

## **Hardin County Appeal**

### **Facts**

On July 1, 2022, Bobbie Coleman approached Cheryl Benitez with a request to censure Senator Mitch McConnell. Cheryl replied and said that she would place the censure on the agenda for the August meeting. She had no objection at that time. At the meeting on August 8, 2022, the censure was not on the agenda. Bobbie motioned to add it to the agenda, and the motion passed. Later in the meeting, the Hardin County committee voted 18-6 to censure Mitch McConnell for supporting the Bipartisan Safer Communities Act. Cheryl stated that a committee would draft the specific language for the censure. There was no appeal from this initial vote, and the motion to censure McConnell was not ruled out of order at the meeting.

Over the next couple of months, Cheryl obstructed the Hardin County committee and did everything she could to avoid meeting about the language of the censure. In one such incident, she refused to unlock the door to the county headquarters when members of the committee sought to deliver a petition for a special meeting. Finally, Cheryl scheduled a special meeting for November 29, 2022. At this meeting, the Hardin County committee approved the language of the McConnell censure by a vote of 24-14. After the censure's language passed, Cheryl announced her resignation as party chair and stormed out. The censure was still not declared out of order by Cheryl. On December 5, 2022, Cheryl and three others appealed the censure to the 2<sup>nd</sup> District.

### **Argument**

#### **The 2<sup>nd</sup> District is Incorrect in its Interpretation of the Rules.**

The 2<sup>nd</sup> District was incorrect to declare Hardin County's censure of Senator Mitch McConnell out of order. The focus of the 2<sup>nd</sup> District's opinion is Robert's Rules of Order. The 2<sup>nd</sup> District focused on Robert's Rule because the 2<sup>nd</sup> District rightfully concluded that Republican Party of Kentucky rules do not address censures. However, the 2<sup>nd</sup> District's focus on Chapter 20 (disciplinary procedures) is wrong, as is the 2<sup>nd</sup> District's application.

#### **RPK Rules Allow Parties to Manage County Affairs.**

As the 2<sup>nd</sup> District pointed out, RPK rules do not mention the word censure. However, RPK rules state that "the County Committee's authority shall include the managing and directing of Party affairs in their respective county." In this censure resolution, the members of the Hardin County committee decided their county's policy regarding Mitch McConnell's vote in favor of the Bipartisan Safer Communities Act. They were utilizing their authority under RPK rules to set county party policy. Members of the county committee were concerned about the actions of an elected representative and wanted to make their voices heard through an official resolution.

This action by the Hardin County committee was in accordance with the preamble of the RPK rules, which states that "devotion to our Party's principles" is one of the "qualifications for holding any position in the Republican Party." Mitch McConnell is currently an elected member of the US Senate under the Republican banner. As such, he appeared on the ballot in Hardin County as a Republican. The "Party's principles" that the rules refer to seem to refer to the Republican platform. In this platform, the Republican Party states that it supports the 2<sup>nd</sup> Amendment. Specifically, the platform says that the

party “oppose[s] any effort to deprive individuals of their right to keep and bear arms without due process of law.” By supporting the Bipartisan Safer Communities Act, which funds red flag laws, Mitch McConnell voted against the party platform and the principles that the Republican Party stands for.

Since the Hardin County committee was focused on managing the affairs of its county party by vocally opposing an attempt to subvert the party platform, the committee was operating within the RPK rules, which overrides any use of Robert’s Rules of Order. The 2<sup>nd</sup> District’s decision interferes with the ability of the Hardin County committee to manage its affairs and should be overturned.

### **The 2<sup>nd</sup> District is Incorrect in its Application of Robert’s Rules.**

The 2<sup>nd</sup> District focuses its opinion on Chapter 20 of Robert’s Rule of Order, the section that deals with disciplinary procedures. While focusing on this chapter, the 2<sup>nd</sup> District claims that an organization, like the Hardin County committee, cannot pass a censure against a non-member like Mitch McConnell. However, the 2<sup>nd</sup> District ignored a crucial footnote in Chapter 20, which states that “it is also possible to adopt a motion of censure without formal disciplinary procedures.” The Hardin County committee followed this footnote in passing its censure resolution. Mitch McConnell voted to violate the 2<sup>nd</sup> Amendment by supporting the Bipartisan Safer Communities Act. So, the Hardin County committee decided to adopt a censure that stated its position on McConnell’s vote. The Hardin County censure was not a disciplinary action, as the 2<sup>nd</sup> District suggests. Even if the 2<sup>nd</sup> District was correct to defer to Robert’s Rules of Order in this instance, Robert’s Rules do not block the Hardin County censure as the 2<sup>nd</sup> District suggests. The censure did not include any disciplinary actions. Instead, it was a statement of the Hardin County committee’s official position and a resolution setting internal policy.

### **The 2<sup>nd</sup> District’s Opinion is Not Supported by Precedent.**

The 2<sup>nd</sup> District cited zero precedent in its interpretation of RPK rules and Robert’s Rules of Order. The 2<sup>nd</sup> District’s interpretation of the rules is an invention like the supposed “right to abortion” found by the Supreme Court in *Roe v Wade*. It has no basis in facts or rules. Rather, it is a political invention by those who wish to circumvent the rules to protect someone the members of the 2<sup>nd</sup> District are close to: Mitch McConnell. Timothy Gilliam is a former employee of Mitch McConnell. Samara Heavrin received a maximum donation from Mitch McConnell’s super PAC during her re-election attempt this past year. These are massive conflicts of interest that cloud the judgment of the members of the 2<sup>nd</sup> District. Further, Laura Larue, former 2<sup>nd</sup> district chair and current state at-large member, was allowed to represent the party bringing the appeal at the hearing. Her presence in the hearing is another conflict of interest. While she is a precinct captain for Hardin County, Larue was not one of the members who signed on to the appeal. The extent of her participation remains a mystery since the appellants made their presentation in secret without any oversight from the appellees.

Entities have long been allowed to censure people not formally associated with that entity. The RNC censured Adam Kinzinger and Liz Cheney after they joined with the Democrats in support of the sham January 6<sup>th</sup> Committee. The Wyoming Republican Party also censured Cheney. Last year, the Alaska Republican Party voted to censure Lisa Murkowski. The Alaska Republican Party also censured McConnell for interfering in their elections. Numerous Texas parties have censured John Cornyn for his support of the Bipartisan Safer Communities Act. Texas counties have also censured Greg Abbott. Counties in Iowa and Indiana have censured their senators for supporting the Respect for Marriage Act. The Arizona Republican Party censured the speaker of their state house for testifying at the January 6<sup>th</sup>

Committee. Arizona Republicans also censured Doug Ducey, Cindy McCain, and Jeff Flake. In 1834, the US Senate censured President Andrew Jackson.

Censures have been utilized for years in a way inconsistent with the reasoning of the 2<sup>nd</sup> District. The 2<sup>nd</sup> District's flawed reasoning should be rejected and reversed.

### **The Appeal to the 2<sup>nd</sup> District was Late.**

The 2<sup>nd</sup> District stated that the Hardin County committee voted to censure Mitch McConnell on November 29, 2022. This statement is incorrect. The committee voted to censure McConnell on August 8, 2022. The vote on November 29, 2022, was on the specific language. Any appeal should have been over the language of the censure and not the decision to censure itself.

### **Conclusion**

The 2<sup>nd</sup> District should be overturned, and the Hardin County censure of Mitch McConnell should be reinstated.

Bobbie S Coleman  
Bobbie.coleman71@gmail.com  
Hardin County Committee  
Precinct Captain H006