

Libertarian Party of Idaho

Judicial Committee

Syllabus

Mr. Raty summarizes, with the thanks of all other members of the Judicial Committee.

We have received a petition, allegedly from the Libertarian Party of Idaho State Central Committee (“SCC”), which is comprised of Todd Corsetti and Amber Corsetti (“Petitioners”), requesting that the Judicial Committee consider the expulsion from the Idaho Libertarian Party of alleged Chair Jennifer Imhoff-Dousharm and alleged Acting Treasurer Robert Imhoff-Dousharm (“Respondents”). This entire matter will be referred to as *In Re Imhoff-Dousharm*.

Jennifer has provided a formal response to such petition in which she requested that the Judicial Committee immediately vacate *In Re Imhoff-Dousharm*, stating that its initiation was improperly conducted “by members who have deliberately excluded the entirety of the body of the Libertarian Party of Idaho State Central Committee.”

We are thus left with two competing requests, both allegedly coming from the SCC. We have *not* been tasked with “resolving or making recommendations for . . . ambiguities or conflicts within or between the Bylaws or other governing documents” (Idaho Libertarian Party 2021 Bylaws art. VIII, § 5) and, as such, is not in a position to declare *what* the composition of the SCC is in a way which is binding upon the State Party.

However, a determination does need to be made on our part as to whether or not *In Re Imhoff-Dousharm* was initiated by the SCC, because our authority to conduct this matter arises solely from a request by the SCC or the Executive Board. If the petition did not come from the SCC, we cannot continue on this matter in compliance with the Bylaws and any of our actions or results will be nullified.

Considering the seriousness of the matter (expulsion from the State Party is the most severe action a Judicial Committee can take) and the fact that an improper hearing could cause further rifts in the State Party (not to mention discrediting the Judicial Committee as a fair and impartial body), we must make a determination as to whether or not Jennifer’s request for vacation is proper.

Judicial Committee

A judicial committee is not organized or defined by State law, thus both the National and State Libertarian Party (“LP”) bylaws govern the creation and functions of this committee.

Per Idaho LP 2021 Bylaws art. VIII, § 5 (“Bylaws”) “[t]he Judicial Committee may be tasked by the State Central Committee or the Executive Board with examining, reviewing,

taking testimony, holding hearings, and resolving or making recommendations for . . . expulsion of a member[.]”

As such, the Judicial Committee may only initiate its authority when done at the behest of either the “State Central Committee or the Executive Board”. Any assertion of its authority beyond such is invalid.

State Central Committee

Because both Petitioner and Respondent are, essentially, claiming to be acting under the authority of the SCC, a key determination for our purposes is determining what the composition of the SCC is under Idaho law (which supersedes both National and State bylaws, *Robert’s Rules of Order*, etc.).

Idaho Code Ann. § [34-504](#) states that “[t]he central committee of each political party shall consist of all legislative district chairmen, all county central committee chairmen, all state committeemen, and state committeewomen selected by the county central committees. Each of the above members of the state central committee shall be entitled to vote at all meetings of the state central committee.”

The officers listed take their offices as follows: (1) a “legislative district chairman” is elected by the “precinct committeemen representing the precincts within the legislative district” (*Ibid.* § [34-503](#)); (2) a “county central committee chairman” is elected by “the precinct committeemen representing the precincts within the county” (*Ibid.* § [34-502](#)); and (3) state committeemen and state committeewomen are elected in the same manner as county central committee chairman (see *Ibid.*). Please note that “state committeemen and state committeewomen” are offices distinct from “precinct committeemen.”

Fundamentally, the officers who comprise (either in whole or at a minimum, depending on one’s interpretation of *Ibid.* § [34-504](#)) the SCC are elected to their positions by precinct committeemen. Idaho law does not provide for the appointment to such positions.

Precinct Committeemen and County Central Committee

Law

Precinct committeemen are elected during the primary elections conducted in May of every even-numbered year (see Idaho Code Ann. § [34-624](#)). A person may only be elected as a precinct committeeman if they shall have received a minimum of five votes (see *Ibid.* § [34-1208](#)).

Regarding county central committees, each of these is comprised of two types of officers: (1) the precinct committeemen of the precinct within the county; and (2) the county chairman and other officers elected by such precinct committeemen (see *Ibid.* § [34-502](#)).

Concerning vacancies, under Idaho law, vacancies for precinct committeemen may only be filled by the county central committee (see *Ibid.* § [34-502](#)). Also under Idaho law, if there is a vacancy in the office of county central committee chairman, “it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the

county, and the precinct committeemen shall proceed to elect a chairman of the county central committee for the balance of the unexpired term.” (*Ibid.*) A caveat is provided which involves the Bylaws, which will be addressed by each opinion.

Also of relevance to this matter is that “the precinct committeemen within each county shall meet at the county seat within ten (10) days after the primary election and at the time and date designated by the incumbent county chairman” (*Ibid.*)

Facts

Prior to the April 2, 2022 State Party Convention (“Convention”), according to the Respondents in their interview with the Judicial Committee on July 6, 2022, no precinct committeemen were elected in Idaho during the May 19, 2020 Primary. As a result, no one served as precinct committeemen for the statutorily prescribed term starting May 27, 2020 and ending May 25, 2022 (see *Ibid.* § [34-624](#)).

According to the facts presented, Todd Corsetti was elected as a precinct committeeman for Precinct # 38 in Bannock County on May 17, 2022 (click [here](#) for details). While others did run for precinct committeemen in other parts of the State and did receive 100% of the votes cast for the offices they sought, they failed to obtain the minimum number of five votes required by Idaho law (see *Ibid.* § [34-1208](#)). As such, Todd Corsetti is the only elected precinct committeeman for the Idaho Libertarian Party.

Todd called to order a meeting of the Bannock County Central Committee (of which he would be the only member), voted himself as both Chair and Secretary, and elected Amber Corsetti (who is not a Bylaws Sustaining Member, as defined under [Article III](#) of the Idaho Libertarian Party’s Bylaws), as a state committeewoman. This meeting occurred *circa* mid-May, 2022 (meeting minutes were sent to the Idaho LP Executive Board on May 29th).

Opinion of the Committee

Mr. Drake delivered the opinion of the Committee.

There are two key points of controversy regarding whether the petition received from Mr. Todd Corsetti, allegedly on behalf of the State Central Committee, is valid.

1. Was the meeting held by Mr. Corsetti in the days following the May 17 Primary Election a properly held meeting of the Bannock County Central Committee (Bannock CCC)?
2. Are the officers of the party, and therefore of the State Central Committee (SCC), voting members of the SCC?

If the meeting of the alleged Bannock CCC was not valid, then all other questions are moot. If the officers of the party are voting members of the SCC, then the situation becomes more complex. This latter question will be explored later.

Bannock County Central Committee

The dissent holds that Mr. Corsetti was not able to call a meeting, because of a difficult chicken-and-egg problem: In order to hold the law-prescribed meeting to form and elect officers for the Bannock CCC, the committee must have a Chair. In order to have a Chair, the committee, according to Idaho Statute and Libertarian Party of Idaho (LPID) Bylaw, must be called together by the SCC Chair. Since the SCC Chair did not call together any such meeting, the Bannock CCC must continue to be dormant, per the dissent.

There are, however, arguments of both principle and practicality that not only allow, but require us to find that the meeting of the alleged Bannock CCC was valid and had effect.

It is a standard principle of jurisprudence that, when faced with questions of law, bylaw, or rule of order, regarding an entity which is attempting to exist in good faith, and there is room to interpret their actions such that they come into existence properly, we should do so. The LPID Bylaws even make reference to such a necessity: “If a county central committee does not exist, the precinct committeeman within that county shall form one based on state law to the maximum extent practical.” (*Ibid.* Article VII, Section 3, Paragraph 4). Idaho Statute also seems to leave room for such allowances:

Unless state party rules, adopted as provided in section 34-505, Idaho Code, provide otherwise, when a vacancy exists in the office of county central committee chairman, it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the county, and the precinct committeemen shall proceed to elect a chairman of the county central committee for the balance of the unexpired term.” (*Ibid.* § 34-502, emphasis added).

This same paragraph, less the italicized phrases, is included in LPID Bylaws, Article VII, Section 3, Paragraph 2.

This creates an interesting feedback loop. Idaho Code allows room for political parties to define their own means of filling the office of County Central Committee Chair. The LPID Bylaws instruct the Precinct Committeemen in a county to form a CCC when one does not already exist, following state law as much as is practical. Both of these sections allow room for interpretation, and point to the other set of codes for a specific answer. We must find an answer, though, to a particular question: what would it mean for the Precinct Committeemen in a county to form a CCC, “based on state law to the maximum extent practical” (*Id.*)?

The ideal means by which to form the County Central Committee would be for the SCC Chair (in this case Robert Imhoff-Dousharm), the day after the Primary Elections, to take a survey of the 44 counties in Idaho to locate any Precinct Committeemen who were successfully elected for the Libertarian party. He would ideally then contact each of those

newly elected Precinct Committeemen, locate their County Seats, and help them to call a meeting in their County Seat and elect a Chair, forming their CCC.

However, in this case, the ideal process did not happen. Mr. Imhoff did not contact Mr. Corsetti regarding his election victory in the 10 days following the Primary Election, during which time Mr. Corsetti reasonably believed that he was required by law to hold a meeting in Pocatello, nor did either Robert or Jennifer Imhoff-Dousharm contact Mr. Corsetti in the weeks following Mr. Corsetti's notification of the formation of the Bannock CCC, as the Chair of the SCC, in order to call such a meeting. We can therefore infer that neither individual that any party has claimed holds the office of SCC Chair has done their duty as prescribed in LPID Bylaws Article VII, Section 3, Paragraph 2. This means we must find some other practical means by which the Precinct Committeemen of Bannock County were to form the Bannock CCC within the statutory time frame.

The obvious place to look, where Statute and Bylaw are both silent, is Robert's Rules of Order (RONR). Article X of the LPID Bylaws prescribes the use of the current edition "for all matters of procedure not specifically covered by the Bylaws or Rules of the Party." While the Bannock CCC does not have any Bylaws specifically adopting RONR for their own internal use, Robert's Rules are to be used for all matters of the SCC, and therefore apply to actions involving its chair. Furthermore, they represent a set of reasonable standards of order, even when not formally adopted.

Robert's Rules contemplate the possibility of a committee attempting to form or carry out its business, with a chair who does not take action to call meetings.

"When a committee has been appointed, its chairman (or first-named member temporarily acting—see 13:18) should call it together. If some members of the committee believe that the chairman has failed to call this initial meeting or any subsequent meeting when necessary, a meeting of the committee may be called by any two of its members, unless (such as for very large committees) the assembly's rules or instructions prescribe, or empower the committee itself to require, a larger number. It is the responsibility of the person or persons calling a committee meeting to ensure that reasonable notice of its time and place is sent to every committee member. The quorum in a committee is a majority of its membership unless the assembly has prescribed a different quorum (40)." *RONR 12th Ed.* 50:21

This rule apparently does not contemplate the possibility of a committee which has one member, who is not the chair of that committee. Nonetheless, it offers us a clear principle: if the members of a committee or soon-to-be-formed committee believe that a meeting is necessary, and has not been called by the person whose duty is to call it, they can call the meeting themselves, notwithstanding the chair, so long as there is reasonable notice and a quorum is present for such a meeting. Mr. Corsetti made an effort to locate any other members of the Committee, by contacting the Bannock County elections office, and found that he was the only member. He therefore was able to give himself immediate notice of the

time and place, with reasonable time for the entire committee, composed of himself, to attend the meeting; this notice was reasonable.

If it was possible for Todd Corsetti to call the meeting at which to elect the Chair, and therefore bring the Bannock CCC into existence, it would also be valid for the Bannock CCC, with himself as Chair, to add business to that meeting in order to appoint a State Committeewoman, so long as a quorum of Precinct Committeemen were present to appoint him Chair, and to elect a State Committeewoman. Since Todd was the only Precinct Committeeman, that quorum was present to carry out those actions.

The Respondents in this case have also brought up questions regarding dates; they claim that, because the meeting of the alleged Bannock CCC was held on a date between May 19 and May 24, but the Canvass of the Primary Election was not complete until June, the meeting was not valid, because it was not held within 10 days after the election, as required by statute.

However, this argument requires a misreading of the law. Idaho Statute requires the meeting to be held “at the county seat within ten (10) days after the primary election.” (*Ibid.* § 34-502). “Primary Election” is a term defined in *Ibid.* § 34-102:

"Primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties. Primary elections, with the exception of presidential primaries, shall be held on the third Tuesday of May in each even-numbered year.

Therefore, the date range in which a meeting of the Bannock CCC could validly be held by the newly elected Precinct Committeeman was between May 18 and May 27. Legislative District CC's would be similarly affected, but with the extra day of May 28 due to a slight difference in statute.

We should also depart from principle to take an aside into practical realities. Todd Corsetti is certainly the only elected Precinct Committeeman for the Libertarian Party in the state. Law, Bylaw, and reason all require that he should have the opportunity to form the Bannock County Central Committee, and take up a position on the SCC alongside any State Committeeman and State Committeewoman he is able to validly elect in Bannock County. However, it is obvious, from the petition that he has attempted to file, that he wishes to cause disciplinary action to be taken against both of the Respondents, each of whom has made a claim to the position of Chair since April 2. This means that it is not in the personal interest of either of the Respondents to take up the Bylaws-prescribed duty to call the Bannock County Central Committee into existence. We have testimony and evidence, as part of the proceedings for this petition, that they have instead embarked on a set of processes which have not been clearly defined, which they claim to be an effort to

populate the SCC. We would be derelict in our duty to uphold both the letter and spirit of our Bylaws and the principles of reason, if we were to find that the Bannock County Central Committee only exists at the mercy of two individuals who have interests contrary to its existence.

All of this combines to necessarily bring us to the conclusion that the meeting of the Bannock County Central Committee held in the week following the May 17 Primary was called properly. However, there continues to be the question of whether Amber Corsetti could validly be appointed as State Committeewoman from Bannock County.

It is a fact not in dispute that Amber Corsetti, though a registered Libertarian voter, is not a Bylaws-Sustaining Member of the Libertarian Party of Idaho. There is a dispute, however, over whether this precludes her from a position on the SCC.

The LPID Bylaws speak to the office of State Committee person in only two places: Article VII Section 2, which places such State Committee persons on the SCC, and Article VII Section 3 Paragraph 1, where it reads:

*The precinct committeemen within each county shall meet at the county seat within ten (10) days after the primary election and at the time and date designated by the incumbent county chairman, and shall organize by electing a chairman, vice chairman, a secretary, a state committeeman, a state committeewoman, and such other officers as they may desire *who shall hold office at the pleasure of the county central committee or until their successors are elected.**

This places the selection of the individuals to hold these offices entirely at the discretion of the County Central Committee, with no other requirements. Therefore, while it may be a worthwhile point in a campaign speech for such a position, there is no requirement that any State Committee person be a Bylaws-Sustaining Member of the LPID. Thus, Amber Corsetti was validly appointed as Bannock County State Committeewoman, and is a voting member of the SCC.

State Central Committee

There is the additional question of which officers comprise the voting membership of the SCC. The dissent summarizes two potential interpretations of law and bylaw: (1) that the party officers are on the committee and have a vote; or (2) that they are on the committee and do not have a vote, and that therefore the party is paralyzed until Todd and Amber Corsetti call a state convention at which officers may be elected. We propose two additional interpretations: (3) as in the opinion of Donald Sonnefeld, Esq. of Echo Hawk & Olsen, the officers of the SCC were able to act in the absence of voting members, to call the April 2 Convention, which then had valid effect; or (4) that the officers of the SCC were not able to act in the absence of voting members to call the April 2 Convention, but the resolution

passed at the June 20 meeting accepting the results of that convention had binding effect, and therefore, the positions are now filled, including the positions of Delegate to the National Convention and the Judicial Committee.

Let us consider the consequences of each of the above interpretations on the status of this petition, since that is their only relevant effect at this time.

Interpretation 1

If the officers of the party have a vote on the SCC, then at the time of the June 20 meeting, the voting membership consisted of:

- Robert Imhoff-Dousharm, Chair
- Zach Callear, Vice Chair
- Dan Karlan, Secretary
- Adam Belnap, Treasurer
- Todd Corsetti, Bannock County Central Committee Chair
- Amber Corsetti, Bannock County State Committeewoman

Of these six voting members, four were present, with Mr. Imhoff-Dousharm and Mr. Callear absent. The two absent members were both properly notified with at least 2 days notice of the meeting, and chose not to attend.

Those at the meeting accepted a different interpretation of the Law and Bylaw, which assumed that only Mr. and Mrs. Corsetti were able to vote. This is reflected in the minutes of the meeting. However, if we were to instead assume that Mr. Karlan and Mr. Belnap were voting members of the committee, there remains a quorum of four out of six members, and we can interpret their lack of voting as abstention from each motion or resolution. Since no motions or resolutions were made which required a portion of the entire body (as is required to amend the national Libertarian Party's statement of principles), their absence does not change any results. Furthermore, both Mr. Karlan and Mr. Belnap spoke in favor of the various motions to bring disciplinary action against Mr. and Mrs. Imhoff-Dousharm, indicating that it is, at the very least, likely that they would have voted in favor of those motions, had they believed they had the ability.

Therefore, notwithstanding any discussion of suspensions, appointments, or resolutions, this Judicial Committee was validly tasked to consider the expulsion of Robert and Jennifer Imhoff-Dousharm from the Libertarian Party of Idaho.

Interpretation 2

If the officers of the party do not have a vote on the SCC, and are unable to act in the absence of voting members, then the Libertarian Party of Idaho is in a situation that is both peculiar and hopeful. It is peculiar, because operating on the assumption that the lack of an SCC invalidates conventions, no convention of the Libertarian Party of Idaho has been valid

since Idaho Code § 34-707 was first adopted in 2010. It is hopeful, because an SCC now exists, which is able to elect a Chair *pro tem.*, call for a convention, and give this Libertarian Party of Idaho the ability to properly follow both statute and bylaw.

However, under this interpretation, there is a legitimate question whether the party should be following the Bylaws as amended in 2021, or the Bylaws and Constitution which existed prior. Furthermore, in the absence of a valid convention on April 2, this Judicial Committee is not validly elected, and is just a group of bearded Libertarians amusing ourselves by reading Robert's Rules of Order.

This interpretation would therefore necessarily find the petition out of order, by reason of the lack of a Judicial Committee to hear it.

Interpretation 3

Donald Sonnefeld, Esq., a registered Parliamentarian as well as an attorney, offers an interesting hybrid interpretation of (1) and (2). He proposes that the officers of the SCC are not voting members thereof, but that since, prior to May 24, there was not a voting membership of the SCC, the officers of the party were able to act in the stead of the SCC in order to call a convention. This would mean that Mr. Karlan and Mr. Belnap acted appropriately at the June 20 meeting, which was a valid meeting of the SCC, at which several motions were made and passed unanimously.

Under this interpretation, the petition from Mr. Corsetti is validly brought, and we, the properly elected members of the Judicial Committee, must hear it.

Interpretation 4

This interpretation is a modification to Interpretation 2, but accepting the Resolution passed by Mr. and Mrs. Corsetti at the June 20 meeting as valid and binding. This would mean that, prior to June 20, the elections held at the April 2 Convention had not been valid, and the LP National Credentialing Committee admitted Idaho delegates in error; but, after June 20, the elections of the April 2 Convention took effect, and Messrs. Imhoff-Dousharm, Callear, Karlan, Belnap, Ward, Loesby, Sorensen, Raty, Drake, and Reece, and Meses. Imhoff-Dousharm and Clark immediately gained their respective offices at that point.

This would have several interesting impacts on the petition:

- The petition would be in order, with the Judicial Committee having come into existence just in time to hear it.
- The rules adopted by the JC in April would not be binding upon this committee, though we should continue to follow them for the duration of this process.
- Both Mr. and Mrs. Imhoff-Dousharm would have been invalidly acting in their supposed offices for the duration of time between the 2020 convention and June 20,

2022, and of the two, only Mrs. Imhoff-Dousharm would hold an office at this point, being Region 2 Chair. This does not have any effect on whether the petition is in order, but does bear consideration regarding the substance of the petition.

Selecting an Interpretation

We should be both principled and practical when selecting an interpretation here. As a matter of principle, we should avoid any interpretation which uses dubious or inconsistent logic. As a matter of practicality, we should avoid any interpretation which has troubling implications for the existence of the party.

For practicality's sake, therefore, we should avoid interpretations (2) and (4), as having far-reaching consequences beyond our scope. On a matter of principle, we should have a slight preference for interpretation (1), since it is more easily interpreted from the bylaws. However, interpretation (3) is more in line with the letter of statute; the dissent rightly notes that the Republican Party makes state officers voting members explicitly, but (a) our bylaws do not obviously and explicitly do so in the same manner, and (b) large parties can get away with violations of law, if this is such, more easily than the Libertarian Party can.

Regardless of the choice between (1) and (3), both of those interpretations cause the petition brought before the Judicial Committee to be valid and in order.

Therefore, we must deny the Respondent's motion to vacate, because this petition is in order and must be considered according to the Judicial Committee rules, adopted April 2022.

Dissent

Mr. Raty, dissenting.

Because no one had been elected as precinct committeemen during the 2020 Primary, and because county central committee chairs may only be elected to such positions by such precinct committeemen per Idaho Code Ann. § [34-502](#) and the Bylaws (see 2021 Bylaws art. VII, § [3](#)), none of the officers existed to comprise the Bannock County Central Committee by the 2022 Primary, thus the offices of precinct committeemen and county chairman were vacant.

When Todd was elected precinct committeeman in the 2022 Primary, the Bannock County Central Committee became "active" (finally having at least one member) and Todd proceeded to call meeting of such Committee "at the county seat within ten (10) days after the primary election" (*Supra* § [34-502](#)) and elected himself as chair of such Committee.

However, there is one major problem: This type of meeting, by Idaho law, must be "at the time and date designated by the *incumbent county chairman*." (*Supra*; emphasis added)

Because there was no county chairman, such meeting could not be called until the office of county chair was filled.

To fill a vacancy in the office of county central committee chair, Idaho law requires that “the state central committee chairman” call a meeting of the county precinct committeemen, who will then proceed to elect a chairman (*see Supra*). This must occur prior to the meeting mandated by *Supra*.

The SCC chairman is, according to the Bylaws, the Chair of the State Party (see Bylaws art. VII, § 1). The Chair of the State Party at the time (which is disputed) did not call for a meeting to fill the vacancy in the Bannock Central Committee Chair, thus this Chair remains vacant.

A precinct committeemen *qua* committeemen is not a member of the SCC under *Supra* § [34-504](#). The chair of a county central committee is, but Todd’s meeting in which he elected himself to chair of the Bannock County Central Committee – which I believe was conducted in good faith – was not properly conducted under *Supra* § 34-502 and the Bylaws, thus, the election of himself to chair and Amber Corsetti to state committeewomen is invalid. Todd cannot be considered a member of the SCC *via* Bannock County Central Committee chair; Amber cannot be considered a member of the SCC *via* state committeewoman.

Legislative District Committee

The rules regarding Legislative District Central Committees are similar to those for County Central Committees. The elected precinct committeemen within a legislative district must meet “within eleven (11) days after the primary election, the meeting time and place to be designated by the incumbent legislative district chairman.” (Idaho Code Ann. § [34-503](#)) If the office of the legislative district chairman is vacant, “it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the legislative district[.]”

Todd did call for, and conducted a meeting of, the Legislative District Central Committee for Legislative District # 28 and elected himself chair (being the only member of such Committee). However, because the office of the District Chairman was vacant at the time, it could not be called to order in accordance with *Ibid*. The “state central committee chairman” should have called for a meeting of the precinct committeemen to vote for a chairman, prior to such meeting being called.

The end results are the same as those referenced above. The results of the meeting are invalid, since the meeting was not properly conducted under Idaho law and our Bylaws. Todd cannot be considered a member of the SCC *via* Chair of the of the Legislative District # 28 Central Committee.

Idaho Libertarian Party Bylaws

As mentioned previously, there is a caveat under Idaho law concerning the filling of vacancies for both county central committee chair and legislative district committee chair. While Idaho law supersedes any conflicting provisions of the Party’s Bylaws, Idaho Code Ann. §§ [34-502](#) & [34-503](#) do, respectively, defer to “state party rules, adopted as provided in

[sections [34-505](#) & [34-506](#)], Idaho Code, provide otherwise” in filling vacancies in the offices mentioned.

The “state party rules” referenced are the “rules and regulations promulgated and adopted by the state conventions or the state central committee”. Per Idaho Code Ann. § [34-707\(4\)](#), a state convention may “[a]dopt rules, regulations and directives regarding party policies, practices and procedures.”

These “state party rules” are enshrined in the Bylaws (available [here](#)). Article VII §§ [3 & 4](#) set forth the procedures for filling vacancies in the two aforementioned offices, but these procedures are the same as those of *Supra* §§ 34-502 & 34-503:

“When a vacancy exists in the office of county central committee chairman, it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the county, and the precinct committeemen shall proceed to elect a chairman of the county central committee for the balance of the unexpired term. . . .

“When a vacancy exists in the office of legislative district central committee chairman, it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the legislative district, and the precinct committeemen shall proceed to elect a chairman of the legislative district central committee for the balance of the unexpired term.”

In either case, the two offices in question can only be filled *via* a meeting called by the state central committee chairman. As such, the conclusions prior are reinforced: Under both State law and Party Bylaws, Mr. Corsetti’s meetings were not called by the incumbent county or legislative district central committee chairs and, thus, are invalid (as are the results of such meetings).

Robert and Jennifer, in their interview with the Judicial Investigative Subcommittee, did allude to an interpretation that the clause “unless state party rules . . . provide otherwise” in *Supra* § 34-502 also applies to filling vacancies of precinct committeemen, which is covered by the following from the Bylaws:

“In the event there are no duly elected precinct committeemen within that county, the dues paying members of the Party residing within that county shall select precinct committeemen for the purpose of this and the following Section. The selection process of precinct committeemen shall mimic the election process provided for in state law to the maximum extent practical.” (Bylaws art. VII, § [3](#))

This is questionable, since such clause only appears in the paragraph concerning filling vacancies of county central committee chairs and not that concerning vacancies of precinct committeemen, thus it may have been the State Legislatures intent for this caveat to only apply to the former type of vacancies. For our current purposes, however, this is irrelevant (but may be relevant if the Judicial Committee continues with these proceedings).

State Central Committee

Idaho Code Ann. § [34-504](#) states the following:

“The state central committee of each political party shall consist of all legislative district chairmen, all county central committee chairmen, all state committeemen, and state committeewomen selected by the county central committees. Each of the above members of the state central committee shall be entitled to vote at all meetings of the state central committee.”

The law is not clear on whether or not the State Central Committee must consist *only* of the officers listed, or whether this is the bare minimum. According to my research, no case law exists on this point, or any authoritative guidance from the offices of the Idaho Secretary of State or Idaho Attorney General.

Logical interpretations can be made either way. The intransitive verb “consist” would seem to indicate that the SCC can only be comprised of the officers listed, particularly when coupled with the fact that if the State Legislature did not care about the composition of the SCC of each political party, they would not have created this section of law.

However, “consist” does not always refer to an exclusive list and it may have been the State Legislatures intent to require that the SCC consist of a bare number of officers, but left additional officers to the discretion of the political party.

In practice, at least one other political party in Idaho has additional members of their SCC. The Idaho Republican Party takes a more liberal view of *Ibid.*, since Article I, Section 4 of their “State Party Rules” hold that voting membership in their State Central Committee consists of “all voting members of the State Executive Committee”, which would also include the State Chairman under Article II, Section 2 (click [here](#)).

We have contacted the Idaho Secretary of State’s office (and indirectly the Office of Idaho Attorney General) for clarification on this point, but have received no response.

In addition to the Republican Party, our own Bylaws hold the following relationship between our executive officers and the SCC:

“1. . . . The four officers of the Party (Chair, Vice-Chair, Secretary and Treasurer) are the officers of the State Central Committee.

2. The State Central Committee shall *in addition* consist of all legislative district chairmen, all county central committee chairmen, and all state committee persons selected by the county central committees. *Each of the above members* of the state central committee shall be entitled to vote at all meetings of the state central committee . . .” (Bylaws art. VII, §§ [1 & 2](#); emphasis added)

While Section 1 states that the four officers are “officers” of the SCC (and, on its own, does not establish them as *members* of the SCC, let alone *voting* members), the clause “in addition consist” indicates that the four officers are considered members of the SCC. The clause “each of the above members” also holds that all such referenced members are voting members. Thus, the four officers would be considered voting members of the SCC.

Again, logical arguments can be made either way as to the interpretation of *Supra* § 34-504 and the Bylaws could be non-compliant with such section of law. Short of an internal

resolution as to such interpretations, a court decision may be the only remedy for a definitive answer.

If a strict interpretation is made, then the only conclusion that can be drawn is that there was no functional SCC prior to the 2022 State Convention, that such Convention could not be convened in accordance with *Supra* § [34-707](#), and the results of such Convention should be considered null (including the composition and rules of the Judicial Committee). A functional SCC does not exist currently either under such interpretation, because none of the offices necessary to comprise the SCC are filled – and can only be filled, when the SCC chair calls a meeting to fill such vacancies.

If a liberal interpretation is made, then the conclusion is that the four officers mentioned in the Bylaws are voting members of the SCC, that the 2022 State Convention was likely properly convened, and that the results of the Convention are valid. The current composition of the SCC would consist only of the four officers elected at the Convention – and these, being the only members of the SCC, are the only ones with the authority under the Bylaws to convene the Judicial Committee for action.

Problems with the Idaho Libertarian Party

The root of all these issues can be traced back to the dormancy of the Party *circa* 2004 – 2020, if not earlier. Generally (if not literally), precinct committeemen, who are the primaries in determining what the composition of the State Central Committee is under Idaho Code Ann. §§ [34-502](#) through [34-505](#), were not elected to their positions.

Unfortunately, Idaho law has a conundrum in the fact that vacancies in the office of precinct committeemen can only be filled by the county central committee, which can only be comprised of other precinct committeemen and the chair of the committee (the vacancy of which, under current Idaho law and Party bylaws, can only be filled when the state central committee chair calls a meeting for filling such vacancy). If no precinct committeemen have been elected at the county level, there is no county central committee and a party *cannot* fill such vacancies.

This is very much the case for the period between August 2020 and May 17, 2022 when there were no elected precinct committeemen. Because there were no elected precinct committeemen, there could not be any of the other officers which comprise the SCC under *Ibid.* § 34-504. Depending on one's interpretation of *Ibid.* § 34-504, there either was no SCC after the 2020 Primary Election or the SCC was solely comprised of the four executive officers listed in the Bylaws.

Again, the exact composition of the SCC is beyond the scope of the Judicial Committee and *In Re Imhoff-Dousharm*. Our only concern, at the moment, is whether or not the SCC initiated these proceedings.

The analysis above indicates that the Judicial Committee was not properly called by the SCC and that this matter should be dismissed. While Todd is a proper precinct committeeman under Idaho law, the meetings in which he elected himself chair (and thus a member of the SCC) were not conducted in accordance with Idaho law and he is, therefore, not a member of the SCC. He cannot elect himself as chair of either the Bannock County

Central Committee or Legislative District # 28 Central Committee Chair, nor elect any other person to an office under which they become a member of the SCC, *until* the State Central Committee Chair has called for a meeting to fill the vacancy in such office.

Even if such meetings are properly called and Todd elects himself (and others) to positions which make them members of the SCC, there is still the outstanding question as to whether the executive officers are also voting members of the SCC, under Idaho law. If they are members, then they must have a say on whether these proceedings should be initiated. If they are not members, then questions arise as to the legitimacy of the Judicial Committee, since it may not have been properly elected at a State Convention which was not convened by any SCC, in accordance with Idaho law.

Summary

Based on the above reasoning, the Judicial Committee of the Libertarian Party of Idaho respectfully denies the Respondents' request for vacation of this petition. The votes were: Mr. Raty, in favor of vacation; Mr. Drake and Mr. Reece, opposed to vacation; Mr. Loesby abstaining.

The petition will therefore continue to be considered, according to the rules of the Judicial Committee.