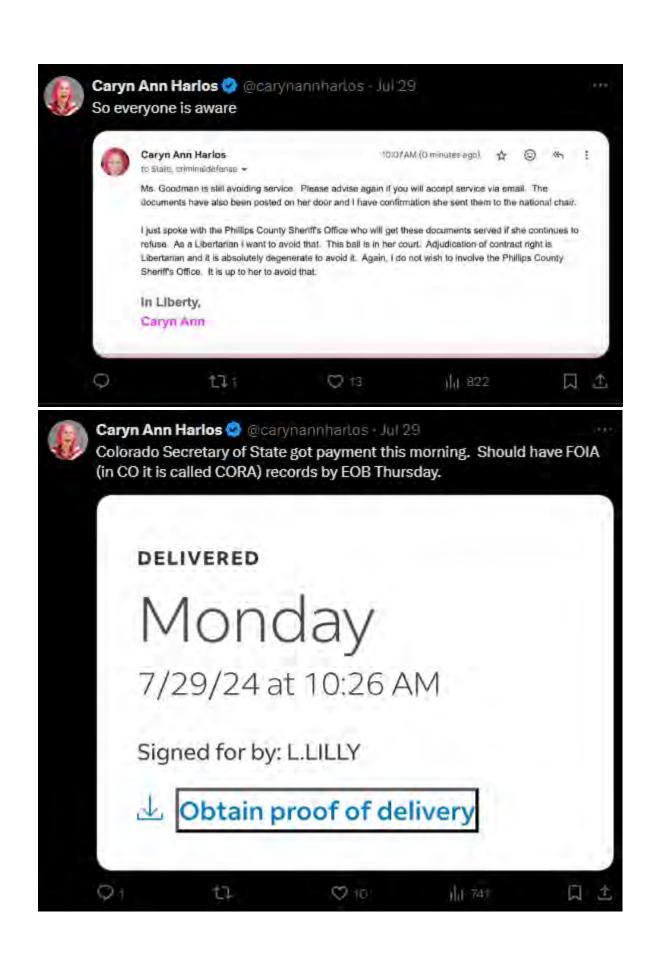










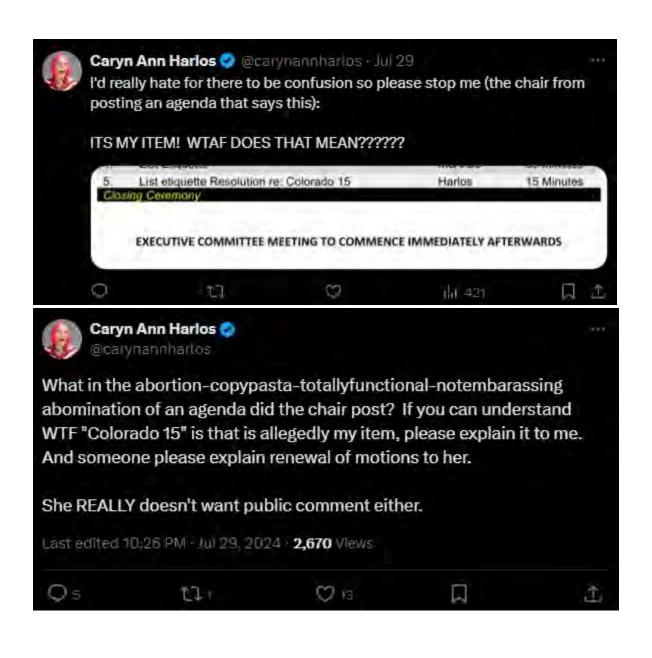


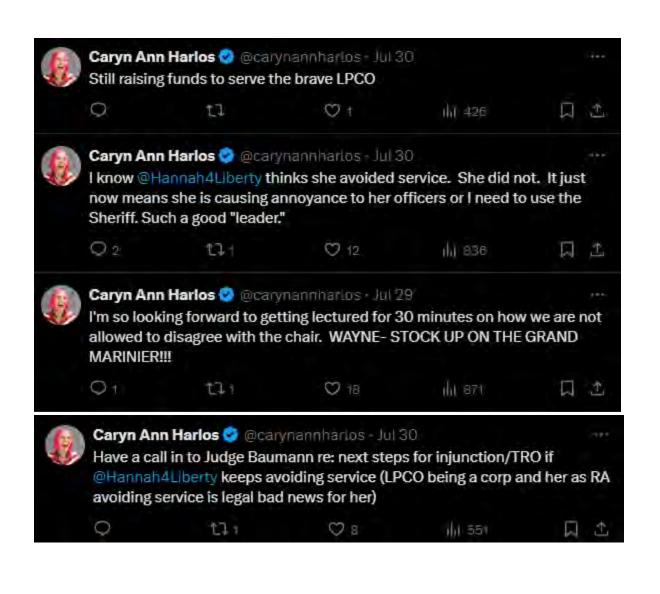




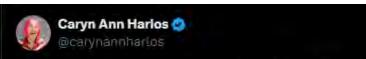








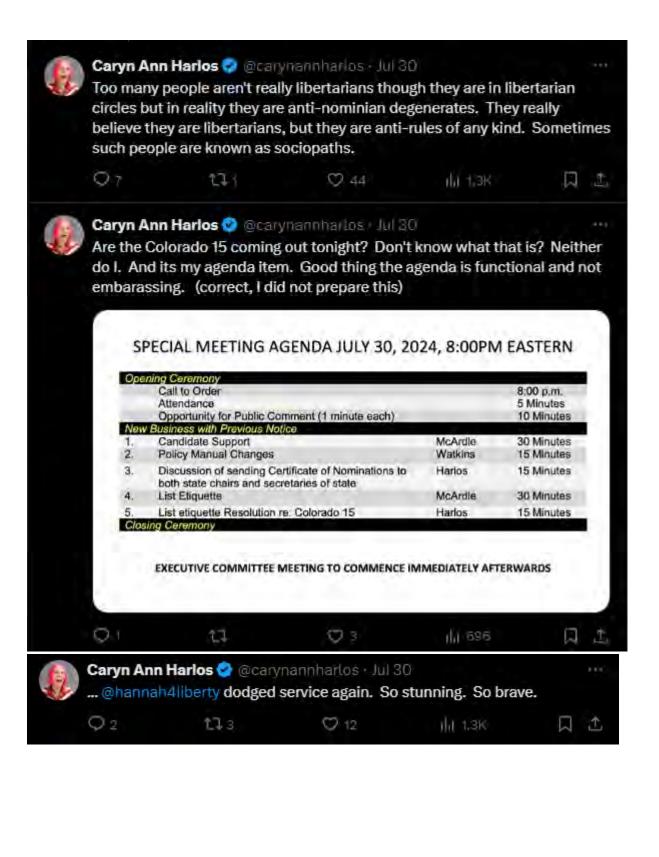


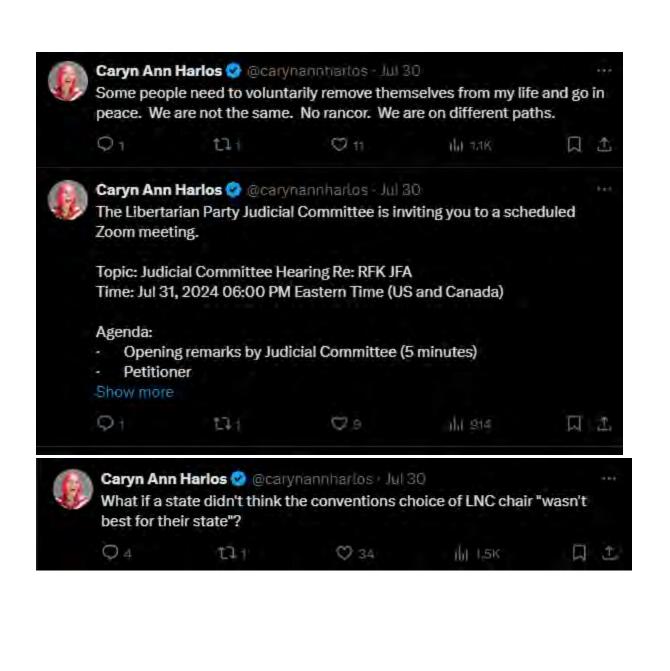


....@hannah4liberty is lying. Here is Process server affidavit of service. I checked the google coordinates, google street view with picture she posted.... or she is calling a professional company a liar, which she can do in court. I black out her personal information for her privacy. She can ask me for non-redacted copy.... well I am filing non-redacted copy with Court tomorrow. Where it says "received by" it means it was posted at her front door. It was also mailed to the Corporation today which is proper service after personal service failed.

## AFFIDAVIT OF SERVICE 24CV578 District Court, Denvor Courty, State Of Colorado 11/498786 Plaintiff / Petitioner: Defendant / Respondent: Citryn Ann Harfos. Hannah Goodman Received by: Caryn Ann Harks Judiciary Process Servers To be served upon: Hannah Goodman i, Kelij Johnson, being diey sworn, depose and say, I am over the ago of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein Recipient Name / Address - Hannah Goodman, Posted, Iul 29, 2024, 9:50 em MDT Manner of Service: Documents: District Court Civil Summons (Dated Jul. 26, 2024), District Court Civil (CV) Case Linear Stand Co. Index, Planting Of Compliant, Counterclaim, Cross-Claim Dr. Thed Party Compliant And Jury Demand; Verified Pellicon For Emergency Production Of Non-Profit Americs Linder Colo. Box Stat. 7.135-102. Request For Declaration Pellint. And Request For Preliminary Injunction, Dr in The Alternative. Permanent Injunction: Verification, Exhibits. 1) Unsuccessful Attempt: Jul 26, 2024; 8:27 pm MDT at 310 Attempted service, no answer at the door despite working GPS Countinates: 40.58330; 102.29830 2) Unique profile Attempt (a) 22, 2024, 509 am MOT at 310 Attempted service, no answer at the floor despite knocking for several minutes. GPS Coordinates, 40.58337, +103.39813 3) Unsuccessful Attempt (ul 29, 2004, Shill am MOT at 810 Attempted service, no enswer at the door despite knocking for several minutes: GP5 Coordinates: 40.56333, 102.29839 4) Successful Attempt (al 79, 3024, 9:50 am MDT at 310. receivest by Hannah Commission









To All Concerned,

The Judicial Committee is aware of the requests to delay the hearing.

Keep in mind the following:

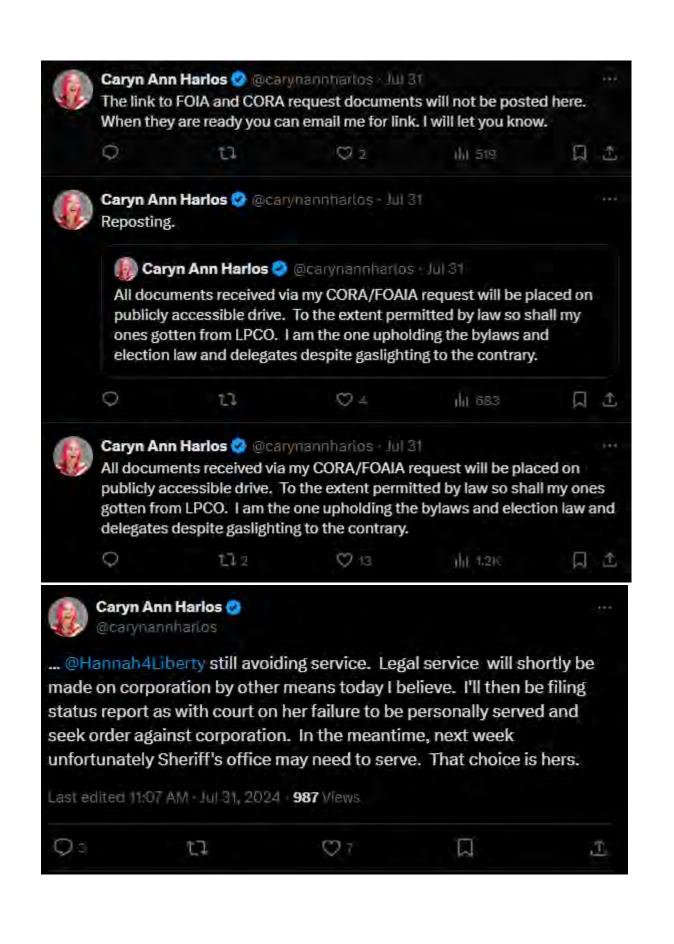
- Only "ONE" speaker for either side is required to attend (yes, processer still allowed);
- No decision is likely to be made the same day as the hearing; this is for each side to present their best oral arguments;
- 3) The Committee will decide based mostly upon the written filings.
- Action on both of these petitions has already gotten a bit long in the tooth. The day counts and deedlines are in clear text in the bylaws and our rules.
- 5) To begin with, everyone involved was quite well aware that these decisions were going to be controversial and were likely to be challenged, and plans should have been readled accordingly.
- 6) Another reason to move the hearing along is that as long as the hearings are delayed long enough, the controversial action can simply continue. I think I speak for the majority of the Committee when I say that we want to decide and not be placed in the position wasting our personal and professional time on something that will make our consideration completely most just because "the moment has passed".
- If the Committee feels there is a need for more oral input, after the first hearing, additional time within a few days can be scheduled at the will of the Committee.

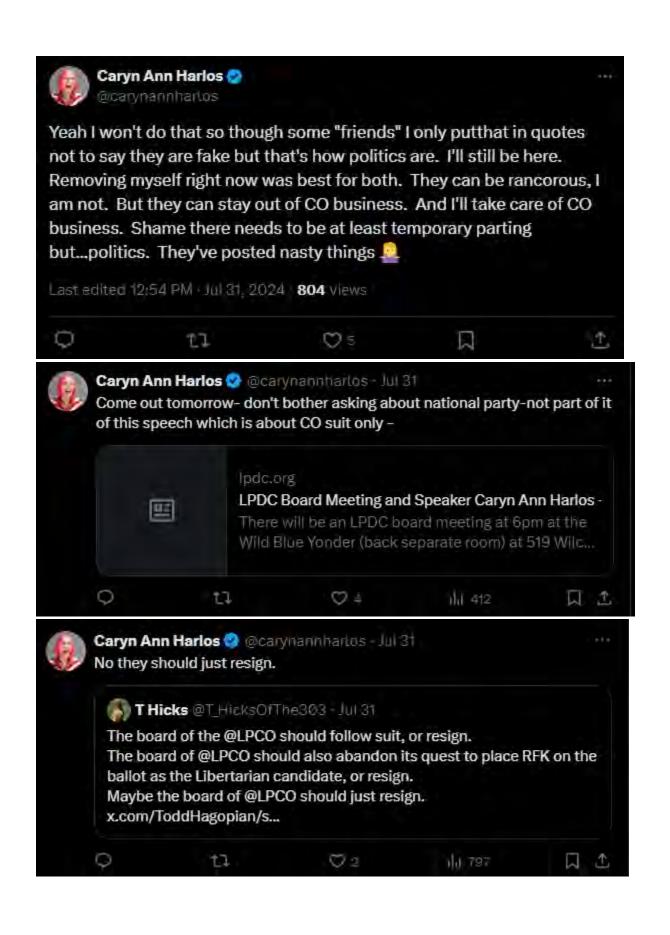
The hearing(s) will proceed as scheduled.

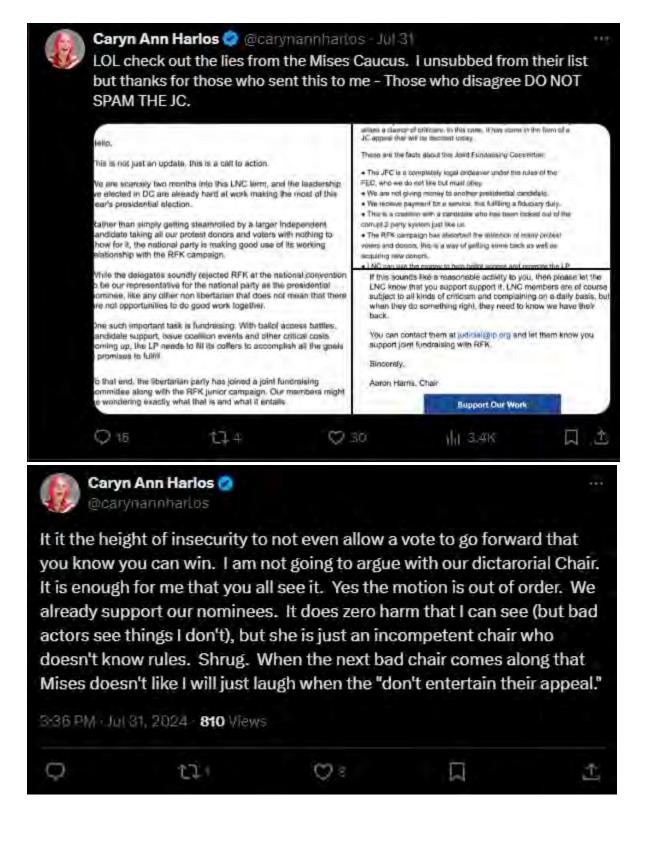
Thank you for your time and attention, and please forward to all interested parties.

- Marc Montoni, LPIC Chair, (chair, Mar. 1, 2024-Sep. 30, 2024 term)

17

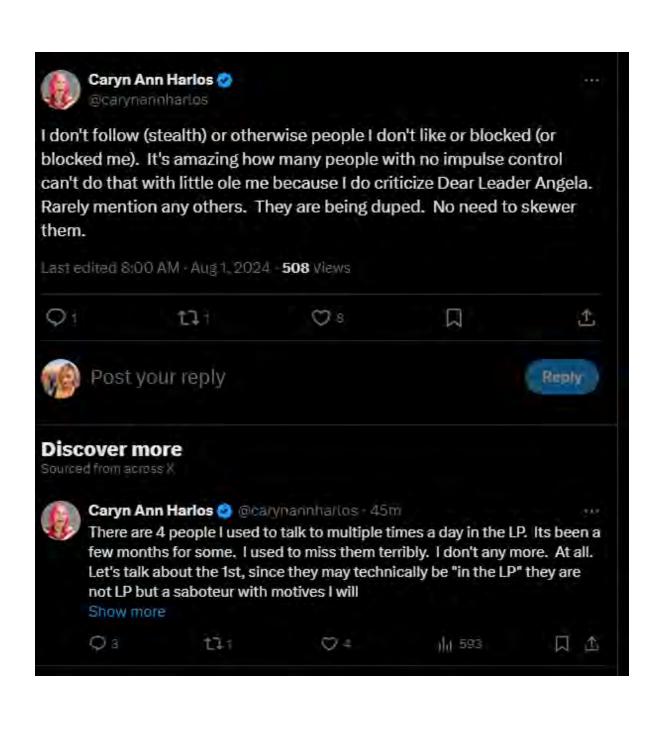




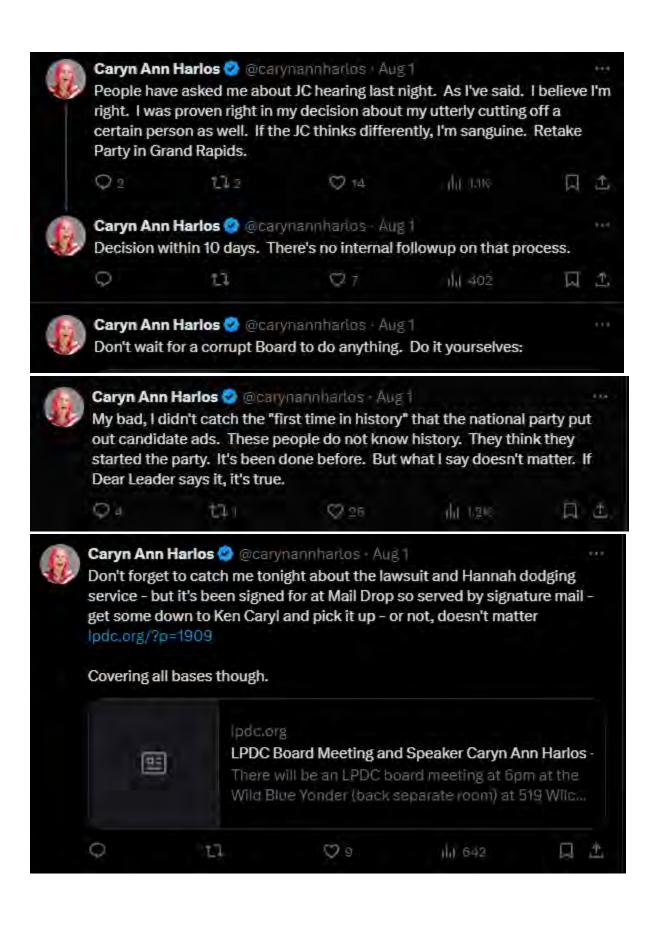




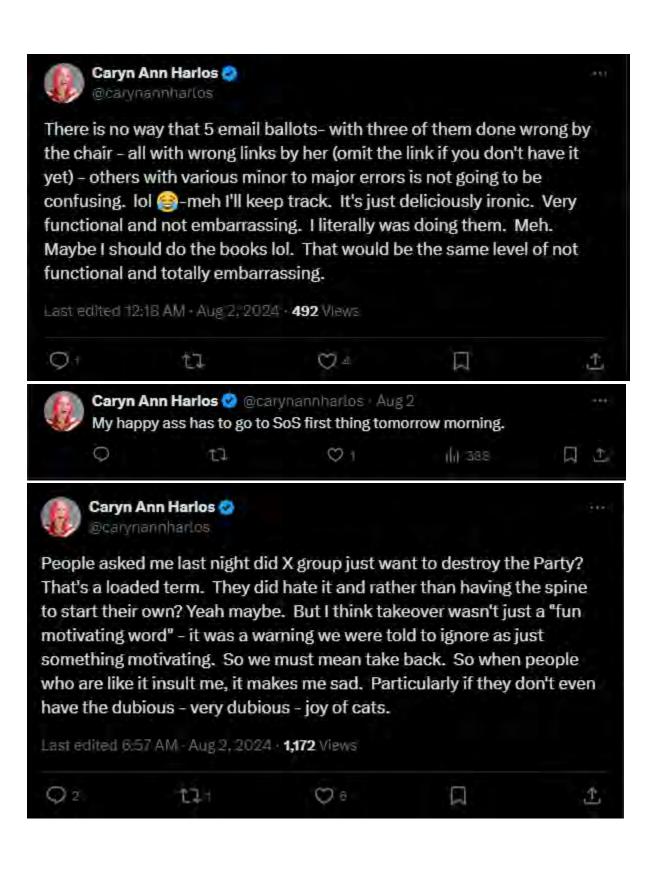






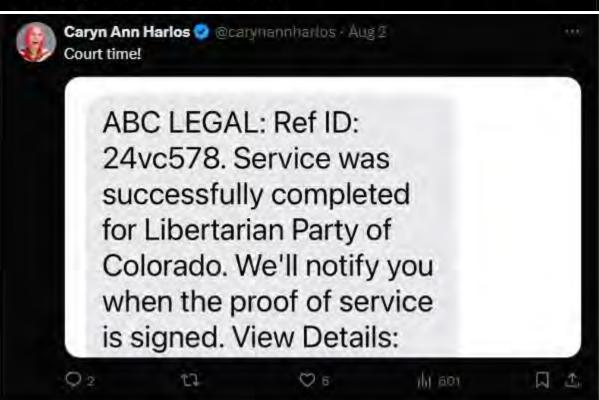








LPCO Executive Director Jim Wiley last night physically to tried to prevent a presidential elector from properly filling out the nomination form. Tsk tsk. And second, no electors don't have to be sent by parties, they MAY be which implies they MAY be by candidates. The SoS is right. Read the statute. And pretending that a Vacancy Committee can "fill" any is expressly against the statute.













Maybe some archery tomorriw. It's been too long. Sunday got more court papers- I'll expect I'll be seeing LPCO in court next week or more likely Court will issue ex parte order. I'm truly sorry some of you are terminally ignorant of bylaws and law, but they are not in the right and soon we will have new board. And a certain opportunistic man can go crawl under another rock or find some new vulnerable woman. If I never see or hear from him again it will be too soon. I know that won't happen but I can limit as much as I can.

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Last edited 1:28 AM - Aug 3, 2024 · **596** Views

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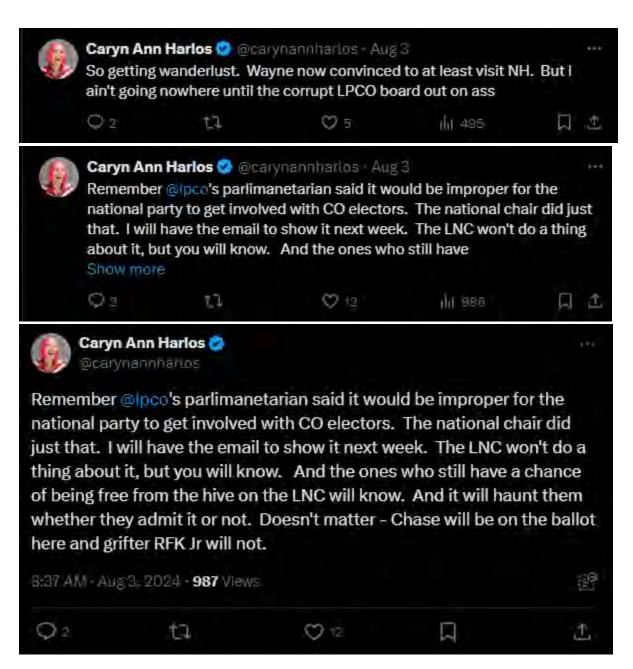




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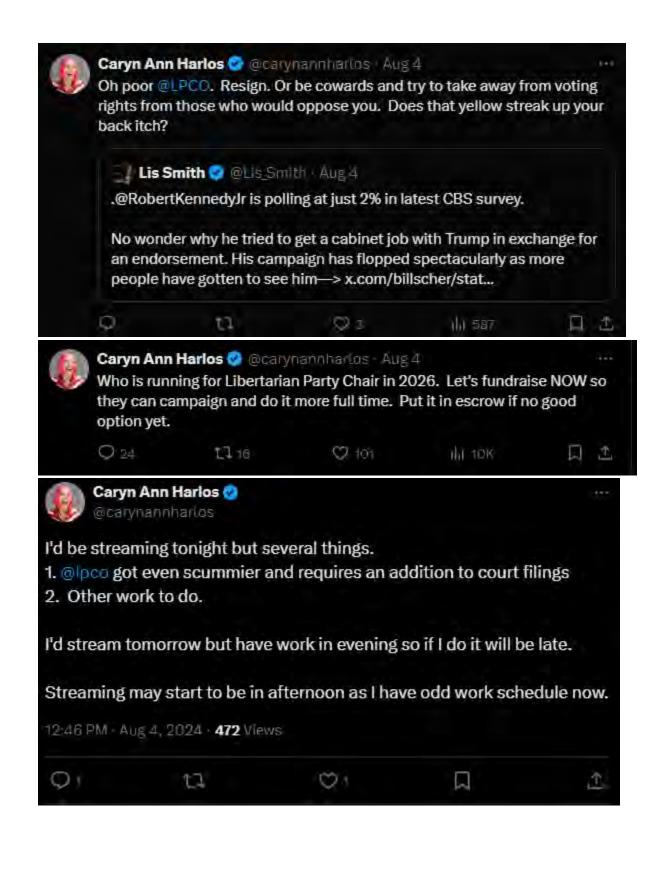


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(22) Caryn Ann Harlos on X: "Second service of process done. So relieved. No Sheriff needed. Pleasant. Now it's Court time. https://t.co/sJWYameACZ" / X

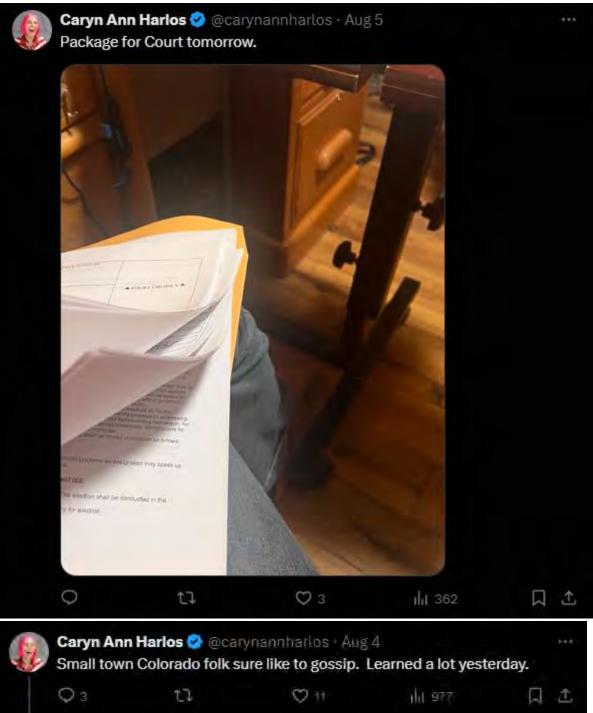






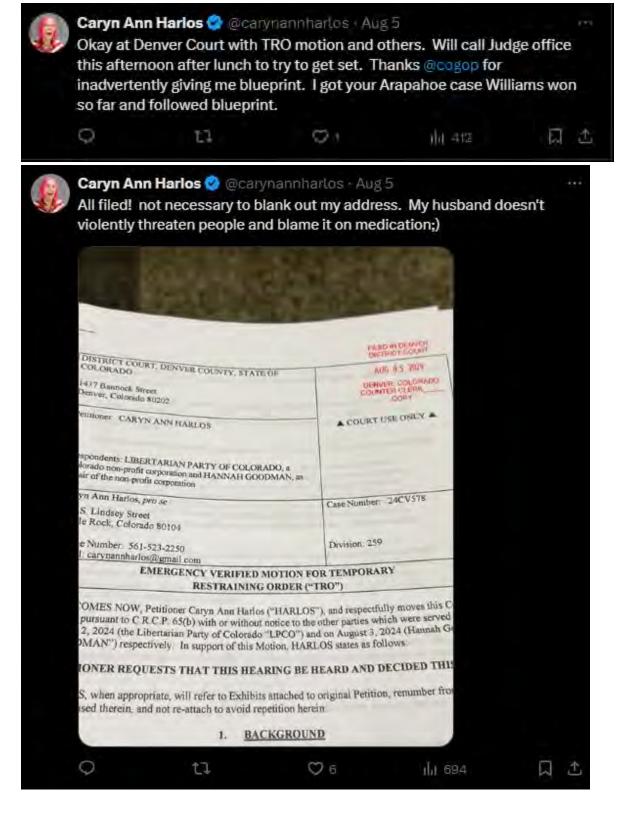




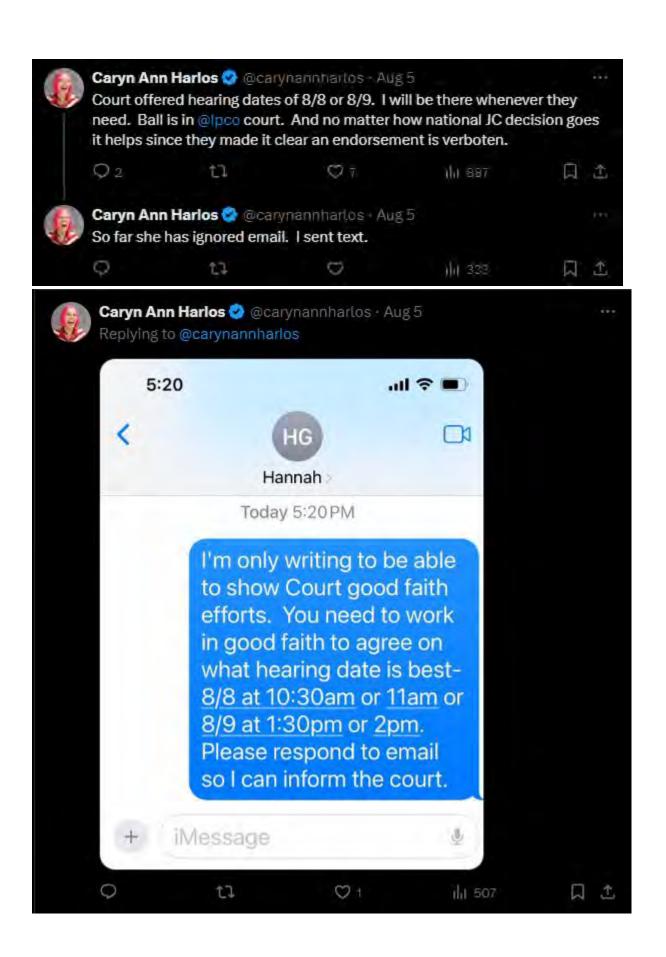












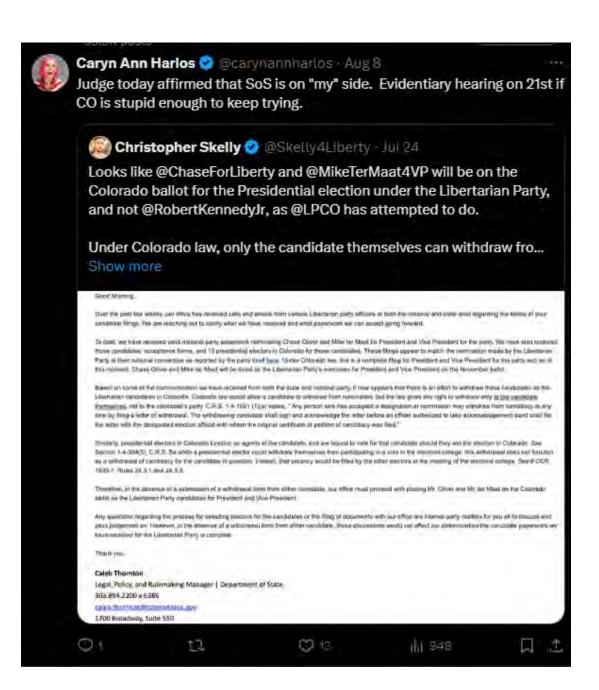


It's ... sad to me to see Wayne hurt by how some people who he thought were dear friends of mine turn. He saw how I trued to keep any present dispute "separate." As I said, I learned the hard way there are very few friends in politics - only temporary allies. Not none but very few. I let my guard down with one, and yeah it sucks to not have a really good girlfriend I thought I had but that's life. Wayne is taking hard as he was very fond of the spouse. All I say to people is I hope it was worth it to you. Life goes on.

Last edited 1:57 PM - Aug 7, 2024 - 1,463 views

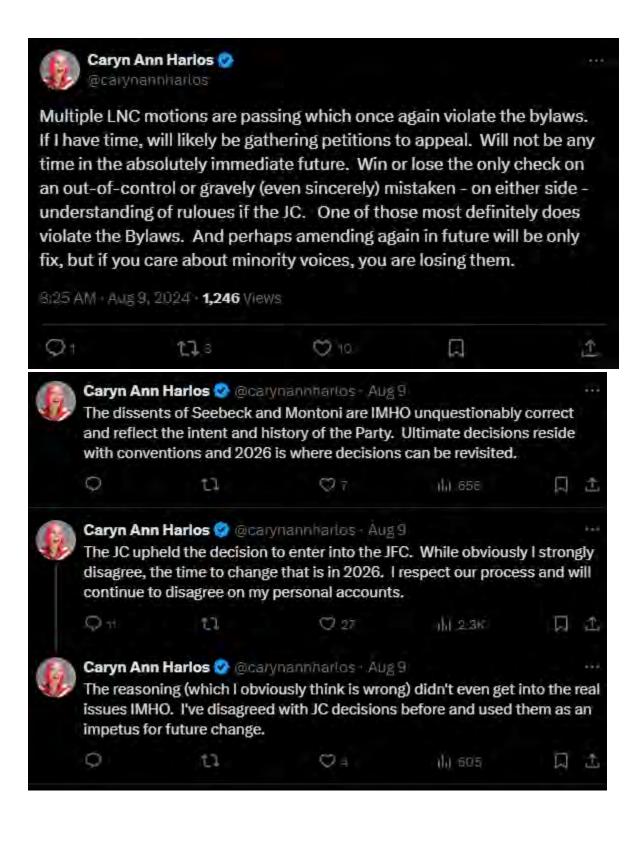


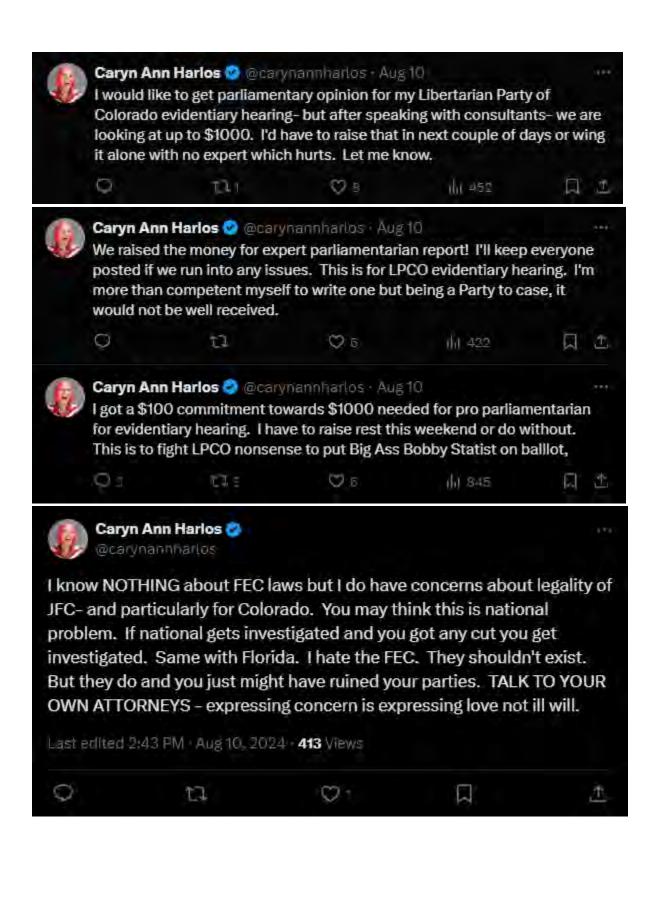


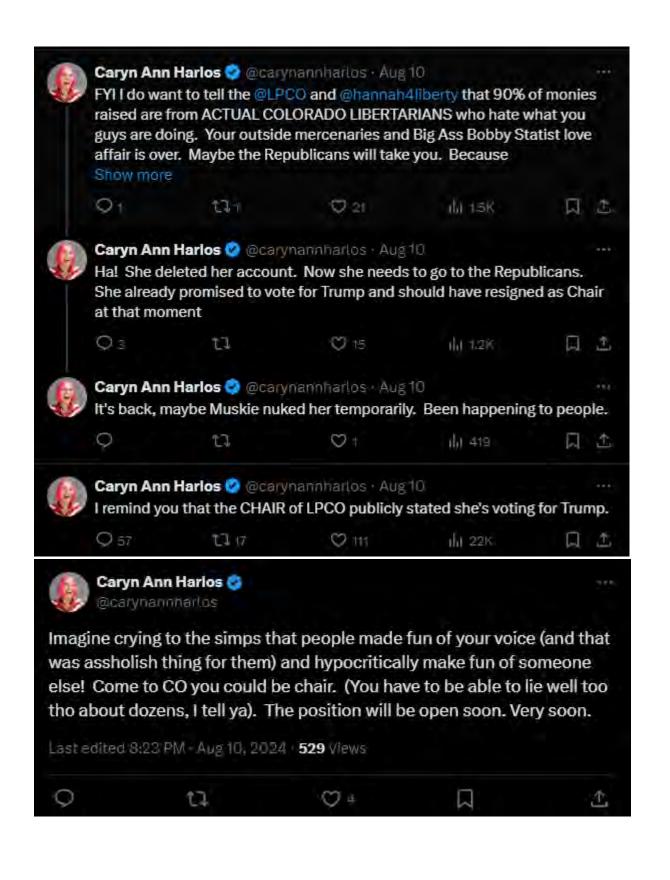




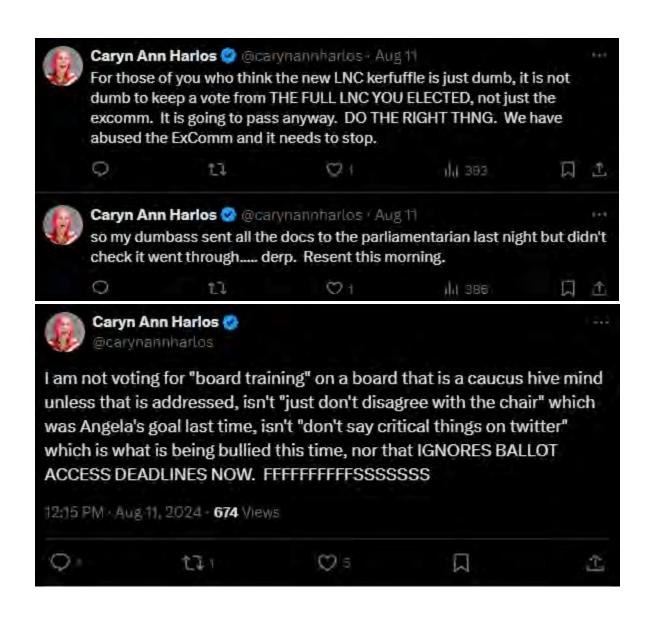








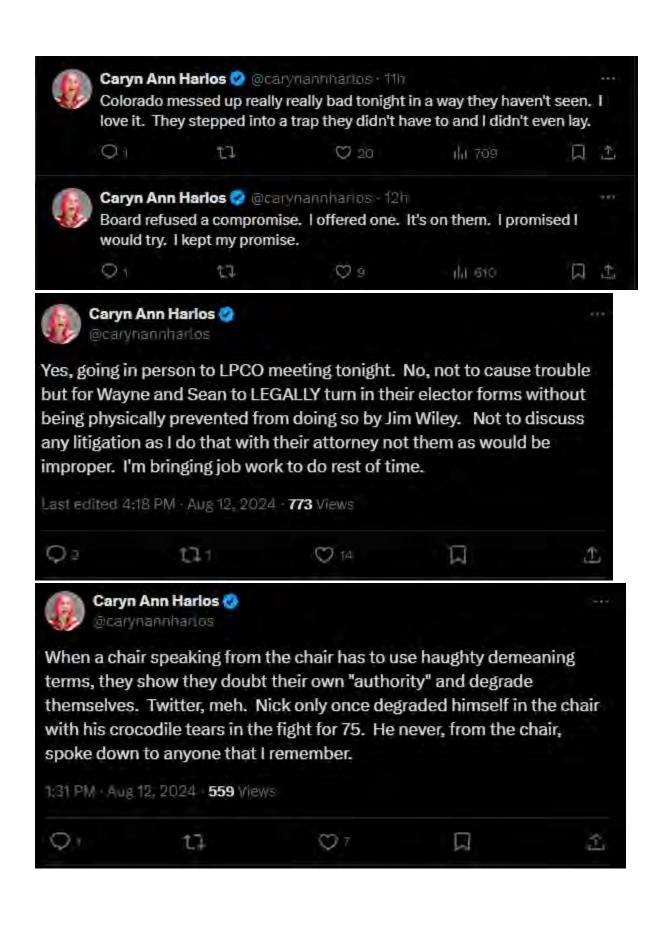






August 12





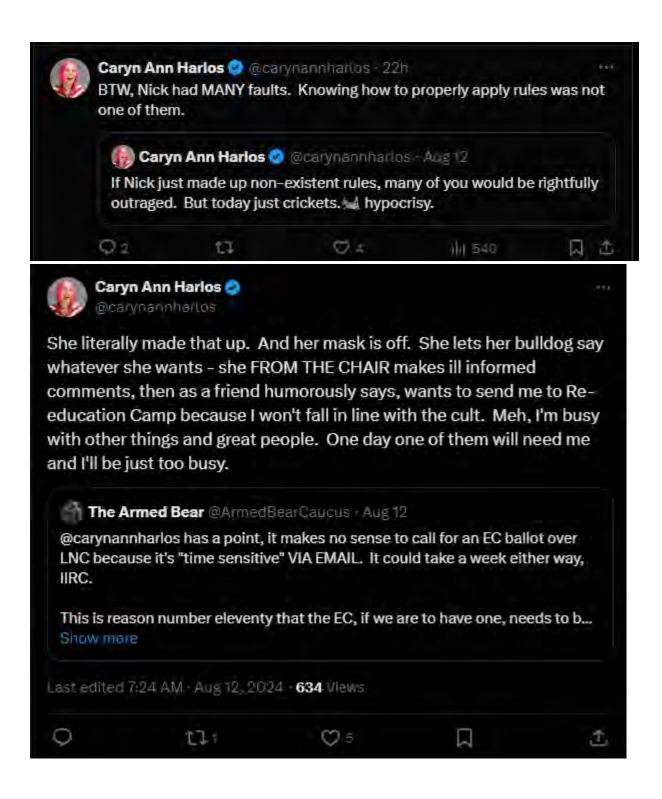




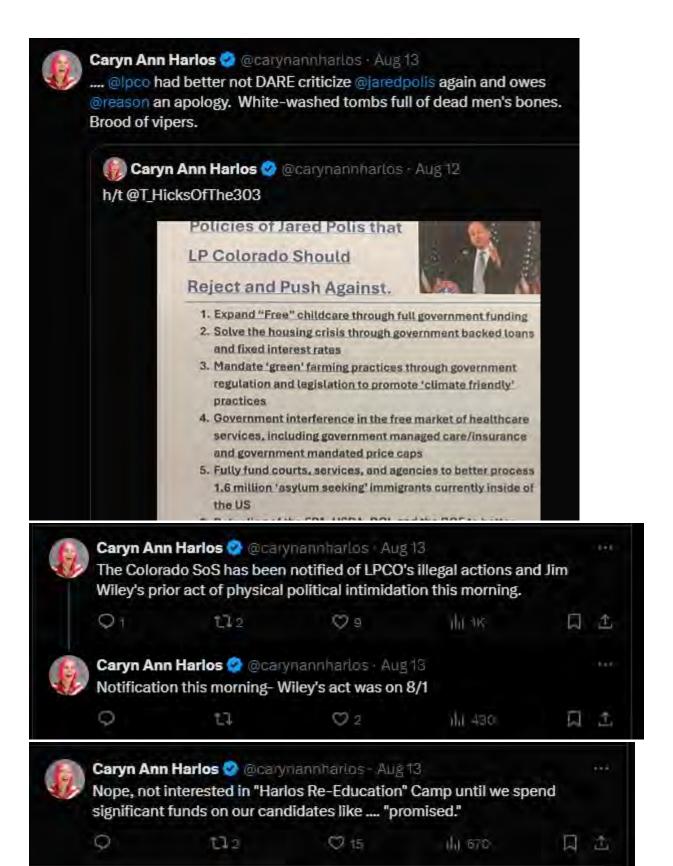
One would think one would NOT have to say "resigning" is NOT the same as "removing" but apparently one does. A regional or alt can only be removed accordingly to their agreement. They can be auto-resigned pursuant to the Bylaws and immediately re-appointed by their region. This has ALWAYS been the case. I have never changed my positon on that. I have said like a million other things our bylaws could use much more clarify on this. But like I advised Mr. Tuniewicz any regional who missed two consecutive in person meetings would be auto-resigned. I said that LAST TERM. What I DID clarify my position on and I did that LAST TERM is that this include alternates.



Think I will get an apology about "changing my position on whether or not if regionals or alts miss two terms they have auto-resigned" now that I have provided proof I didn't? Nah. Monkies would sooner fly out of my butt.















# Re: Unauthorized Filing of Nomination Paperwork

# Angela McArdle <angela.mcardle@lp.org>

Mon 7/22/2024 1:21 PM

To:Caleb Thornton <Caleb.Thornton@coloradosos.gov>;Hannah Goodman <hannah.goodman@lpcolorado.org>;Jeffrey Mustin <Jeffrey.Mustin@coloradosos.gov>

Cc:Eli Gonz <eli.gonz@lpcolorado.org>;James Wiley <james.wiley@lpcolorado.org>

Good afternoon,

Following up on the electors issue. National has no desire to be drawn into a legal battle.

Angela McArdle LNC Chair

From: Angela McArdle <angela.mcardle@lp.org> Sent: Wednesday, July 17, 2024 6:06:03 PM

**To:** Caleb Thornton <Caleb.Thornton@coloradosos.gov>; Hannah Goodman <hannah.goodman@lpcolorado.org>; Jeffrey Mustin <Jeffrey.Mustin@coloradosos.gov>

Cc: Eli Gonz <eli.gonz@lpcolorado.org>; James Wiley <james.wiley@lpcolorado.org>

Subject: Re: Unauthorized Filing of Nomination Paperwork

Good Afternoon Mr. Mustin:

I am the Chair of the national Libertarian Party, and I am requesting that the false electors be withdrawn.

Please advise.

Angela McArdle

Chair, Libertarian National Committee

From: Caleb Thornton < Caleb. Thornton@coloradosos.gov>

**Sent:** Friday, July 12, 2024 12:23 PM

**To:** Hannah Goodman <a href="mailto:leftrey.Mustin@coloradosos.gov">, Jeffrey Mustin@coloradosos.gov</a>;

Angela McArdle <angela.mcardle@lp.org>

Cc: Eli Gonz <eli.gonz@lpcolorado.org>; James Wiley <james.wiley@lpcolorado.org>; Andrew Buchkovich

<AndrewBuchkovich@lpcolorado.org>

Subject: RE: Unauthorized Filing of Nomination Paperwork

Ms. Goodman,

You are free to send us any documentation you would like. However, as we discussed on our phone call, if you believe members of your party have filed something incorrect, then that is an internal party dispute for you all to resolve.

As it stands now, we have received all necessary paperwork from the Libertarian Party for President and Vice President. We are currently reviewing that paperwork to determine if it is complete.

Thank you,

### **Caleb Thornton**

Legal, Policy, and Rulemaking Manager | Department of State 303.894.2200 x 6386

## caleb.thornton@coloradosos.gov

1700 Broadway, Suite 550 Denver, CO 80290

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From: Hannah Goodman <a href="mailto:hannah.goodman@lpcolorado.org">hannah.goodman@lpcolorado.org</a>

**Sent:** Friday, July 12, 2024 9:26 AM

To: Jeffrey Mustin <Jeffrey.Mustin@coloradosos.gov>; Caleb Thornton <Caleb.Thornton@coloradosos.gov>;

Angela McArdle <angela.mcardle@lp.org>

Cc: Eli Gonz <eli.gonz@lpcolorado.org>; James Wiley <james.wiley@lpcolorado.org>; Andrew Buchkovich

<AndrewBuchkovich@lpcolorado.org>

Subject: [EXTERNAL] Re: Unauthorized Filing of Nomination Paperwork

These were not the elected nominated at our state assembly. Can I show you the minutes from that?

Hannah Goodman

Chairwoman of the Libertarian Party of Colorado

From: Jeffrey Mustin < Jeffrey. Mustin@coloradosos.gov>

**Sent:** Friday, July 12, 2024 9:25:09 AM

**To:** Hannah Goodman < <a href="mailto:hannah.goodman@lpcolorado.org">hannah.goodman@lpcolorado.org</a>; Caleb Thornton < <a href="mailto:Caleb.Thornton@coloradosos.gov">Caleb.Thornton@coloradosos.gov</a>;

Angela McArdle <angela.mcardle@lp.org>

**Cc:** Eli Gonz <<u>eli.gonz@lpcolorado.org</u>>; James Wiley <<u>james.wiley@lpcolorado.org</u>>; Andrew Buchkovich

<a href="mailto:</a><a href="mailto:AndrewBuchkovich@lpcolorado.org">AndrewBuchkovich@lpcolorado.org</a>>

Subject: RE: Unauthorized Filing of Nomination Paperwork

Attached are the electors that were submitted to our office for Chase Oliver & Mike ter Maat.

#### Jeff Mustin

Ballot Access Manager | Elections Division 303.894.2200 x6367

jeffrey.mustin@coloradosos.gov

1700 Broadway, Suite 550

Denver, CO 80290

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From: Hannah Goodman < hannah.goodman@lpcolorado.org>

**Sent:** Friday, July 12, 2024 7:40 AM

**To:** Caleb Thornton < <u>Caleb.Thornton@coloradosos.gov</u>>; Jeffrey Mustin < <u>Jeffrey.Mustin@coloradosos.gov</u>>; Angela McArdle < <u>angela.mcardle@lp.org</u>>

**Cc:** Eli Gonz <<u>eli.gonz@lpcolorado.org</u>>; James Wiley <<u>james.wiley@lpcolorado.org</u>>; Andrew Buchkovich <AndrewBuchkovich@lpcolorado.org>

**Subject:** [EXTERNAL] Re: Unauthorized Filing of Nomination Paperwork

It's my understanding that the elector paperwork was submitted. I have at least 10 electors that were nominated at my State Assembly that have not signed anything nor have they been contacted. Please send me a copy of the paperwork.

Hannah Goodman

Chairwoman of the Libertarian Party of Colorado

From: Caleb Thornton < <a href="mailto:Caleb.Thornton@coloradosos.gov">Caleb.Thornton@coloradosos.gov</a>>

**Sent:** Wednesday, July 10, 2024 4:33:20 PM

**To:** Hannah Goodman < hannah.goodman@lpcolorado.org>; Jeffrey Mustin < Jeffrey.Mustin@coloradosos.gov> **Cc:** Eli Gonz < harden = hannah.goodman@lpcolorado.org>; James Wiley < harden = hannah.goodman@lpcolorado.org>; Andrew Buchkovich

<AndrewBuchkovich@lpcolorado.org>

**Subject:** RE: Unauthorized Filing of Nomination Paperwork

As far as we are aware, we have not received this paperwork by any method- in person, by mail, or by email.

#### **Caleb Thornton**

Legal, Policy, and Rulemaking Manager | Department of State 303.894.2200 x 6386

<u>caleb.thornton@coloradosos.gov</u>

1700 Broadway, Suite 550

Denver, CO 80290

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From: Hannah Goodman < hannah.goodman@lpcolorado.org>

Sent: Wednesday, July 10, 2024 3:11 PM

**To:** Caleb Thornton < <u>Caleb.Thornton@coloradosos.gov</u>>; Jeffrey Mustin < <u>Jeffrey.Mustin@coloradosos.gov</u>> **Cc:** Eli Gonz < <u>eli.gonz@lpcolorado.org</u>>; James Wiley < <u>james.wiley@lpcolorado.org</u>>; Andrew Buchkovich < AndrewBuchkovich@lpcolorado.org>

**Subject:** [EXTERNAL] Re: Unauthorized Filing of Nomination Paperwork

It's my understanding it was submitted to the office in person. We nominate our electors through our state convention. None of the nominated electors were asked for their signatures.

Hannah Goodman Chairwoman of the Libertarian Party of Colorado From: Caleb Thornton < Caleb. Thornton@coloradosos.gov >

Sent: Wednesday, July 10, 2024 3:09:02 PM

**To:** Hannah Goodman <<u>hannah.goodman@lpcolorado.org</u>>; Jeffrey Mustin <<u>Jeffrey.Mustin@coloradosos.gov</u>> **Cc:** Eli Gonz <eli.gonz@lpcolorado.org>; James Wiley <james.wiley@lpcolorado.org>; Andrew Buchkovich

<AndrewBuchkovich@lpcolorado.org>

**Subject:** RE: Unauthorized Filing of Nomination Paperwork

Hi Hannah,

I don't believe we have seen that paperwork. Was it sent via email or mail?

#### **Caleb Thornton**

Legal, Policy, and Rulemaking Manager | Department of State 303.894.2200 x 6386 <a href="mailto:caleb.thornton@coloradosos.gov">caleb.thornton@coloradosos.gov</a>
1700 Broadway, Suite 550 Denver, CO 80290 Visit us at ColoradoSOS.gov



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From: Hannah Goodman < hannah.goodman@lpcolorado.org>

Sent: Wednesday, July 10, 2024 1:00 PM

**To:** Caleb Thornton < <u>Caleb.Thornton@coloradosos.gov</u>>

Cc: Eli Gonz <eli.gonz@lpcolorado.org>; James Wiley <james.wiley@lpcolorado.org>; Andrew Buchkovich

<a href="mailto:</a><a href="mailto:AndrewBuchkovich@lpcolorado.org">AndrewBuchkovich@lpcolorado.org</a>

**Subject:** [EXTERNAL] Re: Unauthorized Filing of Nomination Paperwork

Mr. Thorton,

I am writing to provide additional background for your office and to inform you that Caryn Ann Harlos, Secretary of the Libertarian National Committee (LNC), has acted outside the authority granted by both the national and state Libertarian parties in filing the nomination paperwork for presidential and vice-presidential candidates with your office. This action was undertaken without proper authorization from the LNC and contrary to the established, bylaws, procedures, and decisions of the Libertarian Party of Colorado (LPCO).

As stated in an email from Angela McArdle, the Chair of the LNC, dated July 10, 2024:

"You will not usurp my authority as chair. You have taken unilateral actions this week that have put us at risk of legal action. To be clear, you acted outside the scope of your authority when you sent that form to the SOS, knowing that Ipco had entered into a written agreement with Kennedy. Now you want to rope us in and have us sanction your actions and possibly take legal action or involve us if you are sued for it. I want to make it abundantly clear you had no authority to do so and I did not know about it. We are not getting pulled into a lawsuit on your behalf."

The LPCO Board has passed a resolution (attached) removing Chase Oliver from the ballot at our June 10th, 2024 board meeting, and this decision been affirmed by the Judicial Committee in their June 22nd, 2024 <u>opinion</u>. Accordingly, any elector nomination paperwork filed by the LPCO will not include Chase Oliver and ter Maat. We will file replacement nomination and acceptance paperwork once prepared by the state party, alongside the appropriate elector nomination paperwork, which will have the same names.

Please see the enclosed resolution and the opinion of the Judicial Committee affirming the board decision. The replacement documents, including the Certificate of Nomination for President and Vice President, Candidate Acceptance of Nomination, and Presidential Electors' Acceptance of Nomination, are being prepared and will be submitted promptly.

Thank you for your attention to this matter. We request that any actions taken based on the unauthorized filing be nullified and await our forthcoming, duly authorized submissions. Please notify me when said nullification has been confirmed.

Sincerely,

Hannah Goodman Chair, Libertarian Party of Colorado

## **Enclosures:**

- 1. Meeting minutes with Resolution removing Chase Oliver from the ballot. (Attached)
- 2. Opinion of the Judicial Committee affirming the board decision.
- 3. Public Email from Angela McArdle, LNC Chair.

Member <u>Janet Turner</u>

Membership Type

Status Lapsed
Source HQ Basic
Campaign HQ National

Member Since October 31st, 2022 Start date October 31st, 2022 End date October 31st, 2023

Auto-renew No

Related Contributions and Recurring Contributions