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May 23, 2023

Mr. Justin Hwang
Chairman, Oregon Republican Party
752 Hawthorne NE
Salem, OR 97302
Justin.Hwang@oregon.gop

RE: Violations of the ORP By-Laws & the Attempt to Remove Mr. Solomon Yue

Dear Chairman Hwang:

This office represents the interests of Solomon Yue regarding the efforts to recall him from his position as National Committeeman for Oregon.¹

It is my understanding that you have scheduled a meeting of the Oregon Republican Party Executive Committee for this evening. In anticipation of your meeting, it is important that you understand Mr. Yue's position regarding the violation of the ORP Bylaws as well as his concerns over the lack of due process in the proposed rules for the June 3, 2023, Central Committee meeting.

I approach this matter as an attorney, but also as a former Circuit Court Judge and a former party official. I served on the ORP Executive Committee in several different positions from approximately 1992 through January 2009. I have served as Chairman of the Bylaws Committee, as *pro tem* Parliamentarian, *pro tem* Legal Counsel, ORP Treasurer, Vice Chairman, and Chairman (July 2005 - January 2009).

While serving as ORP Chairman I was appointed by the RNC to serve on the Contest Committee for the 2008 National Convention. In that role, we adjudicated various challenges to individual delegates as well as entire state delegations. I am very familiar with the process and procedure of adjudicating matters within the state and national party.

¹ Mr. Elzinga and I spoke by phone regarding whether he would prefer that this office send this letter to him directly or, in an effort to reduce the costs of legal fees to the ORP, send the letter directly to you and copy him. He preferred the latter.

Mr. Yue has asked me to analyze whether the Oregon Republican Party has complied with the requirements of its bylaws and if in violation, to give notice to the officers and executive committee that they are not presently in compliance.

I take no pleasure in providing the objections, listed below. As a political organization, we operate under the rule of law, and therefore have created bylaws and rules to govern ourselves. Actions taken without authority are null and void.

ORP Bylaws Must be Observed.

Article XXIV B (1)

As you know, Article XXIV lays out the mandatory processes for the removal of party officials from office. Section A defines the officials who may be subject to removal under Article XXIV, and the National Committeeman is explicitly named. Section B describes the specific “constraints” applicable to a removal. Sub-section B (1) states:

Only the body that elected the party official has the authority to remove that person from office[.]

County Central Committees are required by Article XVI E to hold an organizational meeting “no earlier than the day after the General Election nor later than November 25 of even-numbered years” and to provide the official call of the meeting to “to all certified Republican precinct committeepersons elected during the primary election of that year or appointed pursuant to county rule.” Pursuant to Section A of Article XVI, it is the duly elected and appointed Precinct Committeepersons who constitute the newly elected body of the county party.

Similarly, pursuant to ORS ** the Oregon Republican Party is required to organize itself as a body every two years, between “January ** and February **, of odd years.” The state party cannot organize as a body until the time period has passed for each county party to meet as a body, pursuant to an official call, and elect its officers and delegates who will constitute the newly elected body of the ORP. This process is well known to all in this party and ensures that those newly elected members have the opportunity to organize as a body pursuant to the ORP ByLaws, Oregon Revised Statutes, and Robert’s Rules of Order.

Party Officers are to be elected by “duly elected delegates to the ORP State Central Committee, their alternates or proxies” and those elected at the Biennial Organizational Meeting serve the body of members for a maximum of two years – until the next Organizational Meeting. (Article XII C & D, respectively.)

The time of the election and the term of office for the National Committeewoman and National Committeeman are different. These two positions are elected by the ORP State Central Committee who constitute the body of members “at the first ORP State Central Committee Meeting held in the Presidential Election year[.]” Article XXIII(B). Section

(C) of Article XXIII states that the term of office “shall be for four years and shall comply with the rules of the Republican National Committee.”

Mr. Yue was most recently elected to the position of National Committeeman by the body of members that constituted the ORP Central Committee when it first met in 2020 pursuant to Article XXIII B. The body of members who elected Mr. Yue in 2020 was replaced with a new body of duly elected members at the Biennial Organizational Meeting of the Oregon Republican Party on February **, 2021.

Pursuant to Article XXIV B, the National Committeewoman and the National Committeeman can only be removed by the body that elected them – not a subsequent body. ² As such, these two officials are only subject to removal during the first two years of their term of office. ³

Scheduling a vote on June 3, 2023, to consider the removal of National Committeeman Solomon Yue is in direct violation of Article XXIV B (1).

Article XXIV C (1)

A Removal Petition must be filed with the ORP Secretary at least 21 days prior to the petitioned meeting, *shall* be signed by 50% or more of the delegation from a majority of the organized counties, and *shall* declare the causes for removal. Subsection C (1) of Article XXIV reads as follows:

1. Petition

a. Consideration for removal of an elected party official shall be by petition as follows:

i. Officers of the Oregon Republican Party and National Committeewoman and Committeeman[.]

A removal petition shall be signed by a 50% or more of the delegation from a majority of the organized counties.

b. A removal petition shall declare the causes for removal.

c. Removal petition shall be filed with the Secretary at least 21 days prior to the petitioned meeting.

² Article XXIV C(2) specifically identifies the members of the body who must receive notice and who can vote. “Meeting Notice - The Secretary shall notify in writing the office holder subject to possible removal and **every applicable body member**, at least fourteen (14) days prior to the said meeting, that a consideration for removal from office will take place and that if such office holder is recalled, a special election will be held at such meeting to fill the vacancy so created.” The 2023 body of members is different that the body of members in 2020. (emphasis added)

³ A National Committeeman or Committeewoman who are elected to fill a vacancy in the last two years of a four year term are subject to recall by the body of members who elected them.

d. The Secretary shall openly and transparently certify the validity of each petition.

Evidently, a 37-page document was sent out to a list of current ORP Committee Members, and others. Mr. Yue has never been provided with a copy of the document by those who produced it. I have obtained a copy.

Pages 1 & 2 do not appear to be part of the formal Removal Petition, but a request that the “undersigned hereby seek your support in recalling Solomon Yue for the following reasons.” The of the person or persons to whom the “request for support” is being directed are not identified.

This two-page request for support is then followed by a series of bullet points and statements that are given as reasons why the author(s) is requesting the unidentified recipients to support the petition.

Pages 3 & 4 contain what appears to be the actual Removal Petition, which would be recognized under Article XXIV C (1) (b), as it generally fits the form and language of such a petition.

Signature pages are provided from pages 5 through 7, with the statement at the top of page 5 being “Faxed or scanned signed petitions are acceptable.

Pages 8 through 37 appear to be the body of evidence, which the petitioner(s) are relying upon, and in fairness, are not part of the Removal Petition because they are attached after the signature pages.

Violation of Subsection C (1) (a) through (d)

On May 18, 2023, Mr. Yue requested in writing that he be allowed to have a representative to observe validation process for the petition, or, in not allowed to have representative present, the have the Secretary videotape the petition certification process to ensure that "the Secretary shall openly and transparently certify the validity of each petition." Mr. Yue did not receive a response to his request.

On May 19, the ORP Secretary emailed Mr. Yue a recall notice with the following two attachments:

Recall Certification 2023-05-18

Independent Review of ORP NCM Recall Petition.

The above documents do not comply with Subsection C (1) (a) through (d), for a variety of reasons, the most significant being:

1. There is no discussion or evidence addressing how each petition signature was received, meaning, were any of the signatures received attached to pages 1-4? Only pages 3 & 4? Only pages 1 & 2? Not attached to any of the pages that could be considered a Removal Petition? How many signatures in total fall into the above four categories?

2. There is no discussion or evidence addressing how each signature for each specific county delegation was certified, meaning, who specifically are the “50% or more of the delegation” for each of the counties who made up the majority of the organized counties? Where there any Alternative Delegates who signed? Did any of signatories claim to be a proxy for a voting delegate? ⁴

3. There is no notice to Mr. Yue, or even a mention, of the “causes” which were verified and required by Subsection C (1) (b). Are the “causes” those listed on page 1 & 2? Pages 3 & 4? They are not the same list of causes in each of the two documents.

4. There is no discussion or evidence addressing what form of signature was received. Were they “wet signatures” or “e-signatures,” or a mix? If so, how many and from what counties?

5. There is no discussion or evidence addressing when each signature was received. One county delegation was received late (Tillamook), but how late, and when were each of the “validated” counties received and time-stamped?

Subsection C (1) of Article XXIV is not permissive, but mandatory (“shall”). Mr. Yue requested to be involved in the verification process. What verification process was followed, and who was allowed to be present, is still unclear. But what is clear is that Mr. Yue was not present, nor was his representative.

The ORP Bylaws require that the “*Secretary shall openly and transparently certify the validity of each petition.*” The Official Notice has been sent in violation of Article XXIV C (1) because “each petition” has not been verified for the above five reasons.

The remedy for the above violations is to follow the mandatory requirements of the ORP Bylaws. I have advised Mr. Yue that he may choose to seek a Temporary Restraining Order should this matter move forward contrary to the express dictates of the Oregon Republican Party Bylaws. If he chooses to do so, I will alert you, Chairman Hwang, so you can hire outside legal counsel to represent the ORP Secretary.

If for some reason you choose not to follow the by-laws, then Mr. Yue plans to defend himself and take these violations up with the RNC, the body which is ultimately responsible for seating its members. With this in mind, I would like to alert you to the following:

Special Rules for Possible Removal and Election of National Committeeman

⁴ Attorney Steve Elzinga stated that he only verified "some" of the signatures.

On May 20, 2023, the ORP Secretary emailed to Mr. Yue an attachment named “Special Rules for Possible Removal and Election of NCM June 3 Final PDF file.”

Mr. Yue has the following objections:

1. Only a 15 minute defense allotted for Mr. Yue, when the petition circulators started published their document on April 19 and pushed a 37-page document with 22 alleged "causes" for recall. The time limitation does not allow for due process.
2. Under Section C. Procedures, 5. Rights of the Person Being Considered for Removal. Again, 15 minutes are not enough to "call on others (witnesses) to speak on their (his) behalf." The time limitation does not allow for due process.
3. ORP State Central Committee use an “Executive Session” for the removal debate does not conform to "an open and transparent" way to conduct the meeting per ORP Bylaws. Mr. Yue has purposely waited to present his evidence, while Non-GOP member recall petition spokesman, Chris Brumbles, has defamed Mr. Yue on the Rob Taylor Report Podcast telling the world, "Solomon is Chinese Communist Party spy." An ORP Executive Committee member, a Clackamas County GOP delegate, and recall petition primary circulators have already called Solomon "a communist always a communist" online.
4. 10 minutes for the ORP State Central Committee to ask the parties questions is not a due process considering Mr. Yue may have to defend against 22 allegations.
5. Mr. Yue’s right to appoint a representative to observe the recall vote count was not addressed in the proposed special rules. An “open and transparent” process requires some protections against stuffing the ballot box.

The June 3rd Meeting Must Contain Basic Due Process and Fairness

If this process proceeds, then the requisite fairness found in the ORP Bylaws require that the pro-offered Special Rules be modified by the Executive Committee. Mr. Yue respectfully requests the ORP Executive Committee to redraft the Special Rules as follows:

- A). Provide a fair and equal presentation of evidence:

One hour & a half for Petitioners

30 minutes to present their evidence for removal

60 minutes for pro and con sides to ask questions (alternating between sides as much as possible)

One hour & a half for Mr. Yue

30 minutes to defend himself and call witnesses to testify
60 minutes for pro and con sides to ask questions (alternating between
sides as much as possible)

- B). Open the Removal portion of the meeting to everyone who paid a registration fee and testify as witnesses in person or via a Zoom link.
- C). Allow Mr. Yue to appoint a legal counsel to represent him in the presentation in evidence and in his defense.
- D). Allow Mr. Yue to appoint a representative to observe the recall vote tally.

Demand for Documentation under Article XXIV

I respectfully request the immediate release of the following documents to Mr. Yue:

1. Each and every signature submission in the form in which it arrived to the ORP Secretary related to this matter of removal. This request includes a copy of all attending or associated emails that are related to the submissions.
2. Release the latest ORP Central Committee list with contact information.
3. Provide the “verified” copy of the “causes” for the Removal Petition and the supporting documents filed by the petitioners related to the verified causes.
4. Provide a copy of the official ORP Central Committee sign-in sheets related to the meeting held on February 18, 2023.

Thank you for your immediate attention to the above matters. It is my hope that the Executive Committee will exercise its discretion and authority in the appropriate manner, and therefore save the ORP and its supporters the expense and embarrassment of further proceedings.

Respectfully submitted,

/s/ Vance D. Day

VANCE D. DAY
Attorney at Law

Cc: Steven Elzinga, Esq., ORP Secretary