



REPORT OF THE JUDICIAL COMMITTEE PROCEEDINGS
AT THE 2024 ANNUAL CONVENTION OF THE LIBERTARIAN PARTY OF COLORADO

INTRODUCTION

This report is intended to memorialize the facts and findings discussed and made during the brief meeting of the Libertarian Party of Colorado (LPCO) Judicial Committee (JC) that took place on the morning of March 23, 2024, at the 2024 Annual Convention of the Libertarian Party of Colorado (Convention) regarding a challenge made by Caryn Ann Harlos to the qualifications of Seth Levy to be a voting delegate at the Convention, which qualifications are the same as to be eligible to be seated as a national convention delegate or alternate for the upcoming National Convention in May 2024.

Notice of the immediate meeting was given over the microphone in the convention hall and Mr. Reid Dotson, Mr. Kyle Furey, and Ms. Caryn Ann Harlos were the only members who presented themselves and heard the case. Mr. Eric Bueltel was in attendance at the convention but was not in the convention hall when the announcement was given, and Mr. Marc Cavin was not present at the convention at that time. Mr. Bueltel was later made aware of the proceedings and did not request any reconsideration.

PERTINENT BYLAWS

The full set of the LPCO bylaws can be found here: https://lpedia.org/w/images/3/3a/CO-Bylaws_2023-04-02.pdf

[..]

Article IV: Members

Section 1. Basic Membership

(a) Basic Membership (“Party Membership”) in the Party is exclusively limited to all Colorado registered and pre-registered electors whose party affiliation is Libertarian.

(b) Basic Members (“Party Members”) have the right to attend meetings and are eligible to serve on state-level committees, subject to any further express limitations in these Bylaws.

Section 2. Sustaining Membership

(a) Sustaining Members are Party Members who pay, or have paid on their behalf, yearly dues of \$25.00 or Party Members who are Life Members of the national Libertarian Party.

(b) Dues must be paid in a single payment at least once every 365 days and expire on the anniversary date of the last payment of at least that amount. Smaller donations are not counted as payment towards a cumulative dues payment.

(c) Loss of Party Membership status automatically results in loss of Sustaining Membership regardless of dues payment and no refund of dues will be owed.

Lapse of Sustaining Membership from non-payment of dues by the anniversary date results in loss of rights, privileges, and eligibilities available only to Sustaining Members.

(d) Only Sustaining Members are eligible to receive the Party nomination for partisan public office, vote as a delegate at any state conventions, be elected as a delegate to national Party Conventions, or be elected as the state appointee to any national Party committee, subject to any further express limitations in these Bylaws.

Section 3. Challenges Regarding Membership

(a) The Judicial Committee is empowered to hear all challenges regarding status of membership and make a determination in cases of doubt pending resolution of the issue with the Secretary of State regarding voter registration or with the Party regarding timely payment of dues.

[...]

Article IX: Judicial Committee

[...]

Section 4. Scope of Duties

(a) The Judicial Committee shall be limited to hearing and deciding cases involving the following:

(1) challenges to membership status,

[...]

(d) The Judicial Committee may, in its proceedings, determine findings of both facts and procedure.

[...]

Section 6. Adjudicating Cases

(a) All appeals shall be resolved within sixty (60) days of the date of submission to the Chair of the Judicial Committee with the exception of disputes over membership status which will affect delegate voting status at any state convention which will be decided during the credentialing process. In the event the Judicial Committee cannot make a prompt decision regarding challenges to membership status, the question will be put to the delegates with a majority vote resolving membership status in favor of the disputed member.

[..]

(d) The Committee shall set its own rules of procedure consistent with principles of impartiality, equity, and parliamentary law; however, in all cases, the burden of proof is presenting a preponderance of evidence and is upon the appellant.

[...]

Section 9. Final Appeal

(a) Any verdict may be appealed to the Delegates at the next regular Convention or Special Convention. Such an appeal must be presented by not less than twenty (20) Members. The burden of proof of presenting a preponderance of evidence is upon the Members who makes the appeal to the Delegates. Prior notice is required. Delegates may overturn a verdict on appeal by a $\frac{3}{4}$ vote.

(b) If the Delegates by a majority vote refuse to hear the appeal, then the verdict of the Judicial Committee is final.

Article XI: Conventions

[...]

Section 2. Annual Conventions

[...]

(c) A Sustaining Member, having been so for at least the ninety (90) days immediately prior to the Business Session of the Annual Convention may attend and vote at the Business Session as a “Delegate.” The Credentials Committee is authorized to impose general selection criteria such as: capping the number of Delegates from any number of counties or districts, giving preference to more senior Delegates , or other criteria that will ensure fair representation of the Sustaining Party Membership—provided such criteria are established prior to and included with the Call of the Convention.

[...]

Section 5. National Convention Delegates and Alternates

(a) All National Convention Delegates must have been Sustaining Members for at least ninety (90) days immediately prior to the first day of the Convention in which they are elected and must sign a statement to the effect that they support the Statement of Principles of the national Libertarian Party.

[...]

(f) The Chair shall serve as Delegation Chair or may request that the National Convention Delegates select a Delegation Chair. Substitutions shall only be made from the list of National Convention Alternates selected by the state Convention Delegates or afterwards added by a majority vote of the present Board (provided said National Convention Alternates did not receive a less than majority vote by the last state Convention). Substitutions and selection of additional National Convention Delegates may be made at the National Convention by a majority of the attending National Convention Delegates, provided that such substitutes or additions would have been qualified to be elected at the state Convention, did not receive less than a majority vote at the last state Convention, and have signed a statement to the effect that they support the Statement of Principles of the Libertarian Party.

HEARING

The JC was called into session pursuant to Bylaws Articles IV.3 and IX.4(a) and VI.6(a). The hearing was held in the hallway outside the Convention hall with seating for the JC and plenty of standing room for observers.

A quorum of the Committee is three, and the following three members heard the case:

- Reyd Dotson
- Kyle Furey
- Caryn Ann Harlos

All delegates, including the disputed delegate Mr. Levy, were permitted to attend and give testimony, as well as observe.

Undisputed facts: These facts were taken as true during the JC hearing though not independently reviewed. These are facts which, if taken as presumptively true, are in Mr. Levy's favor.

1. Mr. Levy is a Lifetime Member of the national Libertarian Party which qualifies in the LPCO as being a "dues payer."
2. Mr. Levy is registered to vote in Colorado and has been for the ninety (90) days immediately prior to the Convention (the voter affiliation is in dispute, not his status as a Colorado registered voter).

Disputed questions: The following were questions in dispute.

1. Do the LPCO bylaws require a person to be BOTH a registered voter with an affiliation of "Libertarian" and a dues payer in the ninety days immediately prior to the Convention?
2. If the answer to the above question is in the affirmative, did Mr. Levy prove by a preponderance of the evidence that he met the requirements established by the Bylaws?

Relevant Testimony and Findings of Fact:

The Bylaws

Per Article IV.1(a) and (b), the terms "Party Member" and "Party Membership" are defined as Colorado registered and pre-registered electors whose party affiliation is Libertarian. Since pre-registration is for minors, and Mr. Levy is not a minor, for simplicity's sake, a Party Member is a Colorado registered Libertarian.

Per Article IV.2(a), a Sustaining Member is someone who meets two prongs: they are a Party Member, and they pay dues (or are a national Lifetime member). Since Mr. Levy is a national Lifetime member, that is equivalent to a dues-payer.

If they fail either of those prongs, they are not a Sustaining Member, though they may retain the identity inherent in the non-failed prong, i.e., Party Member or dues-payer. One can be just one of those two things and fail to be a Sustaining Member. Per Article IV.2(d) anyone who meets both of these two prongs is "eligible" to be a state convention delegate subject to any further express limitations in these Bylaws.

Under Article IX.2(c), there are further express restrictions, and they are unambiguous:

A Sustaining Member, having been so for at least the ninety (90) days immediately prior to the Business Session of the Annual Convention may attend and vote at the Business Session as a “Delegate.”

In other words, in order to attend and vote at the Annual Convention, one must have been BOTH a Colorado registered Libertarian and dues-payer for at least the ninety (90) days immediately prior to the Convention.

Additionally, the same requirement exists for national convention delegate under Article IX.5(a). It could be argued that there is no such requirement to be eligible to be an *alternate*, but it is apparent that in reading Article IX.5(a) with Article IX.5(f) there is a requirement that anyone put into a delegate seat must meet the qualifications that existed at the Convention. Thus, carving out an exception for *alternate* in Article IX.5(a) would be an illusory and absurd reading since it is only the national Convention Delegates at convention that can seat additional Delegates, provided they were eligible to be elected as delegates at the state convention which circles back to that same two-prong requirement.

FINDINGS ON BYLAWS:

The LPCO Bylaws require both being a registered Libertarian and a dues payer in the ninety (90) days prior to the Convention without any ambiguity. The same requirement is required to be qualified to be a national convention delegate or alternate though that Bylaw should be amended to avoid the needed harmonizing between two sub-sections.

Libertarian Registration

It is undisputed that Mr. Levy's current Colorado voter registration information classifies him as "unaffiliated" during the ninety (90) days immediately prior to convention. Mr. Levy claims that he went to the Eagle County Clerk's office in December 2023, prior to the seasoning deadline of December 24, 2023, and filled out a paper change of voter registration form. He did not volunteer an explanation why he simply did not do this online which is ubiquitous in Colorado. His assertion is that the Eagle County Clerk failed to turn in his change even months later and that during that time, he did not check online to see if

this has been done and thus made no inquiries with the Colorado Secretary of State or the Eagle County Clerk. He has no further proof other than his statement that he did this.

FINDING ON LIBERTARIAN REGISTRATION:

There was no evidence meeting the burden of proof of the preponderance of the evidence as required by Article IX.6(d) that Mr. Levy met the membership requirement for Sustaining Member of being a Colorado registered Libertarian in the ninety (90) days immediately prior to the Convention.

RULING:

BY A VOTE OF THREE TO ZERO, THE LPCO JC FOUND THAT SETH LEVY DID NOT MEET THE QUALIFICATIONS TO BE A VOTING DELEGATE AT THE LPCO CONVENTION OR BE SELECTED AS A NATIONAL DELEGATE AND IS THEREBY REMOVED FROM THE LIST OF CREDENTIALLED DELEGATES.

Mr. Levy stated he intended to go to the Eagle County Clerk and get a copy of the form he filled out and turned in back in December. He was told that if he could prove that he did this prior to the LPCO Bylaws seasoning deadline of December 24, 2023, and presented this to the LPCO Board, they could, at their pleasure, appoint him as an alternate, but the JC cannot order them to do so.

JC Chair Caryn Ann Harlos reported this finding to the Convention.

Signed,
Caryn Ann Harlos, JC Chair

Statement regarding Credentialing of Mr. Seth Levy at the 2024 Libertarian Party of Colorado Annual Convention, March 23, 2024:

I was present as the Parliamentarian for the Convention, retained by Chair Hannah Goodman.

I was approached by Mr. Levy with a request to assist him in getting credentialed as a delegate to the state convention. Mr. Levy told me that he was a Life Member of the national Party, lived in Eagle County, but that the Eagle County Clerk and Recorder had not verified his voter registration as a Libertarian the prior December, December 14th, 2023, as I recall. He provided no evidence of Membership or Registration. Taking him at his word, I agreed to talk to the Credentials Chair.

I consulted the Colorado Bylaws. Article IV, Sections 1 and 2 apply to state party membership. Specifically, under Section 1, a “Basic Member” or “Party Member” is a person who is registered to vote as a Libertarian in Colorado. Under Section 2, a Sustaining Member is a Party Member who have either paid yearly dues to the Libertarian Party of Colorado OR are Life Members of the national Party.

Mr. Levy had his Membership verified; however, a check of his voter registration revealed his registration in Eagle County to be Unaffiliated. Mr. Levy immediately changed his voter registration to Libertarian. I concluded that he was eligible. The Credentials Chair credentialed Mr. Levy as a delegate.

Later, during the Convention, Delegate Caryn Ann Harlos, who was also Chair of the Libertarian Party of Colorado's Judicial Committee, challenged Mr. Levy's credentialing, claiming that he did not meet the credentialing requirement. Chair Goodman called a recess and asked the state Judicial Committee to address the appeal, in accordance with Article IV, Section 3, and Article IX, Section 4 of the state Bylaws.

The Judicial Committee convened with quorum in the hallway outside the convention floor, along with Mr. Levy, Chair Goodman, and myself. After discussion and deliberation, the committee ruled that the challenge was valid and Mr. Levy did not meet the qualifications to be a delegate, subject to the proviso that Mr. Levy could prove a December 14th voter registration as Libertarian in Eagle County. I have no knowledge as to whether that has been done or not.

The Judicial Committee based their ruling on Article XI, Section 2, which indicated that a Delegate has to have been a Sustaining Member for “at least the 90 days immediately prior” to the Convention. (For March 23, that 90 days is December 24, 2023.) Since Mr. Levy's registration was listed as Unaffiliated before he changed it, he did not meet this criteria, and therefore was not eligible to be a Delegate to the state Convention.

My prior conclusion that he was eligible was incorrect, because I neglected the aforementioned 90-day rule. As the former Chair of the Colorado Bylaws and Rules Committee over multiple years, I was on the committee when that language in Article XI, Section 2 was clarified. In this case, I simply missed it. It is my opinion that the state Judicial Committee was correct in its ruling, and Mr. Levy was not eligible to be a Delegate to the state Convention. Also, because Article XI, Section 5 contains the same language as the aforementioned Article XI, Section 2, it is also my opinion that Mr. Levy is not, at the time of this statement, eligible to be a Colorado Delegate to the 2024 National Convention, for the same reason.

Respectfully submitted,

Michael Seebeck

Parliamentarian, 2024 LPCO Convention

