

The Rules Committee did not undertake to review the “bylaws proposals” of Mr. Moellman (which are currently denoted Elections Rules), since those are outside the current scope and charge of the Rules Committee. The Committee was not comfortable providing commentary on elections rules given the fact that it was not empowered to do so by the current Constitution, the current bylaws, or the current Elections Rules.

Under the Current Constitution, Elections Rules are and remain the province of the state elections committee, which typically involves careful review of federal and state law to ensure that our rules place our candidates on the ballot and keep them there.

The Rules Committee notes that these proposals are provided for the membership “as presented” to us by Mr. Moellman. While there is no rule, bylaw, or constitutional provision that requires it, in the interest of transparency we forward them on to the Voting Membership.

The Committee has also determined that it will forward these rules on to the State Elections Committee for its review.

# The Libertarian Party of Kentucky Bylaws

Codification template:

Heading: Name of overall topic, eg. Membership

Section: B xxx - Title (Authority; codified \_\_\_\_, amended \_\_\_\_)

Sub-section: B xxx.yyy, eg. B 100.001

(Repeal existing bylaws and move any election-related rules codified in any document other than the Constitution to Bylaws, proposed general revisions below. Per the Constitution, these Bylaws will take effect for the 2019 general election cycle.)

## VOTERS

### **B 100 – Voters (Constitution Article VII Section 4.E.ii, Constitution Article X Section 2.B.v; codified \_\_\_\_\_, amended \_\_\_\_\_)**

B 100.001 Eligible Voters. Eligible Voters shall be those who are Registered Members as of December 31st of the year preceding the general election of the office sought by a candidate, and are eligible to vote in the general election for that candidate.

## CANDIDATES

### **B 200 – Candidate Qualifications (Constitution Article VII Section 4.E.i, Constitution Article X Section 2.B; codified \_\_\_\_\_, amended \_\_\_\_\_)**

B 200.001 – Legally Qualified Candidates. All candidates legally qualified under state law to seek a particular office, who are and remain a Voting Member the Party, shall be permitted to seek the nomination of the party.

B 200.002 – Filing Deadline. Candidates shall file to run for office on forms provided by the Libertarian Party of Kentucky’s Rules Committee, and accompanied by the bond required of this section, and the filing fee required of this section. Such filings shall be made not later than fourteen days prior to the Nominating Convention, and not earlier than the first Thursday after the first Monday in November in the year preceding the year in which the election shall be held.

B 200.003 – Filing Fee. All candidates shall file, with their nominations paperwork, an amount of the filing fee imposed by the state for the office in question plus 10%. These funds shall be segregated and earmarked, to be used solely for purposes of administering the primary election, paying state filing fees of certified candidates, funding absentee balloting, and other election related activities.

R 200.004 – Only one office may be sought. Candidates shall not be permitted to seek more than one office at a time.

## **CANDIDATE NOMINATION**

### **B 300 – General Procedures (Constitution Article XI Section 2; Constitution Article VII Section 4.E.ii; codified \_\_\_\_\_, amended \_\_\_\_\_)**

B 300.001 NOTA. All candidates shall run against None of the Above (“NOTA”).

B 300.002 Instant Runoff. All voting shall be by instant runoff voting (i.e. preference voting). Any candidate failing to achieve more votes than NOTA in any round of voting shall be eliminated.

B 300.003 Names listed on ballots. Voters shall only cast votes for offices for which they will be eligible to vote for at the general election.

### **B 301 – Absentee Voting (Constitution Article VII Section 4.E.ii; Constitution Article X Section 2.B; codified \_\_\_\_\_, amended \_\_\_\_\_)**

B 301.001 Requesting an Absentee Ballot. Any Eligible Voter may request, by electronic mail or in writing by mail, on forms provided by the State Party Rules Committee, from the State Party Secretary, an absentee ballot, by providing their name, address, date of birth, and last four of their social security number and such other information as may be requested. Any absentee ballot shall be requested not later than eighteen (18) days prior to the Nominating Convention. Any absentee ballot shall be returned to the State Party Rules Committee, postmarked at least one week prior to the State Party Nominating Convention. The absentee ballot shall be on a form designed to prevent voter fraud and shall be mailed by the State Party Rules Committee, only to the address of record in the statewide voter list.

B 301.002 Counting Absentee ballots. Absentee ballots shall remain sealed until they are to be tallied at the State Party Nominating Convention. The State Party Rules Committee shall be responsible for tallying absentee ballots at the State Party Nominating Convention.

### **B 302 – Nominating Convention (Constitution Article VII Section 4.E, Constitution Article X Section 2.B; codified \_\_\_\_\_, amended \_\_\_\_\_)**

B 302.001 General Procedures. In-person voting shall take place on a Saturday between 4PM and 5PM local time. Those Eligible Voters who are present at 5PM, but who have not yet been afforded an opportunity to vote, shall be afforded the opportunity to vote. Prior to giving any voter a ballot, a photo identification shall be obtained and reviewed, and the voter verified as eligible to vote through use of the State Board of Elections website, or other verified means. Voters shall be required to sign a log book as a prerequisite to voting. All in-person voting shall be by secret ballot of individual eligible voters, and all individual votes shall be sealed. All ballots cast outside of the State Party Nominating Convention shall remain sealed, and sent, along with the log book, to the Chair of the State Party Elections Committee via insured Priority

U.S. mail immediately following the close of the Nominating Convention. The State Party Rules Committee may appoint a supervisor for any Nominating Convention who shall and supervise the voting process. Questions regarding voting shall be resolved by moving the convention into recess and contacting the Chair of the State Party Rules Committee for a ruling. When a Nominating Convention is to occur in conjunction with an Annual Convention, the notice of a Nominating Convention shall be included in the notice for the Annual Convention.

B 302.002 Voting at County Conventions. When called, County Party Nominating Conventions shall nominate candidates for partisan office for any partisan office contained completely within the county.

B 302.003 Voting at District Conventions. When called, District Party Nominating Conventions shall nominate candidates for partisan office contained completely within the district, except those considered at an affiliated County Party Nominating Convention.

B 302.004 Voting at State Convention. Any and all partisan offices that have not been nominated at a County or District Nominating Convention may be nominated at the State Nominating Convention.

B 302.005 Tally. As the last item of business of the State Party Nominating Convention, all ballots shall be inspected for tampering, examined for multiple votes being cast by the same voter, unsealed, and counted by the State Party Rules Committee. This process may be observed by Voting Members; though any person interfering may be ejected by the Chair of the State Party Rules Committee. At the conclusion of counting, each nomination shall be certified by the State Party Rules Committee.

B 302.006 Official Nomination. Official nomination shall not occur until the nominations forms shall be filled out by the Chair and Secretary of the State Party, and until they are properly notarized, which shall not occur until between the second and fourth Tuesday in April each year, allowing the period for any challenge and arbitration to pass. No nominations shall be issued as long as a challenge is pending. The completed certifications of nominations shall be mailed to each candidate receiving the nomination upon completion. Certificates of nomination shall conform to state law in placing candidates on the ballot.

B 302.007 Additional Nominating Conventions. Additional Nominating Conventions may be called by the State Party Rules Committee, in accordance with the State Party Constitution, for the purpose of nominating candidates for offices for which a previous Nominating Convention did not choose a nominee, for offices where the candidate nominated at convention has submitted a formal resignation from the political race, or for offices where the selected candidate has been deemed ineligible, following the rules outlined by the Constitution and these Bylaws.

B 302.008 Distribution of Notice to Eligible Voters. Notice shall be delivered to all Eligible Voters no less than 45 days prior to a Nominating Convention. Acceptable delivery of notice shall be by email, robo-call or live call telephone, or by letter or postcard sent by US Postal Service. Notice shall include the time, date, and location of the Nominating Convention. A press

release with the same information as included in the notice shall be issued to relevant media outlets when that information can be obtained.

**B 400 – Challenges, Adjudication, and Arbitration (Constitution Article VII Section 4.F, Constitution Article X Section 2.B, Constitution Article XII Section 2, Constitution Article XII Section 4; codified \_\_\_\_\_, amended \_\_\_\_\_)**

B 400.001 Challenges prior to Nominating Convention. Any Eligible Voter may challenge the bona fides of a candidate by filing a formal protest not later than fourteen (14) days prior to the Nominating Convention at which in-person voting for the nomination of candidates for the office sought by the challenged candidate will occur.

B 400.002 Challenges after Nominating Convention. Any Registered Member who was an Eligible Voter in a particular election may, or any two members of the State Party Executive Committee, within five days of announcement of the results of a Nominating Convention, challenge the results of any election.

B 400.003 Valid Challenges. For any challenge to be valid, it shall include:

- A. The name of the person who is making the challenge;
- B. A copy of photo identification for the person making the challenge which included name, address, and date of birth; and
- C. The grounds for the challenge.

B 400.004 Challenge Acceptance. A valid challenge shall be filed with the Chair of the State Party Rules Committee, who shall then disseminate the challenge to the entire State Party Rules Committee within two (2) days. For a challenge to be accepted for consideration, two members of the State Party Rules Committee shall, within seven (7) days, voice their desire to have the challenge referred for adjudication.

B 400.005 Adjudication Procedure. Any matter that requires adjudication shall be referred to the entire State Party Rules Committee.

- A. The Chair of the State Party Rules Committee shall immediately provide a copy of the charge or grounds for challenge to the candidate and the State Party Rules Committee. The candidate shall be entitled to file a response within three business days.
- B. The State Party Rules Committee shall then, within seven (7) days, hold one or more hearings to receive evidence and testimony. The Chair shall permit filings by e-mail or electronically in order to expedite the resolution of the matter. The Committee, or its members, may conduct its own investigation into any allegations beyond evidence provided at a hearing.
- C. Upon the conclusion of the hearings, the Committee shall vote on whether to sustain the challenge. If a challenge is sustained, the Committee shall also vote on the appropriate remedy, which may, but need not, include: (i) censure of the candidate; (ii) removal of the candidate's nomination; (iii) disqualification of the candidate; (iv) adjustment of vote totals; (v) readjustment of election results; or (vi) other such remedies as the Committee

believes is just and proper. Votes on challenges and remedies shall be by 3/5 vote of the State Party Rules Committee.

- D. All deliberations shall be in closed executive session, but all final votes of the committee shall be in open session.
- E. In the case of an appeal through arbitration, all supporting documentation collected by the State Party Rules Committee shall be provided to the State Party Executive Committee.

## **FORMS**

### **500 – Forms (Constitution Article X Section 2.B.i; codified \_\_\_\_\_, amended \_\_\_\_\_)**

B 500.001 Creation and Dissemination of Forms. The State Party Rules Committee shall develop the forms called for under these rules, subject to oversight by the State Party Executive Committee, and make them available on the State Party website not later than the first Wednesday after the first Monday in November of the year preceding the General Election.