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Response to improperly filed Petition

Libertarian Party of Idaho

The Libertarian Party of Idaho State  
Central Committee

Complainant,

vs.

Todd Corsetti et al

Respondent

Direction to vacate judiciary intentions

**Introduction**

The Libertarian Party of Idaho requests that any and all judiciary intentions be immediately vacated. The initiation of judicial review was improperly called by members who have deliberately excluded the entirety of the body of the Libertarian Party of Idaho State Central Committee to confirm any such action on its behalf. Todd Corsetti, et al, henceforth referred to as "Respondent", attempted to build a state central committee, in secrecy and in violation of Idaho election law, Libertarian Party bylaws, and Robert's Rules of Order parliamentary authority.

All prior year conventions were held in June, which automatically accounted for all precinct elections. A bylaws change made in error triggered the following events. The Libertarian Party of Idaho's 2022 Convention was the first year a convention was held before the completion of county canvassing, which didn't account for May 17th Primary elected precinct committeemen.

The Libertarian Party of Idaho has been actively working with the Secretary of State's office and several county elections offices to coordinate the State Central Committee in order to provide the membership body a law conforming convention, as diligently, and transparently, as possible.

There have been no actions beyond this task taken by the re-established executive board, including but not limited to approval of expenses, stance or action on policy, or restructuring of any committees held *at the pleasure of the chair*. There have been no attempts to exclude any individuals from this process, nor have any proper grievances been filed with the Libertarian Party of Idaho in an effort to mediate.

The Libertarian Party of Idaho executive board and those State Central Committee members who have been excluded from any of the Respondents conduct do not acknowledge any legal or judicial actions taken in the name of the State Central Committee. To date, the Libertarian Party of Idaho has included all members in the process of fulfilling the State Central Committee and participating in the upcoming convention.

Be it further noted that Mr. Loesby and Mr. Reece have an explicit conflict of interest in presuming to be part of a judicial committee reviewing an issue in which the complaint, of the re-establishment of the previous executive board, was a response to their own actions. Mr. Corsetti, Mr. Loesby and Mr. Reece, along with several others, jeopardized the Libertarian Party of Idaho's major party status by trying to circumvent the State Central Committee in order to assume authority. The outcome of the proposed judicial review serves to directly benefit Mr. Loesby and Mr. Reece by presenting them an authority over the membership body, regardless of illegality in how the authority was acquired.

If the proper and complete State Central Committee chooses to acknowledge the judicial committee members elected at the nullified convention and chooses to proceed with the complaint, then there should be a formal and transparent seating of replacements before any action can precede. Only then should there

be well documented evidence that the State Central Committee has properly informed all qualified participants of an intention before a meeting can decide whether to invoke the judicial committee.

### **Background & Definitions**

On June 26<sup>th</sup>, 2021, the Libertarian Party of Idaho held a Special Bylaw Meeting, in accordance with Idaho election law and Libertarian Party of Idaho Bylaws. During this meeting, several adjustments were made to the state party's governing documents – including moving the state convention from biennial to annual, and moving the date of the convention from “the final two weeks of June” to “the final two weeks of April”. This bylaw change was not in compliance with Idaho Election law. [§LPID Bylaws Article V Section I, §34-507, and §34-1205.]

On February 14<sup>th</sup>, the Libertarian Party of Idaho Executive Board called the 2022 Convention to be held on April 2<sup>nd</sup>.

On April 2<sup>nd</sup>, 2022, the Libertarian Party of Idaho held a convention with election of officers. However, the meeting was called by the Executive Board, and not the State Central Committee. The convention was held before the end of state primary election canvassing, excluding any potentially elected or appointed precinct committeemen, county central committee officers, or legislative district officers. At the time, several individuals were candidates for precinct committeeman, with many individuals interested in participating at a county level. Precedence for this has been long established by the Democratic Party of Idaho and the Republican Party of Idaho. For reference, the Idaho Democratic Convention was held on June 17<sup>th</sup>, 2022, and the Idaho Republican Convention will be held on July 16<sup>th</sup>, 2022.

In accordance with Idaho election law, county canvassing of the May 17<sup>th</sup>, 2022 primary elections was not complete until May 24<sup>th</sup>, where county clerks issued certificates of election to the precinct committeemen [Idaho Code §34-1208].

In accordance with Idaho election law, state canvassing of the May 17<sup>th</sup>, 2022 primary elections was not complete until June 1<sup>st</sup>, where the secretary of state issues certificates of election to the precinct committeemen [Idaho Code §34-1211].

As of May 24<sup>th</sup>, 2022, the Libertarian Party of Idaho has no incumbent listed for Ada County, Bannock County, Canyon County or Elmore County. As of June 1<sup>st</sup>, 2022, the Libertarian Party of Idaho has no incumbent listed for Legislative Districts 13, 14, 20, or 28.

On May 17<sup>th</sup>, Todd Corsetti was elected precinct committeeman. All other candidates for the precinct committee failed to obtain the state required minimum of five (5) votes per Idaho Code § 34-1208. The election of Mr. Corsetti as a precinct committeeman reinforced the notion that having a convention prior to the primary election was improper.

In late May, Todd Corsetti attempted to elect himself as Chair of Legislative District 28 and Chair of Bannock County. The meeting minutes were not dated. Microsoft Office documents history of his submitted minutes reveal the documents were created on May 19<sup>th</sup>, 2022 and last modified on May 21<sup>st</sup>, 2022. According to meeting minutes, the only people attending this meeting were Todd and his wife, Amber Corsetti, a non-member.

On May 23<sup>rd</sup>, 2022, Zach Callear attempted to elect himself chair of Legislative District 13 and chair of Canyon County. Zach also elected Merrill Callear as Canyon County Central Committeewoman. The only people attending these meetings were Mr. Callear, AJ Ellis, and Merrill Callear. Mrs. Callear is a registered Republican.

On May 24<sup>th</sup>, the Executive Board, at the time, met virtually for a board meeting. During this meeting, Zach Callear pushed back on adding an agenda item to discuss the 2023 convention out of order, because only the State Central Committee can call the convention. Further, Zach Callear falsely announced he was elected precinct Committeeman yet made no attempt to inform the board of any intentions to create a county central committee.

On May 25<sup>th</sup>, 2022, Matt Loesby attempted to elect himself chair of Legislative District 14 and of Ada County, David Hynes as chair of Legislative District 20, and Rex Loesby as Ada County Central Committeeman. The only people attending this meeting were Mr. Loesby, David Hynes, and Rex Loesby. Rex Loesby is a registered Republican. On the same day, Mr. Loesby submitted meeting minutes to the Ada County Elections Office. Mr. Loesby did not carbon copy the Libertarian Party Executive Board or inform them of this conversation.

On May 26<sup>th</sup>, 2022, Sterling Reece attempted to elect himself chair of Elmore County. The only person attending this meeting was Mr. Reece.

There is no record of either of these individuals attempting to contact the Libertarian Party of Idaho's Executive Board, to be appointed county chair, or to organize a meeting of qualified county members, to form a county central committee.

There is no record of any Respondent attempting to contact the Libertarian Party of Idaho's State Central Committee to coordinate inclusion of members within respective county or district boundaries. By state law and party bylaw, the State Central Committee should include bylaw sustaining members. Restricting participation to only precinct committeemen would have required advance notice and coordination with the Secretary of State [Idaho Code §34-624A LPID Bylaws §Article III Section II]

There is no record of either of these individuals attempting to contact the Libertarian Party of Idaho's Executive Board to confirm if candidates for county officers met the requirements established by state election law. Specifically, to ensure county officer or legislative officer candidates are a properly registered Libertarian or unaffiliated within their respective precinct, county, or legislative district. [Idaho Code §34-624 LPID Bylaws §Article III Section II]

According to Libertarian Party of Idaho bylaws: "The Bylaws of the Party are also the governing documents of the State Central Committee. The four officers of the Party (Chair, Vice-Chair, Secretary and Treasurer) are the officers of the State Central Committee." [ LPID Bylaws §Article VII Section 1].

According to Idaho Election Law: "The state central committee of each political party shall consist of all legislative district chairmen, all county central committee chairmen, all state committeeman, and state committee women selected by the county central committees. Each of the above members of the state central committee shall be entitled to vote at all meetings of the state central committee." [Idaho Code §34-504].

According to the Libertarian Party of Idaho Bylaws: "If a county central committee does not exist, the precinct committeemen within that county shall form one based on state law to the maximum extent practical." LPID Bylaws §Article VII Section 3.

According to Idaho Election Law: "Unless state party rules, adopted as provided in section 34-505, Idaho Code, provide otherwise, when a vacancy exists in the office of county central committee chairman, it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the county, and the precinct committeemen shall proceed to elect a chairman of the county central committee for the balance of the unexpired term." Idaho Code §34-502.

On May 29<sup>th</sup>, 2022, Mr. Callear emailed meeting minutes for Canyon County and Legislative District 13 to the Libertarian Party of Idaho Executive Board.

On May 29<sup>th</sup>, 2022, Mr. Reece emailed meeting minutes for Canyon County and Legislative District 13 to the Libertarian Party of Idaho Executive Board.

On May 29<sup>th</sup>, 2022, Todd Corsetti emailed meeting minutes for Bannock County and Legislative District 28 to the Libertarian Party of Idaho Executive Board.

On May 29<sup>th</sup>, 2022, Mr. Loesby emailed meeting minutes for Ada County and Legislative District 14 to the Libertarian Party of Idaho Executive Board.

On May 31<sup>st</sup>, the Chair of the Libertarian Party of Idaho – as elected on April 2<sup>nd</sup> Convention – Robert Imhoff met with the Idaho Secretary of State to discuss remediation. The suggested process was to convert the board back to the previous officers and re-establish a convention that meets Idaho election law. The Libertarian Party Executive Board informed the membership body that evening of the legal issue and efforts to conform with state law via email.

On May 31<sup>st</sup>, 2022, Mr. Corsetti emailed the Bannock County Elections Office stating, “This email is to inform you that I have been elected Chair of the Bannock County Central Committee for the Libertarian Party”. Respondents did not carbon copy the Libertarian Party Executive Board or inform them of this conversation.

On June 1<sup>st</sup>, 2022, the Secretary of State issued certificates of candidacy to all candidates. The Secretary of State issued a certificate of candidates to the Chair of each major political party. This letter, with the official secretary of state watermarking, acknowledged Jennifer Imhoff as the chair of the Libertarian Party. This letter was delivered via USPS to the Libertarian Party of Idaho’s official P.O. Box.

On June 1<sup>st</sup>, 2022, Mr. Loesby emailed the Libertarian Party of Idaho Executive Board, via personal email addresses, stating that the Ada County Elections Office informed him his actions were done *“in error”*. Mr. Loesby affirms that himself, David Hynes, and Zach Callear did not meet the requirements necessary to be elected as precinct committeemen. Mr. Loesby directly cites Todd Corsetti’s efforts in Bannock County, implying his meeting minutes may also not be compliant in accordance with Idaho Election Law. Mr. Loesby *“recommended”* that the Libertarian Party Executive Board recognize Todd Corsetti’s attempt.

On June 2<sup>nd</sup>, 2022, Ada County Elections Office Election Supervisor emailed the party to clarify who the Chair of the county was. Jennifer Imhoff responded to this email stating, *“The region 2 representative is Joe Evans, in lieu of an incumbent, he would be the county chair.”*

On June 6<sup>th</sup>, 2022, Canyon County Elections office confirmed that the only communications they received from Zach Callear were the candidacy form.

On June 6<sup>th</sup>, the Libertarian Party of Idaho emailed all members of its intentions to begin the process of appointing county chairs where volunteers are interested to build out a state central committee. The Libertarian Party of Idaho, to its maximum extent, tried to be as inclusive and transparent in this process, as possible. Per NationBuilder, AJ Ellis and Todd Corsetti received and opened the invitation to participate. NationBuilder is unable to generate delivery receipts for individuals using Proton email accounts; including David Hynes and Matt Loesby.

There is no record of any of these individuals making an attempt to contact the Libertarian Party of Idaho’s Executive Board in an effort to participate in the process of building out the state central committee or air grievances to the process.



On June 15<sup>th</sup>, 2022, Robert and Jennifer Imhoff-Dousharm were served by personal courier a letter, requesting to attend a meeting at the request of the Libertarian Party State Central Committee. The letter was issued by Donald Sonnefeld Esq. from Echo Hawk & Olsen law firm. The letter states, *“This law firm has been authorized by the State Central Committee of the Libertarian Party of Idaho to contact you on its behalf.”* The letter affirms, *“The meeting is an official meeting of the State Central Committee as defined in Idaho Code §34-504, and is validly called by the members of the State Central Committee under the LPID Bylaws and laws of the State of Idaho. The actions taken at this meeting are binding upon the party, its officers, and members.”*

On June 16<sup>th</sup>, 2022, A phone call to Echo Hawk & Olsen, initiated by Chad Houck, Idaho *Chief Deputy Secretary of State*, confirmed the Respondent authorized the contract with the law firm to issue the letter. Mr. Houck informed Echo Hawk & Olsen that Jennifer Imhoff was the chair of record for the Libertarian Party of Idaho.

The Libertarian Party of Idaho’s Executive Board, nor membership, acknowledge the authority Respondents have assumed, were made aware of any meetings in the lead up to a complaint, or agreed to the initiation of legal counsel on behalf of the party.

Following the legal letter from Echo Hawk & Olsen, Jennifer and Robert Imhoff received email notification, with meeting details. The email included Zach Callear, Amber Corsetti, Dan Karlan, and Adam Belnap, as only recipients. The Imhoff's did not attend **this meeting because it was not called by any state central committee, be it the April 2nd committee or the rolled back committee.**

### Summary & Conclusion

All prior year conventions were held in June, which automatically accounted for all precinct elections. A bylaws change made in error triggered the preceding events. The Libertarian Party of Idaho’s 2022

Convention was the first year a convention was held before the completion of county canvassing, which didn't account for May 17th Primary elected precinct committeemen.

While the date of the convention, on its own, would not have been an issue, the election of Mr. Corsetti as a precinct committeeman reinforced the notion that having a convention prior to the primary election was improper. The communications initiated by Mr. Loesby and the Ada County Elections Office began conversations between the election's office and Party chair seeking resolution.

Without knowing the entirety of elected precinct committeemen within the state or the full implications of the lack of compliance, Robert Imhoff contacted the Secretary of State's office. The Libertarian Party of Idaho submitted paperwork informing the Secretary of State of the rollback to the original board to allow us the opportunity to re-establish process and proper calling of the convention; and they accepted it without objection. At the time of accepting paperwork the Secretary of State reiterated their preference for Parties to fix errors within the confines of the party first before requesting arbitration or actions from any officers representing the State of Idaho.

Robert Imhoff was able to coordinate the letter of intentions with all available officers. The letter was delivered to the Secretary of State's office on the morning of May 31<sup>st</sup> and submitted to the party's official file. The Secretary of State's office allowed us to update the campaign finance systems with the previous chair and acting treasurer to ensure that the upcoming required filing would be completed in time with appropriate persons. That same day, notice was emailed to all members on file with the information regarding the change and intentions of holding a proper convention as soon as possible.

The actions of the board, thus far, have been limited to insulating the party from any future civil or legal proceedings, which includes but is not limited to establishing a compliant convention.

The reversion of the board would have been coordinated with less haste had the respondents attempted to coordinate efforts with the Libertarian Party of Idaho executive board, prior to taking official action with county election offices.

The respondent has been included in all actions of the Libertarian Party of Idaho's executive board efforts to organize a state central committee but has chosen not to coordinate or communicate regarding these efforts; choosing instead to establish a separate "state central committee" in secret and with the deliberate exclusion of the party members.

Respondents made no attempt to work with the Libertarian Party of Idaho's Executive Board or the membership body to issue grievances regarding the reversion of the board for legal compliance, in an effort of mediation or correction.

The respondents' have falsely assumed authority over county and/or legislative districts, nullifying their attempt to control the State Central Committee. Each county in question was vacant of an incumbent, the appointment of a county chair position would be the duty of the State Central Committee chairman, i.e. the party chair. [LPID Bylaws §Article VII Section 3], [Idaho Code §34-502], [LPID Bylaws §Article VII Section 4] and [Idaho Code §34-503]

Any meeting held by the precinct committeemen of a county or legislative district - in lieu of appointment by the chair - should have included all potential members within the respective boundaries. The respondents made no effort to contact qualified members within their respective county or legislative district. [RONR 1:4, RONR 3:4 and LPID Bylaws §Article VII Section 3].

Any meeting held by the county should have given reasonable notice of a meeting, AFTER the completion of county canvassing. The respondents made no effort to contact qualified members within their respective

county and have shown no evidence any notice given was done so within a reasonable amount of time. [Idaho Code §34-1208 and LPID Bylaws §Article VII Section 3].

Any meeting held by county officers to appoint a legislative district should have given reasonable notice of a meeting, AFTER the completion of state canvassing and in coordination with associated counties. The respondents made no effort to contact qualified members within their respective legislative districts and have shown no evidence any notice given was done so within a reasonable amount of time. [RONR 9:13].

Any meeting held by a county or legislative district should adhere to Roberts Rules of Order per LPID Bylaws §Article X. As such, a quorum is a majority of the entire membership within a county or legislative district, as defined by Roberts Rules of Order and party bylaws [RONR §3:3 and LPID Bylaws §Article III Section 2]. Respondents failed to meet quorums in each county and legislative district.

Any meeting held by a county or legislative district should have excluded non-members and registered Republicans from voting rights, per state law and party bylaws [Idaho Code §34-624 and LPID Bylaws §Article III Section II]. Respondents gave voting privileges to non-members and registered Republicans while excluding bylaws sustaining members.

Respondents attempted to elect non-members and registered republicans as county officers within the Libertarian Party of Idaho per state law, Idaho Code §34-624 and LPID Bylaws §Article III Section II, any votes made by these individuals should be null and void.

The Respondents attempted to use their improperly assumed authority to call a special meeting of the State Central Committee on June 20th, as informed by Echo Hawk & Olsen, in which they deliberately excluded a majority of qualified State Central Committee members as per LPID Bylaws §Article VII Section 1. The respondents have demonstrated that deliberately excluding unbiased participants is with the intention of

removing officers; an action that requires two-thirds vote of the State Central Committee. [LPID Bylaws §Article VI Section 9]

The Respondents are using their improperly assumed authority to initiate legal action under the name of the Libertarian Party Central Committee. The respondents have retained a legal law firm to act under the name of the Libertarian Party State Central Committee, without authorization from the body. This action has jeopardized the Libertarian Party of Idaho by opening the party up to counter lawsuits and negative press.

The Respondents own actions are responsible for the Libertarian Party of Idaho to fall out of compliance with election law, nullifying the April 2<sup>nd</sup> convention. The Respondents' attempts intentionally overreach the rights of other county chairs as afforded by Idaho Election Law and the Libertarian Party of Idaho Bylaws.

The Libertarian Party of Idaho executive board and those State Central Committee members who have been excluded from any of the Respondents actions do not acknowledge them as the State Central Committee and therefore requests that any and all judiciary intentions be immediately vacated.

Dated this 27 of June, 2022

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*Jennifer Imhoff-Dousharm*