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Memorandum

TO: Bryan Daugherty
CC: Members of the Maine Republican Party State Committee
RE: Bryan Daugherty's March 9, 2013 Letter

DATE: March 20, 2013

The Maine Republican Party has received and considered the letter from Penobscot County State Committeeman Bryan Daugherty regarding both an appeal of the January 17, 2013 election of officers of the Penobscot County Republican Committee and his contention that the election represents a continuing breach of the By-laws, permitting him to file the appeal at the present time.

The attached memorandum from Maine Republican Party legal counsel presents the opinion that Mr. Daugherty's request:

- **Cannot be filed under Party Rule 23(a) as Mr. Daugherty asserts in his request.**

Party Rule 23(a) grants authority to the State Party, through its Executive Committee, discretion to exercise jurisdiction over controversies. Because Party Rule 23(c) specifically addresses an individual's right to appeal controversies arising at the county committee level, it is the opinion of the Party that individuals cannot file an appeal under Party Rule 23(a), and that appeals of the nature of Mr. Daugherty's must be filed under Party Rule 23(c), which specifically addresses controversies at the county committee level.

- **Does not demonstrate a continuing breach of Party By-laws due to Mr. Daugherty's misplaced reliance on Robert's Rules of Order when Party Rule 27 supersedes Robert's Rules of Order.**

Mr. Daugherty's contention that the election is a continuing breach of Party By-laws relies upon a misplaced reliance on

Robert's Rules of Order, when Party Rule 27 specifically provides that, "*Robert's Rules of Order, Newly Revised, shall be the Rules of the Maine Republican Party **so far as they are applicable and consistent with these rules as written.***"

To summarize, Mr. Daugherty's contention fails to recognize that Party Rule 27 supersedes Robert's Rules of Order and therefore his contention that a continuing breach of Party By-laws exists is not accepted.

The timeframe for an individual to file an appeal of a controversy at the County level is clearly set forth in the Party's Rules, specifically 21-calendar days from the date the controversy arises. This specific language in the Party's Rules supersedes the generic provision of Robert's Rules cited by Mr. Daugherty.

Since Robert's Rules apply only when they are consistent with the Party's Rules, the general rule from Robert's Rules cited by Mr. Daugherty does not change the specific time frame for filing an appeal set forth in the Party's Rules.

Clearly, Mr. Daugherty's request does not meet the threshold to be considered by the Party.

Mr. Daugherty's appeal would need to have been filed under Party Rule 23(c) within 21 days of the election, and Mr. Daugherty's 'continuing breach' contention is based upon a misplaced reliance on Robert's Rules of Order when Party Rule 27 supersedes Robert's Rules of Order. The party will take no formal action to act upon Mr. Daugherty's appeal of the January 17, 2013 election of Penobscot County Committee officers.

However, given the circumstances surrounding this election; the nature of the controversy; and the interest of the Maine Republican Party in promoting a culture of honesty, transparency and ethical self-governance, the Chairman of the Maine Republican Party, Hon. Richard M. Cebra, reserves the right to take further action to investigate this election in a manner that does not rely upon the appeals process put forth in the Party By-laws.

Given the inability of prospective appellants to file a legitimate appeal under Party By-laws, it will be necessary for the Chairman to act on his authority to investigate this matter outside the appeals process set forth in the Party By-laws.

As such, the Chairman will be acting to ensure that the controversy surrounding the January 17, 2013 Penobscot County Republican Committee election of officers is fully investigated.