OFFICE OF THE PARLIAMENTARIAN
DEPARTMENT OF THE CHAIRMAN

The Chairman, and to those whom it may concern.

RULING ON: *Sacramento State College Republicans v. Mason Daniels*

*Kimo Gandall, California College Republicans Parliamentarian, writing on behalf of the Office of the Parliamentarian on the issue of the Capitol Vice Chair Office, Ariana Rowlands, Chairman, signing in concurrence to the opinion from the Office of the Parliamentarian on the issue of the Capitol Vice Chair Office.*

Opinion of the Office of the Parliamentarian

Parliamentarian Gandall delivered the opinion of the office, in regards to the legality of the election of Mason Daniels and station of the Capitol Vice Chair.

On November 5th, Chairman Rowlands heard a point of order from Troy Worden to act on a public petition from both Sacramento State College Republicans Treasurer Luke Bauman, and Sacramento State College Republicans President Gianfranco Ruffino (thereafter the petitioners), that Mason Daniels, the alleged Capitol Vice Chair (thereafter the defendant), illegally ran for office, as he was not a member in good standing of the Sacramento State College Republicans, which therefore violated art. V §5 of the California College Republicans (CCR) constitution that, "Each officer shall be a qualified member of a CCR club in good standing." Finally, there was also a claim, albeit informally, that the defendant withheld property illegally from the club, and therefore acted unethically. These claims all sought to contend that the defendant could not hold the office of the Capitol Vice Chair, and further, that the chair should strike him from it. The Chair's ruling favored the petitioners, but wisely referred the case to the parliamentarian for verdict. Shortly after, the Chair appointed Floyd Johnson II, now the official Capitol Vice Chair. Shortly after, the Executive Committee ratified Mr. Johnson, to the supposed seat. This case, within the jurisdiction of the parliamentarian will properly address the paradox of suspension (not able to yet be replaced) and replacement, while retaining the right of the defendant to some due process. Finally, within the wording of the ruling presented to the parliamentarian from the chair, this verdict represents a binding decision that shall act as future precedent. Therefore, should the defendant be found innocent, the parliamentarian will draft an order to reinstate him to his rightful position.

In this case, the Office of the Parliamentarian thus considers two problems: First, whether the defendant was eligible to run for office during the 2017 California College Republican Convention, and second, whether the chair has the right to strike Daniels from his position, if his election is found illegal.

The Office of the Parliamentarian holds the petitioner's arguments be bifurcated. First, the Office holds that the defendant was not eligible to run for office. Second, the Office further holds that the chair retains the authority to remove the defendant from office. However, the Office refuses to hear ethical issues without a specific mandate to do so. Therefore, ethical arguments, while not necessarily rejected, are to be passed onto another body.

## I.

It is first important to understand the full context of the problem at hand. During the 2017-2018 California College Republicans Convention, Chairman Danzek authorized the election of the defendant, whom became the Capitol Vice Chair. At the time, no specific point of order was made. However, on October 27th, the petitioners released a press release that argued the defendant was not eligible to hold office as he did not attend meetings, and thus did not meet the criteria of good standing (Appendix A). Specifically, the petitioners contended that the defendant, "[had] failed to attend any College Republican meetings this semester...." and that therefore, "Per the adopted Bylaws of the Sacramento State College Republicans; Article IV: Section C subsection 1a and 1b, Mason Daniels is not an Active Member and thus is ineligible to run for Executive Board office, vote, or participate in club functions." Furthermore, in consequence to not being a direct member of the organization, or for some other unspecified reason, collected facts indicated that the defendant had instead opted to create a new organization, in essence a division of the status quo, named The Hornet Republicans Club. This upset the petitioners, who claimed the defendant, whom was also the prior President of the Sacramento State College Republicans, was illegally withholding assets. The Chairman of the California College Republicans was notified of the petition, but at the time did not act publicly on the said petition. Instead, the Chairman attempted to resolve the problem internally, without the necessity of referring this problem to the lengthy legal dissertation given today. Specifically, Chairman Rowlands ordered the return of Sacramento State College Republicans materials, for the defendant to dismantle the Hornet Republicans Club,[1] the defendant to attend a Sacramento State College Republicans meeting, and to accomplish these tasks before November 4th (Appendix B). Finally, the Chairman warned that should the defendant not attempt to remedy these problems, that the necessary legal action would be undertaken and considered by the parliamentarian. The defendant responded to Chairman Rowlands, arguing the following relevant arguments (Appendix C):

(1). Some materials had already been returned and arbitrated by the university;

(2). That the defendant did not start the Hornet Republicans Club, and that the club was instead started as a move against the, "bullying," that was occurring in the Sacramento State College Republicans;

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[1] Note: While not thoroughly discussed here, this mandate was based on art. III §2, which requires that there, "There shall be only one CCR club on each campus at one time." While the alternative club, the Hornet Republicans Club, was not necessarily a new College Republican, they had been acting as such. There was therefore reason to inquire upon it, seeing as testimony necessitated it. While the Office will later reject this argument, it was not unnecessary.

(3). That the Sacramento State College Republicans had been suspended from being on campus as they failed to turn in paperwork;

(4). That the defendant was protected by the CRNC's interpretation of the "continuation of the elections," and thus the standing of the defendant in the fall of 2017 was not relevant;

The defendant refused to take any of the demanded actions. Thus, on November 5th, Troy Wolden, the Administrative Vice Chair, moved for the chair to strike the defendant from his seat for his illegal election.

As the Office will explain, the defendant erred in both his defense of the election, and of refusing to cooperate within the guidelines set forth by the Chairman.

## II.

## A.

It is first important to understand the legal grounds for the chair to make demands. The initial question posted is on the defendant retaining materials owned by the Sacramento State College Republicans. The Office therefore analyzes the first demand: materials and the transition of power. On a legal basis this demand is troubling; indeed, the CCR constitution itself is, while explicit for the handling of clubs, is ambiguous on the handling of the of individuals. If it is found that the individual is to the club, then the issue is to be handled pursuant to the procedures stipulated in the constitution; indeed, the CCR constitution creates an explicit procedure for handling "good standing," for clubs, specifying that, "The Executive Committee may revoke a clubs charter for good cause by a 3/4 vote." Art. III §7. Good cause is, however, ambiguous; indeed, Barron's Law Dictionary 7th edition (B.L.D) specifies that good cause is defined as, "substantial or legally sufficient reason for doing something" (243). Case law indicates that this is typical a high burden to meet; indeed B.L.D. notes that this is typically the criteria used for the establishment of new trials, such as the indication that fraud or new evidence invalidates a previous verdict. Most significantly, as noted, is that no formula or legal test can be offered to good cause. 319 P. 2d 983. Simply put, the constitution therefore appropriates all cases, ambiguous or not, to the executive committee as long as the matter relates to the club. This, in essence, restricts the power of the chair to rule on causes of good standing for clubs. However, this question is not on or against any specific club, but an individual; indeed, as noted by conversation with the Sacramento State administration, the defendant was, " ... no longer a club officer," at the time of the question and petition of this case (Appendix D). Therefore, it can be reasoned that the defendant does not fall under this criteria.

However, the question of managerial authority is still present. In the case of general authority, case precedence holds the Chairman has some general managerial powers. Specifically, in *California College Republicans v. Leibiwitz*, the Office found that, "the constitution creates a prerogative for the chair to intervene under his managerial power. The constitution states, '[The Chair] shall be the chief executive officer and shall exercise general supervision over the organization's activities and officers.' Art. VI §1." Of course, the context of these cases is not exactly the same; indeed, it seems that the complaint against the defendant arises out of a chapter dispute rather than a directly state one. This, however, would ignore the two links provided to the state organization under the Chairman's authority. First, the election itself is always under the authority of the adjudicating authority, namely CCR. Specifically, RONR allows the petition to, "[call] upon the chair for a ruling and an enforcement of the… rules." Additionally, the constitution mandates that the Chairman, "preside at all Conventions…" art. VI §1. Secondly, the nature of the defendant's seat, the Capitol Vice Chair, makes him subject to the jurisdictions of the constitution. Indeed, the constitution does not provide a limitation on the jurisdiction of these general management authorities of the Chairman for internal problems. The Defendant, being predominantly internal by his very position, thus falls under this general purview.

To summarize the current findings: first, the Chair has the general authority to pose these questions outside of the committee, and second, that these questions relate to the jurisdictions of the constitution.

These findings are within the jurisdiction of the parliamentarian. However, the merit of the factual case, i.e. the materials themselves, is not within the realm of the parliamentarian to currently comment extensively on. This is largely because this conduct is not related directly to the state organization, but the chapter itself. RONR provides a specific mandate for handling these issues, explaining that for, "improper conduct by a member of a society [that] occurs elsewhere than a meeting… charges must be preferred and a formal trial held before the assembly… or before a committee…" RONR (11th ed.) p. 445, ll. 5 -10. It would therefore be inappropriate for the Parliamentarian to act as a judge of fact without the necessary codified authority. If the Chairman so wishes to continue to push for ethical charges against the defendant, the necessary course of action would require either appropriating the power to herself, the parliamentarian, or a separate committee, which would require an amendment to the CCR bylaws. Therefore, this Office will refuse to further comment on this issue, or any ethical issue, and will refer the issue to the Chair for appropriate consideration.

## B.

Next, the issue of the Hornet Republicans Club is to be discussed. As to be noted prior in II(A), in order to find this complaint relevant to this opinion, there must be a demonstration of a procedural problem linked to the CCR, not just a single chapter or region. The problem of more than one club, however, is determined to be linked to CCR by constitutional mandate; indeed, the constitution stipulates that, "There shall be only one CCR club on each campus at one time." Art. III §2. Therefore, the link to the organization exists, resolving the problem posed by the first question. However, the problem still continues to exist in the jurisdiction of the chair to implement any action on this; specifically, the CCR constitution does not specify that creating or forming another Republican organization on campus is necessarily a crime. Furthermore, the defendant himself denied the allegations of having formed the organization, stating that he, "...did not start the Hornet Republicans" (Appendix C). At this point, unless vindictive action that constitutes unethical activity is discovered,[2] or guilt itself to the organization is linked to the defendant,[3] which has not been demonstrated by the petitioner's evidence, then there is no way for this Office to draft a ruling.[4] Therefore, this contention against the defendant is rejected.

However, this opinion is not to be taken as a formal support of the Hornet Republicans as the official College Republican chapter at Sacramento State at the time of the election. Indeed, as indicated by the voting records at convention, that status resides in the Sacramento State College Republicans, not the Hornet Republicans.[5]

Finally, this opinion is not to be conflated with the construction of legitimacy behind the Hornet Republicans. While the organization is more than free to exist, it is up to the Executive Committee to decide whom to charter.

## C.

The final substantive issue demanded by the Chairman was for the defendant to attend at least one meeting at the Sacramento College Republicans

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[2] Note: As prior demonstrated, this would require a trial run by a separate committee or the assembly itself.
[3] Note: Even if this occurred, the petitioner would still need to demonstrate this process lead to an enforceable violation.
[4] Note: This could potentially change, at least in the Office's opinion of the Hornet Republicans, should this organization claim to be a College Republican chapter, or inflate itself to be so, either by active association or explicit statement.
[5] Note: There is no indication that the Hornet Republicans are chartered under the California College Republicans, or were at previous time in the past, charted. Thus, the Hornet Republicans retain status as a conservative organization, not a College Republican chapter. While it still may be disputed which chapter should gain future recognition, the current relevant chapter to this case is the Sacramento State College Republicans.

before November 4th. Through informal dialogues with the Chairman, this was understand to be part of a political deal on enforcement of the issue to settle the disputes between the Vice Chair and the chapter alleging the grievance. This Office, however, does not deal in such matters; indeed, the role and prerogative of this Office, as will be discussed in depth later, is purely to advise on, "parliamentary procedure." RONR (11th ed.) p. 465, ll. 10 -20. This question, being political by nature, is therefore not relevant to this case.

## III.

## A.

With the preliminary questions of factual collection, and procedural precedence aside, the largest part of this case is at hand, namely the legality of the election for the defendant.

To first understand legality, or the correct method of election, it is important to understand the full procedure. For the purposes of CCR, all election procedures can be divided into two categories: substantive and adjective law. On one hand, substantive law is specifically defined by code; indeed, the case law already provides us with an explicit defining term for this criteria. Specifically, substantive law is any such statute which is a, "positive law which creates, defines and regulates the rights and duties of parties and which may give rise to a cause of action." B.L.D 536 ; 192 P. 2d 589.[6] Simply put, all substantive laws, which create explicit, binding articles, must be present in either the constitution or bylaws. As CCR has no bylaws, our point of reference for all substantive laws reside in the constitution.[7] On the other hand, adjective law is that of which administers the enforcement, petitioned redress of a violation of substantive law, or as most commonly used, a list of procedures for following substantive law. B.L.D. 13. These 'laws' are really rules, and pragmatically for CCR, these rules are found in RONR.[8]

This differentiation is vitally important for understanding how elections take place. In the ideal world, the substantive law for elections, assuming no additional bylaws were passed, would consist of two primary regulations: first, that of which is

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[6] Note: By positive, we mean a codified law. B.L.D. 413. This is not to be confused with a positive and negative right.

[7] Note: Previous Chairman Danzek claimed to have created substantive election law. However, there is no evidence of this other than emails sent prior to the election indicating voting elections. Since there is no vote by the executive committee, nor proof of their existence through prior minutes, these were not substantive laws but interpretations of substantive laws. While perhaps legal, this opinion will not specify each legal feature of these laws, as they are outside the relevancy of this case. To further explain them would thus be to move outside of the legal realm the Office has been appropriated.

[8] Note: Commonly, this opinion will demonstrate that this difference is often displayed in the necessary jurisdictions of the organization. Adjective law will be more thoroughly explained under IV, on the jurisdictions of the enforcement actors of this case.

found under art. V §5, which requires good standing in a Republican club, and maintaining the status of a part time student,[9] would be of concern; second, the requirement of notification to the recording secretary pursuant to art. IX §12. The alleged violation of the substantive law occurred under art. V §5, namely that the defendant was not in good standing with the Republican club represented at the convention.[10]

The substantive law therefore asks the Office if the alleged officer, the defendant, was indeed in good standing. The answer found is simply as follows: the defendant is not in good standing. A direct factual interpretation finds this clear: first, the Sacramento State Republicans, the only officially chartered club permitted at the CCR convention, offered written testimony that the defendant did not attend meetings (Appendix E). The defendant does not deny this. Specifically, the following testimony was offered by Sacramento State College Republican President Gianfranco Ruffino:

> *Mason attends CSU-Sacramento, where I am the currently the president of the campus's CAR chapter. Mason has no relations with any of the current club members and has not been to a single club meeting this semester. Mason is also not on our official club roster kept by the Student Organizations and Leadership Department.*

This testimony is impactful as it provides an explicit measure of eligibility, i.e. number of meetings attended. Now that the failure for criteria has been set, and that it is acknowledged that the defendant has failed this criteria, it must be determined what rules substantiate the measurement. The argument offered by the petitioners contended that a failure to attend meetings violated art. IV §C(1a,b), which prevents the defendant from being an active member. A review of the Sacramento State College Republicans bylaws finds this interpretation to be true, with the bylaws stipulating both that members must, "[attend] at least two of the most recent six regular meetings…" and, "Maintain regular attendance." Art. IV §C(1a). An additional review also finds the defendant liable to a specific negative standard. Specifically, the Sacramento State College Republicans bylaws stipulates under art. IV §C(4a) that an inactive member, "Has not maintained regular

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[9] Note: The definition of student will vary. This does not imply the student must be an undergraduate; indeed, the constitution provides grounds for graduate or law students to be members. This regulation would, in fact, also be applicable to trades or other schools, so long as the board determines these institutions to be (a) bona fide schools with (b) bona fide students.

[10] Note: As prior indicated, the Office rejects the CRNC parliamentarian's opinion on continued elections, as it violates both the letter and intent of the rules. With this response accounted for, it is for consideration of this Office to acknowledge that the defendant must prove that he was in good standing with his organization at the time and place of election. The initial place of election, as prior noted, is not suitable; therefore, the defendant's argument that he is immune based on time is rejected.

attendance." Similarly, the defendant has no maintained regular attendance. Therefore, at the very least, he is an inactive member.

The question retains at hand, however, if an inactive member is still a qualified member. This Office strongly holds that an inactive member cannot be a qualified member. Firstmost, a basic definition of the word conflicts the two terms. According to the Merriam Webster Dictionary, the definition of qualified is, "having complied with the specific requirements or precedent conditions." Therefore, there is a limitation to what constitutes a qualified member; indeed, a qualification must endure some sort of positive process to achieve,[11] not the lack of a process signified under an inactive member. No amount of intellectual gymnastics, so to say, can potentially reason that a member that is a part of a club, both through provided qualifications under the membership direction, nor through an explicit substantive regulation classifying them as inactive, can will into existence the meaning of qualified as inactive. However, this definition must be within itself explained: this Office is not necessarily arguing that a qualified member must be suitable to run for office, be a signer, etc. That would be outside the jurisdiction of this interpretation, and would require a vote undertaken by the Executive Committee. A qualified member must simply meet an established criteria of interpretation by the chapter of origin, given that the chapter provides reasonable standards. For instance, should this opinion contend that only members qualified to run for office be permitted to be lawfully elected, what is to become of termed out individuals? Clearly, a president termed out of authority, which will soon be befallen even to the current Chairman Rowlands from her native chapter, is not an unqualified member. Nor can the qualification be only voting: indeed, many organizations provide a mandate on voting restrictions. For instance, many organizations, especially those who follow RONR to the letter, do not allow proxy voting; but the absence from a single voting meeting does not mean that member is not qualified, as, in many cases, an act of god could prevent their attendance, and thus constitute an affirmative defense to this signifier of qualification. B.L.D. 11. Therefore, qualification must be something else: indeed, either qualifications must be interpreted case by case, which for an organization the size of CCR would require a massive expansion of the resources and personnel of the Office of the Parliamentarian, or it requires a precise legal standard.

That standard must be equal to apply, non-ambiguous, and testable. The developed legal model for determining "qualified," simply stands as any member of good standing. Therefore, very similar the good standing defined in the constitution, the term qualified presents itself as a repetitive rather than constructive word. This

[11] Note: This use of positive is a colloquial term indicating an action undertaken.

is preferable as there is no standard to base qualified off, and thus without the arbitrary legal construction of a model, it preferable to interpret qualified as the same as good standing. In contrast the ambiguous nature of qualified, good standing has a more explicit definition; indeed, good standing, is defined by RONR as a, "Member… whose rights as members of the general assembly are not under suspension." RONR (11th ed.) p.6, ll. 20 -25. Simply put, if one can participate in general member activities, herein defined as making a motion. However, the defendant does not meet this definition, as he cannot, "participate in club functions," as he has not met the criteria for good standing laid forth in art. IV §C(1a), i.e. attending meetings, and therefore is not good standing.

Finally, to determine full ineligibility, the petitioners must prove at the time of the election. As noted prior, the Office rejects the interpretation of either the CRNC or the defendant that the time of the election ought to be the time of the start of the convention. However, the facts show that as of September 6th, according to the administration at Sacramento State, the new club had been elected. Furthermore, as previously noted in this part, the defendant did not attend any meetings this semester. Therefore, he is not in good standing at the time of the election, in accordance to the rules set forth under Sacremento State, and is therefore in violation of the CCR constitution. Thus, because the defendant was not in good standing with his club at the time of the election, pursuant to art. V §5 of the CCR constitution, the election of the defendant is hereby declared illegal.

## B.

However, even though the Office has found the election illegal, adjective regulations, on the surface, indicate that it is not possible for this Office to hear the petition. Specifically, the statute of limitations defined by adjective law finds procedural problems with the implementation of any verdict in this case. Indeed, RONR argues that, "The general rule is that such a point of order must be timely." RONR (11th ed.) p. 445, ll. 5 -10. The defendant would therefore be right, to some extent, to argue that even if his election was illegal, there is no procedural way to contend it. In this manner, it is possible for the defendant to argue that even if his election was illegal he is immune from prosecution of it without a general vote from the assembly otherwise barring him. RONR (11th ed.) p. 446, ll. 1 -10.

The Office recognizes the merit of this analysis; indeed, in most cases the deadline for petition, and the very notion of the statute of limitations, must be respected. However, the Office dissents in this case. Specifically, RONR explains that, "any main motion that has been adopted that conflicts with the bylaws (or constitution) of the organization or assembly," constitute an exception under the timeless clause. RONR (11th ed.) p. 250, ll. 5 -15. Specifically put, RONR finds that

it is, "...never too late to raise a point of order since any action so taken is null and void." RONR (11th ed.) p. 250, ll. 25 -30. The question, therefore, is whether any general motion was made to authorize the defendant's election, pursuant to either the substantive or adjective procedure of the rules. The Office finds two possible interpretations supporting interpretation that this was indeed the case.

First, the credentials report. RONR specifies that, "A motion to adopt… an officer's or committee's report… that was not expressly referred to the committee… is an original main motion." RONR (11th ed.) p. 124, ll. 15 -20. This criteria recognizes that the credentials report, created by the Administrative Vice Chair pursuant to credentials committee pursuant to art. VI §3, or by another appropriated committee, is subject to passing their report, which is necessitated by both Robert's Rules, RONR (11th ed.) p. 615, ll. 1 -30, and the CCR constitution, art. X §3. The Office recognizes that a conflict, which is not simply a mutually exclusive criteria, but one which creates crisis in the implementation of the rules, arises out of failing to present the very document needed to accredit the convention; indeed, without the ability to protest the credential, there is a conflict in the adjective law to arbitrate the petition vs. the substantive nature of proceeding with the election. Either way, however, there is conflict: as prior noted, the constitution is violated as accreditation cannot take place, and RONR is violated, as adoption cannot take place. It is absurd, so to say, to force the petition to place an argument where there was no structure to do so. While a point of order could have been made, there was no liable structure to place it under, as there was no report presented to begin with. Thus, the Office can apply the timeless rule to this case.

Second, the authority to extend the statute of limitations for filing is derived within case law. The power of "traditional equitable authority" has been long established as reserved for judicial bodies. *Holland v. Florida*, 560 U.S. 631. In Holland, the Supreme Court debated on whether courts were required to strictly adhere to the statute of limitations for filing a petition of habeas corpus. This case specifically represented a unique interpretation of the law, as the relevant statutes did not prescribe any codes permitting equitable tolling. Regardless of this, the Supreme Court held in favor of equitable tolling:

> *We have previously held that "a garden variety claim of excusable neglect," Irwin, 498 U. S., at 96, such as a simple "miscalculation" that leads a lawyer to miss a filing deadline, Lawrence, supra, at 336, does not warrant equitable tolling. But the case before us does not involve, and we are not considering, a "garden variety claim" of attorney negligence. Rather, the facts of this case present far more serious instances of attorney misconduct. And, as we have said, although the circumstances of a case must be "extraordinary" before equitable tolling can be applied, we hold that such circumstances are not*

*limited to those that satisfy the test that the Court of Appeals used in this Case.*

The Supreme Court, simply put, ruled that such circumstances beyond negligence on behalf of the petitioner, such as pure fault of adjective law under the governing authority, permitted equitable tolling. Similarly, the Office finds that the government under the defendant, namely Chairman Danzek, erred in providing grounds for petition in the first place, as no credentials report on the situation of the defendant was available. While it is too late to petition against the credentials report itself, it is still thus possible to petition to extend on the properties of the report, namely the permission of the defendant to run. Furthermore, while it is possible to argue this was indeed a case of miscalculation, as Sacramento State was permitted entry into the convention and therefore has the ability to rise to a point of order, the Office dissents from this finding. The Office provides 2 reasons: first, prior Chairman Danzek threatened to remove any and all dissenters whom interpreted the procession, and this included lawful point of orders, as presented by Chairman Rowlands. This then constitutes duress, as the petitioners were compelled, through the threat of force, to comply to agreement of a motion. Contractually, the petitioners are then released from their duty to the contract, which in this case is a statute of limitations, as they were unlawfully compelled not to do so. B.L.D. 178. Finally, even if the Office were incorrect as to the prior arguments, case precedent strikes down any dissenting contention. Specifically, as argued in *California College Republicans v. Leibiwitz*, invisible standards that force the election of any person are illegal and in violation of RONR. Specifically, the Office previously held that:

> *…[Exclusion of disclosure of credentials] is a direct violation of parliamentary procedure for the credentials process. RONR, in fact, makes clear that the rules for elections and election eligibility must be disclosed. Specifically, the rules stipulate that information must be disclosed relevant to, "...the time and manner of [an officer] election." RONR (11th ed.) p.610 , ll. 5 - 10.*

No disclosures for the defendant's case was made in credentials, as there were no credentials, and therefore his election is illegal. Therefore, it is reasonable for this body to extend the statute of limitations provided by RONR, since the fault was not on the petitioners, but the governing authority itself. Therefore, the statute of limitations, in this case, is struck in favor of the a more flexible, but pragmatic, interpretation.

While this case has rejected the statute of limitations, the Office warns about using this defense. Indeed, this case provides an exceedingly interesting context in which blame is solely place upon the original governing authority. Unless this can

be proven in any future case, the Office would be obliged to reject a petition to extend the statute of limitation.

## IV.

## A.

A final discussion is necessary on jurisdiction, namely if the chair acted lawful in the procedure, and whether the chair had the ability to pass the task to this Office. As previously noted, the defendant was removed by the Chairman pursuant to a point of order. This procedural act was questioned by a member of the executive committee, who argued that this violated the CCR constitution. Specifically, the allegation argued that the procedure violated art. VII §3, which created an adjective rule which created the following process for removing members.

> *The Executive Committee may remove an elected member of the organization's Board of Directors with a ¾ vote. In order for such a vote to take place the call to meeting issued prior to the meeting must indicate such action will take place and the name or names of the officers who face removal. Voting shall be conducted by secret ballot. The Parliamentarian shall, in full view of all members of the Executive Committee, collect, total, and report the results of the vote.*

However, this provision is not applicable. The defendant alleges he is elected, but because the nature of his election, and thus the state of being an 'elected member,' is under dispute, this rule does not apply. Only elected members, those of which are procedurally acknowledged to be such, can participate in this protection. There is good reason to establish this precedent; indeed, allowed to proceed otherwise, there is no restraint on a future chair simply stacking the Executive Committee with an endless line of new 'elected members,' legal or not, and claiming their legitimacy until disproven by a 3/4th vote. This is in contrast to the intent of this provision; indeed, this vote, which is usually high at 3/4th, is designed to prevent an oppressive majority from disrupting the organization. Therefore, both on the application of the clause, and the intent of the clause, the Office holds that refusing to utilize this provision was appropriate.

## B.

There is, of course, the pressing question of whether the chair had the authority to unilaterally intervene in the first place. Adjective authority does not provide a clear interpretation; indeed, while the constitution provides two methods of adjudication: parliamentary authority, found under art. XII §3, and executive authority, found under art. XII §2.

First, it is important to examine prior precedence. Initially, it would seem obvious for this to fall directly under the Chair's purview; indeed, *California College Republicans v. Leibiwitz* found that in the case of a nonexistent seat in the San Diego region, Joshua Leibiwitz, the defendant, could be unilaterally removed as a point of, "an abstraction of constitutional authority," namely that parliamentary authority fills in the legal holes not set forth in the constitution. However, this does not seem applicable in this case, as the problem is clearly a part of the explicit constitution, based on art. V §5. Furthermore, traditional parliamentary procedure holds a strenuous standard, namely that the more specific of the adjective rule, the higher the precedence of the rule. On the surface level, this seems damaging for Chairman Rowlands case as it would require the Chair to go through the Executive Committee and receive a majority vote rather than a unilateral action. Specifically, the CCR constitution specifies that, "Disputes involving this Constitution or actions taken pursuant to this Constitution shall be resolved by a majority of the Executive Committee." Art. XII §2. In seeming contrast, RONR calls upon the unilateral power of the chair to enforce a point of order. Specifically, RONR mandates that any petition for a point of order, "thereby [calls] upon the chair for a ruling and an enforcement." RONR (11th ed.) p. 247, ll. 1 - 5. In effect, the point shall be, "ruled upon by the chair. No vote is taken unless the chair is in doubt or his ruling is appealed." RONR (11th ed.) p. 249, ll. 25 - 30. Simply put, RONR maintains that the Chair should act, while the constitution mandates the board should act. The Office further acknowledges that the constitution is supposed to supercede RONR, as, "[the constitution is] the most important rules which an organization must compose for itself." RONR (11th ed.) p. 565, ll. 15 - 20. However, law within itself cannot contradict; otherwise, the law ceases any objective purpose, as a principle that does not follow can result in any conclusion. This is common knowledge is the nature of logic. Bearing the assumption that the rules of CCR are consistent, in some manner, a discretionary component must be discerned. This term is, "dispute."

The term of "dispute" must be accounted for carefully. First, the definition of dispute is quite normative; Merriam Webster simply defines the term as, "to call into question or cast doubt upon." Of course, this can't be the standard which is legally acted upon. If this was the case, then any verbal or posted objection by a member of the board would require a vote. This procedure would thus be too easily weaponized, and present a violation of traditional trigger procedures; if indeed, a word uttered in turn by any individual caused a motion, then the necessary acknowledgment of the movement, as necessary to create the motion, would be almost pointless. Furthermore, this interpretation of dispute is clarified in RONR as incorrect. RONR, in fact, actually constitutes such motions, which would be their repetitive nation as, "frivolous," dilatory. RONR (11th ed.) p. 342, ll. 15 - 25. It is

additionally the, "duty of the presiding officer to prevent members from [acting to] merely obstruct business…" RONR (11th ed.) p. 342, ll. 30 - 35. Finally, even such an interpretation would be impossible to objectively determine, as these motions, made outside of meetings, could not be taken in the minutes. Not only does this violate several parts of RONR, such as the requirement of minutes to reflect motions, but it provides an absurdity of maintenance for the chair. RONR (11th ed.) p. 470, ll. 10 - 20. Thus, a different operating definition is necessary. The operating term ought to be simply the act of the motion. This formalizes the term, provides a non-repetitive nature, and complies with the adjective procedures outlined as necessary to put forward a motion or point of order under RONR. Therefore, it can be determined that dispute simply means a constitutional infraction that was formally appealed, in some manner, during a meeting. This would then trigger the provisions found in art. XII §2.

However, no such appeal was made in this case. The Executive Committee meeting went forward as planned, and no member objected to the ruling at the meeting. Therefore, there is no dispute, and thus art. XII §2 is wholly irrelevant. Additionally, even if a member, upon reading this case was to file an appeal, it would be too late. As prior discussed, all point of orders, and accompanying appeals, have a statute of limitations. In order to prove exempt of the statute of limitations, the appellate would need to prove a timeless requirement, pursuant to the rules set forth in RONR (11th ed.) p. 251, ll. 1 - 25. At the present, there is no proof that such an appeal would meet these merits. Finally, even if the appellate was able to do so, the appellate would need to demonstrate where the dispute was. Indeed, this case is not a problem of interpretative law, such as how to properly administer chartering materials, but an explicit criteria, i.e. the nature of good standing. This contention has yet to be refuted by either the defendant or by common reason. While the appellate could argue that the CRNC's parliamentarian offered a definition on the nature of the continuing election, these problems largely exist in RONR, not the constitution. The constitution only mandates that, "at the time of his initial election or appointment," an officer must follow the election regulations. Art. V §5. This is not disputed. The disputed part of the argument rests in the following adjective procedures for the meaning of "initial election," namely the difference between recess and adjournment. These would have to be factors considered in the case of an appeal against this decision.

Of course, it is important to forego some formality in the spirit of responding the defendant's argument. Specifically, the defense argued to the Chairman that the CRNC's parliamentarian ruled that the election regulations for good standing were only to be maintained at the initial start of the convention, not the election. Thus, by the reasoning of the defense, the only required eligibility was necessary at the

beginning of the convention during the Spring of 2017, not the fall of 2017. There are several reasons the Office is to dissent from this argument.

First, the parliamentarian never really specified this claim. The parliamentarian, in fact, only made 3 claims to how to reconvene the General Session, at least within the bounds of the knowledge of this administration (Appendix F).[12] None of these 3 claims relate to the argument presented by the defendant. The closest text referencing this apparent interpretation was when the Parliamentarian noted, "Since a meeting in continuation of the 2017 CCR convention would be part of the same session, which was originally called in accordance with the CCR Constitution, the CCR constitutional requirements for the number of days and methods required for notice of a new (Article IX, Section 4) or special (Article XI) convention would not apply." However, under this statement, the advising parliamentarian was simply advising on the necessary notifications to send out, not the necessary regulations to place.

Secondly, even if the CRNC parliamentarian intended so, this Office holds the parliamentarian was in error of his opinion, as the internal logic of his opinion is inconsistent. Specifically, the CRNC parliamentarian both claims that the meeting was, "adjourned," and that the meeting was, "...in continuation of the 2017 CCR convention." This, however, is not possible as RONR stipulates that the motion to adjourn, "means to close the meeting." RONR (11th ed.) p. 233, ll. 5 - 15. Thus, the meeting is not continuing as something that is closed, and thus not accessible, cannot be moved forward. This is common sense. However, even if one was to contend that something closed can be moved forward without the formal mechanisms found in the constitution, RONR would still disagree. The rules specify that, "When the adjournment closes a session in a body that will not have another regular session within a quarterly time interval… matters temporarily but not finally disposed of… fall to the ground." RONR (11th ed.) p. 237, ll. 5 - 15. Therefore, even if notice is not required, the substantive matters of the regulations would still be in force as the undisposed matters, i.e. the elections, would still be at play.

## C.

The final pending question is the ability of the chair to relay a political divisive, multifaceted case to the parliamentarian, and to what extent the parliamentarian is to comment on it. The Office, after all, is designed to, "advise the

[12] Note: The prior administration has yet to surrender all documents to the current. However, as the organization cannot wait forever, especially past the 15 day deadline, it is necessary to work on current knowledge. Furthermore, many of prior Danzek's claims, such as on Student IDs is are not only unsubstantiated, but are a purely fictional interpretation of what the advising parliamentarian actually stated.

presiding officer… to parliamentary procedure, this Constitution, or any subsequent Bylaws." Art. VI §13. Unlike the Chairman, who is to, "exercise general supervision over the organization's activities and officers," Art. VI §1, the parliamentarian has no role in this exercise. In this manner, the parliamentarian acts as a weak judicial branch, simply providing information to the chairman.

While the Chairman clearly created a new spirit of the law, namely extending the enforcement of the law to give the defendant an opportunity to move past political division, this does not excuse the illegal election, and if anything, entrenches the political division sought to be remedied by the chairman. The chairman thus not only submitted reasonable standards, albeit perhaps unnecessarily liberal, but offered a clear path forward. Seeing as this was rejected, and the matter now formally presented to the Office of the Parliamentarian, whom must act as the rules dictate, even if unpopular. RONR makes this standard clear: indeed, unless the parliamentarian has been appropriated, "additional functions… such as teaching classes [or] holding office hours," RONR (11th ed.) p. 466, ll. 5 - 15, he should, "maintain a position of impartiality…" RONR (11th ed.) p. 467, ll. 5 - 15. While a political position was previously possible with the chair, who has the duty to protect the assembly, and enforce the rules, the newly appropriated tasks set forth to the Parliamentarian are not so flexible to the Office. RONR (11th ed.) p. 450, ll. 10 -20. This opinion, therefore, reflects to the strictest possible standards the letter and objective of the law, in contrast to expedite goals. While the authority and direct word of the Office ought to be used sparingly, the impactful nature of the issue, which includes the lawful removal of an alleged high ranking member must be taken carefully. RONR (11th ed.) p. 466, ll. 30 -35. However, it is now indeed precedent that this opinion, set forth today, will represent a certain power of the law. It is unfortunate that such a removal be in order today, under the explicit appropriated power of the Office, as indeed RONR itself warns that such power be, "avoided if at all possible," but in lieu of a prior decision, a necessary one. RONR (11th ed.) p. 466, ll. 30 -35.

This Office realizes that prior mistakes were made. However, now that the decision has been laid before this Office it is necessary for the Office to take a specific opinion on guilt. No longer can parties effectively communicate a settlement once this phase been met; indeed, most remedies provided within RONR reference removal from office. RONR (11th ed.) p. 650, ll. 5 -10. Petitioners and defendants alike should take note of this when filing cases with the parliamentarian.

Thus, the Office upholds the duty of the Parliamentarian to offer opinions on issues such as the one presented today. While the issue may be derisive, even perhaps misconstrued as purely political, it is not outside the jurisdiction of the Office to work with powers and decision making appropriated to it be the Chairman.

*  *  *

We emphasize today that this ought not be the final word on the matter. The Office provides an equal opportunity of appeal as was offered in *California College Republicans v. Leibiwitz*. As before:

> *If the defendant so chooses, he may issue a written notification of appeal within 3 days of the chair publishing this opinion. The notification must include his reasoning, governing articles to support said reasoning, and rebuttals to the presented argument. The office of the parliamentarian will respond within 3 working days of the submission pending confirmation of receival. If this prior holding is upheld, the parliamentarian will not respond, or will do so upon request of the chairman or Executive Committee. If any possible merit is found in the appeal, a tribunal will be held with appointed individuals from the chairman and approval of the Executive Committee or Board of Directors. The tribunal shall be held at the next Board of Director's meeting, or at a time defined by the Executive Committee. Alternatively, a member in good standing of the Executive Committee may attempt to appeal this ruling, pursuant to the procedures found in RONR. All of this power, however, is at the discretion of the chair, and may only be appropriated by the chair, as no binding appeal can be made after the lapse of the Executive Committee meeting where the ruling was announced. Specifically, RONR states that, "...the appeal must be made at the time of ruling." RONR (11th ed.) p. 257, ll. 25 - 35. Therefore, the ruling made the chair at the prior meeting is not only binding, but is no longer appealable without an additional vote to suspend rules, a procedure that has not yet been determined.*[13] *Furthermore, Executive Committee members, "...have no right to criticize a ruling of the chair unless they appeal from his decision." RONR (11th ed.) p. 256, ll. 1 - 5. Thus, until an official appeal is filed with the chair, one that has been argued or made at the time of the ruling or such that requires a rescission of the ruling of the chair, this decision is to be held.*

Similarly to the prior case, the Office additionally insists that this opinion have immediate impact. Precedence found in this case will hopefully act as a future mechanism for arbitration, thus mitigating the necessity of future references.

Therefore the parliamentarian rules the following:

(1). The Defendant unlawfully obtained his seat of authority.

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[13] Note: As the procedure to this is not clear, the Parliamentarian holds no opinion on how to proceed with a suspension of the rules, or even if this possible at an Executive Committee meeting.

(2). The Chairman holds the right, upon a ruling announced at the Executive Committee meeting, to rescind the authority and position of the defendant unilaterally. Future powers using this authority, which is by nature extreme and narrowly applicable, are legal. The Chairman, however, under his authority to rule on adjective law within the parameters of the constitution, permits the Chair to continue to enforce the adjective procedures as necessary. While future bylaws may create a more stringent standard of due process, the status quo permits the Chairman to unilateral remove explicitly illegally elected officers.

*It is so ordered.*

Kimo Gandall, Parliamentarian

Ariana Rowlands, Chairman

## Appendix A - Sacramento State College Republicans Press Release

Statement Regarding Capitol Area Vice Chairman

Contact: Luke Bauman, College Republicans; Treasure
(925)522-9577
lukeaaronbauman@csus.edu

Michael Demos, College Republicans; Chief of Staff
(917)375-3140
michaeldemos@csus.edu

**Sacramento, CA —October 27, 2017 -** Following last weekends events in Anaheim it has come to the attention of Sacramento State College Republicans that Mason Daniels is ineligible to be a California College Republican. Mason Daniels being a Sacramento State student has failed to attend any College Republican meetings this semester. Per the adopted Bylaws of the Sacramento State College Republicans; Article IV: Section C subsection 1a and 1b, Mason Daniels is not an Active Member and thus may not apply to run for Executive Board office, vote, and participate in club functions.

These are clear violations of our Chapter Bylaws and it would be beneficial for California College Republicans as an organization to have a Statewide Elected Official be in good standing with their own chapter. Without being in good standing the Capitol Area Vice Chairman, Mason Daniels, will not be able to attend any of Sacramento State College Republican events. As such, Mason Daniels will not be able to fulfill his duties of Capitol Area Vice Chairman. In the California College Republicans Constitution Article VI Section 5 it states that the Vice Chairman shall coordinate recruitment, organization and other activities as well as encourage and support existing CCR clubs in their activities.

It is because of this that we humbly request that the new California College Republicans Chair look into this matter and deliver a verdict on the removal of Mason Daniels from office as Capitol Region Vice Chairman of the California College Republicans immediately.

**Appendix B - Chairman Rowland's Demands to Capitol Vice Chair**

Hello Mason,

I have received a petition to act on the legitimacy of your election last weekend from the Sacramento State College Republicans. They have provided me with evidence to support their claims and have also added that you have taken SSCR club property upon the vacancy of your office and the start of the "Hornets Republicans" groups. We also have information that you may not be a member in good standing, not now or at the time of your election.

I would like to give you a chance at redemption, as even though the report is not out it does very well appear that you were not eligible to hold the position of Capitol Region Vice Chair at the time of your election. [Though it would not be outside the legitimate and appropriate powers of the Chair to remove you from the office, I would like to give you a chance and hope you can meet us halfway.]

1. You must return all the materials you took from SSCR that belong to SSCR. The club has informed me that these materials are as follows:
SSCR tent, SSCR table, SSCR cooler, 2 SSCR flags (red and purple), Trump Pence flag, club banner, club gavel, two chapter boxes from CCR that contain but are not limited to, tabling materials, books, flyers, pamphlets, bottle openers, pins, stickers, cups, pens, and koozies. They also need possession of the mail chimp, twitter, and gmail.

2. You must disband the Hornets Republicans club on all social media platforms, submit a request to de charter the club with the school, and issue a statement that you have done so.

3. You must attend the next SSCR meeting and hereby maintain requirements to be in "good standing" within SSCR.

4. You must do the aforementioned in by next Saturday, Nov 4. Should you fail to do any of these I will need to consult with my Parliamentarian about the appropriate course of action.
I really hope we can work out this conflict and make this a fair, win-win situation for everyone.

## Appendix C - Response from Capitol Vice Chair

Ok let me address all of this

1. The SSCR "Property" situation has already been handled by the university where they determined what was my property and what was the club's and everything that was the club has already been returned to them. And the university has told them to move on and leave it alone. And the university has that exact list you just sent me so that's been handled. But they probably didn't tell you that.

2. I did not start the Hornet Republicans they were started by a group of CRs that felt bullied and intimidated by the current group of CRs running SSCR in fact the University encouraged the creation of the Hornet Republicans because they saw the way the current leadership was treating those kids. In fact the Hornet Republicans have more members than SSCR. So no I will not ask the Hornet Republicans to decharter nor do I have the power to. And the fact that you would want me to ask a conservative organization on campus to not exist rather than growing conservative organizations on campus absolutely astonishes me. It's that type of attitude that people are afraid of your chairship and why multiple chapters are considering leaving CCR.

Also the Hornet Republicans have actually

Volunteered and helped both county party and the state party since their creation while SSCR has not despite both the county and CRP asking for their help. They have ignored those requests and so no-one takes them seriously.

Also SSCR was suspended from being a club on campus because they failed to submit all their proper documents on time. They may have fixed that by now but this was as early as Oct 4th. While The Hornet Republicans were charter before SSCR. This also brings up the membership situation. Before the 15th of Oct. I was actually still listed as the President of SSCR and still the Admin of the membership list that the university has. So it is funny how I was randomly unwillingly removed by an admin as a member from the list.

None of that would matter anyway because the election was a continuation of the CCR which means my eligibility only matters at the time of CCR which is exactly how the CRNC told CCR to run the vote last week. There is more than just sac state in the capital region all of Davis voted for me and most of Sac state did as well not to mention ARC who I am already helping plan events so just because a 8 member disgruntled club is upset about the results of an election doesn't mean they get what they want. They are creating Drama that isn't even there.

Ariana the election is over an CCR needs to unite and move forward we can't waste everyone's time fighting over RVC seats. The board has been chosen and It's split which is a good thing In my opinion. I want us all to move on and work together and like I told Vincent We can't keep fighting about petty things it's over and we need to focus on real problems and not stand in a circular firing squad. People are literally afraid to join the CRs because of the election we need to fix that by uniting.

Finally. On a more personal note I never had a problem with you personally we were on opposing sides in that war and shit happens people did what they had to do I get that. But you don't scare me you can't bully your way through everything a lot of the people you pick fights with or piss off are going to be around for a long time or are not going anywhere. Idk what you want to do after you graduate but it's something to think about you have an opportunity to unite CCR and prove all your doubters wrong and I honestly hope you. I don't need the state board I already have a career I did this because I actually give a shit. I don't want to fight over petty or childish because 1. I'm an adult And 2. CRs and CCR has way better things to worry about. But You also just can't just throw anyone off the board you don't like can Brulte throw his RVCs off? No. I want to work with you and I'd like to be your ally because we both know it would be more benefial if we worked together than if you made more enemies and more head aches. But if you do decide to not work together and still want to throw me off the board I could care less my heart isn't gonna skip a beat I'm not going to lose any sleep because those would your problems.

Look I want to help and I know it's hard for you to trust me after the bloody election I get it I do and if you don't want me on the board and want to throw me off Its fine i could care less Because I'm honestly tired of the drama and pretty much everyone in the state is. But I'm willing to let the past be the past and work together if you are because no-one knows this region better and the north state better than me.

I'm being honest Ariana feel free to give me a call if you need to talk to me have questions or want to discuss something I have no problems with you honest to god and if you feel you want me off the board thats your choice and I get it but I'm not going to lose any sleep over it.

Here is my # [redacted]

## Appendix D - Email from Sacramento State Administration

From: Carroll, Tom
Sent: Wednesday, September 6, 2017 9:15 AM
To: Ruffino, Gianfranco Giuseppe; Daniels, Mason Lamar
Cc: Shallcross, Kyle Michael; Johnson II, Floyd Ray
Subject: RE: Returning College Republican Items

Mason,

The club has had an official election and can resume its activities. Please return the property of the club by 9/12. You can drop off items to our front office and we will get them to the new officers.

Best,

Tom

**Appendix E - Written Testimony from Sacramento State College Republican President Gianfranco Ruffino**

Dear Chairwoman Rowlands,

I'm writing you in regards to my belief that Mason Daniels, Capital Regional Vice Chair, is unfit for that title.

Mason attends CSU-Sacramento, where I am the currently the president of the campus's CAR chapter. Mason has no relations with any of the current club members and has not been to a single club meeting this semester. Mason is also not on our official club roster kept by the Student Organizations and Leadership Department.

Because of these reasons, it is my belief that Mason should not be Capitol Region Vice Chair.

Thank you,

Gianfranco Ruffino
President of CSU-Sacramento College Republicans

**Appendix F- CRNC Parliamentarian Burke's Opinion from an Email correspondence with prior Chairman Allen**

Leaders of Rebuild and Thrive,

Thank you so much for your extraordinary patience post-convention as we pursued the input of our agreed-upon neutral third party, the CRNC Parliamentarian, Thomas J. "Burke" Balch, J.D., PRP. I know I'm not the only one who hoped to have this resolved weeks ago, and I continue to look forward to a fair and timely resolution.

The purpose of this email is to give leaders of both the Rebuild and Thrive campaigns a status update including Burke's Parliamentary response to the circumstances.

As the Rebuild leaders, Thrive leaders, and myself agreed on 04/30/17, the key element to a fair and unbiased resolution is the oversight of a neutral third party, the opinion of whom precedes any action taken by either campaign and especially CCR. Both campaigns and myself agreed that this third party would be the CRNC Parliamentarian, Burke Balch. As you may know, Burke had been travelling and/or ill for the majority of the time post-convention. Only recently has he been able to fully review all relevant materials and provide responses to them, and only today have I received sufficient information to provide you with a substantial update.

Therefore, the only factor that has delayed progress has been Burke's inability to immediately respond to the facts. Only just now having the complete picture of his opinion and the facts, I have not yet taken any conclusive action related to the resolution of the 2017 CCR Convention.

**Burke's response to the question of holding a remote election:**

*"Inability of Convention Delegates to Elect Officers by Electronic Means. CCR Constitution Article XII, Section 3 makes Robert's Rules of Order Newly Revised the parliamentary authority "for all disputed matters not specifically covered by this Constitution or subsequent Bylaws." Under RONR (11th ed.), p. 263, ll. 18-24, "since it is a 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 in a regular or properly called meeting . . . , the rules cannot be*

*suspended so as . . . to authorize absentee . . . voting." Consequently, voting by mail or email must be expressly authorized in the bylaws. RONR (11th ed.), p. 423, ll. 17-25.*

*The CCR constitution (equivalent to bylaws; see RONR [11th ed.], p. 12, ll. 8-16) does authorize "election by phone . . . email, or mail" in the specific case of filling a vacancy in the office of Chairman when there is a simultaneous vacancy in the offices of Co-Chairman and Administrative Vice Chairman. Article VII, Section 2. However, there is no similar authorization for voting by convention delegates to elect to office. "If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited." RONR (11th ed.), p. 589, ll. 33-34.*

*Consequently, it is not possible for the CCR validly to conduct an election of officers by convention delegates through email or similar electronic means, outside the context of a meeting in continuation of the convention. And that meeting must be a physical meeting – "a single official gathering in one room or area" – since an electronic meeting is possible only if authorized in the bylaws/constitution. RONR (11th ed.), p. 97, ll. 9-14."*

**Burke's response to the question of reconvening convention:**

*"1. The CCR Chair can and should call another meeting of the CCR 2017 convention to complete its work. As long as that meeting is called to occur before the date of the 2018 convention, it may validly be set for a time when it is realistically expected the largest number of delegates can attend, such as at the beginning of the next academic year if it is judged that most delegates will be unavailable during the summer academic break.*

*2. Since a meeting in continuation of the 2017 CCR convention would be part of the same session, which was originally called in accordance with the CCR Constitution, the CCR constitutional requirements for the number of days and methods required for notice of a new (Article IX, Section 4) or special (Article XI) convention would not apply.*

*Unlike a special meeting, an adjourned meeting does not require notice, although it is desirable to give such notice if feasible. An adjourned meeting should not be confused with a special meeting, which is a separate session called, in ordinary societies, as prescribed by the bylaws. RONR (11th ed.), p. 244, ll. 21-25.*

*3. While maximizing the number of delegates attending is of course desirable, business conducted at a meeting called in continuation of the 2017 convention would be valid even if the number required for a quorum were not present.*

*Under CCR Constitution Article IX, Section 10, "Once attained, quorum shall remain in effect for the duration of the Convention." Since a quorum was declared attained at the April 30 meeting of the 2017 convention, and since any subsequent meetings will be continuations of the same convention, under this constitutional provision should number of the delegates who attend the second meeting be lower than that required for a quorum, that will not prevent the meeting from validly conducting business."*

**Going forward:**

It deeply disappoints me that the remote voting that we have been pursuing is parliamentarily infeasible, as it would have served as a cost and time saver, not to mention would lower accessibility barriers for delegates. It is also my opinion that not reconvening a second physical meeting of the 2017 CCR Convention until the late summer or Fall would do grave disservice to the organization and its mission. There is much work to be done on our campuses, throughout our state, and in preparation for the critical upcoming year. The California College Republicans cannot afford to put off this important work, and I feel that it would be inappropriate for the 2016-2017 CCR State Board to be the ones leading any further statewide efforts prior to the selection of a new board. For these reasons and others, I believe it is imperative that the installment of the new CCR State Board occurs sooner rather than later.

Upon receiving the above information, I have taken immediate exploratory action to secure two items that are essential to the reconvening of the second meeting of the 2017 CCR Convention: (1) an unbiased registered parliamentarian and (2) a suitable venue. Further details on the second meeting of the 2017 CCR Convention will be sent out in the coming days as CCR secures those items.

Thank you again for the incredible patience you have shown, and thank you for your leadership in civility during these unprecedented and trying circumstances. As we near a resolution, I put my faith and optimism forward that every California College Republican will soon be able to work passionately alongside each other towards our important, shared goals.

Best,

Ivy