

Idaho Republican Legislative District #32

Special Rule: Grievance Process

November 30, 2023

Background

In Section 3 of **Article XX: Idaho Republican Party Platform Enforcement Rule**, incorporated into the Idaho Republican Party State Rules, it states,

“The Idaho Republican State Central Committee, Legislative District Committees, and County Central Committees are hereby empowered to call into question the conduct of a Republican elected official (REO); give fair consideration to alleged violations, and provide a meaningful opportunity for the official to be heard; determine if substantive violations of Party Platform or Constitutions have occurred; provide censure and/or guidance upon the first determination of substantive violations; and for any substantive violations by the same elected official occurring after the first determination has issued and following the same procedures outlined.”

This rule provided for the enforcement of **Article XIII: Integrity in Affiliation** of the aforementioned Idaho Republican Party State Rules. The following Integrity in Affiliation statement was signed and accepted by all the legislators, who are the subject of this Grievance Process document:

“Article XIII: Integrity in Affiliation” Statement

“I have read the Idaho Constitution and the Idaho Republican Party Platform. I support the Idaho Republican Platform and accept it as the standard by which my performance as a candidate and as an officeholder should be evaluated. I certify that I am not a candidate, officer, delegate, or position holder in any party other than the Republican Party.”

Article XX: Idaho Republican Party Platform Enforcement Rule is applicable to any REO who meets the following criteria:

- a Republican legislator who defies their pledge and oath, voting on legislative matters substantially contrary to the Party’s expressed platform and constitution principles, or
- Republican Constitutional officers (Precinct Committee Officers [PCOs], for example), who conduct their offices contrary to Republican and Constitutional principles.

LD #32 - Proceedings

LD #32 Pledge Fulfillment – Idaho Legislative District (LD) #32 is fulfilling its pledge to adhere to the State Party Enforcement Rule. After scrutinizing its three LD #32 legislators’ 2023 Legislative Session voting records, and other possible actions and/or other conduct and behavior, there may be possible infractions to jointly discuss.

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LD #32 Hearings Procedures – Within Article XX, the procedure is carefully spelled out for offering transparent, honest, and open hearings and supplying the REOs fair consideration to any alleged violations; providing a meaningful opportunity for the REO to be heard; determining if substantive violations of the Constitutions, Party Platform, and/or Integrity in Affiliation Pledges have been violated.

The following three-phased procedure is based upon the parliamentary procedures spelled out in Robert's Rules of Order, 12th Edition, Chapter XX "Disciplinary Rules", Section 63, "Investigation and Trial".

"Rights of the Society and the Accused"

63.2 - A society has the right to investigate the character of its members and officers as may be necessary to the enforcement of its own standards.

But neither the society nor any member has the right to make public any information obtained through such investigation;

if it becomes common knowledge within the society, it may not be revealed to any persons outside the society.

Consequently, a trial must always be held in executive session, as must the introduction and consideration of all resolutions leading up to the trial."

LD #32 Grievance Process Outline – Summary of a fair grievance process (Phases I, II, III):

Phase I – Confidential investigation by a convened Special Investigative Committee (SIC);

Phase II – Full LD #32 Open-to-the-Public Hearing, if recommended; and

Phase III – Executive Session, if recommended.

Possible Consequences – Potential consequences for defying pledges and/or voting on legislative matters substantially contrary to the Party's expressed platform could include:

- discharge of all charges, if no violations have been found; or,
- if charges are brought against an offender, condemnation of the activities will be in a method formally agreed upon by the LD #32 Committee.

Phase I – LD #32 Special Investigative Committee (SIC)

Upon receipt of a duly submitted grievance to the LD #32 Committee against an REO relating to the REO's possible breach of their Integrity in Affiliation pledge, or voting on legislative matters substantially contrary to the Party's expressed platform and constitutional principles, the LD #32 Committee will convene a Special Investigative Committee (SIC).

SIC Charter

Grievance – The SIC Charter states that any grievance brought before the SIC relative to the investigation of potential misconduct by an REO will be reviewed by the SIC. The facts will then be inspected and analyzed in a fair and unbiased manner.

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Invitation to Meet – Discovery by the SIC of any misconduct by an REO includes an invitation to the REO to meet with the SIC in private session to discuss the allegations and guarantee the rights of the REO are duly discussed before any claims are made.

Resultant Action – Depending on the severity of a possible violation, the ensuing action will be a recommendation for action to the LD #32 Executive Committee, with the purpose of scheduling and overseeing a broader explanation of the facts.

SIC Membership

The SIC will consist of four members elected from the LD #32 Committee PCOs or Assistant Precinct Chairmen (APCOs), in accordance with the Bonneville County Republican Central Committee (BCRCC) bylaws. The members of the committee will be selected for known integrity and good judgment. Voting by the LD #32 Committee for PCO committee members may occur by nomination and secret ballot, if requested.

The Chair of the SIC Committee will be appointed by the LD #32 Chairman.

During the PCO nomination process by the LD #32 Committee, if there is an objection to any nominee at the point of nomination, the nominee will be voted upon by the LD #32 Committee, with a majority vote “win” or “lose” selection.

Nominations of up to six PCOs/APCOs will occur. Each voting member will cast a ballot for up to four nominees. The four individuals with the most votes are appointed as members of the committee, and the remaining two will be alternates. A PCO lodging or carrying a complaint cannot serve on the SIC.

1. Chair – Barbara C. Miller
2. PCO/APCO -- Keith Banner
3. PCO/APCO -- Tom Harrison
4. PCO/APCO – Josh Golden
5. PCO/APCO – John Cuttler
6. Alternates -- Ben Baker, Mark Bitter

Scope of Work

1. SIC Convened – As a result of “Article XX: Idaho Republican Party Platform Enforcement Alleged Violations of Platform” documents (hereinafter referred to as “grievance documents”) distributed to the LD #32 Committee by 20% of the LD #32 PCOs, the SIC will be convened, and the confidential nature of its work will begin. Interviews of the REO will commence two weeks after receipt of the allegations.
2. Timeline/Plan for Investigation – The SIC will first develop a timeline and detailed plan for the investigation. The timeline and plan will be delivered to the LD #32 Executive Committee before the Full LD #32 Open-to-the-Public Hearing.

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3. Investigation, Discovery, and Documentation – The investigation, discovery, and documentation of the concerns or issues will include:
 - a. All factual evidence, which clearly illustrates the alleged accusation(s), must be included within the grievance documents.
 - b. The REO, and/or the accusers, may provide affidavits, letters, or other data of facts and/or support. These documents will be attached to, and made a part of, the final confidential report.
 - c. All oral statements and arguments that will be presented to the second-stage Full LD #32 Open-to-the-Public Committee Hearing in support of findings and recommendations must be included within the SIC's final confidential report, above.
 - d. All evidence substantiating any accusations must be offered in a form that can be distributed via email.
 - e. Information that is determined to be hearsay or secondhand information by the SIC shall be identified as such in the final report and shall not be used to recommend charges against the accused.
 - f. New accusations will not be included, once the investigation process has been completed.

Note: The REO, and the accusers, will be provided with the time necessary to respond to the allegation(s) and answer questions; such time limit will be as approved by a majority vote of the SIC.

4. Consequence Recommendations: The options for the SIC's recommended action could be as simple as dismissing the grievance, or issuing a form of written reprimand (censure), or a hybrid of the options, depending on the complexity of the grievance.
5. Final Confidential Report – At the conclusion of the investigation, the SIC will forward its confidential report to the REO, as well as the LD #32 Executive Committee. The LD #32 Executive Committee will then develop an agenda topic for the second-phase Full LD #32 Committee Open-to-the-Public Hearing.
6. Open or Closed Ballot for a Vote – The REO, or the accusers, may motion for an open, or closed, ballot for a vote by the SIC Committee.

Phase II - Full LD #32 Open-to-the-Public Hearing

Purpose, Outline and Details

Full LD #32 Open-to-the-Public Hearing – When the SIC recommends an investigation into an REO's possible infractions to the Full LD #32 Committee, a hearing will take place. The hearing discussion will entail any portion of a formally filed grievance for which the facts of the Party's SIC, following a fair and balanced due-diligence process, demonstrate a breach of the REOs'

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Integrity in Affiliation pledge by either voting on legislative matters substantially contrary to the Party's expressed platform and/or constitutional principles, or other relevant violations that warrant such an inquiry.

Open Public Hearing – The BCRCC and LD #32 value openness and transparency in its activities. To that end, Phase II of the LD #32 Three-Phase Grievance Process recommends an honest and accessible-to-the-public hearing to include the Full LD #32 Committee, as well as the general public.

Hearing Attendees – The Full LD #32 Open-to-the-Public Hearing will be open to attendance by non-voting members of the LD #32 Committee, as well as the public. The hearing will include an open comments segment for non-voting members of the LD #32 Committee—subject to the rules provided herein.

Sequential Events

1. Parliamentary Team - The LD #32 Committee Chair will implement parliamentary law to conduct the hearing, and, if needed, will designate a parliamentary team to assist the Chair during the hearing.
2. Reading of Grievances – The LD #32 Chair will direct the reading, from the SIC's findings, of any grievance which rises to the possible level of violation.
3. SIC Resolution – The SIC will bring a resolution reflecting their findings and their recommendation one week before the hearing, in order for the resolution to be transferred into a motion.
4. SIC Motion – Any motion for a vote on the violations must occur after all the violations have been presented. At the time such a motion is made:
 - a. Any violation may be removed by proper procedure if the body does not feel the violation rises to the level of consequence, but
 - b. No new violations may be added to any motion within the hearing for which the SIC, relative to this hearing's purpose, has not already found a violation.
5. Open-to-the-Public
 - a. Respectability – All those in attendance must abide by decorum, dignity, and respect of the highest standard;
 - b. Speakers – Specified time duration is incorporated in the below chart, with the following stipulations:
 - 1) Any such individuals wishing to speak during the comments segment must be currently registered in the Idaho voter registration file as a Republican, and reside within the Idaho 32nd Legislative District,

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- 2) Speakers must fill out the check-in form supplied to them at the hearing, to include: their full name, address, phone number.
 - 3) The speaker's comments must be directly related, and in keeping with, the accusation(s) within the SIC Report.
 - 4) Such comments will be subject to an individual time limit, see below chart.
 - 5) Speakers will be selected on a first-come, first-serve basis, alternating between those "for" and "against" the grievance until a total allocated public comment time has expired. If one side lacks speakers, the other side may make consecutive points, until such time as a qualified speaker arises to speak on the counter point.
 - 6) There will be no further public comments outside the pre-determined time limit.
10. Alleged-Violation Hearing Time Limits – The following chart visually illustrates the Full LD #32 Open-to-the-Public Hearing and the sequential path taken to demonstrate the presentation of alleged violations, reasons for the allegations, rebuttals, question-and-answer segment, and public comments.

FULL LD #32 OPEN-TO-THE-PUBLIC HEARING December 5, 2023 - 7 p.m. Smith Chevrolet - 3477 South Pioneer Drive - Idaho Falls, ID 83401		
ACTION TAKEN	ACTION TAKEN BY WHOM	TIME LIMIT
Presentation of Each Alleged Violation	SIC Representative	One Minute
REO Presents Case	REO	Five Minutes
Reason for Alleged Violation	Barb Miller, SIC Chair	Five Minutes
REO Presents Rebuttal	REO	Three Minutes
Q & A	Full Committee to Question SIC & REO	*As Needed
Public Open Comments (after all allegations have been heard and discussed)	General Public	Twenty-five Minutes
*Note: *Additional time may be requested by LD #32 Committee Manager and/or REO, if approved by majority vote of the LD #32 Committee. - All remarks made by speakers will be directed to the Chair for each allegation. - Speakers chosen by first-come, first-serve basis (alternating 10 "pro" and 10 "con")		

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Recess – Once the Full LD #32 Open-to-the-Public Hearing public comment period is completed, there will be a short recess.

Phase III - Executive Session Deliberation

The hearing will reconvene in Executive Session, and all guests and non-voting members, including the REO, will leave the room prior to final deliberations.

The Roberts Rules of Order – As previously stated, Roberts Rules of Order are being closely adhered to in these Platform Enforcement Proceedings.

Why Roberts Rules of Order? - This nationally revered means of making deliberative assemblies more efficient is also perfect for helping an organization commit itself to majority rule, fairness for all, and freedom from coercion. The BCRCC uses Robert's Rules for all their meetings, conferences, or hearings, because they know, when used correctly, Robert's Rules ensures that every voice in the discussion is given a respectful hearing, one of the main goals of these Party Platform Enforcement and Grievance Process proceedings.

Roberts Rules of Order, 12 Edition Executive Session – 9.24

“An executive session in general parliamentary usage has come to mean any meeting of a deliberative assembly, or a portion of a meeting, at which the proceedings are secret. This term originally referred to the consideration of executive business—that is, presidential nominations to appointive offices, and treaties—behind closed doors in the United States Senate. The practice of organizations operating under the lodge system is equivalent to holding all regular meetings in executive session.

In any society, certain matters relating to discipline such as trials, must be handled only in executive session. A meeting enters executive session only when required by rule or established custom, or upon the adoption of a motion to do so. A motion to go into (or out of) executive session is a question of privilege and is adopted by a majority vote.”

Roberts Rules of Order, 12th Edition
Henry Martin Robert, U. S. Army Officer, Author
Published 2007

Motion for a Vote – Any motion for a vote on the allegation must occur after all the allegations have been presented, and the public comment period has ended. At the time such a motion is made:

- a. Any allegation may be removed by proper procedure if the body does not feel the allegation rises to the level of consequence, but
- b. Debate on debatable motions will occur with the following limitations:

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- A total of four people can debate a debatable motion, two in favor and two against, for a total of two minutes for each speaker.
- This will allocate 8 to 10 minutes per debatable item.
- All procedural votes will take place by a standing vote.
- All other votes will take place by secret ballot.

c. The voting results will be recorded and distribute shared to the REO, LD #32 Committee, as well as the general public the day after the Executive Session Deliberation.

Authority

The aforementioned hearings are the concluding component of a Grievance Process, which reflects the authority and the responsibility of the governing body of LD #32 Republicans, comprising the duly elected members of the LD #32 Committee, in accordance with the laws of the State of Idaho, to seek clarity and accountability of elected Republicans.

By approval of the LD #32 Committee.

December 5, 2023

Signed by:

Ben Baker, Secretary _____ **Date:** _____

Printed _____