

AMICUS CURIAE BRIEF FOR HECTOR ROOS IN SUPPORT OF APPELLANT (Martin v. LNC)

Date Submitted: March 8, 2026

This appeal raises a fundamental issue concerning the limits of authority exercised by officers of the Libertarian National Committee: **whether sustaining membership rights may be suspended or extinguished through administrative interpretation when the Party’s bylaws contain no rule authorizing such action.**

The Respondent and the amicus submitted by Former Secretary Caryn Ann Harlos characterize the dispute primarily as an eligibility question. However, the threshold issue is more fundamental: **whether sustaining membership status can be automatically terminated without explicit bylaw authority or the disciplinary procedures required under Robert’s Rules of Order.**

Because the Libertarian Party bylaws contain no provision establishing automatic suspension of sustaining membership rights, the interpretation advanced by the Respondent effectively creates an unwritten eligibility rule.

The present controversy also raises a related question of authority: whether the Chair of the Libertarian National Committee possesses the power to unilaterally “void” the election of a regional representative. The Libertarian Party bylaws provide that regional representatives are selected by the affiliate parties comprising the region. No provision of the bylaws grants the Chair or any national officer authority to invalidate a regional election or substitute their own determination for that of the region. Such an action effectively asserts supervisory authority over regional selection that does not exist in the Party’s governing documents.

If the Respondent’s interpretation were accepted, national officers would possess authority not only to suspend member eligibility through administrative interpretation, but also to invalidate regional elections based on those interpretations—authority that appears nowhere in the Party’s governing documents.

I. LNC RESPONDENT BRIEF CONCEDES CENTRAL PREMISE

The Respondent Brief acknowledges a key point:

“The Petitioner correctly cites that the bylaws have no explicit provisions that declare that a lapsed sustaining member is automatically suspended or loses voting rights.”

This admission resolves the central issue.

If the bylaws contain **no explicit rule providing for automatic suspension of sustaining membership rights**, then Party officers cannot impose such a rule through interpretation or administrative practice.

II. ROBERT’S RULES REQUIRES EXPLICIT AUTHORITY TO RESTRICT MEMBER RIGHTS

Robert’s Rules of Order Newly Revised (12th ed.) (RONR) establishes that the rights of members cannot be restricted except by explicit provisions in the governing documents.

RONR provides that:

- governing documents control the authority of officers and boards (RONR § 1:7)
- bylaws take precedence over all other rules and practices (RONR § 2:1)
- rules cannot be overridden through interpretation or administrative practice (RONR § 2:8)

RONR further explains that **rules affecting member rights must be interpreted in favor of preserving those rights rather than restricting them** (RONR § 56).

Where the bylaws are silent, officers cannot create enforcement mechanisms through interpretation.

III. SUSPENSION OF MEMBER RIGHTS REQUIRES DISCIPLINARY PROCEDURES

Under Robert’s Rules, actions affecting a member’s rights require formal disciplinary procedures including:

- written charges
- notice
- opportunity for a hearing

(RONR § 63:1–6; § 63:12).

Mr. Wiley was never subjected to any such procedures. His membership rights were therefore **never adjudicated away**.

IV. THE ELIGIBILITY ARGUMENT MISAPPLIES ROBERT’S RULES

The Respondent frames the dispute as an eligibility issue.

RONR recognizes that **a candidate must be eligible at the time of election** (RONR § 46:49(a)). However, that principle applies only when a candidate clearly fails to meet an eligibility requirement established in the bylaws.

The requirement here is sustaining membership.

But sustaining membership was never formally terminated, and the bylaws contain **no rule automatically suspending sustaining membership rights**.

Accordingly, the premise that Mr. Wiley was ineligible is unsupported.

V. THE LNC INTERPRETATION CREATES AN UNWRITTEN ELIGIBILITY RULE

The interpretation advanced by the Respondent effectively creates a new eligibility rule not found in the Libertarian Party Bylaws.

Under the Respondent's theory, a member whose dues lapse automatically becomes ineligible—even though the bylaws contain no language establishing automatic suspension or termination of sustaining membership.

RONR does not permit eligibility rules to be created through interpretation.

Eligibility requirements must appear explicitly in the bylaws or governing rules (RONR § 46; § 56). When such rules are absent, officers cannot infer them or enforce them administratively.

Allowing administrative creation of eligibility standards would permit officers to:

- retroactively invalidate elections
- suspend member rights without due process
- selectively determine who may hold office

VI. THE BYLAWS SHOW THAT WHEN THE PARTY INTENDS AUTOMATIC VACANCIES, IT STATES THEM EXPLICITLY

The Libertarian Party bylaws demonstrate that when the Party intends automatic consequences for particular conduct, it states them explicitly.

For example, the bylaws contain a specific enforcement mechanism addressing **absenteeism by members of the Libertarian National Committee**, under which repeated absence results in **automatic resignation from the committee**.

This illustrates a basic principle of bylaw interpretation.

When the national delegates intend to create an **automatic vacancy or loss of office**, they write those rules directly into the bylaws.

No comparable language exists for sustaining membership lapses.

Robert's Rules instructs that governing documents must be interpreted according to their express provisions and that restrictions on member rights cannot be implied where the rules themselves are silent (RONR § 2:8; § 56).

The Judicial Committee recognized this same principle in *Wrights v. LNC (2009)*, rejecting attempts by Party officers to enforce membership provisions through procedures not contained in the bylaws.

The bylaws therefore confirm that the national delegates **did not intend automatic suspension of sustaining membership rights**.

VII. EVEN IF A LAPSE OCCURRED, THE PROPER REMEDY LIES WITH THE REGION

Assuming *arguendo* that a lapse in sustaining membership briefly occurred, Robert's Rules does not support retroactive nullification of an election by national officers.

RONR explains that eligibility questions discovered after an election are addressed by **the body entitled to determine the officeholder or fill the vacancy** (RONR § 46:51–52).

For regional representatives, that authority lies with the region itself under the Libertarian Party bylaws.

Accordingly, the proper remedy—if any eligibility defect existed—would have been for **Region 1 to determine whether a vacancy existed and how it should be filled**, not for national officers to void the election.

VIII. RESPONSE TO THE AMICUS OF FORMER SECRETARY CARYN ANN HARLOS

The amicus brief submitted by Former National Secretary Caryn Ann Harlos contains several errors of parliamentary interpretation.

First, the amicus assumes that a lapse in sustaining membership automatically terminates membership status. Yet the Respondent itself concedes that the bylaws contain **no**

automatic suspension rule. Under RONR, member rights remain intact absent formal disciplinary proceedings (RONR § 56; § 63).

Second, the amicus treats the dispute solely as an eligibility question. However, that analysis presupposes that sustaining membership was automatically lost. Because that premise lacks support in the bylaws, the eligibility argument collapses.

Third, the amicus suggests the matter is moot. That argument misunderstands the relief requested and the continuing importance of the precedent at issue.

IX. THE ISSUE IS NOT MOOT BECAUSE THE LEGALITY OF THE LNC ACTION REMAINS UNRESOLVED

Robert's Rules recognizes that some questions may become moot when they lack continuing force (RONR § 35:2(2)). However, **actions taken in violation of bylaws remain subject to review and correction** (RONR § 23:6(a)).

A similar issue arose in the controversy surrounding *Wrights v. LNC (2009)*.

In that case, R. Lee Wrights had already been reappointed to the LNC by the time the Judicial Committee considered a delegates' appeal. Despite the reappointment, Party member Michael Seebeck explained to the Judicial Committee why the issue remained live.

Seebeck noted that the relief requested included **not only reinstatement but also invalidation of the Secretary's unilateral removal and the subsequent reappointment**, because the reappointment flowed directly from the allegedly improper removal.

As Seebeck explained:

"The question is not made moot by the reappointment of Lee Wrights... The relief requested is not just that Wrights be recognized as At-large BUT ALSO that the removal be overturned."

The same reasoning applies here.

Even if subsequent events affected the immediate officeholder, the legality of the LNC's action purporting to void the Region 1 election remains unresolved.

Declining review on mootness grounds would leave standing a precedent that national officers may void regional elections through administrative interpretation of sustaining membership status.

Such a precedent would undermine the integrity of the Party's governing documents.

X. WRIGHTS v. LNC CONFIRMS OFFICERS CANNOT CREATE ENFORCEMENT MECHANISMS

In *Wrights v. LNC (2009)*, the Judicial Committee rejected attempts by Party officers to enforce membership provisions through procedures not contained in the bylaws.

The Committee explained that where the bylaws lack specific enforcement mechanisms, officers may not create them through interpretation.

The same principle governs here.

XI. JUDICIAL COMMITTEE PRECEDENT RECOGNIZES STRONG DUE PROCESS PROTECTIONS FOR PARTY MEMBERS

This Judicial Committee has repeatedly emphasized that Party members are entitled to fundamental procedural protections before their rights or status may be impaired.

In prior decisions—including the 2024 appeals commonly referred to as *Phillies* and *Harlos*—the Judicial Committee recognized that actions affecting the rights, status, or reputation of Party members require adherence to basic principles of notice, fairness, and procedural regularity.

These decisions reflect a broader principle grounded both in the Party’s bylaws and in Robert’s Rules of Order: **members cannot be deprived of their rights through informal or unilateral action by Party officers.**

Robert’s Rules makes this principle explicit. When the rights of a member are at issue, disciplinary procedures must include written charges, notice, and the opportunity for a hearing before those rights may be curtailed (RONR § 63:1–6).

The approach advocated by the Respondent conflicts directly with those protections.

Under the Respondent’s interpretation, sustaining membership rights—and therefore eligibility for Party office—could be extinguished automatically through administrative interpretation of dues status, without notice, without a hearing, and without any formal adjudication.

Such a rule would allow Party officers to impair the rights of members **without the procedural safeguards that this Judicial Committee has repeatedly recognized as essential to Party governance.**

The danger of such an interpretation is not limited to the present dispute. If accepted, it would permit Party officers to:

- unilaterally determine when members lose eligibility for office,
- invalidate elections based on administrative determinations, and
- effectively suspend member rights without any disciplinary process.

The Judicial Committee's prior decisions make clear that Party governance cannot operate in this manner.

The principles articulated in the 2024 decisions of *Phillies* and *Harlos* reinforce that **due process protections apply whenever the rights or status of Party members are placed at issue.**

Because Mr. Wiley's sustaining membership status was never adjudicated through any disciplinary process, the attempt to treat his rights as automatically extinguished conflicts with both the Party's governing documents and the procedural safeguards recognized by the Judicial Committee itself.

CONCLUSION

The Libertarian Party bylaws contain **no provision authorizing automatic suspension of sustaining membership rights.**

Robert's Rules requires that restrictions on member rights and eligibility be explicit in the governing documents and implemented through proper procedures.

The decision to void the Region 1 election therefore rests on an eligibility rule and enforcement mechanism that **do not exist in the Party's governing documents.**

For these reasons, the Judicial Committee should grant the relief requested in the Petition.

Respectfully submitted,

Hector Roos
LP Sustaining Member
LP Florida Executive Committee, Member (2021-2024)
LP Miami-Dade County, Chair (2023-Current)
2022 LP Florida Governor Candidate