

## BRIEF PRO SE AMICUS CURIAE IN SUPPORT OF THE PETITIONER

ROBSON v. LIBERTARIAN NATIONAL COMMITTEE

RE: Conducting of Electronic LNC Business in Secret and Deletion of Past LNC Business List

Dear Members of the Judicial Committee,

I am writing on behalf of myself and not on behalf of the OKLP to provide further support for Ms. Robson's appeal. I primarily wish to address the decision to use the LNC public email list to only post final vote results and meeting announcements.

The amendment of Section 7.15 was distributed by the Bylaws Committee at the 2020 LP Convention which was to enforce transparency requirements on the LNC. While the rationale statement does not specifically address business transacted via email, the text of what is now Article 7.15 clearly states:

"The LNC and all of its committees shall conduct **all votes and actions** in open session." (emphasis added)

As the bylaws in Article 13 also states, "Boards and committees may transact business by electronic mail," this leaves us to infer whether routine business via email should be considered "in session." I believe that it does.

RONR 12th edition has many sections that refer to "actions" which are often used interchangeably with motions, for example:

*"35:6 Actions That Cannot Be Rescinded or Amended."*

*"The motions to Rescind and to Amend Something Previously Adopted are not in order under the following circumstances ..." (I will not provide an exhaustive list of examples, as there are dozens).*

It therefore stands to reason that the LNC holding motions, votes, and the like can only be characterized as "actions" of the Board and must be held in "open session". The question then becomes what is considered "open session" with respect to electronically held business.

If we were to compare the recently limited public email posts to the same actions were they to have been held in the "real world", I would imagine a scenario wherein the LNC held an ostensibly public meeting, except members had to wait out in the

hall while the Secretary occasionally popped out of the meeting to inform the crowd of the results of a vote. No direct observation of motions, no word of debate or rationales would be permitted. Clearly the membership would find this untenable and perhaps elect to storm the meeting room!

It therefore also stands to reason that to adhere to not only the spirit but the black-letter text of 7.15, the LNC has two choices:

1) put all asynchronous/electronic business on the public list as has been done for years.

2) cease doing any asynchronous/electronic business completely, and do all business in called meetings

I thank the Committee for their careful consideration.

In Liberty,

**Jay Norton**

Life Member, Libertarian Party of Oklahoma

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