

Exhibit 1

List of 2024 National Convention Delegate Signatories

List of Bylaws Sustaining Members Signatories

This list is submitted on a separate document with a request that this list be accepted under seal and not be made publicly available due to concerns for the privacy and safety of the individuals listed. This measure is intended to protect signers from potential reprisal or undue pressure.

Exhibit 2

Notice for special meeting

FW: Call for LNC Special Meeting — Mon, June 9th 69 views



Inc-public_forward
to Inc-p...@googlegroups.com

Jun 1, 2025, 11:37:44 PM ☆ ↶ ⋮

From: Steven Nekhaila <steven....@lp.org>
Sent: Monday, June 2, 2025 3:37:36 AM (UTC+00:00) Monrovia, Reykjavik
To: LNC Public <Inc-p...@lp.org>; LNC Board <lncb...@lp.org>; Inc-public_forward <Inc-publi...@lp.org>
Subject: Call for LNC Special Meeting — Mon, June 9th

Dear Colleagues,

The Special Investigatory Committee appointed by the Libertarian National Committee has completed its work and is prepared to present its final report for the Committee's consideration.

Accordingly, I am calling a special meeting of the LNC for **Monday, June 9th at 8:00 PM ET** to consider the adoption of the report. Please note that the majority of the discussion will take place in executive session due to the nature of the material. However, it is the intention that the report will be made publicly available following its adoption.

Madam Secretary, please schedule the meeting at the designated time.

Sincerely,
Steven Nekhaila
Chairman, Libertarian National Committee

https://groups.google.com/g/Inc-public/c/NIJc2v_n5D8

Exhibit 3

Agenda of the 6/9/25 meeting

SPECIAL MEETING AGENDA JUNE 9, 2025, 8:00 PM Eastern

Opening Ceremony			
Call to Order by Chair and Attendance by Secretary			8:00 p.m.
New Business with Previous Notice			
1.	Consideration of Special Investigatory Committee Report <i>(to be held in Executive Session)</i>	SIC/Nekhaila	60 minutes
2.	Adoption of Special Investigatory Committee Report	SIC/Nekhaila	10 Minutes
3.	Adoption of Motions Appurtenant to Special Investigatory Committee Report	SIC Nekhaila	30 Minutes
Adjournment approximately 10pm Eastern			

https://groups.google.com/g/Inc-public/c/btQLSf_GSek

Exhibit 4

Extractions from the Minutes of the 6/9/25 Minutes

RESOLUTION ON FITNESS OF ANGELA MCARDLE FOR FUTURE SERVICE

Vice-Chair Darr moved the following resolution:

Whereas the Special Investigatory Committee finds that former Chair Angela McArdle violated her fiduciary duty to the Libertarian Party by concealing conflicts of interest and misusing donor funds, be it hereby resolved that the Libertarian National Committee deems Angela McArdle unfit to serve on the Libertarian National Committee, as an affiliate leader or as a candidate representing the Libertarian Party.

Be it further resolved that the Libertarian National Committee encourages the Bylaws Committee to review and propose bylaws changes that would codify the handling of members found to have engaged in financial malfeasance and/or other egregious actions.

Mr. Chadderdon raised a **POINT OF ORDER** stating that the wording of this motion was substantively different from the investigation report and thus not in order at this time.

Chair Nekhaila ruled the Point of Order **NOT WELL-TAKEN** as it was substantively cited in the investigation report and is germane to the topics discussed in report.

Mr. Martin attempted to raise an additional **POINT OF ORDER** while Mr. Chadderdon simultaneously **APPEALED FROM** the ruling of the Chair.

Mr. Malagon moved to end debate on all previous questions.

A roll call vote was conducted on calling all previous questions with the following results:

Member / Alternate	Yes	No	Abstain
Bost		X	
Chadderdon/Absent		X	
Darr	X		
Dassing/Bracco		X	
Ford/Weir		X	
Harlos	X		
Hays/Hallesy	X		
Absent/Martin		X	
Malagon	X		
Absent/Johnson	X		
Nanna/Hertzsch	X		
Nekhalla			X
Redpath	X		
Thompson/Cowart	X		
Vinson		X	
Watkins		X	
Yeniscavich	X		
TOTALS	9	7	1

This motion **FAILED** with a roll call vote of 9-7-1.

Secretary Harlos raised a **POINT OF ORDER** that the Vinson debate was going beyond the merits of the appeal. Mr. Vinson demurred and confined debate to the appeal.

Secretary Harlos raised a **POINT OF ORDER** that Mr. Martin was attempting to interject a different Point of Order regarding due process without citing a Bylaws provision with the Secretary noting that Ms. McArdle is not a member of the LNC. Secretary Harlos further noted that she objects to a member without any recognizable professional legal experience insinuating a real threat of danger of litigation.

Chair Nekhalla ruled that Secretary Harlos' Points of Order were not germane.

Secretary Harlos raised a **POINT OF ORDER** that Mr. Chadderdon was speaking twice on his appeal when each member, other than the Chair, may only speak once. Chair Nekhalla noted that he allowed another member to speak twice so he would allow it this time.

WITHOUT DEBATE, Mr. Nanna moved to end debate on all previous questions.

A roll call vote was conducted on the Chadderdon appeal with the following results:

Member / Alternate	Yes	No	Abstain
Bost		X	
Chadderdon/Absent		X	
Darr	X		

Member / Alternate	Yes	No	Abstain
Dassing/Bracco		X	
Ford/Weir		X	
Harlos	X		
Hays/Hallesy	X		
Absent/Martin		X	
Malagon	X		
Absent/Johnson	X		
Nanna/Hertzsch	X		
Nekhala			X
Redpath	X		
Thompson/Cowart	X		
Watkins		X	
Yeniscavich	X		
TOTALS	9	6	1

The ruling of the Chair was **SUSTAINED** with a roll call vote of 9-6-1.

A roll call vote on the Darr resolution was conducted with the following results:

Member / Alternate	Yes	No	Abstain
Bost		X	
Chadderdon/Absent		X	
Darr	X		
Dassing/Bracco		X	
Ford/Weir			X
Harlos	X		
Hays/Hallesy			X
Absent/Martin		X	
Malagon	X		
Absent/Johnson	X		
Nanna/Hertzsch	X		
Nekhala	X		
Redpath	X		
Thompson/Cowart	X		
Watkins		X	
Yeniscavich	X		
TOTALS	9	5	2

This motion PASSED with a roll call vote of 9-5-2. [20250609-04]

Ms. Hays wanted it on the record that she favored the resolution but abstained due to the litigiousness of some member of the Committee in Executive Session.

Mr. Chadderdon raised a **POINT OF ORDER** that he believed that resolutions required a higher vote threshold. Secretary Harlos pointed out that it is only public policy resolutions (such as urging the government to do or to not do something) that require a higher threshold under the Party Bylaws (see Bylaws Article 7.11). The Chair did not rule, and Mr. Chadderdon did not demand a ruling.

Mr. Martin raised a **POINT OF ORDER** that debate on these motions should have been allowed. Chair Nekhaila ruled the Point of Order **NOT WELL-TAKEN**. As Mr. Martin continued to speak, Mr. Malagon moved that Mr. Martin be removed from the meeting, which was not seconded, and the Chair requested everyone wait their turn in line.

Mr. Martin re-iterated his **POINT OF ORDER**, and Mr. Malagon renewed his motion to remove Mr. Martin from the meeting which then did receive a second.

Mr. Chadderdon raised a **POINT OF ORDER** that our parliamentary process requires a warning be issued to a member to be called to order before removing them which has not been followed. Chair Nekhaila requested Mr. Martin not to speak when not recognized.

Chair Nekhaila ruled Mr. Martin's Point of Order not **WELL-TAKEN** as the motions came out of the report, which was discussed in Executive Session, and thus, there is no debate in open session. The Chair further stated that the body could move to go back into Executive Session at any time if it wanted further debate.

Mr. Martin **APPEALED FROM** the ruling of the Chair. Mr. Malagon renewed his motion to remove Mr. Martin from the meeting (which appeared from record to be due to Mr. Martin's crosstalk and Mr. Malagon's belief that the appeal was dilatory). Mr. Martin requested that personal attacks not be directed to other members, and there was a moment of crosstalk.

When asked to repeat his **POINT OF ORDER**, Mr. Martin amended it to state that the motions were not properly noticed and should not fall under Executive Session, precluding debate.

After this clarification, Chair Nekhaila ruled the appeal **DILATORY** stating that this has already been dispensed with, and Mr. Martin was informed he was already given a warning to be **CALLED TO ORDER** so that now if things continued in this vein, the Chair would entertain motions to remove him from the meeting.

RESOLUTION ON FUTURE POTENTIAL RE-COUPMENT FROM MCARDLE

Vice-Chair Darr moved the following resolution:

Whereas the Special Investigatory Committee finds that former Chair Angela McArdle financially benefitted from her deception of the Libertarian National Committee,

And whereas the Libertarian National Committee is unlikely to recover the full amount of misappropriated funds without incurring costs above that which was misappropriated,

Be it resolved that the Libertarian National Committee shall explore fundraising and/or pro bono legal counsel to pursue the recovery of funds, under any legal procedures available, as outlined in this report and any supplemental report(s) produced by the Special Investigatory Committee.

Mr. Martin raised the same **POINT OF ORDER** as previously noted, and the Chair ruled it **NOT WELL-TAKEN** as having been previously dispensed with. Mr. Chadderdon interrupted saying that this motion was not part of the motions for which the previous question had been ordered. He later clarified this was meant as a **POINT OF ORDER**. Chair Nekhala ruled the Chadderdon Point of Order as **DILATORY**.

Mr. Chadderdon **APPEALED FROM** the ruling of the Chair.

Mr. Malagon moved to remove both Mr. Chadderdon and Mr. Martin from the meeting multiple times. There were multiple instances of crosstalk. Chair Nekhala gave one (1) final warning to Mr. Martin.

Mr. Chadderdon raised an additional **POINT OF ORDER** that this item was not previously noted and **APPEALED FROM** the prior ruling that it was in order. Chair Nekhala decided to entertain the Appeal and immediately moved to end debate.

Mr. Ford yielded his vote from this point forward to Mr. Weir.

A roll call vote was conducted on ending debate with the following results:

Member / Alternate	Yes	No	Abstain
Bost		X	
Chadderdon/Absent		X	
Darr	X		
Dassing/Bracco		X	
Absent/Weir		X	
Harlos	X		
Hays/Hallesy	X		
Absent/Martin		X	
Malagon	X		
Absent/Johnson	X		
Nanna/Hertzsch	X		
Nekhala			X
Redpath	X		
Thompson/Cowart	X		
Watkins		X	

Commented [JC1]: I'm obviously not an attorney or paralegal, but there was a bunch of legalese that I attempted to pare down.

I'll also point out here that "explore" doesn't mean we'll commit to litigation. But I think that "any we've broke and can't do anything about it" won't play well at all with membership. We've got plenty of attorneys in the party.

Commented [CH2R1]: Let me simplify a bit

Commented [CH3R1]: Okay it removed pre-litigation and litigation and just made it "any legal procedure" which covers it all

Commented [JC4]: I'm obviously not an attorney or paralegal, but there was a bunch of legalese that I attempted to pare down.

I'll also point out here that "explore" doesn't mean we'll commit to litigation. But I think that "any we've broke and can't do anything about it" won't play well at all with membership. We've got plenty of attorneys in the party.

Commented [CH3R4]: Let me simplify a bit

Commented [CH6R4]: Okay it removed pre-litigation and litigation and just made it "any legal procedure" which covers it all

Commented [CU7]: Meredith again - should we not include here WHY we aren't pursuing this on our own dime? Just an idea. For example: "...of the LNC, and the LNC is unlikely to recover the full amount without incurring costs above that which was (mis)appropriated, or other similar word), be it resolved that..."

Member / Alternate	Yes	No	Abstain
Yeniscavich	X		
TOTALS	9	6	1

The motion **FAILED** with a roll call vote of 9-6-1.

Ms. Hays noted that she needed to leave the meeting and ceded her vote to Ms. Hallesy.

After further debate, a roll call vote was conducted on the Chadderdon appeal with the following results:

Member / Alternate	Yes	No	Abstain
Bost			X
Chadderdon/Absent		X	
Darr	X		
Dassing/Bracco		X	
Absent/Weir			X
Harlos	X		
Absent/Hallesy	X		
Absent/Martin		X	
Malagon	X		
Absent/Johnson	X		
Nanna/Hertzsch	X		
Nekhalla	X		
Redpath	X		
Thompson/Cowart	X		
Watkins		X	
Yeniscavich	X		
TOTALS	10	4	2

The ruling the Chair was **SUSTAINED** with a roll call vote of 10-4-2.

A roll call vote was conducted on the Darr resolution with the following results:

Member / Alternate	Yes	No	Abstain
Bost			X
Chadderdon/Absent		X	
Darr	X		
Dassing/Bracco		X	
Absent/Weir		X	
Harlos	X		
Absent/Hallesy	X		
Absent/Martin		X	
Malagon	X		
Absent/Johnson	X		

Member / Alternate	Yes	No	Abstain
Nanna/Hertzsch	X		
Nekhala	X		
Redpath	X		
Thompson/Cowart	X		
Watkins		X	
Yeniscavich	X		
TOTALS	10	5	1

This motion PASSED with a roll call vote of 10-5-1. [20250609-05]

It is noted that Mr. Chadderdon moved to adjourn after the Chair put the question on the Darr resolution, and the Chair ruled it **OUT OF ORDER**.

ADJOURNMENT

The LNC adjourned for the day **WITHOUT OBJECTION** at 10:45 p.m.

TABLE OF NUMBERED MOTIONS/BALLOTS

*Note that the master log of motions in 2025 can be found here: <https://inyurl.com/LNCvotes2025>

ID#	Motion/Ballot	Result
20250609-02	Approve SIC report and make public	PASSED
20250609-02	Direct supplemental SIC report	PASSED
20250609-04	Resolution on Angela McArdle	PASSED
20200609-05	Resolution on potential recoupment of funds	PASSED

TABLE OF APPENDICES

Appendix	Title	Author
A	Log of Registrants	Zoom
B	Special Investigatory Committee Report	SIC

Respectfully submitted,

LNC Secretary ~ Secretary@LP.org ~ 561.523.2250

Special Investigatory Committee Report - 06/09/2025

Libertarian Party and its members, thus causing the LNC at least as much harm as benefit – if there were any benefit at all. The SIC therefore concludes that continued litigation seeking a court order barring McArdle from serving on the LNC in any capacity is not in the LNC's best interest – particularly in light of the SIC's recommendation in paragraph (6) below. Finally, the plaintiff seeks a court order seeking access to LNC records – access she alleges the LNC "refused" when she requested it as a member of the LNC. But that allegation is false. The LNC responded by acknowledging that LNC members are "entitled to inspect and copy LNC records at any reasonable time to the extent reasonably related to the performance of their duties as a director" and stated it was "prepared to accommodate any reasonable request...." The plaintiff made no such request but sued instead. Additionally, the SIC notes the plaintiff is no longer a member of the LNC – she is not a director and has no duties as such. Because the LNC has not refused any LNC member's request for records, and because the plaintiff is no longer a member of the LNC, the SIC concludes that continued litigation seeking relief the LNC has not denied to an individual who has no directorial duties to the LNC is not in the LNC's best interests. In sum, the SIC concludes that the relief requested in *Vest v. McArdle* would not benefit the LNC and maintenance of the action is not in the LNC's best interests.

6. Based on the findings and conclusions in this report, and the strength of the evidence supporting them, the SIC recommends that the LNC adopt a resolution finding Angela McArdle unfit to serve as an officer of the Libertarian Party in the future. The SIC recommends that the LNC adopt a resolution declaring that no LNC board or staff member shall have any contact or contract with Angela McArdle, Austin Padgett or any corporation or entity closely held or controlled by either one.

Adopted by the Special Investigative Committee on 06/07/2025.

Adopted by the Libertarian National Committee 06/09/2025.

https://lp.org/wp-content/uploads/LNC-Minutes_2025-06-09_FINAL.pdf

Exhibit 5

Video of the LNC Special Meeting of 6/9/25

<https://www.youtube.com/watch?v=ubgRB38vjA4&t=2117s>

Exhibit 6

Extract from the minutes of the 2/2/25 LNC meeting

The main motion as previously amended reads as follows:

Appoint a special committee to investigate issues of conflict of interest and business practices of the Libertarian National Committee, comprised of Mr. Darr, Mr. Nekhaila, Mr. Weir, Mr. Garcia, Ms. Yeniscavich, Mr. Redpath, Mr. Bowen, and Mr. Knebel.

A roll call vote was conducted as follows:

Member / Alternate	Yes	No	Abstain
Bost			X
Darr	X		
Dassing/Bracco			X
Ford/Weir			X
Garcia/Vacant	X		
Harlos	X		
Hays/Malagon	X		
Lam/Chadderdon		X	
McGee/Johnson	X		
Nanna/Hertzsch	X		
Nekhaila			X
Redpath	X		
Vacant/Thompson	X		

LNC SPECIAL MEETING – FEBRUARY 2, 2025, VIA ZOOM – FINAL

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Member / Alternate	Yes	No	Abstain
Yeniscavich	X		
TOTALS	9	1	4

This motion PASSED with a roll call vote of 9-1-4. [20250202-04]

RESTORE SECRETARY'S ACCESS

Chair Nekhaila ruled the noticed Darr motion **OUT OF ORDER** because the past Chair's directives were Out of Order as the LNC cannot overrule the Judicial Committee whose decision is final. He will be working with the Secretary's access with appropriate safeguards regarding the current derivative suits.

Exhibit 7

Thread from the Official RONR Q & A Form (Advanced) started 6/7/24

The Official RONR Q & A Forums Existing user? Sign In Sign Up

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Home > RONR Message Board – Robert's Rules of Order Newly Revised > Advanced Discussion > Incidental main motion All Activity

Incidental main motion

By J. J.
June 7, 2024 at 04:20 PM in Advanced Discussion Share Followers 3

[Start new topic](#) [Reply to this topic](#)

J. J. Posted June 7, 2024 at 04:20 PM ...


Members
6.1k
Location: Philadelphia

10:4 provides two characteristic for an incidental main motion (IMM):


- A. It be an action specifically defined under parliamentary law.
- B. It "does *not* mark the beginning of a particular involvement of the assembly in a substantive matter."

To be an IMM, must it have both characteristics?

For example, would a motion "to commend the Fundraising Committee [a special committee appointed by the assembly] for the work it has been doing over the last three months," be an IMM. The assembly has been involved with the Fundraising Committee before, but a motion "to commend" is not specifically defined under parliamentary law.

[+ Quote](#)


Rob Elsman Posted June 7, 2024 at 07:19 PM ...


Members
6.3k
Location: Tulsa, Oklahoma

"[C]haracteristics" is plural, and I would assume the ordinary rules of English syntax apply.

[+ Quote](#)

Gary Novosielski Posted June 8, 2024 at 09:30 PM ...


Members
17.4k
Location: Pennsylvania

On 6/7/2024 at 4:20 PM, J. J. said:


To be an IMM, must it have both characteristics?

Yes.

RONR clearly identifies situations where any one of a list of requirements is sufficient. It does not do so here. IMMs have two characteristics.

[+ Quote](#)

Dan Honemann Posted June 9, 2024 at 09:00 AM ...


Moderators
Staff
11.5k
Location: Timonium, Maryland

On 6/7/2024 at 4:20 PM, J. J. said:

For example, would a motion "to commend the Fundraising Committee [a special committee appointed by the assembly] for the work it has been doing over the last three months," be an IMM. The assembly has been involved with the Fundraising Committee before, but a motion "to commend" is not specifically defined under parliamentary law and are not parliamentary terms

A motion to commend, like a motion to censure, is not an incidental main motion. These words are not parliamentary terms, and these actions, "commend" and "censure", are not actions specifically defined under parliamentary law. On the other hand, a motion to *ratify* is, of course, an incidental main motion. "Ratify" is a parliamentary term, and ratification is an action specifically defined under parliamentary law.

[+ Quote](#)

J. J.

Posted June 9, 2024 at 11:50 AM

Author



. J.

On 6/9/2024 at 9:00 AM, Dan Honemann said:

A motion to commend, like a motion to censure, is not an incidental main motion. These words are not parliamentary terms, and these actions, "commend" and "censure", are not actions specifically defined under parliamentary law. On the other hand, a motion to *ratify* is, of course, an incidental main motion. "Ratify" is a parliamentary term, and ratification is an action specifically defined under parliamentary law.

Members

6.1k

Location: Philadelphia

I am not disagreeing, however, the answer raises another question.

The committee, without authorization, took some action. A motion is made to ratify the action (which would be an IMM), i.e. "That the action of the Fundraising Committee in regard to X be ratified." While it is pending the motion is amended by substituting the "That the Fundraising Committee be censured for its actions in regard to X." Did that change the motion to ratify into an original main motion? [It probably would not make a difference.]

+ Quote

Dan Honemann

Posted June 9, 2024 at 01:19 PM



an Honemann

Moderators

Staff

11.5k

Location: Timonium, Maryland

On 6/9/2024 at 11:50 AM, J. J. said:

I am not disagreeing, however, the answer raises another question.

The committee, without authorization, took some action. A motion is made to ratify the action (which would be an IMM), i.e. "That the action of the Fundraising Committee in regard to X be ratified." While it is pending the motion is amended by substituting the "That the Fundraising Committee be censured for its actions in regard to X." Did that change the motion to ratify into an original main motion? [It probably would not make a difference.]

Yes, I think it did, but no objection to its consideration would be in order.

+ Quote

J. J.

Posted June 9, 2024 at 01:27 PM

Author



. J.

On 6/9/2024 at 1:19 PM, Dan Honemann said:

Yes, I think it did, but no objection to its consideration would be in order.

Members

6.1k

Location: Philadelphia

It looks like 12:22 5) then would not apply, as the amendment would not convert one parliamentary motion into another, but it would change the (sub)class somewhat.

+ Quote

Dan Honemann

Posted June 9, 2024 at 02:12 PM



an Honemann

Moderators

Staff

11.5k

Location: Timonium, Maryland

On 6/9/2024 at 1:27 PM, J. J. said:

It looks like 12:22 5) then would not apply, as the amendment would not convert one parliamentary motion into another, but it would change the (sub)class somewhat.

Yes, 12:22(5) is inapplicable. Adoption of the motion to substitute converted the pending main motion from an incidental main motion into an original main motion, albeit one which is not subject to an objection to its consideration.

+ Quote

Gary Novosielski

Posted June 9, 2024 at 08:04 PM



.ary
Novosielski

On 6/9/2024 at 2:12 PM, Dan Honemann said:

Yes, 12:22(5) is inapplicable. Adoption of the motion to substitute converted the pending main motion from an incidental main motion into an original main motion, albeit one which is not subject to an objection to its consideration.

Members

17.4k
Location: Pennsylvania

Since consideration of the motion to *Ratify* was thoroughly underway, to the point of having agreed to at least one a motion to *Amend*, it would be too late to object to consideration anyway, I'd think.

+ Quote

J. J.

Posted June 9, 2024 at 08:15 PM

Author



. J.

On 6/9/2024 at 8:04 PM, Gary Novosielski said:

Since consideration of the motion to *Ratify* was thoroughly underway, to the point of having agreed to at least one a motion to *Amend*, it would be too late to object to consideration anyway, I'd think.

Members

6.1k
Location: Philadelphia

It would be, which is why I said, "It probably would not make a difference."

+ Quote

Dan Honemann

Posted June 10, 2024 at 07:35 AM



.an
Honemann



Moderators

Staff

11.5k
Location: Timonium,
Maryland

On 6/9/2024 at 8:04 PM, Gary Novosielski said:

Since consideration of the motion to *Ratify* was thoroughly underway, to the point of having agreed to at least one a motion to *Amend*, it would be too late to object to consideration anyway, I'd think.

This is slightly misleading, or at best superfluous, since the motion to ratify was *never* subject to an objection to its consideration, nor was the motion to amend it.

+ Quote

Gary Novosielski

Posted June 10, 2024 at 09:03 PM



.ary
Novosielski

On 6/10/2024 at 7:35 AM, Dan Honemann said:

This is slightly misleading, or at best superfluous, since the motion to ratify was *never* subject to an objection to its consideration, nor was the motion to amend it.

Members

17.4k
Location: Pennsylvania

I don't seem to understand. A motion is made and seconded to *Ratify* something. At that point it would be subject to objection to consideration but that is not moved. Instead, an amendment is agreed to, striking *ratify* and inserting *censure*. So the pending question has been amended and therefore it is now too late to object to its consideration.

In other news, it has now become an original main motion, which is of some academic interest, but it is still *the* pending question, and so is still not subject to objection.

That's my understanding. What am I missing?

+ Quote

Dan Honemann

Posted June 11, 2024 at 07:43 AM

...

an Honemann

Moderators

Staff

11.5k

Location: Timonium, Maryland

On 6/10/2024 at 9:03 PM, Gary Novosielski said:

I don't seem to understand. A motion is made and seconded to *Ratify* something. At that point it would be subject to objection to consideration but that is not moved. Instead, an amendment is agreed to, striking *ratify* and inserting *censure*. So the pending question has been amended and therefore it is now too late to object to its consideration.

In other news, it has now become an original main motion, which is of some academic interest, but it is still *the* pending question, and so is still not subject to objection.

That's my understanding. What am I missing?

Expand

A motion to *ratify* is an incidental main motion and, as such, is not subject to an objection to its consideration.

+ Quote

Gary Novosielski

Posted June 11, 2024 at 12:53 PM

...

ary Novosielski

Members

17.4k

Location: Pennsylvania

On 6/11/2024 at 7:43 AM, Dan Honemann said:

A motion to *ratify* is an incidental main motion and, as such, is not subject to an objection to its consideration.

Right, sorry, brain glitch. But in this scenario it was not attempted anyway.

My point was that even though it becomes an original main motion, it does not *become* subject to objection to consideration because consideration has already begun, not because it belongs to some special category of original main motions.

But since nothing you said conflicts with that, I'll just withdraw my inquiry and be glad I understand it better now.

+ Quote

Guest

Reply to this topic...

<https://robertsrules.forumflash.com/topic/43932-incidental-main-motion/#comment-259227>

Exhibit 8

Extract from the August, 24-25 & 28 meeting minutes of the LNC

Appointment of an Investigatory Committee

Mr. Haman moved the following resolution: “Resolved, I move that this Board adopt the following resolution: Resolved, that a committee comprised of Jonathan McGee, Pat Ford, and Adrian F Malagon be appointed by the Libertarian National Committee to investigate allegations of misconduct by our Secretary, Caryn Ann Harlos, which, if true, cast doubt on her fitness to continue in office, and that the Committee be instructed, if it concludes that the allegations are well-founded, to report resolutions covering its recommendations.”

Ms. Harlos raised a point of order and claimed to cite a portion of the LNC Policy Manual, which, according to her, stated that “a fair and impartial investigatory committee would not necessarily be members of the Board.” (No such citation exists.)

Ms. Harlos moved to amend Mr. Haman’s motion to add Mr. Nanna, Mr. Nekhaila, and Mr. Bill Redpath to the committee. They accepted.

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https://lp.org/wp-content/uploads/2025/02/LNC-Mintes-_08-24-25_FINAL.pdf

Exhibit 9

Majority Opinion in the Matter of the Appeal of R. Lee Wrights, June 21, 2009

Majority Opinion in the Matter of the Appeal of R. Lee Wrights 21 June 2009

Mr. Wrights Has Standing to Appeal His Removal From the LNC.

The Judicial Committee is empowered by the LP Bylaws to hear appeals of the "suspension of National Committee members-at-large." (LP Bylaws 9.2 (c)). The argument has been advanced that since Mr. Wrights was not suspended from the LNC through the procedures described in LP Bylaws 8.5, his removal is not actually a suspension and thus is not appealable to the Judicial Committee. We are not persuaded that removing an at-large committee member is not a suspension merely because it was done outside the established bylaws procedures. Following that argument would result in a situation where a suspension done according to established procedures can be appealed and potentially overturned, but one done without following established procedures would be unreviewable. Rather, we are persuaded that Mr. Wrights was suspended from the LNC, regardless of the words used by Msrs. Sullentrup and Redpath to describe it, and thus has standing to appeal his suspension to the Judicial Committee.

There is Some Ambiguity in the Language of the Bylaws Regarding When a Sustaining Member's Dues Lapse.

LP Bylaws 5.3 defines "Sustaining member as "any Party member who has given at least \$25 to the Party in the prior twelve months, or who is a life member." There is a dispute over whether "prior twelve months" indicates the twelve calendar months prior to the month where the dues are checked for a lapse or if it indicates the twelve months prior to the date of the alleged lapse. This question becomes important as Mr. Wrights sustaining membership had lapsed as of the date of Mr. Sullentrup's letter to him under the latter formulation, but not under the former. While it is not necessary to resolve this question here, since we conclude that the Secretary exceeded his discretion in removing Mr. Wrights regardless, there is a general principle in law that ambiguities should be resolved in favor of the accused, and under that principle, the former construction would be preferred.

There Are Situations in the Bylaws that Require the LNC Secretary to Recognize a Vacancy on the LNC.

LP Bylaws 8.5 says that "A National Committee member who fails to attend two consecutive regular meetings of the National Committee shall be deemed to have vacated his or her seat." This "shall be deemed" language can be read to mean that the LNC Secretary is required to recognize the vacancy of the National Committee member who missed the two consecutive meetings; recognizing the vacancy is not left to the discretion of the LNC Secretary. This specific mandatory language is the proverbial exception that proves the rule, i.e. if there is not specific mandatory language, the LNC Secretary retains some level of discretion in carrying out his/her duties.

The Eligibility Requirements of LP Bylaws 8.4 do not Contain Specific Enforcement Language.

LP Bylaws 8.4 reads, "A National Committee member shall be a sustaining member of the Party, and shall not be the candidate of any party except the Party or an affiliate." While there is dispute about whether this language specifically requires continuing sustaining membership and the effect of a lapse in that membership, there is no dispute about whether the Bylaw contains specific enforcement language. It does not.

It is clear from other sections of the Bylaws that when the delegates intend to make a provision mandatory, they are capable of enacting clear language to that effect. (See, e.g., the third paragraph of LP Bylaws 8.5 (requiring a member who misses two consecutive meetings to be removed)). It is also clear that the delegates are capable of writing language prohibiting action, such as LP Bylaws 8.7, which reads in part, "A National Committee Regional Representative may be removed and replaced only by the act of the affiliate parties which constitute the subject region."

In Absence of a Specific Enforcement Procedure, Suspension of an At-Large Member Must be Done Through the General Procedures Contained in the LP Bylaws.

Given the lack of either kind of language in LP Bylaws 8.4, two possibilities exist. Either the Secretary and Chair are empowered to enforce the language as they see fit or the LNC has to act as a whole under the process given for suspension of an LNC member. We are not persuaded that the Secretary or Chair can suspend an at-large member of the LNC without a 2/3 vote of the LNC.

This is not to say that the Secretary is required to allow an At-Large member who is lapsed all of the rights and privileges of a member in good standing. The Secretary could refuse to acknowledge the votes of an At-Large member he/she believes to be ineligible to hold the office. The Secretary and Chair could refuse to seat an At-Large member they determine to be ineligible. What they cannot do is suspend an At-Large member from the National Committee without following the procedures in the Bylaws. When, in this case, the Bylaws do not contain specific enforcement procedures related to a particular provision, the ambiguity is resolved in favor of the existing default procedures (those described in LP Bylaws 8.5), rather than allowing an ad hoc procedure to be undertaken by one or two officers of the National Committee.

Mr. Wrights Suspension Was Improper and Hereby Reversed.

After reviewing all of the facts in light of the LP Bylaws, we conclude that Mr. Wrights was improperly suspended from his position on the LNC. We reverse that suspension, effective as of the date of the original communication from Mr. Sullentrup to Mr. Wrights regarding his removal. We also recommend that the current LP Bylaws Committee consider changes that would bring greater clarity to these provisions.

Majority opinion written by Nick Sarwark and joined by Ruth E. Bennett, Joe Cobb and Travis Nicks