

Misreading of GOP party rules at convention leads to confusion over who, if anyone, is chairman

William Spence/Lewiston Tribune

An inadvertent misreading of party rules during the recent state convention in Moscow has led to the ongoing dispute over who, if anyone, now serves as chairman of the Idaho Republican Party.

The mistake left an already-divided party in disarray, with one faction calling for an Aug. 2 state central committee meeting to elect new state officers, while a competing faction calls for an Aug. 9 meeting to consider whether the previous slate of officers was actually re-elected during the convention.

The dispute hinges on a ruling made June 14, during the waning moments of the convention.

Delegates spent the entire day arguing over the validity of certain county delegations, as well as the validity of the credentials committee that recommended unseating those delegations. They got so caught up in making motions, counter-motions and points of order, they never actually got around to nominating and electing state party officers.

Shortly after 3 p.m. the convention chairman, Idaho Congressman Raul Labrador, noted the agenda specifically called for adjournment. If delegates wanted to continue their debate, he said, a two-thirds vote was required.

When asked what would happen if the meeting adjourned without electing state officers, Labrador conferred with convention parliamentarian Cornel Rasor, a former Bonner County commissioner. He then announced that the existing officers and state party platform would all remain in place.

"Everything continues until there's an election," Labrador said. The election would take place "in two years, unless the party moves to do it sooner."

Following that announcement, delegates overwhelmingly agreed to adjourn.

Now, however, Rasor says the ruling regarding party officers was incorrect.

"I inadvertently misread the rules," he said during a telephone interview Tuesday. "It was my fault, not Raul's. It's really that simple."

The rules are written in a way that pertinent information is split between multiple sections. Article V and VI of the convention rules, for example, deal with nominating and voting on state officers. Similarly, Article I, section 5 of the state party rules note the party chairman is elected at the state convention. Only eight pages later, in section 16, do the rules specifically say the chairman serves a two-year term.

"I missed that," Razor said. "That's what happened. I didn't read all the pertinent sections."

The issue now is what to do about it - and whether party members can agree on a path forward.

"Can we find a way to proceed, differences intact, and still be Republicans, honest and well-meaning in each others' eyes?" asked Ron Nate of Rexburg, a convention delegate and co-chairman of the party's Standing Rules Committee.

In an effort to resolve the dispute, State Party Chairman Barry Peterson asked the rules committee to review two competing legal opinions. One came from Idaho GOP attorney Jason Risch, stating that the party currently has no chairman (or other officers) because the convention delegates failed to elect anyone. That opinion has been confirmed by certified professional parliamentarian Jesse Binnall of Virginia, who served as the Idaho convention parliamentarian in 2010, as well as John Phillippe Jr., chief counsel for the Republican National Committee.

The second opinion came from Eagle attorney Christ Troupis, who said Peterson and the other state officers were all re-elected during the convention.

Troupis' opinion was based in part on the legal doctrine of estoppel, which says someone can't take a position, get people to act based on that position, and then subsequently disadvantage them by changing his or her position.

The convention delegates voted to adjourn based on the understanding that the existing slate of officers would remain in place, Troupis said. Had they known otherwise, they might have voted differently. Given that no one objected during the convention, Labrador's ruling should therefore stand.

After discussing both legal opinions, the rules committee agreed with Troupis.

"It wasn't even a close vote," said Nate, an economics professor at BYU-Idaho. "As far as I know, everyone (at the convention) heard the same thing I did: that a vote to adjourn would keep the current officers in place. That's what people understood their vote to mean. It's hard to overturn the will of the convention on a rules technicality. Yes, in retrospect it was probably a mistake to rule that the terms would continue for another two years - but how do we un-ring that bell?"

For some party officials, the answer is to have the state central committee appoint replacement officers. That's the intent of the Aug. 2 meeting, which was called by Mike Mathews, Idaho state director for U.S. Sen. Jim Risch and 1st vice-chairman of the state party.

Peterson, who rejects Jason Risch's opinion that he's no longer the party chairman, called the Aug. 9 meeting.

Ultimately, if the two factions can't find common ground, it may take a lawsuit to determine who actually is or isn't the party chairman.

"I would be disappointed to see us have to go to court to resolve this," Nate said.

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