

REPLY TO HARLOS RESPONSE DATED MARCH 11, 2026 (Martin v. LNC)

Date Submitted: March 12, 2026

In reply to the Harlos response, the former National Secretary justifies her actions in this matter resting on three incorrect premises:

1. That subsequent events render the dispute moot;
2. That eligibility for office is unrelated to sustaining membership rights; and
3. That the foundational parliamentary principles cited in the Roos response to her are irrelevant.

None of these propositions withstand scrutiny.

I. LNC ACTIONS ARE STILL IN EFFECT (THE APPEAL IS NOT MOOT)

The Harlos response argues that the controversy is moot because the alleged breach has been “healed” by Mr. Wiley eventually being seated as Region 1 Second Alternate.

This argument misunderstands both the relief requested in this appeal and the parliamentary principles governing continuing breaches.

The petition in this case seeks relief in three forms (paraphrasing for clarity):¹

1. Void LNC actions affirming the actions of officers to suspend or drop Mr. Wiley’s sustaining membership;
2. Void LNC actions affirming the Chair’s decision to void the Region 1 election and ordering a new election; and
3. Recognize the validity of the Region 1 election for Mr. Wiley as Region 1 Second Alternate Representative.

The attempt by national officers to void a regional election and suspend a member’s eligibility through administrative interpretation constitutes a breach of the bylaws of a continuing nature, because it asserts authority not granted in the Party’s governing documents and continues to affect the governance of the Party. As the Harlos amicus itself acknowledges in quoting *Robert’s Rules of Order, 12th Edition* (RONR), actions adopted in conflict with an organization’s bylaws remain subject to challenge so long as the action continues to have force or effect. RONR § 23:6(a).

For that reason, subsequent events such as the Region 1 ratification of the prior election results do not render the controversy moot. The mootness issue was also brought up in the *Wrights* case. In *Wrights*, the later reappointment of Lee Wrights did not eliminate the need to determine the

¹ In *Roos v LNC*, the Judicial Committee reinterpreted the relief requested in deciding that matter. Since the committee has this authority, they should interpret the relief requested in *Martin v LNC* in the best light to ensure the matter is disposed of completely.

legality of the original removal in that controversy, as explained in the Seebeck submission to the Judicial Committee discussed in the Roos amicus.

II. Sustaining Membership Rights and Eligibility for Office Are Inseparable

The Harlos response attempts to draw a distinction between membership rights and eligibility for office. However, this distinction does not resolve the dispute before the Judicial Committee.

All parties agree that the Libertarian Party bylaws require members of the LNC to be sustaining members of the Party. LP Bylaws 7.4.

The question therefore is whether Mr. Wiley remained a sustaining member.

Sustaining membership is itself a status within the Party that carries rights, including eligibility for election to Party offices that require sustaining membership.

When the LNC attempted to treat Mr. Wiley as no longer a sustaining member, it necessarily affected his eligibility for office.

III. THE RONR CITATIONS IN THE ROOS RESPONSE ARE RELEVANT

The Harlos response criticizes the use of citations to foundational sections of RONR.

Those citations were intentional because they explain the basic principles governing deliberative assemblies and the role of bylaws in defining organizational authority and protecting member rights.

RONR explains that deliberative bodies operate according to general parliamentary law unless they adopt their own governing rules:

“A deliberative assembly that has not adopted any rules is commonly understood to hold itself bound by the rules and customs of the general parliamentary law—or common parliamentary law.” RONR § 1:5

RONR further explains why organizations adopt formal governing rules:

“A need for formally adopted rules of procedure arises in any assembly, principally because there may be disagreement or a lack of understanding as to what is parliamentary law regarding points that can affect the outcome of substantive issues.” RONR § 2:1

And RONR clarifies the role of bylaws within an organization:

“In general, the constitution or the bylaws—or both—of a society are the documents that contain its own basic rules relating principally to itself as an organization, rather than to the parliamentary procedure that it follows.” RONR § 2:8

These provisions establish a fundamental principle: the bylaws control the structure, authority, and rights within an organization.

IV. ENFORCEMENT AGAINST MEMBERS FOR LAPSED DUES CANNOT DEPART FROM DISCIPLINARY PROCEDURES

RONR also addresses how bylaws should treat members who fall behind in dues. It explains that bylaws governing financial obligations should specify the dues requirements, the procedures for notifying members of delinquency, and the date on which a member will be dropped for nonpayment of dues. Critically, RONR § 56:19 states:

“Before a member in arrears has been finally dropped under such a provision, his voting rights cannot be suspended unless the bylaws so provide.”

This passage illustrates two important points.

- First, it demonstrates that organizations typically adopt clear bylaw procedures governing delinquent members.
- Second, it confirms that member rights cannot be suspended simply because dues are in arrears unless the bylaws explicitly authorize such suspension.

The LP Bylaws go further than this baseline protection. In addition to voting rights, sustaining membership under the LP Bylaws confers additional rights and responsibilities within the Party’s governance structure, including eligibility to serve on the LNC if elected.

The LP Bylaws themselves recognize that additional membership categories could be created if the LNC wished to do so. Article 4.3 provides that the LNC may “create other levels of membership and shall determine the contribution or dues levels for such memberships.” The LNC has therefore long possessed the authority to establish additional membership categories such as inactive or delinquent members but has never done so.

Nor do the LP Bylaws provide a rule automatically dropping a member for nonpayment of dues.

Instead, the LP Bylaws define Bylaws Sustaining Members (BSMs) solely by reference to contributions made during the prior twelve months. LP Bylaws 4.4(a)

The absence of such a classification confirms that sustaining membership is not automatically extinguished by lapse of dues unless and until the bylaws expressly provide otherwise.

Because the LP Bylaws do not establish a procedure for automatically suspending or terminating membership rights upon a lapse in contributions, any ambiguity in their application must be interpreted **in favor of preserving member rights rather than restricting them**. Such an interpretation is favored because it is “in accordance with the intention of the society at the time the bylaw[s] w[ere] adopted” and where disciplinary procedures for dues lapsed members contained in RONR are where an “imposition of a definite penalty for a particular action

prohibits the increase or diminution of the penalty”. RONR § 56:68(1 & 7). See also, RONR § 1:13n3 (effect on good standing).

IV. Established Party Practice Demonstrates How Sustaining Membership Is Administered

The Harlos response suggests that recognizing sustaining membership rights in the absence of explicit suspension language would produce absurd results.

This concern ignores longstanding Party practices governing sustaining membership.

Several well-established customs illustrate how sustaining membership has historically been administered.

The Party routinely conducts a biannual membership drive tied to the national convention cycle and the calculation of regional representation. LP Bylaws 10.2-4; LP Policy Manual 1.11.2. Members are regularly asked to renew sustaining membership dues during these periods.

LNC staff regularly use the existing formula of “\$25 in the last 365 days” from the “the last day of the seventh month prior to the regular convention” for calculating the number of BSM members when determining representation interests tied to regional representation and affiliate delegate distribution. LP Bylaws 10.4

These calculations rely on the established BSM formula contained in the bylaws. Staff does not attempt to adjudicate member rights based on an administrative determination that members whose contributions have lapsed have been automatically dropped from membership. Harlos argues otherwise, **which is absurd**.

Participants in Party activities—including candidates and participants in national Party governance—are expected to pay sustaining membership dues immediately in order to satisfy eligibility requirements for formal Party roles. However, there is no need for a national delegate to be a BSM member. LP Bylaws 10.2(a) (“Delegates shall be required to be members of either the Party **or an affiliate party**.”)

People who do not participate in Party activities do not ask for protection of their membership rights—they do not identify as current members nor do they care to.

These customs reflect a longstanding practical understanding that sustaining membership status is administered through a custom focused on **renewal and participation**, not through instantaneous administrative determinations of ineligibility.

V. The Chair Possesses No Authority to Void a Regional Election

The Harlos response does not address a central issue in this appeal: the authority asserted by the Chair to void the Region 1 election.

LP Bylaws provide that a regional representative or alternate “may be removed and replaced only by the act of the affiliate parties that constitute the subject region.” LP Bylaws 7.8

No provision of the LP Bylaws grants officers authority to invalidate a regional election or substitute the judgment of a national officer for that of the region.

The attempted voiding of the Region 1 election therefore represents an assertion of authority that appears nowhere in the Party’s governing documents.

VI. Conclusion on the Harlos Response

The Harlos response cannot withstand scrutiny and neither can her actions taken in this matter.

The core question remains whether national officers may suspend sustaining membership rights and void regional elections through administrative interpretation when the Party’s bylaws contain no rule authorizing such actions.

The answer to that question is no.

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

Respectfully submitted,

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