Fwd: LD3 Challenge

1 message

Mickie Niland <mickie.azrp@gmail.com> Thu, Jan 12, 2023 at 11:06 AM
To: Candace Czarny <candaceczarny@gmail.com>, Joanie Colson <joaniecolson@protonmail.com>, David Ludwig <dludwig@faltd.com>, Joe Neglia <joe@neglia.org>, Kenneth Sampson <kwsampson@hotmail.com>

Candice,
cc Joanie Colson, David Ludwig, Joe Neglia and Ken Sampson

Below is an email thread that took place December 14th, 2022 before our MCRC Executive Session on the LD11 and LD3 Election Challenges.When this email thread conversation took place we were under the impression that the deadline to submit the State Committeeman (SC)results was January 4, 2023. Chairman Ward extended that deadline after this email exchange took place, so the comments on the timing of the election do not reflect that added knowledge of the extension that we gained at a later date.

The Challenge Committee assigned to review the LD3 was David Ludwig, Joanie Colson, Joe Neglia and myself.

This thread took place before our Executive Session and is therefore not under the same expectations of confidentiality that exist with Executive Session. This was an email conversation that took place between us in preparation for our Executive Session Mtg a few hours later.

I received permission from all of the parties in this thread before sending it to you and they are all copied here for transparency.

As the thread notes we discussed our concerns and our recommendations. At no time did we recommend that a revote of the LD officers election should also be done. All four of us realize that we can only recommend an action, which we did based on our review of the events of your original Statutory meeting. The authority to decide what you will do resides with the LD3 body.

Sincerely,

Mickie Niland
Chairwoman

Maricopa County Republican Committee
https://maricopagop.org/

---------- Forwarded message ---------
From: **Joe Neglia** <joe@neglia.org>
Date: Wed, Dec 14, 2022 at 5:16 PM
Subject: Re: LD3 Challenge
To: joaniecolson <joaniecolson@protonmail.com>
Cc: <mickie.azrp@gmail.com>, <dludwig@faltd.com>, <joe@neglia.org>

It appears that we are unanimous, and our opinion, that the LD3 membership itself decides how to proceed, is supported by RONR, our parliamentary authority (emphasis added):

> **46:50** Because the **voting body itself** is the ultimate judge of election disputes, **only that body** has the authority to resolve them in the absence of a bylaw or special rule of order that specifically grants another body that authority. Thus, for example, when an election has been conducted at a membership meeting
> or in a convention of delegates, an executive board, even one that is given full power and authority over the society's affairs between meetings of the body that conducted the election, may not entertain a point of order challenging, or direct a recount concerning, the announced election result. While an election dispute is immediately pending before the voting body, however, it may vote to refer the dispute to a committee or board to which it delegates power to resolve the dispute.

The MCRC bylaws may (or may not, depending on one's interpretation) give the EGC and/or the EB authority to "decide". But, even if they did give the EGC/EB the absolute power to decide what happens, it would would be, IMHO, unwise to exercise it. The wisdom expressed in RONR 46:50, above, should guide us.

In the meeting I attended with the LD3 Board a couple days ago, I suggested that they decide whether they want to call a special meeting, and if so, specify in the call letter for that meeting that the membership will decide how to proceed, whether to do a recount/revote/proxy audit/whatever.

-- Joe

On Wed, Dec 14, 2022 at 4:44 PM joaniecolson <joaniecolson@protonmail.com> wrote:

> Yes
>
> Sent from ProtonMail mobile
>
> -------- Original Message --------
> On Dec 14, 2022, 16:42, Mickie Niland < mickie.azrp@gmail.com> wrote:
>
> > Totally agree, I would say do it the week after Christmas! No delays!
> >
> > Mickie Niland
> > Chairwoman
> > Maricopa County Republican Committee
> > https://maricopagop.org/
> >
> > On Wed, Dec 14, 2022 at 4:28 PM joaniecolson <joaniecolson@protonmail.com> wrote:
> >
> > > Yes, Mickie, to tbe LD3 body.
> > > David- I agree they need to meet asap
> > >
> > > Sent from ProtonMail mobile
> > >
> > > -------- Original Message --------
> > > On Dec 14, 2022, 16:26, David Ludwig < dludwig@faltd.com> wrote:
> > >
> > > > I also would recommend that LD3 meet ASAP and vote on whether to accept the results or hold a new election.
> > > > David
> > > >
> > > > On Wed, Dec 14, 2022 at 4:23 PM joaniecolson <joaniecolson@protonmail.com> wrote:
> > > >
> > > > > I think we can only suggest. But if rules were broken that is grounds for a new election. Im am sure Joe can confirm this. We have two people that admit rule #5

was broken.

Sent from ProtonMail mobile

-------- Original Message --------
On Dec 14, 2022, 16:16, David Ludwig < dludwig@faltd.com> wrote:

> Hello,
> What other choice is there?
> Can we TELL them that they MUST have another election?
> Can we TELL them that the election STANDS?
> Are those actually options?
> If so, can we as the Executive Committee decide that or do we have to convene the entire EGC to vote on one of those options?
> David
>
> On Wed, Dec 14, 2022 at 4:12 PM Mickie Niland <mickie.azrp@gmail.com> wrote:
>
> > Joanie, David and Joe,
> >
> > So what is the course of action that you think we should suggest to LD3? Do you have recommendation?
> >
> > For Me Personally, I think they need to vote as a body. They are too divided and won't accept anything else. So I would say..
> >
> > LD 3 needs to hold a meeting as soon as possible and vote to either hold a new election for SC or vote to accept the results of the previous election given the anomalies that took place ... obviously giving 10 days notice and holding it as soon as possible.
> >
> > I think any of us (MCRC Board) who want to be in attendance should attend as observers, but not be involved as actual workers in the election. They need to find others outside of MCRC to volunteer.
> >
> > Mickie Niland
> > Chairwoman

Maricopa County Republican Committee
https://maricopagop.org/