

Amicus brief in support of Appellee

Re: Suspension of LNC Secretary Caryn Ann Harlos

To the Chair and Members of the Judicial Committee of the Libertarian National Committee,

Under the LP Bylaws, the LPCO has a right to not place anyone on their presidential ballot line but ultimately the LPCO did not take any final action to do so (or another candidate) to put this right to the test.

Mrs. Harlos' actions by infringing on the LPCO affiliate autonomy and sovereign control over our own ballot line caused LPCO to lose control over its ballot line, a goal that she publicly exclaimed on social media. The result of her actions exposed the LPCO and the LNC to legal jeopardy nearly leading to both organizations suing each other over this controversy.

The LPCO also had to defend itself at its own cost from a frivolous lawsuit filed by Mrs. Harlos that we did win. The LPCO, its board, and its members were also subjected to vicious smears and harassment by Mrs. Harlos, conduct unbecoming of an LNC officer. We support and urge the JC to uphold the rights of state affiliates by approving the removal of CAH as LNC Secretary.

The harm she has caused us is evidenced below.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'James Wiley', with some loops and flourishes.

James Wiley
Executive Director
Libertarian Party of Colorado

Timeline of Events

1. As recorded in the *2024 State Convention Minutes*¹ of the Libertarian Party of Colorado on March 23rd, Jacob Luria, Kyle Fury, Sean Vadney, James Wiley, Keith Laube, Eliseo Gonzalez, Marc Cavin, Wayne Harlos, Agostino Cantavero, and John Kittelson, ten verified members and delegates, were elected by the delegates and nominated to become the ten Presidential Electors from the Libertarian Party of Colorado.

Caryn Ann Harlos informed the convention that we need to elect Presidential Electors who will vote in the Electoral College for the President; she was unsure of the amount we needed.

Presidential Elector's nominations / Electoral College.

Jacob Luria
Kyle Furey
Sean Vadney
James Wiley
Keith Laube
Eliseo Gonzalez
Marc Cavin
Wayne Harlos
Agostino Cantassero
John Kittleson

Caryn Ann Harlos motioned to close nominations and elect the nominees by acclamation. It was seconded there being no objections motion passed.

2. As shown in the *June 10th, 2024, Meeting Minutes*, of the Libertarian Party of Colorado, Director 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 counter-signal 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;

¹ https://lpedia.org/w/images/0/02/CO_2024_Convention_Minutes.pdf

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.

This resolution was passed by the unanimous consent of the members of the board.

3. On June 16th, 2024, Sean Vadney, a National Delegate and Colorado Elector, submitted an appeal to the Judicial Committee of the Libertarian Party of Colorado with the *Subject of the Appeal: Resolution Presented by Ms. Steinke to the Libertarian Party of Colorado Board and unanimously passed on June 10th, 2024.*

4. On June 22nd, 2024, the Judicial Committee of the Libertarian Party of Colorado rejected Sean Vadney's appeal in their *June 22nd, 2024 Decision*² citing the United States Constitution and the *Bylaws of the Libertarian Party of Colorado.*

5. On July 6th, 2024, Mrs. Harlos submitted an appeal to the Judicial Committee of the Libertarian Party of Colorado in her capacity as a member of the state party with the subject line *RE: ILLEGITIMATE NOMINATION OF ROBERT F. KENNEDY, JR. AND NICOLE SHANAHAN AS THE LIBERTARIAN PARTY OF COLORADO'S PRESIDENTIAL AND VICE-PRESIDENTIAL NOMINEES.* This widely distributed 21-page appeal was later voluntarily withdrawn, the matter being determined as moot, and is thus not included as an exhibit.

6. In the afternoon of July 8th, 2024, just hours before the monthly LPCO Board Meeting at the Independence Institute a few blocks away, the Colorado Secretary of State received two notarized documents filed by Mrs. Harlos in her alleged capacity as Secretary of the Libertarian Party. The documents included a *Certificate of Nomination of Presidential Candidates* and a *Certificate of Nomination for Vice Presidential Candidates.*

7. At about the same time as the filing by Mrs. Harlos, Mr. Oliver and Mr. ter Maat also both filed a *Candidate Acceptance of Nomination for President* and a *Candidate Acceptance of Nomination for Vice President* respectively with the Colorado Secretary of State.

² <https://lpcolorado.org/2024/06/22/presidential-candidate-appeal-hearing-decision/>

8. The identity of the parties submitting these documents is confirmed by the inclusion of notary verification of the signers of the 4 documents filed with the Colorado Secretary of State on July 8th, 2024.

9. The following day, July 9th, 2024, Mrs. Harlos escalated her *Online Campaign of Public Harassment* into the realm of malicious lawfare with the delivery of a demand letter with the subject line *Re: Member request for records under C.R.S. 7-136.02* requiring the production of records in excess of her entitlement as a member. Her demand was rejected a week later in a Response Letter by the Libertarian Party of Colorado's attorney Gary Fielder Esq.

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.

2325 W. 72nd Ave., Denver, CO 80221 • (303) 650-1505 • (fax) 303-650-1705

10. On July 9th, 2024, the Colorado Secretary of State received a document, *Presidential Electors' Acceptance of Nomination*. This document is the declared acceptance of nomination for Presidential Electors and includes ten names and signatures for Mrs. Poague, Mr. Orrok, Mr. Vadney, Mr. Johnson, Mr. Kevin Gulbranson, Mr. Guy Gulbranson, Mr. Hjersman, Mrs. Rose Ryan, Mr. Turner, and Mr. Jones. There are nine false electors who, despite the addition of one lawfully nominated presidential elector, Sean Vadney, compose a false slate of

electors and spoil the submitted *Presidential Electors' Acceptance of Nomination* form as electors who haven't been nominated cannot therefore accept a nomination. Of the ten names, only Sean Vadney was nominated in the *2024 State Convention Minutes* from March 23rd as shown in our Convention Minutes. Two of the signers, Mr. Guy Gulbranson and Mr. Turner, are not members of the Libertarian Party of Colorado and would not have been eligible to become presidential electors. Eight of these signatures were provided between July 6th, 2024, and two more on July 8th, 2024.

11. None of the ten Presidential Electors from the Libertarian Party of Colorado nominated at the 2024 State Convention had requested to be withdrawn from their role prior to the July 9th, 2024 submission of the Presidential Elector Acceptance of Nomination forms to the Colorado Secretary of State nor had the Board issued a notice for a nominating assembly wherein to conduct the lawful substitution of Presidential Electors.

12. In response to these events in Colorado, on early Wednesday morning July 10, 2024, the Chair of the Libertarian National Committee, Angela McArdle issued a statement on the LNC public email list with the subject line *Re: NOTICE OF EXECUTIVE MEETING 7/11/2024 AT 9PM EASTER* denouncing the Secretary's actions in response to the latter's request for the LNC to take legal action against Colorado:³

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 lpcoco 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 lpcoco 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.

13. On Wednesday afternoon of July 10th, 2024 at 12:59 pm, the Libertarian Party of Colorado's Chair Mrs. Goodman, contacted the Secretary of States of Colorado's attorney and Legal, Policy, and Rulemaking Manager Caleb Thornton via email with the subject line *Unauthorized Filing of Nomination Paperwork*. In this email she informed the Secretary of State that the documents filed on July 8th and 9th by Mrs. Harlos and the Electors were not authorized by LPCO, who hold the exclusive authority to make such a filing. This letter included the *Minutes from the June 10th, 2024* meeting where the Chase—ter Maat ticket was removed from the ballot, the *June 22nd, 2024 decision* of the Libertarian Party of Colorado's Judicial Committee affirming the removal of the Chase—ter Maat ticket from the ballot, and an email

³ <https://groups.google.com/g/lnc-business-list-public/c/rA5YzRmfimKw/m/nXDwQFuKAAAJ>

with the subject line *Re: NOTICE OF EXECUTIVE MEETING 7/11/2024 AT 9PM EASTER* from by the Chair of the Libertarian National Committee to the Party's public email list denouncing the actions of the Mrs. Harlos in acting under the color of authority of her office as Secretary of the Libertarian National Committee.

14. The Secretary of State's office responded and continued to deny receipt of the paperwork for several more days until on Friday, July 12th, 2024, at 9:24 am, their Ballot Access Manager Jeffrey Mustin returned a digital copy of the *Presidential Electors' Acceptance of Nomination* (redactions added) that had been filed with them on July 9th, 2024 at 1:50 pm as confirmation that the complete set of paperwork had been received.

15. On Friday, July 12th, 2024, at 9:26 am, Mrs. Goodman responded to Mr. Mustin with the Secretary of State's office in an email with the subject line *RE: Unauthorized Paperwork Filing* that this was an inaccurate list of presidential electors and offered to provide documentation of the fact.

16. On Friday, July 12th, 2024, at 11:23 am, Caleb Thorton, the attorney with the Colorado Secretary of State's Election Division, sent the email with the subject line *RE: Unauthorized Filing of Nomination Paperwork* confirming that the presidential nomination paperwork had been received that week and was being reviewed for completeness by the Secretary of State's office. He also indicated that regardless of the protest of the Chair of the Libertarian Party of Colorado, Mrs. Goodman, with the Secretary of State this was an internal party matter and not the Secretary of State's place to decide who should be on the ballot, a position he would later contradict.

17. A few hours later at 1:08 pm on Friday July 12th, 2024, the Secretary of the Libertarian Party of Colorado, Ashley Buss emailed the Secretary of State's office and provided the legitimate list of 2024 Presidential Electors of the Libertarian Party of Colorado as shown in the *Minutes of the 2024 Convention*. Of the names provided to the Secretary of State by Secretary Buss, only one name matched between the fraudulently submitted Presidential Electors and the actual Presidential Electors lawfully nominated, as stated, Elector Sean Vadney.

18. No acknowledgment of the conflict in the elector slates was provided by the Secretary of State that day. Nor did their office acknowledge the illegal nature of the filing.

19. Before the end of the day Friday, July 12th, 2024, the Libertarian Party of Colorado emailed a demand letter with the subject line *RE: Cease & Desist Violations of LPCO Electors' First Amendment Rights* to the members of the Libertarian National Committee and the Oliver—ter Maat campaign requiring that they cease and desist their violation of the First Amendment right of freedom of association of the Libertarian Party of Colorado and the rights of the other 9 lawfully nominated Libertarian Presidential Electors within five days. The letter notified the ballot thieves that their conduct was in opposition the Constitution of the United States of America in violating the Libertarian Party of Colorado's and the real Presidential Electors' first amendment rights to free association which is reaffirmed in the *Bylaws of the Libertarian Party of Colorado*, the elector nomination process designated by Colorado law in C.R.S. § 1-4-302 and in the *Bylaws of the Libertarian Party of Colorado*, and Colorado's criminal code in C.R.S. § 1-13-725 in their production of a false slate of Presidential Electors.

20. In response to the demand letter and within the time required by the Libertarian Party of Colorado, the Chair of the Libertarian National Committee, Angela McArdle, contacted the Colorado Secretary of State in an email sent on July 17th, 2024 at 5:06 pm and informed their office stating “I am the Chair of the national Libertarian Party, and I am requesting that the false electors be withdrawn.”

21. Though she had directed the nullification of the actions of the ballot thieves, some being on behalf of the body which she governs, as the chief authority and Chair of the Libertarian National Committee, Chair McArdle was ignored by the Colorado Secretary of State. On July 22nd, 2024 at 1:21 pm Chair McArdle followed up with the Colorado Secretary of State again stating “Following up on the electors issue. National has no desire to get drawn into a legal battle.” This correspondence was also ignored by the Colorado Secretary of State for 12 more days.

22. Only the Libertarian National Committee, by way of its Chair, Angela McArdle, made any attempt to correct the fraudulent conduct that produced a false slate of electors. Mrs. Harlos, Mr. Oliver, and Mr. ter Maat did not contact the Libertarian Party of Colorado to address the content of the demand letter.

23. The conduct of Mrs. Harlos, acting under color of authority of her official capacity as Secretary of the Libertarian National Committee and in their name and the conduct of the Oliver—ter Maat presidential campaign in coordination with Mrs. Harlos to produce a false slate of electors continued to contravene a recent cease and desist order issued by the Libertarian Party of Colorado. This order provided five days to secure the reversal of action by the noticed parties without success.

24. As stipulated in the cease and desist order dated July 12th, Mrs. Harlos was instructed to withdraw the paperwork that placed Chase Oliver on the ballot. Additionally, the Chase Oliver campaign was directed to withdraw paperwork submitted to the Electoral College delegates. To our dismay, neither of these actions has been completed to date, nor have the stated parties indicated that they intend to comply in a timely manner.

25. Mrs. Harlos later withdrew her appeal to the Libertarian Party of Colorado Judicial Committee stating it was moot following the July 18th, 2024 publication of notice⁴ to hold a nominating assembly to address the Presidential and Vice Presidential Candidates for the Libertarian Party of Colorado in accordance with *Article X, Section A* of the *Bylaws of the*

⁴https://marketplace.denverpost.com/advert/THE-LIBERTARIAN-PARTY-OF-COLORADO-will-be-holding-a-vacancy-committee-to-nominate-the-Libertarian-Candidates-for-President-Vice-President-CO-SD17-CO-HD61-and-to-gather-acceptance-of-nomination-General_6405

Libertarian Party of Colorado.

★

THE LIBERTARIAN PARTY OF COLORADO will be holding a vacancy committee to nominate the Libertarian Candidates for President, Vice President, CO-SD17, CO-HD61, and to gather acceptance of nomination signatures from the Libertarian Party's 10 presidential elector. The assembly of the committee will be held in the downstairs room of the Independence Institute 727 E 16th Ave, Denver, CO 80203 on August, 12th at 7:00pm.

Post Date: 07/18 12:00 AM

Refcode: #0002065068-01 Print 

26. On Friday, July 24th, 2024, at 10:33 am, Caleb Thorton, an attorney with the Colorado Secretary of State's Election Division, sent the email confirming that the presidential nomination paperwork was complete and that illegitimate electors and the paperwork filed by the ballot thieves with the subject line *Libertarian Party Presidential Paperwork*. In this email the Secretary of State's office persisted in ignoring the fraudulent nature of the document that had been submitted to them fraudulently impersonating the Libertarian Party of Colorado and its 2024 Presidential Electors. They contended that they had no responsibility to verify the authenticity of the electors filed or hear contests to such filings and would only act at the direction of Mr. Oliver and Mr. ter Maat's campaign. This position is antithetical to their previous position that the nomination of candidates is an internal party issue.

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 [here](#). 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 and 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 x 6386

caleb.thornton@coloradosos.gov

1700 Broadway, Suite 550

Denver, CO 80290

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Our Core Values are To serve ® To innovate ® To act with integrity ® To strive for excellence ® To be inclusive

27. On July 26th, 2024, Jonathan Jacobs provided his parliamentary opinion on the conduct of the ballot thieves commissioned by the Libertarian Party of Colorado.

JONATHAN M. JACOBS, RP, CPP

Parliamentary Consultant

Mailing Address
630 North 63rd Street,
Apartment 3rd 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, Augustino 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 nominee¹.

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, Jeffery 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

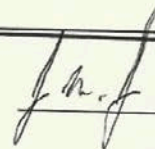
The current LPCO Bylaws, adopted in April 2023 shall be cited as Bylaws. Earlier versions, including what had been a separate constitution, shall be cited as "CO" with title and date.

The bylaws of the national Libertarian Party (LP), as adopted in May 2024², 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, 12th, edition of Robert's Rules of Order Newly Revised³ is the parliamentary authority of both groups. It will be cited as RONR.

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Other sources will be cited in end notes.

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 state⁴ 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 1976.⁵

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."⁵ 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.⁶

This process is not uniform in all states. In Pennsylvania, for example, the electors are selected by each nominee⁷ and the elector has full freedom in how to vote.⁸ 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.

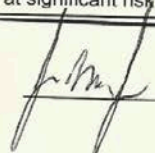
There are several ways to fix the problem. First, the fact that the selection of the nine violates the bylaws can be communicated to the Oliver campaign. They may not be aware of the specific bylaw violation or that the electors cannot exercise any discretion, but must vote for the nominee with the most 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:

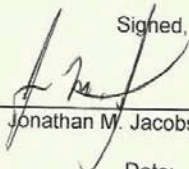
A. For the Oliver campaign to correct the filing listing only those people that were elected at the convention. Those were, Jacob Luria, Kyle Furey, Sean Vadney, James Wiley, Keith Laube, Eilseo Gonzolez, Marc Cavin, Wayne Harlos, Augustino Cantavero, and John Kittelson.

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,

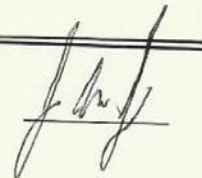

Jonathan M. Jacobs, RP, CPP

Date:

7/26/24

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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

¹ 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.

² 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.

³ 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.

⁴ Inclusive of the District of Columbia.

⁵ 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

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

⁷ "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: <https://govt.westlaw.com/pac/Document/NE7FF6540343011DA8A989F4EECDB8638?transitionType=Default&contextData=%28sc.Default%29>

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