

**Libertarian National Judicial Committee**

**Petitioner: Austin Martin (Martin et al.)**

**vs**

**Respondent: Libertarian National Committee (LNC)**

**In re: To Declare Invalid the LNC Action Purporting  
to Void the Region 1 Election of May 10, 2025 and  
to Clarify the Interpretation of Sustaining  
Membership Status, Rights, and Regional  
Autonomy**

**Libertarian National Committee  
Respondent Brief**

## **Factual Background**

1. On May 10, 2025, the Region 1 delegation elected James Wiley to serve as Second Alternate to the Libertarian National Committee, in accordance with the Region 1 Regional Agreement (Petitioner Exhibits 2 and 3).
2. At the time of the election, no notice was provided to Region 1 that Mr. Wiley was allegedly ineligible to serve, nor had he been formally removed from sustaining-member status or subjected to any disciplinary process.
3. On or about May 15, 2025, it was discovered during the LNC member onboarding process that Mr. Wiley's most recent sustaining contribution occurred on March 2, 2024, and that his sustaining membership was therefore considered lapsed at the time of the May 10, 2025, election.
4. On that basis alone, the Chair directed Region 1 to disregard the election and to conduct a new one, asserting that the alleged lapse invalidated the election (Petitioner Exhibit 4).
5. Upon receiving notice of the alleged lapse, Mr. Wiley immediately renewed his sustaining membership on May 15, 2025.
6. On May 17, 2025, at the in-person LNC meeting in Grand Rapids, Region 1 Representative Andrew Chadderdon made a point of order regarding the Chair's determination that the election of Mr. Wiley was invalid. The point of order was not well-taken, and the ruling of the Chair was sustained, thus making the May 6-10, 2025, Regional Election of Mr. Wiley null and void.
7. On May 24, 2025, the Region 1 chairs voted to ratify the prior election and cure any alleged procedural defect now that Mr. Wiley's sustaining membership was current (Petitioner Exhibit 5). The Chair accepted this action and acknowledged Mr. Wiley's election (Petitioner Exhibit 6).

## **Arguments**

### **Mr. Wiley Was Not a Sustaining Member as Defined by the National Bylaws During and at the Close of the May 6-10, 2025, Regional Election Ballot**

Article 4.4 of the National Bylaws states:

- “4. “Sustaining members” are members of the Party who:*
- a. During the prior 12 months have donated, or have had donated on their behalf, an amount of at least \$25; or*
  - b. Are Life members.” [Emphasis added]*

As demonstrated by Petitioner Exhibit 4, given that Mr. Wiley's most recent sustaining contribution at the close of the Regional Election Ballot of May 6-10, 2025, was on March 2, 2024, Mr. Wiley's membership had been lapsed for a full two months.

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. However, the Petitioner is not entirely accurate in claiming that under RONR a member in arrears of dues "retains the full rights of a voting member" unless the bylaws expressly provide for automatic suspension or the member has been formally disciplined. Instead, RONR 45:1 provides for a much broader exception regarding the bylaws.

The full text of RONR 45:1 states:

***"Voting Rights of a Member in Arrears. A member of a society who is in arrears in payment of his dues, but who has not been formally dropped from the membership rolls and is not under a disciplinary suspension, retains the full rights of a voting member and is entitled to vote except as the bylaws may otherwise provide."*** [Emphasis added]

"Except as the bylaws may otherwise provide" implies that any provision in the bylaws that might restrict the full rights of a voting member necessarily supersedes RONR 45:1. This is particularly relevant with respect to the initial eligibility of Mr. Wiley. Article 7.4 of the National Bylaws explicitly states the requirements to be a National Committee member:

***"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."*** [Emphasis added]

Per Article 7.4 of the National Bylaws sustaining membership is an eligibility requirement for being a National Committee member and, as previously established, Mr. Wiley did not meet the definition of a sustaining member as explicitly defined in Article 4.4 of the National Bylaws during and at the close of the Regional Election Ballot of May 6-10, 2025. These bylaws supersede RONR 45:1 and made Mr. Wiley ineligible to be elected at the close of the Regional Election Ballot of May 6-10, 2025.

**Neither the National Committee nor Any of the Regional Affiliates Have the Authority to Elect an Individual Ineligible Per the National Bylaws to be a National Committee Member**

The Petitioner asserts that the bylaws explicitly vest authority over the selection, removal, and replacement of regional representatives and alternates in the affiliate parties comprising each region. The Petitioner cites Article 7.8 of the National Bylaws which states:

***"A National Committee Regional Representative or Alternate may be removed and replaced only by the act of the affiliate parties that constitute the subject region. The voting procedure for the removal and replacement of regional representatives or alternates shall be determined by the regions. In the absence of any such***

*procedures, a majority vote of the state chairs comprising the region shall prevail.”*  
[Emphasis added]

and Article 5.5 of the National Bylaws which states:

*“The autonomy of the affiliate and sub-affiliate parties shall not be abridged by the National Committee or any other committee of the Party, **except as provided by these bylaws.**”* [Emphasis added]

While Regional Representatives and Alternates may only be removed and replaced by an act of the affiliate parties that constitute the subject region, Article 7.8 of the National Bylaws only authorizes regions to determine their own voting procedures. In no way do Articles 7.8 or 5.5 of the National Bylaws authorize regional affiliates to suspend the eligibility requirements established elsewhere in the National Bylaws when selecting National Committee members.

It should also be noted that at the top of Petitioner Exhibit 1, which was the original ballot for the Region 1 Secondary Alternate, the state chairs are instructed that they “may vote for any individual eligible for the position.” This is an explicit acknowledgement from Region 1 that they are bound by eligibility requirements.

Articles 7.4 and 4.4 of the National Bylaws explicitly establish eligibility requirements for being a member of the National Committee. The determination that Mr. Wiley was ineligible at the time of his election was because of these bylaws. The National Committee does not have the power to suspend those bylaws.

### **The May 6-10, 2025, Regional Election of Mr. Wiley was a Continuing Breach of the National Bylaws**

RONR 46:46-47 controls when an election becomes final, and states:

***“46:46 Time at Which an Election Takes Effect. An election to an office becomes final immediately if the candidate is present and does not decline, or if he is absent but has consented to his candidacy. If he is absent and has not consented to his candidacy, the election becomes final when he is notified of his election, provided that he does not immediately decline. If he does decline, the election is incomplete, and another vote can be taken immediately or at the next meeting without further notice. After an election has become final as stated in this paragraph, it is too late to reconsider (37) the vote on the election.***

***46:47 An officer-elect takes possession of his office immediately upon his election’s becoming final, unless the bylaws or other rules specify a later time (see 56:27). If a formal installation ceremony is prescribed, failure to hold it does not affect the time at which the new officers assume office.”*** [Emphasis added]

As a declared candidate for the May 6-10, 2025, Regional Election, evidenced in Petitioner Exhibit 1, Mr. Wiley clearly consented to his candidacy. As such, the election became final at the close of the Regional Election Ballot on May 10, 2025. At that point, the breach of Articles 7.4 and 4.4 of the National Bylaws became a fatal and continuing breach of the National Bylaws. The renewal of Mr. Wiley's sustaining membership on May 15, 2025, was not sufficient by itself to cure the breach since it could not have changed his eligibility status at the time the election took effect. Strictly speaking, even subsequent ratification of the May 6-10, 2025, Regional Election cannot validate the election, only the results of it.

### **The Chair and National Committee have the Authority to Contest the Announced Results of an Election in Continuing Breach of the National Bylaws**

Contrary to the claim made by the Petitioner that the Chair exceeded his delegated authority in this matter, Article 6.3 of the National Bylaws grant both the Chair and the National Committee the authority to adjudicate this matter. For reference, Article 6.3 states:

*“The Chair shall preside at all conventions and all meetings of the National Committee. **The Chair is the chief executive officer of the Party with full authority to direct its business and affairs, including hiring and discharging of National Committee volunteers and paid personnel, subject to express National Committee policies and directives issued in the exercise of the National Committee's plenary control and management of Party affairs, properties and funds.**”* [Emphasis added]

The Chair has full authority to direct the business and affairs of the Party, subject to express National Committee policies issued in the exercise of the National Committee's plenary control and management of Party affairs. In short, this gives the Chair the authority to enforce the National Bylaws and any other policy of the National Committee, which would include declaring a Regional Election invalid due to violation of the eligibility requirements explicitly stated in the National Bylaws.

RONR 46:48-49 further clarifies the procedure for contesting an election in continuing breach of the bylaws, stating:

*“46:48 **Contesting the Announced Result of an Election.** Depending on the circumstances, the voting body may be able to order a recount if an election was conducted by ballot (see 45:41), roll-call vote (see 45:54), or counted vote (see the last sentence of 45:15). In the case of a roll-call vote, a recapitulation may be possible (see 45:51). It may be possible, under some circumstances, to order that the election be voted on again by another method (see Retaking a Vote, 30:6).*

*46:49 **Otherwise, an election may be contested only by raising a point of order. The general rule is that such a point of order must be timely, as described in 23:5. If an election is disputed on the ground that a quorum was not present, the provisions in the last sentence of 40:12 apply. Other exceptions to the general timeliness***

**requirement are those that come from the five categories listed in 23:6, in which cases a point of order can be made at any time during the continuance in office of the individual declared elected. For example:**

- a) ***If an individual does not meet the qualifications for the post established by the bylaws, his or her election is tantamount to adoption of a main motion that conflicts with the bylaws.***
- b) *If there was a previously valid election for the same term, the subsequent election of another is the adoption of a main motion conflicting with one still in force.*
- c) *If the votes of nonmembers or absentees in the election affect the result, action has been taken in violation of the fundamental principle of parliamentary law that the right to vote is limited to the members of an organization who are actually present at the time the vote is taken.*
- d) *If an election to fill a vacancy is held without required previous notice, action has been taken in violation of a rule protecting the rights of absentees.*
- e) *If a number of members sufficient to affect the result are improperly prevented from voting in an election, action has been taken in violation of a rule protecting a basic right of the individual member.” [Emphasis added]*

The May 6-10, 2025, Regional Election of Mr. Wiley is identical to the example provided by RONR 46:49(a). When the Chair first became aware of this breach on May 15, 2025, he submitted his ruling on the breach in Petitioner Exhibit 4.

On May 17, 2025, at the in-person meeting in Grand Rapids, Region 1 Representative Andrew Chadderdon made a point of order regarding the Chair’s determination that the election of Mr. Wiley was invalid. The point of order was not well-taken, and the ruling of the Chair was sustained, thus making the May 6-10, 2025, Regional Election of Mr. Wiley null and void.

The Region 1 ratification vote of May 20-24, 2025, also serves as an admission by Region 1 that they did not follow the National Bylaws in conducting the May 6-10, 2025, Regional Election of Mr. Wiley.

### **The Difference in Fact Patterns from Previous Judicial Committee Decisions**

The Petitioner asserts that the challenged actions undermine the statement of principles, affiliate autonomy, and established party practice, citing past Judicial Committee precedent. The Petitioner admits that past Judicial Committee precedent is non-binding. Even if it was, the fact pattern in *Martin v. LNC (2026)* differs significantly enough from *Wrights v. LNC (2009)* and *Epstein v. LNC (2015)* to not be relevant. For example, *Wrights v. LNC (2009)* centered around the removal of Lee Wrights from the National Committee in the middle of his term due to his sustaining membership lapsing, whereas in *Martin v. LNC (2026)* the election of Mr. Wiley was in continuing breach of the National Bylaws due to not meeting the eligibility requirements established by the National Bylaws at the time the election took effect. An argument could be

made along the same lines as *Wrights v. LNC (2009)* had Mr. Wiley's election not been a continuing breach of the National Bylaws. Furthermore, with respect to *Epstein v. LNC (2015)*, that fact pattern deviates even further. *Epstein v. LNC (2015)* had nothing to do with sustaining membership dues, it had to do with which Oregon affiliate was recognized by the National Committee.

## **Conclusion**

This matter is not a case of zealous overreach on the part of the National Committee; it is merely a case of enforcing the National Bylaws as they are written in good faith. There was no animus against Mr. Wiley from the Chair or the National Committee. The National Committee trusted that Region 1 was able to conduct a Regional Election in accordance with the National Bylaws, and when that turned out to not be the case the Chair merely enforced the National Bylaws as written in declaring Mr. Wiley's ineligibility. Articles 4.4 and 7.4 of the National Bylaws clearly indicate that Mr. Wiley was ineligible for the May 6-10, 2025, Regional Election. As such, at the close of the Regional Election Ballot, which is when the election officially took effect per RONR 46:46-47, that election was in continuing breach of the National Bylaws. The renewal of Mr. Wiley's sustaining membership on May 15, 2025, was not sufficient by itself to cure the breach since it could not have changed his eligibility status at the time the election took effect. To cure the breach, Mr. Wiley would need to have been elected in a subsequent Regional Election or by ratification of the May 6-10, 2025, Regional Election. Region 1 chose the latter option, and on May 24, 2025, Mr. Wiley was seated as a duly elected member of the National Committee.

The National Committee does not dispute that Mr. Wiley was a sustaining member in good standing as of his renewal on May 15, 2025. The National Committee does dispute that Mr. Wiley's membership rights were violated by enforcing the National Bylaws. Furthermore, the National Committee asserts that the Chair and the National Committee acted well within its authority in declaring the Regional Election of May 6-10, 2025, to be null and void due to Mr. Wiley's ineligibility per Articles 4.4 and 7.4 of the National Bylaws.

As such, the National Committee respectfully requests that Petitioners' requests for relief 2, 3, and 5 be denied in full. The National Committee further requests that Petitioners' requests for relief 1 and 4 be granted in part, in that Mr. Wiley was a sustaining member in good standing as of his renewal on May 15, 2025, but not prior to the renewal, and that as of the ratification of the May 6-10, 2025, election on May 24, 2025, the results of Mr. Wiley's election were valid. Finally, the National Committee welcomes any guidance from the Judicial Committee on how to handle future situations of this nature and requests that Petitioners' request for relief 6 be granted in full.

Respectfully Submitted,

Jonathan McGee,  
On behalf of the Libertarian National Committee