



HARRANG LONG
GARY RUDNICK P.C.
ATTORNEYS AT LAW

C. ROBERT STERINGER
Admitted in Oregon and Washington
1001 SW Fifth Avenue, 16th Floor
Portland, OR 97204
bob.steringer@harrang.com
503.242.0000
503.241.1458 (FAX)

March 19, 2014

**VIA EMAIL: OREGON.SOS@STATE.OR.US
AND FIRST CLASS MAIL**

Kate Brown
Oregon Secretary of State
255 Capitol St. NE
Suite 501
Salem, OR 97310

**VIA EMAIL: ELECTIONS.SOS@STATE.OR.US
AND FIRST CLASS MAIL**

Elections Division
Oregon Secretary of State
255 Capitol St. NE
Salem, OR 97310

Re: Case 12-C&E-23 and Tyler Smith Letter of February 19, 2014

To Whom It May Concern:

This office represents the Libertarian Party of Oregon ("LPO"). We are in receipt of a letter dated February 19, 2014, written to you by Tyler Smith, general counsel for the Oregon Republican Party, which is enclosed as Exhibit 1. In his letter, Mr. Smith asks you to recognize certain individuals as the leaders of the LPO. Unfortunately, just as your office concluded in its Amended Final Determination in Case 12-C&E-23 that Mr. Smith's characterization of the facts was "inaccurate," Mr. Smith's most recent letter contains numerous inaccuracies and misleading statements. I write in an attempt to correct the most egregious of those misstatements.

Mr. Smith begins his letter with perhaps the biggest whopper of all: "since the dispute arose in 2011 every organization except the Secretary of State has determined that my client Mr. Reeves is the Chairperson, and that the organization he heads is the official Libertarian Party of Oregon." Ex. 1 at 1. What Mr. Smith actually means is that certain groups within the Libertarian National Committee — an organization that has no authority whatsoever to decide who leads the LPO — have supported Mr. Reeves' claims to leadership. Not that it is particularly relevant to the matter before you, but the LNC in several instances has recognized Wes Wagner's chairmanship of the LPO, including:

- In August 2011 and September 2011, the LNC Judicial Committee issued rulings to the effect that the LNC Executive Committee and LNC Chair must recognize Wes Wagner as Chairman of the Libertarian Party of Oregon. Ex. 2 (LNC Judicial Committee Rulings).

- The LNC website continues to recognize the website run by Wagner and affiliated officers of the Libertarian Party of Oregon. Ex. 3 (LNC Website link to State Party Website of <http://www.lporegon.org>, available at <https://www.lp.org/state/oregon>).
- LNC Chair Geoffrey Neale reaffirmed that the LNC recognizes Wes Wagner as the chair of the Libertarian Party of Oregon. Ex. 4 (Independent Political Report, "Geoff Neale reaffirms that the LNC recognizes Wes Wagner as LP of Oregon chair," available at <http://www.independentpoliticalreport.com/2014/01/geoff-neale-reaffirms-that-the-lnc-recognizes-wes-wagner-as-lp-of-oregon-chair/>).

Thus, Mr. Smith is mistaken both in his claim that the national Libertarian Party can adjudicate his clients' claims and that there is universal support within that organization for his clients' point of view.

More relevant in the view of my client is the fact that in a statewide mail vote, Oregon registered Libertarians overwhelmingly ratified new bylaws to comply with ORS 248.005's directive to ensure wide and fair party participation, Ex. 5 (2012 Libertarian Party Primary Election Results), and have followed such bylaws in subsequent mail votes to elect leaders and nominees for office. It is telling that Mr. Smith's clients apparently believe that the views of some individuals within the national Libertarian Party are conclusive and that the views of LPO electors and prior rulings of the Secretary of State are irrelevant.

Mr. Smith goes on to mischaracterize the rulings of Judge Breithaupt in the pending lawsuit between his clients and mine, claiming that His Honor "ruled" that "the LPO has established a Judicial Committee to address the exact questions Plaintiffs would have this court decide," and that "the decisions of the Judicial Committee * * * will be final, subject only to the appropriate action of the full membership of the party." Ex. 1 at 2. Mr. Smith then argues that his clients have a group of people that call themselves a Judicial Committee, that they decided that they rule the LPO, and that your office should respect that decision without question.¹ Ex. 1 at 2-3.

¹ Mr. Smith does not explain how a "Judicial Committee" appointed by his clients are endowed with *any* authority to determine the legitimacy of his clients as LPO officers. For such a body to have any legitimacy, the body appointing it — constituted by Mr. Smith's clients — must be legitimate. This is tautological rhetoric masquerading as legal logic. Mr. Smith's clients' lack of legitimacy is explained above in this letter and previous communications to the Secretary of State. In addition, Mr. Smith does not explain how a 5-0 vote by a committee appointed by

What Mr. Smith fails to inform you is that Judge Breithaupt expressly retracted the statement quoted in Mr. Smith's letter:

"The correspondence from Mr. Steringer points out that my assumptions about the existence of a judicial committee may have been inaccurate, depending on which version of the constitution and bylaws is consulted. My prior letter opinion should not be read as being dependent on the existence, *vel non*, of any particular set of provisions in bylaws or a constitution. The fundamental premise of my letter opinion was that a court should not insert itself into internal disputes of a political party. Either the party provides for dispute resolution or, perhaps, it chooses not to do so. Either way, it is the choices of the party, and what follows, that are permitted to play out, independently of the courts."

Ex. 6 (Letter ruling dated June 4, 2013). Thus, Judge Breithaupt correctly ruled that the state is constitutionally prohibited from deciding intraparty disputes. Your office, to date, has honored that fundamental principle in rejecting the efforts of Mr. Smith and his clients to have your office install them in office after LPO electors overwhelmingly rejected their views. Mr. Smith and his clients never sought judicial review of those decisions, rendering them final.

Your office should take no action on Mr. Smith's letter. Your office should, however, take action to enforce its Amended Final Determination dated January 15, 2014, in Case 12-C&E-23, ordering Mr. Smith's clients to file a Statement of Organization for Political Action Committee as a miscellaneous committee and file campaign finance transactions pursuant to ORS 260.057 as soon as possible. Two months have passed since your office issued that order. In that time, Mr. Smith's clients found time to make another ill-founded demand for action on your part while ignoring your order that they comply with state law. The continued failure to comply with the Amended Final Determination and ORS 260.035 should incur civil penalties contemplated in ORS 260.995.

his clients is *more* legitimate than statewide elections of Libertarian leaders pursuant to bylaws recognized by the Secretary of State.

March 19, 2014

Page 4

Please let me know if you have any questions.

Sincerely,

 John C. Rake,
on behalf of

C. Robert Steringer

CRS/jw

Encls.

c: Libertarian Party of Oregon (w/encls.)
Tyler Smith, Esq. (w/encls.)
Colin Andries, Esq. (w/encls.)
James Leuenberger, Esq. (w/encls.)

Tyler Smith & Associates, P.C.
Rural Business Attorneys

February 19, 2014

RECEIVED
2014 FEB 20 PM 1 30
KATE BROWN
SECRETARY OF THE STATE

Via First Class U.S. mail

Secretary of State, Kate Brown
Elections Division
255 Capitol St. NE STE 501
Salem, OR 97310

RE: Recognition as the Libertarian Party of Oregon

Dear Elections Division, Secretary Brown, Director Williams:

Over the course of the last three years my law firm has been representing the Libertarian Party of Oregon by and through the officers organized under the party rules with Tim Reeves being the Chair. During that time there has been a dispute about who is the recognized leadership of the Libertarian Party of Oregon. However, since the dispute arose in 2011 every organization except the Secretary of State has determined that my client Mr. Reeves is the Chairperson, and that the organization he heads is the official Libertarian Party of Oregon.

As we will explain more below, the Secretary of State, Elections Division is the only entity which has refused to acknowledge the change in leadership. The previous director of the election division Mr. Trout, and Mr. Pack were both well aware of the details of the dispute. Your records on this matter will show that previously the Elections Division had declined to make any ruling and attempted to stay out of the dispute about which group of officers was the leadership of the Libertarian Party of Oregon. In fact, Mr. Trout directly told the parties that they would have to go to court to resolve the dispute. Exhibit 1. Unfortunately in Clackamas County Circuit Court case #12010345 the judge ruled that an Oregon Circuit Court does not have jurisdiction to enforce political party bylaws. We have appealed that decision because my clients believe that a political party and its leaders should have a legal obligation to follow their bylaws, and also believe this matter is of state interest because the legitimate leadership of political parties needs to be recognized by the Secretary of State in order to place authorized party candidates onto election ballots.

The question we put before you is this:

Has the Libertarian Party of Oregon under Tim Reeves done enough to convince you to allow them to be recognized with the Secretary of State, when they have had every relevant organization recognize them as the legitimate Libertarian Party of Oregon? Or alternatively do you require us to exhaust the appeal and every other legal process before you will acknowledge the change?

181 N Grant St, STE 212
Canby, OR 97013
(503) 266-5590
Tyler@RuralBusinessAttorneys.com
RuralBusinessAttorneys.com

Page 1

OSB# 075287

Exhibit 1
Page 1

Tyler Smith & Associates, P.C.
Rural Business Attorneys

Mr. Reeves as Chair and his co-Plaintiffs took this matter to court, following what then Director Trout assumed would resolve the issue. Over our objections the judge ruled that, "This matter is either nonjusticiable or, if the court has the power to address the dispute, it also has discretion to stay its hand in light of the existence of other remedies that may lead to resolution ..." Exhibit 2 p. 3.

The judge also ruled that,

"the LPO has established a Judicial Committee to address the exact kind of questions Plaintiffs would have this court decide. The Constitution of the LPO dictates that the decisions of the Judicial Committee, not the decisions of a court, will be final, subject only to the appropriate action of the full membership of the party." Exhibit 2 p. 2.

the Judicial Committee of the LPO has ruled on June 2, 2013 that,

"the current officers of the LPO are Tim Reeves (Chairperson), Eric Saub (Vice-Chairperson), Amy O'Connor (Secretary), and Greg Burnett (Treasurer), all of whom were elected or re-elected on March 9, 2013 by the members of the LPO assembled in convention." Exhibit 3.

Thus, following the instruction given by the court as to how the judge opined that the parties should resolve this matter, Mr. Reeves and the officers determined by the Judicial Committee to be the elected officers must be recognized and listed as the officers of the LPO.

My clients also took this matter to the 2012 Libertarian National Convention of the national Libertarian Party. Again, at the 2012 Convention my clients were recognized as the only body from Oregon that could select official delegates on behalf of the Libertarian Party of Oregon. Both the credentials committee and the convention as a whole voted to seat the slate of delegates that were selected by the LPO under Mr. Reeves. Exhibit 4 pp. 1-2. In a number of similar disputes which have been adjudicated in courts of other states, the courts ruled that the national convention was the proper authority to decide questions such as who is the proper leadership to be selecting and sending delegates to a national convention. See *Cousins v Wigoda*, 419 US 477, 483, 95 S Ct 541 (1975). Accordingly, even if the Election Division was to adopt that rationale from federal law, it would dictate that Mr. Reeves and the Reeves group of LPO leadership must be acknowledged as the leadership of the LPO.

Further, the Libertarian National Committee voted that "it is apparent under the 2009 Libertarian Party Bylaws that it was impossible for Wes Wagner and his associate claimants to be the legitimate leadership of the LPO as of the date ...". Exhibit 5 pp. 11-13. This is important to note because previously your office had deferred to the national organization, but the Libertarian National Committee specifically rejected a motion to reinstate Wes Wagner and his group as the official LPO affiliate of the LNC. Exhibit 5 p. 7. That same Libertarian National

Tyler Smith & Associates, P.C.
Rural Business Attorneys

Committee went on to rebuke the LNC Judicial Committee for improperly deferring back to you on the matter back in 2011. Exhibit 5 pp. 11-13. There was a bit of confusion about what the national organization stated back then, with even some individuals giving their personal opinions, but as shown in Exhibit 5 and Exhibit 4, the official actions have ruled that the organization Mr. Reeves leads is the Libertarian Party of Oregon. Those decisions were made by the national organization and must be respected no matter what the Elections Division did in the past or what any future national libertarian leadership group might do in the future.

The Elections Division would appear to be contradicting the court's reasoning if it refuses to follow the LNC's 2012 decisions on this matter as the judge stated that internal party remedies were to be used. The judge did not state the Secretary of State's office had any judgment to make in this matter and there should be no discretion. Both the state party through their Judicial Committee and the national party have exercised their internal remedies.

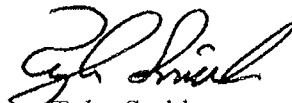
We respect that ORS 248.011 enjoins the Secretary of State from enforcing political party rules. Fortunately, you are not being asked to do that. No external remedy from your office is sought. No administrative hearing is requested to resolve this dispute, given that the judge opined that the party's internal remedies are to be respected. You are only being asked to respect the internal party remedies, which have already found for the Reeves group in 2012 and 2013.

As you can see, every entity which has any authority to consider the merits of the dispute has determined that the Libertarian Party of Oregon is led by Tim Reeves as chair and important for your records with Greg Burnett as treasurer.

However if your unwritten policy is that no matter what happens you will not respect internal remedies, and only listen to the outgoing officers of a political party to concede that they are no longer in power, you are setting up a system by which an outgoing party chair can permanently crown themselves ruler of the particular political party and there would be nothing that anyone could do about it. We believe that policy to be contradictory to the part of the court's ruling which stated that the outcomes of internal party remedies are to be respected. That policy should be changed and you should accept my client's attached SEL 221 showing the updated officers.

For these reasons, we respectfully ask and suggest that all of these decisions are sufficient for you to now update the Elections Division's records showing Tim Reeves as Chair of the Libertarian Party of Oregon, also listing Greg Burnett as Treasurer. Thus, please let us know if we have done enough to convince you to accept the SEL 221 or if we must proceed to exhaust every legal appeal and legal proceeding first.

Best wishes,


Tyler Smith

181 N Grant St. STE 212
Canby, OR 97013
(503) 266-5590
Tyler@RuralBusinessAttorneys.com
RuralBusinessAttorneys.com

Page 3

OSB# 075287

Exhibit 1
Page 3

APPEAL TO THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Wes Wagner vs. the Libertarian National Committee

The Judicial Committee decided, in a 4 to 3 vote, that the action of the Libertarian National Committee and its Executive Committee was void, as it violated the Libertarian Party Bylaws.

Voting in the Majority: Gray, Hall, Sarwark and Wrights

Dissenting: Latham, Holtz and Sullentrup

Opinion of the Majority, rendered August 25, 2011

In the matter submitted to us as the Judicial Committee of the National Libertarian Party, both the appellant and the appellee agreed that still at this time there is an entity known as the Libertarian Party of Oregon.

We find that the Libertarian Party of a particular state, in this case the State of Oregon, is the entity that is recognized by the secretary of state, in this case the Secretary of State of Oregon.

That state's party that is recognized by the secretary of state may, under the bylaws of the National Libertarian Party, be disaffiliated by the Libertarian National Committee if 3/4ths of its members vote in favor of a motion of disaffiliation for stated cause. Then if that motion passes, there would at that moment be no Libertarian Party from that particular state. Thereafter, the LNC would be empowered under the bylaws to vote in favor of the affiliation of another Libertarian Party from that state, which party could then seek recognition from that state's secretary of state.

Based upon the record presented to us, the LNC did not hold either of these votes, and in fact no cause for disaffiliation was ever formally stated. But the LNC and the Executive Committee did purport to recognize and empower one group (the Reeves Group) over another group (the Wagner Group) to represent the Libertarian Party of Oregon. This action was beyond the authority of the LNC or EC based upon the bylaws, and is void.

Opinion of James Gray, joined in by Bill Hall, Nicholas Sarwark and Lee Wrights

Dissenting Opinion of Rob Latham, rendered August 25, 2011

I write separately to explain my dissenting vote. Mindful that a credentialing process can be abused to effect a constructive disaffiliation and such arbitrary behavior should be guarded against, after hearing from the petitioners, respondents, and amici I am not persuaded that such an abuse occurred here. The Bylaws do not require the Libertarian National Committee to revoke the status of an affiliate party when a change in an affiliate party's leadership occurs,

EXHIBIT 23
Page 1 of 3

Exhibit 2
Page 1

nor when two or more claimants seek affiliate status. The Bylaws also do not require the Libertarian National Committee to defer to any outside political body's determination as to which organization shall be chartered or granted affiliate status. Nor do the Bylaws require the Judicial Committee to address every intra-party dispute; it has limited subject matter jurisdiction. Therefore, in my view, our committee should dismiss the petition because the appellant does not represent an organization that had its affiliate status revoked. Accordingly, the Judicial Committee has no subject matter jurisdiction. (Article 6, Section 6 and Article 9, Section 2.a.) My dissent should not be construed as an opinion on the merits of the Executive Committee of the Libertarian National Committee's determination as to which organization it recognized as its affiliate in this matter.

Opinion of Rob Latham, Joined in by Brian Holtz

Dissenting Opinion of Brian Holtz, rendered August 25, 2011

I further dissent from the majority's dicta about state government being the final arbiter of what entity in the state is the Libertarian Party of that state: "We find that the Libertarian Party of a particular state, in this case the State of Oregon, is the entity that is recognized by the secretary of state, in this case the Secretary of State of Oregon."

1. This finding is not required for the majority's conclusion that what the Executive Committee did was a disaffiliation attempt and therefore violated Bylaw 6.6.

2. This finding suggests that inertia in record-keeping by the government can trump the operation of the bylaws that Libertarians voluntarily agree to.

3. This finding sets up an imminent collision with the Reeves (re-)affiliation that the majority effectively invites the LNC to perform. If the LNC (re-)affiliates the Reeves group, Wagner et al. should only need to cite the Oregon SoS web site to win their subsequent 6.6 appeal. The SoS already wrote: "we are unable to process any changes without written approval from the current chair of record of the Libertarian Party of Oregon". The dead hand of an Oregon government webmaster would then apparently control LNC affiliation in Oregon.

4. This finding is in tension with the Libertarian Party Platform, which asserts that political parties are "private voluntary groups" that "should be allowed to establish their own rules". The government might currently impose on us the rules of its game, but we should at least demand to decide who our team is.

Opinion of Brian Holtz

Dissenting Opinion of Bob Sullentrup

I am submitting a dissenting opinion separately because I believe the issues addressed by others are splitting hairs too finely and are not needed for this analysis. I believe this is fundamentally a very simple matter. At the same time, I recognize that brighter minds than mine may be able to see things on a higher plane than I can.

I liken this situation to that of a baseball game in which two baserunners end up on second base. One of the runners is tagged out, and the other is safe. The runner who is called out wants an official review. As a part of the review team, the Judicial Committee, I have found nothing to overturn the LNC's ruling. Accordingly, the ruling on the field is confirmed and should stand.

Some have criticized my analysis in that the LNC is not the umpire, but a part of the LNC-Reeves baserunner pair. Moreover, the Judicial Committee may not be the umpire but league commissioner, and commissioners do not make such on-field decisions (pine tar game notwithstanding)¹. Perhaps the criticism is absolutely correct, particularly since I cannot perceive how these points matter.

In any case, I support the LNC's call and believe the Judicial Committee has the jurisdiction to rule on the matter.

Opinion of Bob Sullentrup

¹ George Brett of the KC Royals was called out in Yankee Stadium after hitting a home run. His bat had a trace of pine tar above the specified limit which as I recall was the width of home plate. Brett went bonkers and the game was replayed weeks later from that point in the game, overturning the umpire's call on the field by the commissioner's office.

APPEAL TO THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Wes Wagner vs. the Libertarian National Committee

Clarification of the Opinion of the Majority, rendered September 23, 2011

We have been asked by Mr. Wes Wagner to clarify our decision in Wagner v. LNC, given the apparent decision of Libertarian National Committee Chair Mark Hinkle to suspend treatment by the LNC of the Wagner group of officers as the representatives of the Libertarian Party of Oregon, on a par with other state affiliates of the national Libertarian Party.

The Judicial Committee did not rule that the LPO has no leadership. The Judicial Committee ruled that the LNC must by default recognize the affiliate representatives that are currently recognized by the affiliate's secretary of state, and that it would take an exercise of LNC's 6.6 disaffiliation power to do otherwise.

A state political party committee (no matter the party) is defined by its governing documents, as interpreted under the laws of the State where it is organized and operates. The Bylaws of the national Libertarian Party grant the Libertarian National Committee the power to affiliate and disaffiliate a state-level affiliate in each state of the United States. They do not grant the LNC (or the LP Judicial Committee) the power to interpret and then enforce the bylaws of a state political party committee that is a state-level affiliate of the national Libertarian Party. To the contrary, Article 6, Section 5, of the LP Bylaws expressly prohibits the LNC from "abridg[ing]" the "autonomy" of its state affiliates, "except as expressly provided by [the LP] Bylaws." The interpretation of a state-level affiliate's bylaws is an internal matter for the members of the state-level affiliate to pursue by negotiation, political action, litigation and/or other action in state-level affiliate meetings, and before the state-level judicial committee (if any), courts and governmental agencies having jurisdiction over the state-level affiliate.

This means that if the LNC desires to 'abridge the autonomy' of the LPO by ceasing to treat the Wagner group of LPO officers as its state affiliate contact in Oregon, its avenue to do so is as "expressly provided by [the LP] Bylaws", i.e., to take formal action to disaffiliate, for cause, by a 3/4ths vote, as more specifically provided in Article 6, Section 6, of the Bylaws of the national Libertarian Party. Until such time as that occurs, the LNC must continue to treat the Wagner group of LPO officers similar to other LP state-level affiliate officers (for example, by providing monthly data dumps, and recognition on the lp.org website as the official LP state affiliate in Oregon).

Opinion of Bill Hall, joined in by James Gray, Nicholas Sarwark and Lee Wrights

Oregon

State Party Website: <http://www.lporegon.org/> (<http://www.lporegon.org/>)

Oregon's Elected Libertarians

Richard Sager (</candidates/elected-official/richard-sager/>)

Gaston City Council, Position 3

Richard Burke (</candidates/elected-official/richard-burke/>)

Tualatin Valley Water Commission, Position 4

Charles Radley (</candidates/elected-official/charles-radley/>)

Tigard Water Commission, Position 5

Shawna Clanton (</candidates/elected-official/shawna-clanton/>)

Culver Mayor

Campus Organizations

LCC Students for Liberty
Lane Community College

Eugene, Oregon

Contact: Prof. Jeff Borrowdale

borrowdalej@lanec.c.edu (<mailto:borrowdalej@lanec.c.edu>)

(541) 463-5434

<http://www.facebook.com/groups/LCCstudentsforliberty/>

(<http://www.facebook.com/groups/LCCstudentsforliberty/>)



The Libertarian Party is America's third largest political party, founded in 1971. Our vision is for a world in which all individuals can freely exercise the natural right of sole dominion over their own lives, liberty and property by building a political party that elects Libertarians to public office, and moving public policy in a libertarian direction.

Libertarian National Committee, Inc. 1-800-ELECT-US
1741 Virginia Ave., N.W., Suite 200 info@lp.org
Washington, D.C. 20437

Hosted for by the Libertarian National Committee (www.lp.org)
For a complete page search for candidates' profiles

© 2014 Terra College

Search

MEMBERSHIP

- Join the LP
- Renew
- Donate
- Request Job
- Transfer to Vote
- Change Address
- Privacy Policy

OUR PARTY

- Request Info
- Introduction
- Our History
- LCC Member
- LCC Archives
- Policy
- PAC's

ISSUES

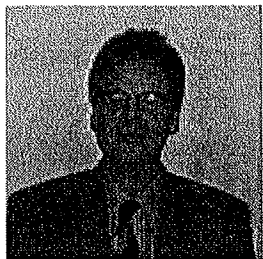
- Education
- Foreign
- Health & Welfare
- Immigration
- International
- Law
- Legal
- Life
- Local
- Media
- Money
- Other
- Religion
- Security
- Small Business
- Terrorism
- Trade
- Transportation
- Unemployment
- Welfare
- Work

ELECTIONS

- 2012 Candidates
- 2012 Candidates
- 2011 Candidates
- 2010 Election Results
- Elected Officials
- Party Office

CONTACT US

- Home
- Supporter
- Libertarianism
- Our Party



Geoff Neale reaffirms that the LNC recognizes Wes Wagner as LP of Oregon chair

Geoff Neale to statechairs, Inc-discuss, wes.wagner:

Doug Craig wrote:

"I would like an official ruling from the LNC or Chairman on who is the official of Oregon. .Thank you"

Doug – thanks for the softball.

It is my position that Wes Wagner is the Chair of the Oregon affiliate of the Libertarian Party.

The Bylaws are very clear that only the LNC can establish or terminate a relationship with a state affiliate, and that there can only be one state level affiliate per state. The Bylaws are also clear that only the Judicial Committee can veto an action or decision of the LNC. However, it is just as clear to me that the delegates in convention can trump the Bylaws.

The Judicial Committee ruled that the "Wagner" group is the official affiliate from Oregon.

However, the Credentials Committee at our last convention decided to recognize the "Reeves" group, and took the matter to the delegates, who upheld their decision. My problem with this decision is that, according to the minutes, the Credentials Committee referred to RONR for what to do when there are "conflicting" groups. In my opinion, there can be no conflicting delegate submissions from two "affiliates" in one state because our Bylaws state there can only be one affiliate per state, and the Judicial Committee ruled that the "Wagner" group was the official affiliate. I think the Credentials Committee did not have any choice but to accept the Wagner delegates, but obviously they saw it differently.

Exhibit 4
Page 1

Subsequently, when the delegates upheld the "Reeves" delegates, it might be argued that the delegates were therefore ratifying the position that the "Reeves" group were the official affiliate, but I disagree. The motion that was voted on did not specify this position. In effect, the delegates sat individuals, without taking a position on the affiliate of record, which has created a huge problem, since the Bylaws specify that it is the responsibility of the recognized affiliate to submit the list of delegates. What a mess.

Now on to the next issue: the state chairs list. Let's be clear - this is an LP list. It's hosted on lp.org. At some point in the past, administration was turned over to the LSLA. While it might be argued that this list is independent of the LP, it is not - the LP pays for it, and it is on the LP site. I think we have to keep this in mind. As long as the LP hosts this site, it needs to be able to exercise limited control over it. I think that limited control should be that the affiliates recognized on this list are only the affiliates recognized by the LNC, which is the sole explicit authority in the Bylaws that can recognize affiliates. Likewise, under our Bylaws, we can only have one affiliate per state.

Personally, I think the best path would be to direct the LSLA to create and pay for its own list, or adhere to LNC decisions as to which "group" is the affiliate, or turn administration of the members of the list back over to LNC control.

I see no upside for the LNC in allowing this argument to continue on a list paid for by the LNC. Either the argument needs to end, or the list needs to be truly separate.

But these are just my opinions. Ruling on who the LNC recognizes as the official Oregon affiliate is straightforward. Deciding what action, if any, that the LNC takes must be an LNC decision.

Share this:



This entry was posted in Libertarian Party on January 7, 2014

[<http://www.independentpoliticalreport.com/2014/01/geoff-neale-reaffirms-that-the-lnc-recognizes-wes-wagner-as-lp-of-oregon-chair/>] by paulie.

About paulie

Paulie [Facebook](#), [Twitter](#), [LinkedIn](#), Paulie.Frankel@LP.org Biographical information and Q & A

[View all posts by paulie](#) →

Site Search powered by Ajax

Search...

Home Get Involved! Interact Information Principles State Committee 2012 Election Donate

*** OFFICIAL NOTICE ***

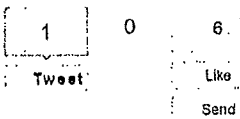
The deadline to register for director elections is February 15th. Please email wes.wagner@gmail.com and b.a.knight@gmail.com if you wish to have your name listed on our ballot and qualify to be a candidate.

Elections for new board members will conclude by April 12th, 2013

Our biennial convention will be held on May 4th, 2013.

You may have received a postcard from the group that is litigating against the LPO advertising a convention in Central Oregon. This convention is not an official LPO event and we will be sending out mail ballots to elect new leadership in March and will be holding our convention in the Portland metro area on May 4th.

2012 Primary Election Results



Election Results For the LPO 2012 Primary Election are as follows. Please note that some results may change as candidate eligibility is verified and some contestants may be dropped due to being legally ineligible to service in the office for which they were elected per Oregon law (typically residency and age requirements and rules for fusion nominations), or if a candidate declines the nomination. Full vote counts with the ranked choice rounds calculated may be found in this file: LPO Raw Election Results.

Question 1:

Shall the members of the Libertarian Party of Oregon ratify the Constitution and Bylaws adopted by the LPO State Committee on March 31, 2011?

YES 725 (96.5%)

NO 26 (3.5%)

Oregon Secretary Of State:

Bruce Alexander Knight (L)

State Treasurer:

(Currently Tied)

John Mahler (L)

Mark Karnowski (L)

Attorney General:

Orrin Grover (L)

Representative In Congress, 1st District:

Steven Cody Reynolds (L)

Representative In Congress, 2nd District:

H. Joe Tabor (L)

Representative In Congress, 3rd District:

Michael Cline (L)

Representative In Congress, 4th District:

Chuck Huntington (L)

Representative In Congress, 5th District:

[poreg.on.org/index.php?option=com_content&view=article&id=177:2012]

DIRECTOR CANDIDATES 2013

Current list of candidates for LPO Director:

Wes Wagner

LOGIN

Login With Facebook

DONATE NOW!



You may also donate by mail:

Libertarian Party of Oregon

PO Box 1099

Wilsonville, OR 97070

SHARE LIBERTY

+17 Recommend this on Google

Tweet: 10

Like 162 people like this. Be the first of your friends.

MEETUP EVENTS

William Sparkman meet and greet part 2 Wed 30 Jan 8:00pm Venue: The Lehrer

LPO Board Meeting Mon 4 Feb 7:00pm Venue: Fuddrucker's

Libertarian Meeting and Social (At Lucky Lab) Wed 13 Feb 5:30pm Venue: Lucky Lab

Deadline To Register for Board Elections Fri 15 Feb 11:45pm

Libertarian Meeting and Social (At Lucky Lab) Wed 13 Mar 5:30pm Venue: Lucky Lab

EXHIBIT 21

Page 1 of 5

Exhibit 5

Page 1



CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
807 MAIN STREET
OREGON CITY, OR 97045

HENRY C. BREITHAUPT
Judge Pro Tem

503-722-2732
Fax: 503-655-8280

June 4, 2013

Tyler D Smith
Tyler Smith & Associates PC
181 N Grant St Ste 212
Canby OR 97013

C Robert Steringer
Harrang Long Gary Rudnick PC
1001 SW 5th Ave 16th Flr
Portland OR 97204

James E Leuenberger
James E Leuenberger PC
5200 SW Meadows Rd Ste 150
PO Box 1684
Lake Oswego OR 97035

Colin G Andries
Andries Law Offices LLC
1001 SW 5th Ave Ste 1100
Portland OR 97204

Re: Reeves, et al. v. Wagner, et al., No. CV12010345

Dear counsel:

I have signed and forwarded to the Clackamas County Circuit Court the form of Order presented by Mr. Steringer.

The correspondence from Mr. Steringer points out that my assumptions about the existence of a judicial committee may have been inaccurate, depending on which version of the constitution and bylaws is consulted. My prior letter opinion should not be read as being dependent upon the existence, *vel non*, of any particular set of provisions in bylaws or a constitution. The fundamental premise of my letter opinion was that a court should not insert itself into internal disputes of a political party. Either the party provides for dispute resolution or, perhaps, it chooses not to do so. Either way, it is the choices of the party, and what follows, that are to be permitted to play out, independently of the courts.

Very Truly Yours,

Henry C. Breithaupt
Judge