**Violations of State By-laws**

September 2015 - August 2017

Ms. Merida's appointed term as national delegate ended in August 2015 and she was not elected to be an alternate national delegate. She is listed on the national web site as a retired delegate. Nevertheless, Ms. Merida was listed on the party’s web site as an alternate delegate and she voted 59 times in place of elected national delegate Larry Dunn over the course of 24 months while she held the office of co-chair. She did not announce her votes to the Council within three days of the vote so that the Council could reverse her votes, she did not announce her votes to the statewide forum, and she did not inform the Council of the agenda for the national meeting. This is a violation of By-law 5.3.1, By-law 5.3.2, By-law 5.3.3, and By-law 5.8.

February 2016

Ms. Merida allowed the reinstatement of the defunct Poudre Valley chapter without a vote. Whether the Poudre Valley chapter is (charitably) considered to have been inactive for several years or is considered to have been defunct, a vote was required to return the chapter to active status. This is a violation of either By-law 3.1.1.2 or By-law 3.1.1.3.

September 2016

Ms. Merida allowed proposal sponsors to give a recall proposal the misleading name “Declaration of Co-Chair Position Vacancy” and to proceed with a de facto recall of her co-chair, Bill Bartlett, without following the procedure of finding him in contempt of goals and instituting a recall. This is a violation of By-law 5.9. Mr. Bartlett had not resigned from his position and therefore no vacancy existed.

2016 - June 2017

Ms. Merida, in her capacity as Council Facilitator, failed to notify the Jefferson County chapter and the Platte Valley chapter that some of their representatives had missed three votes in the council. She waited until all representatives had missed at least three votes, and then declared the chapters inactive. This is a violation of By-law 3.1.1. An argument can be made that the meaning of “vote” in the By-laws refers to formal votes, which occur rarely, and not to informal votes cast during agreement-seeking where most of the Council business is conducted. Ms. Merida’s decision to declare the chapters inactive was based on missing votes in the agreement-seeking process, not in the formal voting process. Whether or not “vote” refers to formal votes, Ms. Merida was remiss in failing to notify Council members that they had not participated in actions that she interpreted to be votes.

December 2016 - April 2017

Ms. Merida and Mr. Bell set the date and location of the 2017 annual meeting without discussion by the Council. This is a violation of By-law 4.1. Attempts at Council discussion were discouraged by Ms. Merida’s pre-emptive announcements (in December 2016 and February 2017) that the meeting would occur in August 2017. When Harry Hempy attempted to put up a proposal for an earlier date and a Western Slope location, Ms. Merida delayed and obstructed it by, among other stratagems, inventing requirements for the submission of proposals and refusing to post the proposal until these requirements were met. When Ms. Merida and Mr. Bell put up their own proposal on the “agreement-seeking” board, having chosen an August date in the Denver metro area, discussion was not allowed.

January 22-24, 2017

Ms. Merida and Mr. Bell advocated violence on Facebook posts, a violation of the Key Value rejecting violence. This is a violation of By-law 3.2.

February 2017 - August 2017

Ms. Merida ignored the Procedures and Guidelines developed by the Council for conducting business between state meetings. This is a violation of By-law 4.2.2. Procedures that she ignored include 3.5.3 regarding proposals brought to the Council between state meetings and 3.5.4 regarding the Council process for discussion, consensus, and voting.

June - July 2017

Ms. Merida made no effort to choose temporary representatives who could travel to the national meeting, although both elected representatives (Bob Kinsey and Larry Dunn) decided not to attend in 2017. This is a violation of By-law 5.3.4.

July 2017

Ms. Merida declared that Judy Harrington was banned from participation in statewide Green Party events without a vote at an annual meeting and without a declaration by her local chapter that she was banned from statewide events. This is a violation of By-law 3.3. The vote of the local chapter was to ban Ms. Harrington from participation in her local chapter, the Poudre Valley Greens. Statewide activities were not mentioned. Ms. Merida’s decision to extend the ban to include statewide activities is not supported in the By-laws. Ms. Merida tacitly recognized this when she later proposed a By-law change that would automatically extend local bans to include statewide events.

July 2017

Ms. Merida allowed the banning of Harry Hempy by a vote of the Council. This is a violation of By-law 3.3. The By-laws allow banning by local chapters and by the participants at a state meeting. Banning by the Council is not a valid exercise of Council powers. The proposal to ban Mr. Hempy included a statement that the By-laws were being suspended to allow the action. This in itself is a violation of the By-laws in that the By-laws do not contain a clause allowing suspension of the By-laws. The Procedures and Guidelines contain a clause (3.5.4) allowing for suspension of the process described in that clause, but this does not apply to the By-laws or to the procedure for banning members.

August 2017

Ms. Merida/Sean Friend did not allow the assembled state membership an opportunity to overturn Council actions during the previous year. This is a violation of By-law 4.2.4. At the state annual meeting, the agenda item for reviewing and potentially overturning the measures passed by the Council was skipped despite a protest from Harry Hempy.

By-Laws violated

3.1  A **Green Local** must agree to:

\* Accept the Ten Key Values and to manage the chapter in accordance with those values.
\* Abide by the bylaws of the Green Party of Colorado.
\* Openly support only the national candidates selected by Green convention, state level candidates nominated at a Green Party of Colorado nominating convention, and local candidates selected with the criteria specified in sections 4.5.4 and 4.5.5 of these bylaws.
\* Make a good faith effort, where reasonable, to increase the number of Green voter registrations within the boundaries of their chapter.
\* Make a good faith effort to run state and local candidates.
\* Make a good faith effort to increase the number of qualified voting members within their chapter.
\* Make a good faith effort to fundraise for the operation of their chapter and to assist in the operation of the Green Party of Colorado.
\* Demonstrate evidence of commitment to, and good faith efforts to achieve, gender balance in party leadership and representation.
\* Demonstrate evidence of good faith efforts to empower individuals and groups from oppressed communities, through, for example, leadership responsibilities, identity caucuses and alliances with community-based organizations, and endorsements of issues and policies.

Chapter officers and council representatives must not have been registered as a member of a political party other than the Green Party of Colorado for at least thirty days before nomination and must maintain registration as a Green Party of Colorado voter throughout the duration of the officer’s/representative’s term.
A Green local must present its proposed bylaws for approval, and be approved by 60% of the voting Greens at a state party meeting, or by the state council.

3.1.1 A Green local shall be placed in **Inactive Status**if it fails to send any representatives to a state meeting or if it fails to have representatives vote for three or more consecutive votes on the council, or if it no longer has any active members on the council. Council members will be considered inactive if they do not vote on three consecutive votes. They will be notified of their status by the Council Facilitator immediately upon missing the third vote. They can be reactivated by notifying the Council Facilitator that they wish to be reactivated and by voting on the next Council vote. Council representatives cannot be reactivated in an Inactive or defunct local. For absence at a state meeting, the local will be notified by the Secretary within one week of the meeting. Once placed in Inactive Status, a local will not be counted in the quorum for votes and its representatives will not be allowed to vote. For missing votes on the Council, the local will be notified by the Council Facilitator immediately upon failing to vote for the third time, or when it no longer has any representatives on the Council.

3.1.1.2 A Green local can be **reinstated**to Active Status by submitting a written request (email is acceptable) for reinstatement to the Council or to a state meeting, listing its new active members for the Council and being approved by at least a 60% vote of the voting Greens at a state meeting, or by at least a 60% vote of the Council.

3.1.1.3 If a Green local has been in Inactive Status for more than six months, it will be considered to be **defunct**and will be removed entirely as a Green local. To be reinstated, the local will have to go through the same procedures as a new local.

3.2 **Membership**in the Green Party of Colorado is open to anyone regardless of sexual orientation, race, national origin, religion, etc. A member shall subscribe to the Ten Key Values

3.3 The right of participation of an individual in the Green Party of Colorado can be revoked by a Green local using its own criteria or by a 75% vote of the members at a Green Party of Colorado state meeting. **Revocation of the rights**of participation must be based on failure of the individual to adhere to the purpose and methods of the Green Party of Colorado. Any individual must be informed of the potential revocation of their rights of participation at least three weeks prior to the vote and have a chance to speak in his or her defense at the meeting when the vote is held.

4.1 **State meetings**will be held yearly or more frequently at a location agreed upon by the members at the previous meeting, or by a special call of the Council at its discretion.

4.2.2. The Council will meet and make decisions between state meetings by means determined by council.

4.2.4. All decisions of the Council are subject to review at the next state meeting and may be overturned by a 60% vote.

5.3.1 The GPCO will choose representatives to the national Green Party for indefinite terms, not to exceed two years. Every effort shall be made to include diversity at all levels, including but not limited to, gender, ethnic, racial and geographic. At the first meeting after two years as representative, there must be a vote for that position. Representatives may seek further terms. If a vacancy occurs, the Council may choose replacements – temporary (for the purpose of attending meetings) or permanent (to complete the remaining term) – as necessary. Permanent representatives chosen by the Council will be ratified at the following state meeting.

5.3.2 These representatives, whose number is determined by the bylaws and rules of the national Green Party, will represent the GPCO in all votes. Votes by these representatives can be determined by a decision of the state council, or by the representatives themselves. If the representatives deem that the vote is clearly within the scope of the Ten Key Values and the platform of the GPCO, and would likely result in a consensus of the Council, they may vote without consulting the Council, but are required to announce this vote to the Council by email within three days, and must include the text of the proposal and any such supporting material as was provided with the original proposal. Such votes should occur, where feasible, more than three days prior to the end of the voting period in case the Council decides that it wishes to reverse the decision of the representatives. Such a decision of reversal can be communicated to the Secretary of the national Green Party either directly by the Council, or through the representatives. Representatives should also announce all votes to the statewide list-serve at least quarterly, and Council members should summarize such votes at meetings of affiliated locals.

5.3.3 In the case of national meetings, representatives shall send the agenda and related materials to the State Council as soon as it is available, and from there to all local chapters. Via the Council, the representatives will be informed of any direction regarding scheduled votes. But the default condition will be that representatives will be free to apply the values and platform of the GPCO at the meeting as they see fit, based on the discussion of proposals and any amendments that may occur.

5.3.4 Representatives to national meetings shall make a good-faith effort to travel to national meetings of the Green Party. Should their schedule or financial status conflict with this, they must communicate this to the State Council to see if the problem can be remedied, either with financial support, or by choosing a temporary representative who can travel to the meeting.

5.8 If a Green Party of Colorado officer’s position is vacated in between official state meetings, the Council or both co-chairs in agreement may make a temporary appointment in the manner as specified in the Procedures and Guidelines until the next state meeting under consultation with each local.

5.9 If any officer or national representative is found to be in contempt of the goals of the Green Party of Colorado, recall proceedings shall be invoked. A three fourths majority of voting members present at a state meeting and/or the Council is required to achieve the recall of an officer.