

By Greg Stempfle

I am challenging Andrew's Judicial Committee Appeal of Insufficient Notice of Business Conducted at the Candidate Nominating Convention on July 9, 2022. The focus of this particular challenge will be that the business conducted at the convention was consistent with our bylaws and past practices and that the appeal should be denied.

My background:

I am uniquely qualified to discuss the LPM bylaws. I chaired the special bylaws committee that overhauled our bylaws at a special convention in 2017 after we qualified for the 2018 primary following the results of the 2016 presidential election. The bylaws did not change significantly after we lost our primary status and we have operated under them for the past three election cycles. I was 2nd VC during the 2017-2019 cycle and state party chair from 2019-2021 so I have seen and been involved with how these bylaws have been implemented in practice as well. We have had 3 additional bylaws committees since the special committee and I also chaired two of the them.

Problems with Andrew's Appeal:

Most of Andrew's appeal is based on his claim that the July 9th convention was a special convention. For special conventions, Robert's Rules of Order state that all substantive business must be designated in the call of the convention.

I will argue this was not a special convention based on how the bylaws are written and on past practice. Not being a special convention means we are required to notify members only of the convention date, time and location of a convention per LPM Bylaws VI.4. The call to convention for this particular convention did not actually list any items of business. Only the name "Candidate Nominating Convention" offered a suggestion of the convention business.

I will also argue that some of the items Andrew is asking to JC to overturn are unambiguously allowed by our bylaws.

Specific items in appeal I address:

- 1) The "Candidate Nominating" Convention is not a "Special" Convention

- 2) Appeal Remedies
 - A. Invalidation of the election of several LEC District Reps
 - B. Invalidation of the Motion of No Confidence in Andrew Chadderdon
 - C. Invalidation of the election of the Vice Chair vacancies

1. The “Candidate Nominating Convention is NOT a “special” convention.

Conventions in the LPM Bylaws

Since 2017, the LPM has held three regularly scheduled conventions to conduct business during every two-year election cycle. Each convention has specific items prescribed in the bylaws but additional regular business has always been conducted at them such as platform consideration, resolutions, and approval of previous convention minutes.

“Regular convention”, odd year

- Elect State Party officers
- Bylaws Consideration

“National delegate selection convention”, even year

- Select delegates to national convention
- Candidate pre-endorsement

“Candidate nominating convention”, even year

- Candidate selection

None of these three are considered “special” conventions, per Andrew’s appeal. “Special” conventions are mentioned elsewhere in our bylaws as a convention called by the membership or LEC for a specific purpose. All three above are “regular” conventions in the broad sense even if only one of them is referred to as a “regular” convention.

CONVENTIONS VI.

1. During years in which a Libertarian Party primary occurs, the Party shall hold a fall state convention after the date of the primary and not less than 60 days before the general November election in accordance with state law (MCL 168.591). During even-numbered years in which a Libertarian Party primary election is not required by state law, the Party shall hold a **candidate nominating convention** after the filing deadline for candidates to appear on Michigan’s primary ballot and before the date of the primary. During odd-numbered years, the Party shall hold a **regular state convention** between April 1 and July 31, performing such business as required herein.

2. The Party shall also hold a state convention no later than six weeks prior to the scheduled first day of the Libertarian Party National Convention, hereinafter referred to as a “**national delegate selection convention**”. The national delegate selection convention shall be for the purpose of selecting national convention delegates. The national delegate selection convention may also endorse any candidates for Secretary of State, Attorney General and Supreme Court to be formally nominated at the fall state convention in the same year. Votes for endorsement of candidates shall be made in the same manner as for nomination of candidates set forth in Article VII of these bylaws.

3. The Party shall hold a **special** convention within 45 days upon the call of the Executive Committee or when petitions are submitted by 10% of the current membership, specifying the purpose for the special convention.

Bylaws Historical Context

The word “special” was added to the current section in 2017. Previously this section simply said “convention”. The only reference to a “special” convention was in the event we qualified for the primary aka “receive major party status”.

LPM Bylaws 2015

CONVENTIONS VI.

2. The Party shall hold a convention within 45 days upon the call of the Executive Committee or when petitions are submitted by 10% of the current membership.

3. All members of the Party who attend and register at a convention shall be delegates, unless the Party shall receive major party status. In the latter event, new bylaws shall be enacted by a special convention to convene within 90 days of such time as an LPM statewide candidate receives sufficient votes to gain major party status.

The special convention called for in VI.3. was held in Lansing on February 4, 2017. At that convention, section VI.2. was amended to read:

The Party shall hold a **special** convention within 45 days upon the call of the Executive Committee or when petitions are submitted by 10% of the current membership, **specifying the purpose for the special convention.**

This was amended to clarify that this particular section deals with special convention and that the three state conventions specifically called for in the bylaws are not “special” conventions.

Prior to 2017, our bylaws simply referred to having an “annual” convention for conducting business.

VI. CONVENTIONS {2015 bylaws}

1. The Party shall hold an annual convention each odd-numbered year between April 1 and July 31, performing such business as required herein. During even-numbered years, the Party shall hold an annual convention after the filing deadline for candidates to appear on Michigan’s primary ballot.

We changed the names of these conventions for several reasons...

- When we qualified for the primary, we also changed the term in office for LEC members from one to two years. State law also required us to have two vice chairs so we elevated the Political Director role, which previously had been an appointed position, to 2nd vice chair. Therefore, officer elections were only held in odd years.

- We also had to split the odd year convention into two separate conventions because we were required to nominate our candidates later in that year and the National LP began holding conventions over Memorial Day weekend instead of July 4th forcing us to select our national delegates sooner.

We had to come up with specific names for these three conventions, hence the three mentioned above, but they are all intended to be regular conventions and have always been treated as such in practice.

2A. Invalidation of the election of several LEC District Reps

The bylaws are clear on this point as is past practice. District Reps can be elected at ANY state convention.

OFFICERS III.10. A Congressional district representative may be replaced by a majority vote of a congressional district caucus at any state convention.

We have elected new LEC District Reps at five of the six even year conventions, including Andrew Chadderdon's election to District 13 LEC Rep in 2020.

March 10, 2018 National Delegate Selection Convention Eagle Eye Bath Township

- District 13 Adam Zientarski

August 25, 2018 Candidate Nominating Convention Romulus

- District 4 Luke Sciberras

April 4, 2020 National Delegate Selection Convention on Zoom

- District 2 Andrew Hall
- District 4 Will White
- District 5 James Harris
- District 6 Shane Allen
- District 13 Andrew Chadderdon

July 18, 2020 Candidate Nominating Convention in Gaylord

- District 3 Jay Gillotte
- District 10 Jim Fulner

July 9, 2022 Candidate Nominating Convention in Holland

- District 6 Rafael Wolf
- District 8 Jon Elgas
- District 9 Greg Stempfle*
- District 10 Kyle McCauley*
- District 14 Scotty Boman

**Elected to fill vacancy due to VC elections, a separate issue in the appeal.*

2B. Invalidation of the Motion of No Confidence in Andrew Chadderdon

The bylaws are clear on this point as well.

OFFICERS III. 10. A member of the Executive Committee who misses three consecutive meetings of the Executive Committee or fails to perform his or her fiduciary duties may be removed from the Executive Committee and replaced by a two-thirds vote at a regular meeting of the Executive Committee or a majority vote at convention following a motion for a vote of no confidence. All Executive Committee members must be notified of the intent to remove at least 14 days prior to the meeting.

The motion of no confidence was sent Dave Canny on June 19, 2022. This is 19 days before the July 9th state convention and the vote of no confidence was passed by the convention body.

2C. Invalidation of the election of the Vice Chair vacancies

This part is admittedly unclear. However, since this is not a special convention and delegates have the authority to add any item to the agenda they choose especially since the call to convention did not include ANY business.

Note: The previous calls to convention, convention minutes, and past LPM bylaws can be found in the *index included in the appeal response submitted by several members of the LEC.*