



Molly Woon
Division Director

Sent via email

Charles Fall chuckfall@yahoo.com

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May 31, 2024

Dear Mr. Filip and Mr. Fall:

The Elections Division has received various communications from you and others advising the Division about a dispute concerning the Pacific Green Party's (PGP's) leadership. This letter responds to those communications. For the reasons stated below, the Elections Division recognizes the following people as the current official leadership of the PGP:

Secretary	Justin Filip	
Treasurer	Ken Adams	
Coordinating Committee	Mary Geddry	(term ends 2026)
Coordinating Committee	Devon Lawson-McCourt	(term ends 2026)
Coordinating Committee	Felipe Lora	(term ends 2025)
Coordinating Committee	Nathalie Paravicini	(term ends 2025)
Coordinating Committee	Amy L. Sacks	(term ends 2026)

BACKGROUND

On March 10, 2024, Mr. Fall notified our office of an internal dispute concerning the leadership of the PGP. At that time, the Division's records reflected that PGP leadership were as follows:

Secretary	Seth Woolley	
Treasurer	Ken Adams	
Coordinating Committee	Susan Aufderheide	(term ends 2025)
Coordinating Committee	Charles Fall	(term ends 2025)
Coordinating Committee	Justin Filip	(term ends 2024)
Coordinating Committee	Felipe Lora	(term ends 2025)

Coordinating Committee	Nathalie Paravicini	(term ends 2025)
Coordinating Committee	Connor Salisbury	(term ends 2024)
Coordinating Committee	Robert Zahniser	(term ends 2024)

On April 15, the Division reached out to PGP secretary of record Seth Woolley asking him to confirm the leadership of the PGP in light of the dispute. Division records reflect that Mr. Wolley had been a PGP member since 2004 and secretary for some time. Mr. Woolley reported that the PGP had held a convention on February 24 and 25 and elected new officers, replacing Mr. Zahniser, Mr. Filip, and Mr. Salisbury, whose terms were expiring, with Mary Geddry, Devon Lawson-McCourt, and Amy L. Sacks. The new committee members' terms would last until 2026. Mr. Woolley also reported that Mr. Filip had been elected secretary at that time and should have reported the new leadership to the Elections Division then.

When the Division contacted Mr. Filip, he explained that he had forgotten to report the new slate in February.¹ The next day, Mr. Filip reported the following PGP party leadership:

Secretary	Justin Filip	
Treasurer	Ken Adams	
Coordinating Committee	Susan Aufderheide	(term ends 2025)
Coordinating Committee	Charles Fall	(term ends 2025)
Coordinating Committee	Mary Geddry	(term ends 2026)
Coordinating Committee	Devon Lawson-McCourt	(term ends 2026)
Coordinating Committee	Felipe Lora	(term ends 2025)
Coordinating Committee	Nathalie Paravicini	(term ends 2025)
Coordinating Committee	Amy L. Sacks	(term ends 2026)

Also on April 16, Mr. Fall contacted the Division again, asking it to “suspend acceptance of a new officer list until the dispute is resolved.”

On April 23, Mr. Filip submitted a new list of officers to the Division, reflecting that Mr. Fall and Ms. Aufderheide were no longer serving, and that Mr. Filip was replacing Mr. Woolley as secretary. Thus, the leadership slate was reported as follows:

¹ ORS 248.009(2) states, “A minor political party shall file with the filing officer a list of any officers selected by the party. The list shall be filed not later than 10 days after any selection is made. A minor political party shall file copies of any changes to the list of officers not later than 10 days after the date any changes were made.” However, the Elections Division has not historically rejected late-filed minor party officer lists or changes, and it would be inequitable to rely on ORS 248.009(2) to reject Mr. Filip’s list now.

Secretary	Justin Filip	
Treasurer	Ken Adams	
Coordinating Committee	Mary Geddry	(term ends 2026)
Coordinating Committee	Devon Lawson-McCourt ²	(term ends 2026)
Coordinating Committee	Felipe Lora	(term ends 2025)
Coordinating Committee	Nathalie Paravicini	(term ends 2025)
Coordinating Committee	Amy L. Sacks	(term ends 2026)

On May 30, PGP Treasurer Ken Adams notified the Division that “Charles Fall and Susan Aufderheide have been removed from our State Coordinating Committee (Directors) do [sic] to missing too many meetings which caused problems with getting a quorum on a regular basis. Greg Bourget has been named to the SCC to replace one of them, and we hope to fill one of those positions soon.”

Throughout his communications, Mr. Fall has suggested that the slate of leaders submitted by Mr. Filip and amended per Mr. Adams is illegitimate. On May 30, 2024, he described his concerns most clearly as follows:

“It has come to my attention that my position, as an officer of the Pacific Green Party State Coordinating Committee, as well as the SCC seat for Suzia Aufderheide, show vacant on the official state roster.

“It is our contention that we remain officers of the Pacific Green Party as we are in the second year of our elected positions. It is the rule of order that Green Party business is done at conventions, including electing SCC members, and / or removing them from their position. The SCC does not have authority to remove a fellow officer, only a vote from membership at convention can do this.

“The debate over who are the officers in the Pacific Green Party stems from an internal dispute over the business of the February 24 / 25th convention.

² The Division has reviewed an email which purports to be Devon Lawson-McCourt’s resignation. However, because the Division has not received notice from any official of the PGP that Mr. Lawson-McCourt has resigned, the Division is considering him to be part of the coordinating committee until further official notice.

“The actual vote results from the convention showed that Dan Pulju and Lori Burton and Devon Lawson were elected in the first round of voting to the State Coordinating Committee.

“In violation of our rules, Seth Wooley and Nathalie Paravicini conspired with Justin Filip and Ken Adams to ‘recount’ the convention vote by throwing out 39 of 75 ballots. They did this chiefly to keep Lori Burton and Dan Pulju from taking seats on the SCC, and controlling the results of other ballot items. This manipulation of the ballot count is an election theft.

“Mary Geddry and Amy Sacks were not elected to the SCC at the February 24/25th convention; they were appointed illegally based on fraudulent count. “In fact, Suzia Aufderheide, Lori Burton, and Dan Pulju and I constitute a majority bloc, 4 of 7 seats. as a result of the February 24 / 25th convention vote. We convened a May 5th convention, and 38 members attended and participated and voted to revoke membership status of Nathalie and Seth, and Nathalie was removed as an officer of the party. Any business from Nathalie or Justin since February is tainted by a disputed election. Seth Wooley was not an officer of the party when he cooked the books as it were and has no standing to communicate the business of the party.

“Finally, by accepting the claim made by Paravicini, and accepting Amy S. and Mary G. as officers, and removing Suzia and myself, the SOS is sanctioning election theft within the Pacific Green Party. It seems the SOS is aiding and abetting an electoral crime by enabling Nathalie and others to profit from breaking the rules.

“I have been advised the SOS does not have authority to intervene in the affairs of a political party, but my removal precludes my capacity to sign official documents, like the SEL 110 for Dan Pulju.

“Pending the resolution of the PGP dispute, the changes submitted to the officer list in March and April should not be accepted, and the list that included my name and Suzia Aufderheide’s should be reinstated.”

Mr. Fall is correct that the Elections Division is not responsible for interpreting party bylaws. ORS 248.011 (“Except as expressly required by law, the Secretary of State, a county clerk or any other elections official shall not enforce the provisions of ORS 248.005 or any other rule adopted by a political party.”). In fact, the Division strongly prefers to avoid making

decisions based on interpretation of party bylaws. The Division has no role in creating party bylaws, party bylaws are often subject to interpretation, and the Division recognizes that (within the broad parameters provided by law) parties are independent entities that should ordinarily determine their own affairs. A technical interpretation of party bylaws by a third party may not fulfill the intent that party members would express if they could reach agreement.

However, in this case the Division must identify the PGP's leadership in order to carry out its own legally-required responsibilities. At some point, the party must tell the Division who it has nominated for party office. And in order to do its job, the Division must know who speaks for the party. Uncertainty about party leadership leads to uncertainty about ballot access, and the Division must identify with certainty which candidates qualify for ballot access through the party.

In the absence of any agreement among PGP members, the Division must reluctantly make its own best determination about PGP party leadership, for the purpose of determining which candidates qualify for the ballot. Therefore, the Division has reviewed the Pacific Green Party bylaws and constitution, together with other information provided by the disputants. Based on that review, the Division recognizes the slate of party leaders provided by Mr. Filip on April 23, 2024.

BYLAWS

The text of the PGP Bylaws is not entirely clear, but the following appears to be reasonably inferable, with no apparent alternative interpretation:

Article II of the PGP Bylaws states that only Supporting PGP members may vote at party conventions. Anyone who has been registered as a PGP member with the Secretary of State for 24 months before the convention is considered a Supporting PGP member for purposes of the convention.

In order to vote at a PGP convention, a person must not only be a Supporting Green Party member, but must also "be credentialed by her/his local chapter or representatives, or by the SCC if there were no recognized local chapter or representatives."

Article XV states that "The coordinating committee may revoke an existing chapter for written cause. The revocation is effective immediately, but [it] must be ratified at the next state convention or the chapter becomes reinstated."

Article XII states that "The party has the right to revoke the supporting member status of an individual who demonstrably violates the party principles in a manner so egregious as to

create a substantial risk of serious harm to the party's reputation or function. It shall require a unanimous vote of the coordinating committee or a two-thirds vote of the supporting members present at a convention.”

REASONING

The party's current internal dispute is between two sets of officers, which for simplicity we will call the “Filip Slate” and the “Fall Slate.” As Mr. Fall noted, the primary dispute arose from the conduct of the party's February convention.

Although the facts concerning the convention are complex, it appears that the disputed results center on the decertification of two local chapters (which invalidated the votes of chapter members) and the election committee's decision not to recognize certain other votes. According to the Fall Slate, those two acts render the Filip Slate illegitimate.

Although the Fall Slate disputes the legitimacy of the Filip Slate's election, the Division sees no clear reason to overturn the results of the party's convention. The party's bylaws allow it to decertify chapters, and it appears the party did so. And the election committee's decision not to recognize certain other votes was based on the failure of recognized chapters to “credential” the votes of their Supporting Members, as required by party bylaws. While the Fall Slate argues those decisions were unfair, they have raised no procedural flaw that necessarily invalidates the party's convention decisions.

In recognizing the results of the party's convention, the Division gives special weight to the information received from Mr. Woolley, for several reasons.

First, Mr. Woolley undisputedly was its Secretary until very recently. Article V section A.2 of the PGP Bylaws state that “The secretary shall be the party recording officer and the corresponding officer with the State of Oregon.” Thus, Mr. Woolley is the most recent person undisputedly authorized by the party to communicate with the Division on its behalf.

Second, the PGP's election committee, comprised of incoming Secretary Justin Filip, outgoing Secretary Woolley, and Treasurer Ken Adams, organized and administered the convention. The minutes of the convention reflect that the party's coordinating committee delegated to the election committee “the administration and interpretation of bylaw duties for the February 2024 convention.”

In the absence of any clear reason to doubt the facts and interpretation provided by Mr. Woolley, it would be inappropriate overreach for the Division to cast aside Mr. Woolley's account, decline to recognize the results of the PGP's convention, and recognize an

alternative slate of party leadership. Any unfairness or latent technical irregularity that may have occurred is either a matter to be resolved internally by the party, or has already been resolved by the interpretation of the people who the party designated to interpret and administer their own bylaws.

In addition to opposing the leadership slate that Mr. Filip provided on April 23, Mr. Fall also specifically opposes his and Ms. Aufderheide's removal as members of the Statewide Coordinating Committee. Mr. Filip first reported this removal on April 23, and Mr. Adams followed that report with additional information about the reasons for the removal. The Division declines to disturb the PGP's removal of Ms. Aufderheide and Mr. Fall, for several reasons.

First, as described above, the Division recognizes Mr. Filip as the PGP's Secretary. According to the PGP's Bylaws, the Secretary is the officer authorized to correspond with the State of Oregon. Bylaws, Article V section A.2. Thus, unless Mr. Filip reported an action that was plainly unlawful under the applicable statutes and party bylaws, the Division applies a presumption of regularity to Mr. Filip's communications.

Second, the method by which Mr. Fall and Ms. Aufderheide were removed is not obviously irregular. Article XII of the Bylaws allows the coordinating committee to remove supporting members by a unanimous vote for "creat(ing) a substantial risk of serious harm to the party's reputation or function." Mr. Filip reported to the Division that all five statewide coordinating committee members who were present at their Sunday, April 21, 2024 meeting voted to remove Mr. Fall and Ms. Aufderheide for this reason, and Mr. Adams clarified that the problem was their "missing too many meetings which caused problems with getting a quorum." While Mr. Fall and Ms. Aufderheide disagree with their removal, and perhaps reasonable minds could differ about whether attendance problems could or did create a "substantial risk of serious harm," those differences are ordinary party business that should be reserved to the party to decide. It is not the Division's role to interpret the party's governing documents in whatever way it thinks is most appropriate. Rather, the Division should honor the party's actions unless clearly unauthorized.

Finally, as described above, the primary purpose of the Division's present inquiry is to determine which party officials are authorized to submit nomination forms necessary to place the party's candidates on the ballot. The Secretary, not the coordinating committee members, is the officer authorized by the party to correspond with the State about the party's nominations; Mr. Fall and Ms. Aufderheide's status as coordinating committee members has no effect on the Division's ability to compile an accurate ballot. Thus, Mr. Fall is incorrect when he contends that "my removal [as a coordinating committee

member] precludes my capacity to sign official documents, like the SEL 110 for Dan Pulju.” In the Division’s view, the PGP’s bylaws already precluded Mr. Fall from signing those documents by assigning that authority to the Secretary, Mr. Filip. Inquiring further into the matter would only enmesh the Division further into interpreting the party’s bylaws without any material effect on the Division’s duties.

RIGHT TO APPEAL

The Division is providing a copy of this determination to all disputants who contacted it about this matter and all members of the Fall Slate and the Filip Slate. Any appeal must be filed within 60 days according to either (1) the procedures in ORS 246.910 for appealing an order of the Secretary of State, or (2) the procedures in ORS 183.484 for appealing an order in other than a contested case.

Sincerely,

Luke Belant

Deputy Elections Director

Cc:

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