

Rules Committee Comments to the “General Revision” submitted by Mr. Moellman:

1. As a general matter, the Rules Committee stands by the comments it made in the last revision – that these revisions, however well meaning, are likely to cost our candidates their ballot access. That concern drove much of the Rules Committee proposal. To understand why and how Mr. Moellman’s proposal will cost the party and its candidates their ballot access, we need to begin with K.R.S. 118.325, which discusses the fact that our candidates need to be nominated at a convention or primary held in accordance with with our bylaws and constitution. Running afoul of our constitution and bylaws by internal party officers can easily become a trap for candidates, and a mechanism by which Republican and Democrats force candidates off the ballot. As a general matter, the Rules Committee proposal moved “gotcha” provisions that the party has struggled with out of the Constitution and into standing rules, and provided that standing rules violation did not affect the validity of candidate nomination. They likewise kept Elections Rules to the Elections Committee. Because we now have ballot access, our Elections have to be run in accordance with federal and state law in ways that they did not previously have to comply when we had to petition for ballot access like everyone else. Federal Constitutional provisions are now applicable to the party insofar as its candidate nomination process is concerned, which were not before. Placing the drafting and enactment of rules that must comply with a body of law in a committee where, presumably, experts would be appointed to ensure such compliance is not only wise, it is necessary. There is still accountability to the membership, and the party as a whole, with veto provisions that exist.
2. That takes us to the meat of Mr. Moellman’s proposals and the significant issues they represent. As a general matter, Mr. Moellman’s proposals to the Party’s Constitution involves 1,396 revisions, almost all which involve significant additional constraints and “rules” that the party must live with. At the same time, Mr. Moellman, while espousing that the “delegates in convention” are the ultimate authority of the party, removed the ability of those same delegates to waive constitutional and other violations of our internal rules by the party. The Rules Committee has proposed removing many of those constraints from the Constitution, and placing them in standing rules – so that if there is a violation of them, they may result in an affiliate being disbanded, or an officer being removed, but they will not result in our candidates being knocked off the ballot in litigation initiated by Democrats and Republicans over whether we nominated “in accordance with our constitutional and bylaws.” K.R.S. 118.325.
3. The removal of the 3/5 waiver provision is, by far, the most objectionable and dangerous proposal by Mr. Moellman. In effect, that provision allowed us to fix errors by well-meaning party members. Consider this: this year, there were notice issues with two of our District conventions under the existing constitution (District 5 and District 6). In the case of District 5, their venue was cancelled on them, despite good faith efforts to comply with the Constitution, requiring that the convention be re-noticed within the 45 day window. For District 6, they failed to call their convention in a timely manner under our rules. It is the intention of several delegates to have these, and other issues, waived by 3/5 of the delegates at convention, to make sure that every candidate nominated is not subject to challenge based on these eventualities. Under Mr. Moellman’s proposal, there would, in the future, be no way to waive these issues, and, what is more, the removal of the provision creates unnecessary problematic legal uncertainty for candidates this year, since the waiver provision was removed.
4. The Committee likewise wanted to note that Mr. Moellman AGAIN shifted our conventions backwards in time in his proposal. This would force nominating conventions to occur for candidates before the state filing deadline for Democrats and Republicans. If it is the desire of our delegates in convention to place the party in a position not to be able to respond to electoral opportunities created by a lack of candidates by the Democrats and Republicans, Mr Moellman’s proposals do just that.

5. Not only do Mr. Moellman's proposals involve serious risk to our candidates, there are many proposals that create the serious opportunity for a single disgruntled member of the party to wreak untold havoc and damage upon party finances and volunteer time – in short – shifting our focus away from the recruitment and assistance with getting libertarians on the ballot and elected and into internal drains on resources and time based on a single member's unhappiness with something the party did. These proposals likewise take away from the core mission of the party, to get Libertarians elected.
6. We have outlined several of these examples – but it is the unanimous recommendation of the Rules Committee that this wholesale revision, as proposed, be rejected.
7. In several cases, we have agreed with a particular proposal, and, to the extent agreed with, adopted and incorporated it. We have generally noted where we have done so.

The Libertarian Party of Kentucky Constitution

(proposed version)

PREAMBLE

WE, the Libertarians of Kentucky, in convention, in order to affiliate ourselves with the National Party and to promote the libertarian philosophy in the state of Kentucky, associate together to form a political party, and for that purpose adopt the following Constitution: The Libertarian Party of Kentucky Constitution.

ARTICLE I: NAMES AND DEFINITIONS

- Section 1.** The National Libertarian Party, also known as the Libertarian National Committee, Inc., shall be referred to as the "National Party".
- Section 2.** The name of the Party recognized as the official state affiliate by the National Party shall be "The Libertarian Party of Kentucky," hereinafter referred to as the "State Party".
- Section 3.** A "Chartering Party" is a party which, under this Constitution, currently has chartered, or is in the act of chartering, an Affiliate Party.
- Section 4.** An "Affiliate Party" is a division of the State Party which has been affiliated by a Chartering Party, in accordance with this Constitution.
- A.** A Party chartered by the State Party as the official Affiliate Party for a United States Congressional District shall be a "District Party".
- The official name for District Party shall be "The Libertarian Party of Kentucky – " followed by the ordinal number of the Congressional District, followed by " District".
 - Because of the nature of Jefferson County, that District Party may instead be known as "The Libertarian Party of Jefferson County, Kentucky", or "The Libertarian Party of Louisville, Kentucky."
- B.** A Party chartered by a District Party as an official Affiliate Party shall be:
- A "County Party", known as "The Libertarian Party of " followed by the name of the county, followed by " County, Kentucky"; or
 - A "Metro Party", known as the official name of the District Party, followed by " – Metro District ", followed by the number of the district.
- Section 5.** A "Party" is defined as any Constitutionally-sanctioned organizational unit within the State Party, including the State Party.
- Section 6.** No entity, other than the State Party and Chartered Affiliates sanctioned under this Constitution, may identify itself as any form of the name "Libertarian Party", or "LPKY" in any sort of political context, within the state of Kentucky.

ARTICLE II: PERIOD OF DURATION

- Section 1.** The State Party shall be Perpetual, unless dissolved, disaffiliated, or disbanded by the National Party.

ARTICLE III: PURPOSE

- Section 1.** The purpose for which the State Party is organized is to implement and give voice to the principles embodied in the platform of the State Party by:
- Nominating candidates for federal, statewide and local elections in Kentucky and supporting candidates for political office;
 - Promoting membership in the State Party;
 - Promoting and coordinating affiliate organizations through the state; and
 - Entering into political information activities.

Section 2. Affiliate Parties exist as a subsidiary of the State Party, to assist the State Party in its stated purpose and goals as outlined in this Constitution, Bylaws, and Statewide Standing Rules.

ARTICLE IV: MEMBERSHIP

Section 1. Voting Members, in convention, are the supreme authority of the Party. This Constitution serves as a contract between the Voting Members of the State Party to define both the rights of Voting Members, and the duties of the leaders they elect at all levels of the Party to conduct affairs between conventions on their behalf.

Section 2. Membership is uniform throughout the State Party and all Affiliate Parties. No Party may create, alter, or delete membership requirements.

Section 3. Definition of levels of membership

A. A “Voting Member” is a person who actively meets the all of the qualifications to be a Signatory Member, Registered Member, and Dues-Paying Member, and lives within the boundaries of that Party.

B. A “Signatory Member” is a person who has signed the Statement of Principles, which reads: "I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving social, economic, or political goals".

C. A “Registered Member” is a person who registers with the Kentucky Secretary of State as a voter affiliated with the Libertarian Party, or who is granted a waiver in procedures codified in Statewide Standing Rules.

D. A “Dues-Paying Member” is a person who meets the minimum donation of Annual Dues, as follows:

i. “Annual Dues” shall be the inflation-adjusted value of \$10 /\$5 in July 1971, as indexed to July of the year prior to the current year using the Consumer Price Index (CPI) Calculator provided by the United States Federal Government Bureau of Labor Statistics, rounded up to the nearest \$5.

Members shall be given at least thirty (30) days’ notice when the amount of dues is increased.

ii. A “Dues Waiver” may be granted, in lieu of Annual Dues, by the State Party Executive Committee, in advance by majority vote or after-the-fact by a vote of two-thirds (2/3). Reporting requirements will be codified in Statewide Standing Rules. Acceptable Dues Waivers are:

a. Service-based support (or, “service exemption”), as a number of hours rounded up to the nearest quarter-hour to cover the dollar amount for Annual Dues calculated at federal minimum wage.

b. In-kind donation, valued at no less than Annual Dues.

iii. The State Party may adopt additional levels of membership in Statewide Standing Rules based on amounts donated annually, but it shall not modify the definition or qualification for Dues-Paying Membership.

iv. A change in the amount calculated for Annual Dues does not change the current status of existing Dues-Paying Members for the duration of their current membership.

Section 4. Signatory Membership may be revoked, with cause, by vote of the State Party Executive Committee, where not more than one-third of the entire non-vacant State Party Executive Committee may object or abstain.

Revoking the Signatory membership of a Dues-Paying Member shall result in a prorated return of monetary donations made in the last 12 months prior to the revocation.

ARTICLE V: PARTY ORGANIZATION

Section 1. Party Structure

A. An Executive Committee consists of the following positions:

i. The four officers of a Party, defined as follows:

a. Executive Committee Chair, who is responsible for:

1. Being the chief executive officer of the Party, preparing an agenda for and presiding at all meetings of the Executive Committee, and generally organizing the Party;

2. Being the sole Party official authorized to sign contracts on behalf of the Party, upon the approval of the contract by the Executive Committee;

Commented [A1]: We believe that this proposal is a inappropriate one for several reasons: (1) setting any particular dues level in a Constitutional level document is extraordinarily problematic; and (2) this significant increase in existing dues – to \$65 per year, and doubling existing dues level, based on polling done earlier this year, is likely to substantially drive away membership. The Committee believes that this proposal is bad.

Commented [A2]: This provision would reward potentially bad behavior by returning funds to person(s) who have had their membership revoked for cause. We believe it should be forfeited.

3. Except where otherwise explicitly outlined, being a non-voting member of all other sub-committees for the Party;
 4. Being the primary contact with the organization which chartered the Party; and
 5. Being the primary public spokesman for the Party.
- b. Executive Committee Vice-Chair, who is responsible for:
1. Assisting the Executive Committee Chair, and performing the duties of the Chair, when the Chair is unable to perform those duties;
 2. Acting as the Chair of any media-related committee of the Party targeted to party membership;
 3. Acting as the Vice-Chair of any media-related committee of the Party targeted to audiences other than party membership;
 4. Performing the duties of the Secretary outlined in this Section, if the Secretary is unable to perform those duties.
- c. Executive Committee Secretary, who is responsible for:
1. Maintaining all records of the Party, other than membership and financial records;
 2. For the State Party, providing or making provisions for legal services to all Parties;
 3. Acting as the Chair of any media-related committee of the Party targeted to audiences other than party membership;
 4. Acting as the Vice-Chair of any media-related committee of the Party targeted to party membership;
 5. Recording the minutes of all Executive Committee meetings; and
 6. Performing the duties of the Vice-Chair outlined in this Section, if the Vice-Chair is unable to perform those duties.
- d. Executive Committee Treasurer, who is responsible for:
1. Receiving, expending, and accounting for all Party Resources; and
 2. Preparing and submitting campaign finance reports as prescribed by Kentucky law.
- ii. At-Large Representatives
- a. The duty of the Executive Committee At-Large Representative is to represent Voting Members who live in an area without an Affiliate Party, or otherwise represent the minority viewpoint within a Party.
 - b. The number of Executive Committee At-Large Representatives may change at any Convention of a Party, and is based on the number of Affiliate Parties chartered by that Party. All Parties shall have one (1) At-Large Representative position; a Party with six (6) Affiliate Parties shall have two (2); a Party with seven (7) Affiliate Parties shall have three (3); a Party with eight (8) or more Affiliate Parties shall have four (4).
- iii. The Executive Committee Chair of each Affiliate Party chartered by the Executive Committee in question.
- a. When an Affiliate Party has not yet been chartered, an Executive Committee may appoint one non-voting member to assist in the organization of that Affiliate Party, given the title "Coordinator", who shall serve at the leisure of the Executive Committee.
- iv. Precinct Captains
- a. Precinct Captains only exist in a County Party or a Metro Party.
 - b. The Precinct Captain shall be a resident of the precinct, whose title, when seated, shall be "Precinct Captain -" followed by the alphanumeric precinct designation.
 - c. Precinct Captains in a Party shall elect a Chair of the Precinct Captains of a Party from amongst themselves.
 - d. The majority vote of all sitting Precinct Captains on an Executive Committee shall count as a single vote on that Executive Committee.

Commented [A3]: The Rules Committee is of the view that the duties of the various officers should be codified in standing rules, not in a Constitutional level document. Doing so makes it easier to amend and change with the times.

Commented [A4]: The existing Constitution allows the delegates of each affiliate in convention to set the number of members. We find that this proposal goes against Mr. Moellman's general mantra of the delegates in convention deciding issues, and takes that control away in favor of a formula that may, or may not, be what is appropriate for any particular affiliate.

e. When vacant, the Executive Committee may fill the position by majority vote, and that Precinct Captain shall be granted the rights and privileges of a regularly-elected Precinct Captain.

B. Affiliate Parties

i. Chartering Affiliate Parties

a. A State Party may charter District Parties within the Congressional Districts legally defined by the Commonwealth of Kentucky.

b. A District Party may charter a County Party within a county where a majority of the population of that county lives within the Congressional District.

1. Because of the nature of Jefferson County, that District Party may affiliate Metro Parties. A Metro Party shall be functionally equivalent to a County Party under this Constitution. Each Metro Party shall be aligned to the boundaries of a Louisville Metro Council district.

c. There shall not be more than one Affiliate Party for the same political subdivision.

d. An Affiliate Party shall not exist without a Chartering Party.

ii. An Affiliate Party is considered "in good standing" if it has been chartered and has not since been dissolved, and is in compliance with all requirements of the Constitution, Bylaws, Statewide Standing Rules, their own adopted Standing Rules, and Kentucky state law.

a. If an Affiliate Party fails to stay in good standing, it shall have a period of twenty-one (21) days from the time of notification to come into in good standing, or that Party is to be dissolved.

iii. Dissolution of Affiliate Parties

a. A Chartering Party, or the Affiliate Party themselves, may, by majority, vote for an Affiliate Party to be dissolved.

b. If an Affiliate Party is to be dissolved, the State Party Executive Committee may, within seven (7) days, alternatively choose to call a Special Convention for that Affiliate Party to remedy the issue(s) which triggered dissolution. Otherwise, that Party is dissolved.

c. A District Party, County Party, or Metro Party that has been dissolved shall transfer all Party Resources, and a list of outstanding obligations, to the State Party.

d. If State Party is dissolved, its final act shall be to transfer all Party Resources, and a list of outstanding obligations, to the National Party.

e. All titles and voting rights, as a function of that Party, granted to the members of a Party that has been dissolved are revoked.

iv. Disbursement of Funds to Affiliate Parties

a. No disbursement shall be made to any Affiliate Party that is not in good standing at the time disbursements are made.

b. Donations, after fees, shall be disbursed quarterly from the State Party to Affiliate Parties, after deducting any transaction fees, using the following formula:

1. If the donor lives in an area without an affiliated District Party, or lives outside the state, the donation will remain with the State Party.

2. If the donor lives in an area with an affiliated District Party, the District Party shall be allocated one-third (1/3) of the donation, rounded to the nearest penny.

3. If a donor who lives in an area with an affiliated County Party or Metro Party, the County Party or Metro Party shall be allocated one-half (1/2) of the donation, rounded to the nearest penny.

c. A donor may request a different formula, however, if that formula deprives any Party the amount they would otherwise receive from the minimum donation requirements of Annual Dues, then the donation shall not be considered Annual Dues for any Party.

d. The disbursement formula in this section shall be applied retroactively from January 2015 to present through incremental corrections on a timeline deemed appropriate by the State Party Executive Committee.

Commented [A5]: The entire notion of a Metro party for Jefferson County has not been requested by District 3. If District 3 believes that this proposal has merit, the committee would acquiesce to that request.

Commented [A6]: It is the opinion of the Rules Committee that the dissolution of an affiliate is a serious matter, and should require more than a simple majority vote to occur if it is being forced on the affiliate. Conversely, if the affiliate desires to dissolve, a simple majority is sufficient.

Commented [A7]: The Committee does not believe that these sorts of rules are appropriate in a Constitution level document. This entire matter should be placed in statewide standing rules. Similarly, the retroactivity of this provision is extraordinarily problematic, and would work to deprive parties of funds that have otherwise been allocated or needed.

Section 2. Other Committees

A. Standing Committees for all Parties

- i. Membership Committee
 - a. The chair of the committee is the Vice-Chair of the Party, and the vice-chair is the Secretary of the Party. Other voting members are appointed by the Executive Committee.
 - b. It is responsible for maintenance of Party membership lists. Lists shall be shared between the Membership Committee of the State Party and Affiliate Parties, subject to privacy protections codified in Statewide Standing Rules.
 - c. It shall maintain the membership roles of the Party, send renewal letters to expiring or recently-expired Voting Members, and conduct periodic membership drives, in cooperation with Affiliate and Chartering Parties.
- ii. Finance Committee
 - a. The chair of the committee is the Treasurer of the Party. Other voting members are appointed by the Executive Committee.
 - b. The committee may select, subject to approval by the Executive Committee, an Assistant Treasurer from among the voting members of the committee, who shall assist the Treasurer with Constitutional duties other than voting as a member of an Executive Committee.
 - c. The committee is responsible for assisting the Treasurer, and preparing an annual budget for approval by the Executive Committee.
- iii. Platform Committee
 - a. The chair of the committee is the Secretary of the Party. Other voting members are appointed by the Executive Committee.
 - b. This committee may draft policy statements for the Executive Committee, and suggest planks for the Party platform for approval at Annual Convention.

B. Standing Committees which may exist only for the State Party

- i. Information Technology Committee (IT Committee)
 - a. There shall be no fewer than 3 and no more than 7 voting members, appointed by the State Party Executive Committee. The chair is elected by and from among its voting members.
 - b. It shall work to obtain, implement, maintain, monitor, or modify any Party Resource under the purview of Information Technology, with oversight from the State Party Executive Committee.
 - c. The committee will respect privacy and autonomy, and not engage in the day-to-day operation of any Party Resource, unless specifically directed in Statewide Standing Rules, the Executive Committee of the Party that operates the asset, or the State Party Executive Committee.
 - d. It may recommend "Acceptable Use Policy", "End User License Agreement", "Non-Disclosure Agreement", or other similar documents for consideration for adoption as a prerequisite to use IT assets.
- ii. Rules Committee
 - a. The Rules Committee shall be comprised of up to nine (9) Voting Members. To function, there shall be no fewer than seven (7) Voting Members on the committee. Quorum of the committee shall be five (5) members.
 - 1. The chair is the State Party Executive Committee Secretary.
 - 2. The vice-chair is the State Party Executive Committee Vice-Chair.
 - 3. By default, other voting members shall be the Secretary of each District Party, and the remaining positions shall be appointed by the State Party Executive Committee.
 - A. If a District Party Secretary does not wish to serve or misses two consecutive meetings of the committee, their position may be filled by majority vote of the Executive Committee.
 - B. A secretary for the committee shall be elected from among these members.
 - C. A treasurer shall be elected from these members, who, subject to State Party Executive Committee approval, is responsible for all fiduciary matters related to the conduct of candidate nomination.
 - b. The committee may recommend proposed changes to the Constitution, Bylaws, and Statewide Standing Rules. Such proposed changes shall be submitted to the State Party Executive

Commented [A8]: The Committee is of the view that Committees and their duties should generally be set forth in statewide standing rules. But adopted certain of this language in the rules committee report that was appropriate.

Commented [A9]: Same comment here – we question whether we want to put any committee in charge of monitoring resources, given privacy concerns. But more significantly, this should be placed in standing rules.

Committee or State Party Convention for approval, as specified in this Constitution.

c. The committee shall identify and bring forth any Party rules that conflict with state law.

C. Ad-Hoc Committees

- i. An Executive Committee shall have the power to create or dissolve Ad-Hoc Committees, codified in the Standing Rules of that Party.
 - ii. The scope and influence of any Ad-Hoc Committee shall be limited to the Executive Committee that creates the committee, and may not alter rights of membership, or circumvent responsibilities of leadership.
 - iii. An Ad-Hoc Committee may not engage in the duties of another committee already codified in this Constitution. No Affiliate Party shall create a committee which overlaps the duties of Standing Committees which only exist for the State Party.
 - iv. When an Ad-Hoc Committee is dissolved, Party Resources in possession of that committee shall be surrendered to the Party which created the committee.
 - v. If a Party is dissolved, all Ad-Hoc Committees created by that Party are dissolved.
- D. Except as otherwise specified in this Constitution, all committees shall have a Chair, Vice-Chair, and Secretary as Officers, who shall each be elected from among the members of that committee.
- E. The term of a committee under this Section shall be until the next Annual Convention, at which the committee shall give its report as part of regular business, the committee is vacated, and any Ad-Hoc Committee is dissolved.

Commented [A10]: This proposal is problematic for several reasons – the committee has already had quorum issues and expanding the committee is likely to lead to more quorum issues, not less. Second, this proposal removes expertise of an elections committee and that committee’s ability to pass rules, particularly emergency rules, as the situation calls for. We note that the proposal relating to “fiduciary matters” is likewise unclear.

Equally problematically, this proposal removes the entire elections function from a committee – and places it.... nowhere? We think that this is likely to lead to the “breaking” of the party.

Further, this change, which would take effect at the close of the state convention (or earlier if a motion to pass constitutional changes with immediate effect passes), would jeopardize current candidates who have been elected under existing rules.

ARTICLE VI: COMMITTEE POWERS, LIMITATIONS, AND REQUIREMENTS

Section 1. An Executive Committee, which must consist of at least a Chair, Treasurer, and either a Vice-Chair or Secretary, is established for the governance of a Party between conventions.

- A. It is responsible for Party affairs as specified in, and constrained by, this Constitution, Bylaws, Statewide Standing Rules, Standing Rules of that Party, and State Law.
- B. Any action taken by an officer, in their official capacity, may be reviewed and overturned by the Executive Committee by three-fifths (3/5) vote taken within fifteen (15) days of when the action is made known to the Executive Committee.
- C. When the roster of those serving as a voting or acting member on an Executive Committee of an Affiliate Party changes, such changes shall be transmitted to the State Party Vice-Chair and Secretary within three (3) days.

Commented [A11]: The shortening of the overturn period to less than 30 days is likely to result in the inability of the entire committee to overturn the actions of a single officer if they only meet monthly.

Section 2. Qualifications to serve on a committee

- A. To be a voting member on a committee, a person must be, and remain, a Voting Member of the Party that committee serves. A committee may appoint non-voting members, who report to and serve at the leisure of the committee, as consultants and/or surrogates to facilitate or operate any part of their duties.
- B. In no event shall a person serve as a voting member on more than one Executive Committee, except as the chair of an Affiliate Party on the Executive Committee of the Chartering Party as defined in this Constitution.

Commented [A12]: Better placed in standing rules.

Section 3. Leave Of Absence, Resignation, and Recall

- A. The ranking of members of an Executive Committee is as follows: Chair, Vice-Chair, Secretary, and Treasurer, followed by At-Large Representatives ranked by order of election, followed by Affiliate Party Chairs ordered alphanumerically.
- B. Any member of a committee may obtain a Leave Of Absence for up to forty-five (45) consecutive days. A series of Leave Of Absence by a single member of a committee may not exceed sixty (60) days cumulatively in a single calendar year, or that member is recalled.
- C. A Leave Of Absence or resignation must be submitted to the highest-ranking remaining member of a committee in written form. If an "effective date" is not included, the effective date shall be assumed to be immediate.
- D. Any member of a committee who does not meet the qualifications under this Constitution to be elected

or appointed to that position will be given ten (10) calendar days, upon notification, to come into compliance with these requirements or be automatically recalled from office.

- E. Any individual member of a committee who misses two (2) consecutive noticed meetings without first obtaining a Leave of Absence may be recalled from that committee by majority vote of the other committee members. In this scenario, quorum shall be the majority of the other members of that committee.
- F. A member of an Executive Committee can also be recalled from office under the following circumstances:
 - i. Any Party Officer, At-Large Representative, or Precinct Captain may be recalled at any convention by vote of three-fifths (3/5) at that convention.
 - ii. Any Officer or At-Large member of an Executive Committee may be recalled from office by a vote of two-thirds (2/3) of the entire non-vacant Executive Committee of that Party, excluding the member in question.
 - iii. Any member of an Executive Committee, who does not participate in the business of an Executive Committee for a period of sixty-two (62) days or greater outside of a leave of absence, is recalled from office.
- G. When there is a permanent vacancy due to resignation or recall from a position on a committee which is normally filled by appointment under this Constitution, then the vacancy may be filled in the same manner. In all other cases of vacancy on a committee:
 - i. An Acting Member shall add "Acting" to the beginning of the official title of the office, and shall have the full rights, privileges, and duties of that Officer under this Constitution, except an Acting Member will not be a voting member of that committee.
 - ii. If in the office of Chair, the Vice-Chair shall immediately assume their duties and serve in their place, and the office of Vice-Chair shall assume the vacancy status. If the Vice-Chair is an Acting Member, they shall retain the Acting Member status as Chair.
 - iii. If in the office of Vice-Chair, Secretary, or Treasurer, the remaining members of an Executive Committee may appoint an Acting Member of the Executive Committee.
 - a. When one-half (1/2) or more of the seated Officers on a committee are Acting Members:
 - 1. If that Party is the State Party, the highest-ranking Executive Committee member who is not an Acting Member shall call a Special Convention with at least forty-five (45) days' notice with the sole purpose of electing a new Executive Committee.
 - 2. If that Party is an Affiliate Party, that Party is to be dissolved.
 - iv. Any member of an Executive Committee, not nominated from the floor by, and elected by majority vote of, the delegates at Convention of that Party, shall be an Acting Member.
 - v. An Acting Member shall serve in this role until the end of the Leave of Absence, or until the opening of the next convention for that Party; an Acting Chair returns to their previous role, title, and term.
 - vi. Vacancies in a Party may be filled at any convention, other than a Nominating Convention, by the voting delegates of that Party.

Section 4. Conflicts of interest and the appearance of corruption

- A. An "Immediate Family Member" shall include a spouse, child, step-child, father, mother, sister, brother, uncle, aunt, niece, nephew, and persons in any form of cohabitation, fiduciary, or sexual relationship.
- B. In no event shall two Immediate Family Members serve as voting members of a committee after April 1st, 2018 or after eighteen (18) months from when a Party is initially chartered, whichever is later, except when at least one of the two serves on that committee as the Chair of an Affiliate Party.
- C. In no event shall a person be permitted to vote to authorize funds or to write a check, even if otherwise authorized, to any Immediate Family Member or themselves. If any transfer of funds is authorized to a member of an Executive Committee or their Immediate Family Member, the person executing the transfer of funds shall transmit, via official State Party email, the details, including the recipient and purpose, to the State Party Treasurer and Secretary within forty-eight (48) hours of the transaction.
- D. In no event shall a person be eligible to be a candidate for political office if they or an Immediate Family

Member have served on any committee directly involved in the drafting of rules to govern the nomination of political candidates within the past twelve (12) calendar months, or are directly involved in the governance of the process to nominate political candidates.

- E. In no event shall a member of a committee vote on any matter which involves them personally, an Immediate Family Member, or in any matter which involves their role on another committee in any Party.

Section 5. Party Resources and Financial Responsibility

- A. "Party Resources" shall be defined as funds, time, personnel, property, or any asset of value, which are owned, leased, coordinated, controlled, or operated by a Party.
- B. The State Party Executive Committee shall be solely responsible for approving, and assigning fair market value to, any in-kind donation to any Party.
- C. In no event shall a member of an Executive Committee be given a Dues Waiver, receive compensation, or be reimbursed for expenses related to fulfilling the duties of their office.
- D. Authorization to expend Party Resources must be specifically approved by the Executive Committee of that Party. Reporting requirements may be codified in Statewide Standing Rules.
- E. In no event shall an Affiliate Party transfer Party Resources to any other Party, other than the State Party, unless authorized by the State Party Executive Committee.
- F. In no event shall a Party endorse, or use Party Resources to support, any candidate for President who has not been selected as the nominee at the National Party Convention, or any candidate for other political office who has not been nominated in accordance with Bylaws.

Section 6. The State Party Executive Committee shall create and enforce a transparency policy for all Parties, codified in Statewide Standing Rules, to ensure the ability of Voting Members to review the actions of the Party.

Section 7. A committee shall meet at least every forty-five (45) days, and business must be conducted with quorum present at least every sixty-two (62) days, with at least fourteen (14) days' notice provided to Voting Members and any part of the meeting not held in Executive Session open to the public.

- A. The schedule for regular meetings, including date, time, and place of meetings, shall be established at the first meeting of the committee. This schedule may be altered by the committee; such alterations shall not avoid notice requirements.
- B. The majority of the members of a committee may call a meeting of the committee by agreement in writing, prepare an agenda for that meeting, amend the agenda of any other meeting called by the Chair, and otherwise take action as a whole.
- C. Regular meetings may be conducted in-person, telephonically, or by video conference.
- D. Meetings should start no later than five minutes after the scheduled time; time may be extended if waiting for quorum to be obtained.
- E. Meetings shall follow an agenda, notwithstanding any amendment to that agenda by the voting body.
- F. A committee may close its meetings to the public for discussion in Executive Session, but may not take action within Executive Session.
- G. All decisions of a committee shall be made by those voting committee members present, by majority vote unless otherwise specified by this Constitution.
- H. Minutes shall be kept for every committee meeting. Minutes shall reflect the time the meeting began and the time it ended, the mechanism or location it was held, the attendees on the committee present and absent, and a record of all motions made and votes taken. Minutes shall be submitted to the State Party Executive Committee Secretary within one day, who shall make them publicly available within seven days.
- I. A committee may act between regular meetings, with votes taken read into the minutes at the next regular meeting, provided that such business conducted:
- Using email addresses assigned by the State Party on an official mailing list viewable by Voting Members of the State Party.
 - In any fashion permitted by this Constitution for regular meetings, as an Emergency Meeting with at least twenty-four (24) hours' advance notice and limited to the subjects contained in the call and

Commented [A13]: 1. Better placed in standing rules;
2. This appears to target person(s) involved in the rules committee process;
3. This places a significant limitation on the right of the voting members to select officers and members of an executive committee of their choosing. Again – voting members, as a majority, should not be silenced!

Commented [A14]: Better placed in standing rules.

We do not believe these restrictions are appropriate, and, the reimbursement provision is likely to result in serious issues. Take, for instance, the fact that our State Secretary has advanced funds for the D5 convention, to ship financial records to the Treasurer, to pay the Secretary of State for voter lists, and other expenses. Under this provision, none of that would be allowed, requiring a check to be cut in advance, in circumstances when doing so might not be possible. Too, a party officer may not be able to put a deposit down on a convention venue with his or her credit card, and reasonably expect reimbursement.

On the transfer to other parties provision, a District Party would not be permitted to transfer funds to a county affiliate to pay for a fair rental booth, or for Fancy Farm events. We think that this sort of restrictive provision an "mother may I" approach is likely to lead to disfunction in the party, and in the inability to District Parties to easily support their county affiliates – a key function of district parties.

agenda.

J. Meetings, meeting minutes, and/or Party assets shall not be used to make personal attacks on members of the Party. Existing meeting minutes or other party records shall have any personal attack purged.

Section 8. If a committee fails to comply with any Section of this Article, within the time specified in that Section or for a period longer than twenty-one (21) days if not specified:

- A. If an Ad-Hoc Committee, that committee is dissolved.
- B. If a Standing Committee, then the Party which appoints or elects members to that committee shall declare those appointed or elected seats vacant.
- C. If an Executive Committee of an Affiliate Party, the Affiliate Party is to be dissolved.
- D. If the State Party Executive Committee, a Default Convention shall be held on the Saturday on or immediately following seventy (70) days from the date that the State Party failed to comply.

Section 9. More stringent standards for committees may be adopted in Statewide Standing Rules.

ARTICLE VII: STATE PARTY AND AFFILIATE CONVENTIONS

Section 1. Annual Convention

A. A Party must call a convention of all Voting Members of that Party annually, known as the Annual Convention.

- i. The business of the Annual Convention for any chartered County Party or Metro Party shall occur on the second or third weekend in January.
- ii. The business of the Annual Convention for any chartered District Party shall occur on the first or second weekend in February.
- iii. The business of the Annual Convention for the State Party shall occur on the last weekend in February, or the first weekend in March.
- iv. Any Affiliate Party failing to properly call its Annual Convention is dissolved.
- v. If the State Party fails to properly call its Annual Convention, the State Party Annual Convention shall be the Default Convention.

B. A Convention Plan shall outline the date(s), time(s), location, agenda, convention attendance fees, and the expected income and expenditures related to the convention.

- i. An Executive Committee Chair shall present a Convention Plan to the Executive Committee for the Annual Convention of the Party for the following calendar year, no later than November 10th for a County Party or Metro Party, December 1st for a District Party, and December 15th for the State Party.
- ii. An Executive Committee may veto any part of the Convention Plan by a vote of 3/5ths of that Executive Committee. In the case of a veto, the Chair shall present a new Convention Plan within 4 days, which does not include any item or detail previously vetoed.
- iii. If the Chair of an Executive Committee fails to bring forward a Convention Plan, that is not vetoed in whole or in part, before November 15th for a County Party or Metro Party, December 6th for a District Party, or December 20th for the State Party, then an emergency business meeting shall be held.
 - a. It shall be held at 7PM local time on the following Saturday, for a District Party, County Party, or Metro Party.
 - b. It shall be held at 7PM local time on the first Saturday in January after January 1st, for the State Party.
 - c. Notice and quorum requirements for this meeting shall be waived, provided that every reasonable effort is made to meet those requirements to the extent possible.
 - d. The agenda shall be limited to the creation of a Convention Plan for the Annual Convention of that Party.
 - e. Each detail shall be decided by Instant Runoff Voting, and must comply with the other requirements listed in this Constitution.

Commented [A15]: This sort of detail should be placed in standing rules.

We also believe that the quorum provision can and will result in the disaffiliation of affiliates in the event that there are issues with individuals making meetings. The requirement to start within 5 minutes is another "draconian" provision that would invalidate a meeting in the event there was quorum, but technical problems with telephones equipment, etc. Again, the more rules that are put out there for people to follow, the more "traps" there are to argue for the invalidation of committee actions.

Another item to note: in every case, we are dealing with volunteers who fill our executive committees. The more "rules" you put out there for them to follow the more difficult it is for anyone to comply, and the less likely it is that people will fill the party offices.

Take the "minutes" rule: submitted within one day of the meeting at issue? Are we now going to post unapproved minutes?

These provisions are traps for the party, and its officers, and are problematic.

Commented [A16]: County party conventions will now need to occur PRIOR to the candidate filing deadline for Republicans and Democrats under this proposal. Rather than trying to increase our electoral competitiveness and filling candidates for open seats, this schedule will, no doubt, ensure that we have no such competitive advantage.

Commented [A17]: This provision likewise will ensure that, for the most part, we will not be able to respond to candidate filings by Democrats or Republicans, since it takes some period of time to identify open seats, and additional time to look for viable candidates to run for office.

Commented [A18]: As a general matter, narrow windows for conventions take away venue flexibility, and hinder the party's ability to operate. Essentially, these provisions force the party into very narrow windows that create recipes for trouble, particularly in some counties and districts where venues become difficult or costly to schedule on certain weekends.

Commented [A19]: This needs to be placed in standing rules. Leaving these provisions in the governing constitution creates a trap for candidates to be disqualified in the event there are compliance issues.

These windows create problems for affiliates, particularly in scheduling venues. We recommend that they be removed completely, given the headaches they have caused affiliates to date.

In any event, all of this level of specificity should be placed in standing rules.

At some level, it is enough that we impose a wide window for conventions (in standing rules), have reasonable advance notice provisions, and then leave it to the affiliates to call the convention.

This level of "control" has created issues with compliance by well meaning affiliate officers.

f. If an Affiliate Party, after this emergency meeting, does not have a complete Convention Plan, the Chartering Party may plan a convention, which complies with this Constitution, for that Affiliate Party within eight (8) days. If the Chartering Party does not finalize the details of the Annual Convention for the Affiliate Party in that time, that Affiliate Party is dissolved.

g. If the State Party, after this emergency meeting, does not have a complete Convention Plan, a Default Convention shall be held.

iv. All convention plans by any Affiliate Party shall be transmitted, upon approval and within three (3) days of that approval, to the Chartering Party Executive Committee Secretary, and the State Party Executive Committee Secretary.

C. The Executive Committee of a Party shall be nominated, from the floor by, and elected by majority vote of, the voting delegates of that Party at Annual Convention.

i. Officers of the State Party and affiliated County and Metro Parties, and At-Large Representatives of affiliated District Parties, shall be elected in odd-numbered years.

ii. Officers of affiliated District Parties, and At-Large Representatives of the State Party and affiliated County and Metro Parties, shall be elected in even-numbered years.

iii. Precinct Captains are elected by majority vote of the Voting Members in attendance from that voting precinct, at Annual Convention of a County or Metro Party each year.

iv. Members of the Executive Committee shall take office immediately upon the close of the Convention at which they were elected, and shall serve until their successors are elected and qualify for office, unless otherwise specified by this Constitution.

v. In no case shall a single term of a member on any committee exceed 25 months. After 25 months, any such committee member is automatically recalled from office.

vi. The right of Voting Members of a Party to nominate and elect any person, qualified to serve under this Constitution, from the convention floor shall not be not be infringed. Further, a Party may not act to explicitly or implicitly promote any particular candidate. Any election of an Executive Committee in which such actions were taken shall be nullified.

D. Amendment of the platform and governing documents of a Party, in accordance with this Constitution, shall be part of the agenda at any Annual Convention.

E. A business meeting of the Executive Committee shall occur in-person within 24 hours following the close of the Annual Convention for that Party.

Section 2. Default Convention

A. A Default Convention shall only apply for the State Party and shall only occur if called for by another section of this Constitution.

B. A Default Convention will be held at the Paul Sawyier Public Library in Frankfort, Kentucky.

C. Unless otherwise outlined by the section causing a Default Convention, a Default Convention will take place on the second Saturday of March, and will begin at 10 A.M. Eastern Time.

D. All Voting Members of the State Party and those who qualify as Basic Supporting Members of the National Party who are in attendance shall be considered delegates. The burden of proving eligibility to be a delegate is on the individual seeking to be a delegate.

E. The National Party may send a representative to act as the Acting Convention Chair, who may also be responsible for validating eligibility for delegate status, until such time that the convention body elects a Convention Chair from among the delegates in attendance.

F. Any requirements in Bylaws, Statewide Standing Rules, and/or Standing Rules may be waived by majority vote of the delegates in attendance.

G. All Officer and At-Large positions in the State Party shall be declared vacant, and the convention body shall elect a new Executive Committee. No person, who was a member of the State Party Executive Committee when a Default Convention was caused, is eligible to be elected to any position within the Party unless it is definitively demonstrated that the member in question took action to avoid triggering a Default Convention.

H. This Constitution will not be eligible for amendment, nor shall a suspension of the rules be in order,

Commented [A20]: This provision is problematic and unnecessary. If adopted, this provision would mean that, notwithstanding the fact that a candidate was elected, or that a convention was called, if there is a qualification issue with the successor, there would be no one in an office in a particular case.

Commented [A21]: This seems like a trap for the unwary as well. Imagine a Chair sending out promotional materials for the convention itself. Is that somehow promoting that person for re-election? If adopted, these disputes and others will arise under this provision.

Commented [A22]: More restrictions = more traps for the unwary.

Commented [A23]: This is a trap for a national takeover of the state party by persons who are not otherwise voting members, who have not paid dues, and who do not even need to live in Kentucky. This provision should be rejected.

without approval of four-fifths (4/5ths) of the delegates at a Default Convention.

Section 3. Organizational Convention

- A. When no Affiliate Party exists where one could exist under this Constitution,
 - i. Voting Members who live within that jurisdiction shall be permitted to organize for the purposes of electing Officers, and petitioning the Chartering Party or State Party to become a recognized Affiliate Party. Procedures shall provide for at least thirty (30) days' notice and be documented in Statewide Standing Rules.
 - ii. Alternately, the Executive Committee of a Chartering Party or of the State Party may call an Organizational Convention to create an Affiliate Party.

Section 4. Nominating Convention

- A. A Nominating Convention may only be called by the State Party Rules Committee, with approval of the State Party Executive Committee and in accordance with Bylaws, for the sole purpose of holding elections for candidates for political office.
- B. If a Nominating Convention is held on the same day as an Annual Convention, the agenda of the Nominating Convention shall take precedence over the agenda of that Annual Convention; this may not be overridden by a suspension of the rules or any other motion.
- C. Multiple Nomination Conventions may be called at the same date, time, and location.
- D. Except in the case of a Special Election called by the Governor of Kentucky, at least forty-five (45) days' notice shall be provided to qualified electors, by means codified in Bylaws. In the case of a Special Election, the Executive Committee of a Party that would otherwise host a Nominating Convention for the particular office may nominate, by majority vote, a candidate for the Special Election.
- E. Candidate Nomination
 - i. A person seeking to become a candidate for a Federal, State or local government office must be legally qualified to seek the office, a Voting Member of the State Party, and comply with the Constitution and Bylaws of the State Party. Nomination shall not occur before the year of the general election for the office sought.
 - ii. Any person, who is a Registered Member as of December 31st of the year preceding the general election and who is eligible to vote in the general election for a particular partisan office, shall be a qualified elector eligible to cast a ballot for that office, either in-person or by an absentee or electronic ballot system as outlined in Bylaws. All in-person balloting shall be by secret ballot, and, to the extent reasonably practical, absentee balloting as well.
 - iii. All cast ballots shall be counted, and preserved for a period of 30 days after the close of the State Party Nominating Convention by the Rules Committee in accordance with Bylaws.
 - iv. Deciding the winner
 - a. Procedures for tabulating ballots shall be codified in Bylaws, and shall provide ample protections for privacy of the voter and avoid conflicts of interest.
 - b. Any candidate whose name was listed on the ballot and received fewer votes than NOTA may not seek nomination for that office again during the same election cycle, and no Executive Committee may place that candidate into that vacancy during that election cycle.
 - c. The results of all elections shall be transmitted to the Rules Committee within twenty-four (24) hours of the close of the State Party Nominating Convention, for certification as provided by Bylaws.
- F. Certification and Challenges
 - i. Any Registered Member may challenge the right of any person to cast a ballot, prior to that ballot being cast. If a challenge is made in good faith, the Rules Committee shall verify that a challenged person is entitled to participate. A government-issued photo ID with the full legal name, address, and date of birth of the person being challenged must be provided by the person being challenged.
 - ii. The process to challenge the nomination of any candidate for political office shall be open to any eligible participant in the nomination of that candidate shall be codified in the Bylaws. It shall permit a challenge period of no less than five (5) business days after the nomination a candidate.

Commented [A24]: These provisions take away the current ability of the State Executive Committee or a District Committee, to fill vacancies or nominate candidates that have otherwise not been nominated. Particularly the 45 day notice provision. Right now, there is a provision that takes advantage of the specifics of state law, which permits this to occur.

This would close an important mechanism by which executive committees can nominate candidates.

Commented [A25]: Should all be placed in bylaws (i.e. election rules).

- iii. Once authorized by the Chair and Secretary of the State Party Executive Committee, the Secretary of the State Party Nominating Convention shall prepare the certificate of nomination, in accordance with state law and Bylaws.
- iv. It remains the province of the Rules Committee to waive any formalities or technicalities codified in the Bylaws that do not have a material effect on the outcome of any given election.

Commented [A26]: Same – election rules.

Section 5. Special Convention

- A. A Special Convention may be called when necessary, by any Party, with majority approval by its Executive Committee, or with majority approval from the Executive Committee of the Chartering Party, and with at least thirty (30) days’ notice to the Voting Members of that Party. Except as otherwise expressly set forth in this Constitution, a Special Convention called by an Executive Committee may not be called more than twice per year.
- B. A Special Convention may be called by petition of one-third (1/3) of the Voting Members of a Party. Such a call shall be in writing at least forty (40) days prior to the convention date, signed by those members, with notice given to the Chair and Secretary of that Party. The Chair of that Party shall provide notice to the Voting Members of that Party within five (5) days of receipt of the petition.
- C. A Special Convention must be called with a specific purpose or agenda, and that purpose made public as part of the notice of the Special Convention. Other than items under this Constitution which may occur at any convention, no other activities may occur at a Special Convention other than those properly noticed to the Voting Members and no suspension of the rules may be made to the contrary.
- D. A Special Convention may be canceled by petition of one-half (1/2) of the Voting Members of that Party within fourteen (14) days of notice being provided.
- E. A Special Convention of the State Party shall be called for the purpose of considering amendments to this Constitution, Bylaws, and Statewide Standing Rules on June 2, 2018. Notice of this convention shall be provided forty-five (45) days in advance. The location shall be within 50 miles of Elizabethtown, Kentucky, with a start time of 10AM local time. This convention shall not count as a special convention called by the Executive Committee.

Commented [A27]: This would provide an unrestricted ability of a minority to repeatedly call conventions and disrupt the party. We believe that 40% should be able to call, and not more than once.

Section 6. General Rules for all types of Conventions

- A. Except for a Nominating Convention, only Voting Members who live within the jurisdiction of a Party holding a convention, who have been a Voting Member for at least thirty (30) days immediately preceding a convention being called to order, shall be eligible to participate in a convention as a delegate, and shall be given reasonable opportunity to register.
- B. It is permitted to require a fee to participate in a convention (“Floor Fees”). Such fees must be collected only to offset the cost of that convention, shall not used for general fundraising. Convention delegates and observers shall be permitted to pay such fees at the door.
- C. Unless three-fifths (3/5) of an Executive Committee of a Party vote otherwise, a convention of a Party shall be held within the geographical boundaries of that Party. When a convention, other than a Nominating Convention, is to be held outside the geographical boundaries of a Party, notice requirements shall be added: one additional day for every ten miles, or fraction thereof, between the site of the convention and the point closest to the boundary line of that Party.
- D. Except for Conventions where they are a member of the Party in convention, the Party Executive Committee Chair or their surrogate shall have no vote.
- E. All business shall be conducted on a Saturday, and optionally the Sunday immediately following.
- F. A minimum notice period, not to exceed fourteen (14) days, may be adopted in Statewide Standing Rules for any Voting Member to propose amendments to the platform or governing documents for consideration at a convention of Voting Members where amending any of those documents is noticed as part of the agenda. When such requirements exist, these requirements must be announced to Voting Members within the notice of convention.
- G. Calling a convention
 - i. Each Party Executive Committee Chair is primarily responsible for calling any and all conventions for that Party.

Commented [A28]: This sort of chicanery should be avoided. If there is a desire by 40% of the voting members (or even 1/3) to call such a convention, it should be called by them as a special convention.

Commented [A29]: This is appropriately inserted in standing rules, not a constitutional document.

Substantively, we believe that verification of voting member status and payment of dues should be handled in standing rules and adopted under less stringent procedures. We suggested 90 days, but in reality, 60 would do the trick to allow sufficient time for delegate verification.

We are not sure about the cost “at the door,” since this would likely prohibit registration requirements, which may be necessary to approximate attendance and book a venue.

We believe 14 day advance notice on Constitutional changes is problematic, particularly where such changes may need to be researched for compliance with the law. This is not intended to restrict amendments, as much as it is to ensure that our candidates are not impacted by the insertion of provisions that may take us out of compliance with state or federal law.

- ii. Notice of a convention being called shall be provided to the State Party Executive Committee within twenty-four (24) hours of a convention being called.
 - iii. Notice of a convention must be provided to all Voting Members of a Party. Except where otherwise defined in this Constitution, notice must be provided at least forty-five (45) days prior to the convention.
 - iv. The notice of convention must explain for which Party the convention is being called, and must include the date, time, location, and purpose of the convention being called.
 - v. Notice of a convention shall distributed in a manner codified in Statewide Standing Rules.
 - vi. An Executive Committee may additionally employ any reasonable mechanism to inform the public.
- H.** Except where explicitly outlined in this Constitution, Robert's Rules of Order shall be used in the conduct of the convention and specific Convention Rules codified in Statewide Standing Rules:
- i. may provide for the establishment of a default agenda for some or all types of conventions;
 - ii. may provide for the establishment of a Credentials Committee for the convention;
 - iii. may establish other rules to govern, generally, procedure and practice of the convention, provided those rules do not alter the rights of the convention body to decide matters that come before it;
 - iv. may not violate provisions of this Constitution; and
 - v. shall provide a procedure for the election and replacement of a Chair and Secretary of the convention.
- I.** When any competent governmental authority has declared a weather emergency or state of emergency, any convention may be rescheduled, with approval of the State Party Executive Committee, to the following weekend. All notice requirements shall be waived in such instance, but best-effort shall be made to contact all Voting Members in the affected area, given the timeframe and available resources, to encourage wide participation by Voting Members of that Party.
- J.** No burden or requirement in regard to notice, membership, or participation in convention, which is not explicitly permitted in this Constitution, may be placed upon Voting Members.

Commented [A30]: The 45 day advance notice provision should be revisited. Booking venues has become an issue in some of our Districts, and 30 days should be considered.

ARTICLE VIII: NATIONAL PARTY CONVENTION

Section 1. Delegate List

- A.** A Delegate List shall be a prioritized list, made of a list of Primary Delegates followed by a list of Alternate Delegates.
- i. The maximum number of Primary Delegates is determined by the National Party.
 - ii. The maximum number of Alternate Delegates shall be twice the maximum number of Primary Delegates, or fifty (50); whichever is fewer.
 - iii. The Delegate List shall be vacated immediately prior to the State Party Annual Convention which immediately precedes the National Party Convention.
 - iv. The Delegate List, prioritized by order of election, starting with the second Primary Delegate, shall be created through nomination and election from the floor of the State Party Annual Convention immediately preceding the National Party Convention. Any ties shall be broken by seniority as a Voting Membership in the State Party.
 - v. Nominations shall be limited to those who are:
 - a. A Voting Member of the State Party; and
 - b. Counted as a Basic Supporting Member of the National Party at the date on which the National Party calculates the number of Primary Delegates to the National Party Convention.
- B.** The Delegation Chair shall receive the first Primary Delegate position for the State Party. The Delegation Chair shall be the State Party Executive Committee Chair; if they cannot attend or do not desire to be Delegation Chair they shall select a Delegation Chair.
- C.** Delegates may be appended to the end of the Delegate List:
- i. After the State Party Annual Convention and up to seventy-two (72) hours prior to the opening business of the National Party Convention, the State Party Executive Committee may add those who

Commented [A31]: The Committee supports this change, and has inserted in into the Rules Committee recommendation.

otherwise qualify to be nominated from the floor of the State Party Annual Convention.

- ii. Not sooner than twenty-four (24) hours before the opening business of the National Party Convention, the Delegation Chair may add to the Delegate List. Priority shall be given as follows: Voting Members of the State Party, then National Party members who reside in Kentucky, then members of the National Party who are participants in a LNC Regional Agreement with Kentucky and provide a reciprocal preference for Kentucky delegates, and then members of the National Party who live outside of Kentucky.
 - iii. Each addition shall be considered individually.
- D. Any Delegate absent from the National Party Convention for a period greater than one consecutive hour when called upon to conduct convention business, or who otherwise resigns from their position as Delegate, shall be removed from the Delegate List.
- E. Alternate Delegates shall, according to priority assigned in the Delegate List, fill any vacancy in the position of Primary Delegate.

Section 2. Delegation Chair

- A. They shall be responsible for submitting the Delegate List to the National Party prior to the deadline set by the National Party for submitting such information.
- B. They shall be empowered to enter into a Regional Agreement with other state parties on behalf of the State Party, with approval of at least two (2) Officers of the State Party.
- C. They shall be responsible for calling upon replacement Primary Delegates, when applicable, in accordance with this Constitution.
- D. At the National Party Convention, if the Delegation Chair does not check-in at least one hour prior to the opening of business, resigns from the role, or is absent for more than one consecutive hour during business, the Primary Delegates who have checked-in shall replace the Delegation Chair by election amongst themselves. If no Primary Delegates have checked into the convention, then the Alternate Delegates who are Voting Members of the State Party and have checked-in shall elect a new Delegation Chair from amongst themselves.
- E. When applicable, the Delegation Chair is responsible for ensuring all paperwork necessary for filing Libertarian Party candidates for President and Vice-President is completed on-site at the National Party Convention, and shall promptly deliver that completed paperwork to the State Party Executive Committee Secretary.

Section 3. Delegates shall attend the National Party Convention and exercise their vote on the basis of individual conscience, i.e., they shall not be bound to vote for or against any particular issues or candidates.

ARTICLE IX: PLATFORM

Section 1. A Party may adopt a Platform, provided that Platform does not conflict with the platform of the State Party.

Section 2. At any convention at which platform amendment is part of the noticed agenda, planks may be deleted by a simple majority vote, while the substitution of a new plank for an old plank, or the addition of a new plank, shall require approval by a vote of two-thirds (2/3), of the delegates present and voting. These requirements may not be altered under a suspension of the rules.

ARTICLE X: GOVERNING DOCUMENTS

Section 1. Constitution

- A. This Constitution supersedes all previous governing documents of the State Party and all Affiliate Parties, and applies to the State Party and all Affiliate Parties. A Constitution may only exist for the State Party.
- B. This Constitution may only be amended:
 - i. At a properly called and noticed State Party Annual Convention by a vote of two-thirds (2/3).
 - ii. At a properly called and noticed State Party Special Convention, called for the purpose of amending

this Constitution by a vote of three-quarters (3/4). At any such convention, a motion to suspend the rules to consider amendment of this Constitution without required notice shall require a vote of three-quarters (3/4) of the Voting Members of the State Party who are seated as delegates.

- iii. On an emergency basis by the State Party Executive Committee, where not more than one (1) member of the seated State Party Executive Committee may object or abstain. Any such amendments shall be noted as such in the Constitution and shall be considered by the Voting Members of the State Party at the next convention of the State Party or be automatically repealed.
- C. Each proposed amendment to this Constitution shall be of one subject matter, and considered individually. A suspension of the rules to consider a general revision shall require a vote of four-fifths (4/5) of the delegates who are present and voting on the first day of business of the State Party Annual Convention.

Section 2. Bylaws

- A. The State Party shall adopt Bylaws, conforming to the requirements on how to elect candidates under this Constitution and state law, for the purpose of codifying the procedure for nomination of candidates for political office, and shall be binding to the State Party and all Affiliate Parties.
- B. Bylaws may include:
 - i. creation of standard nomination forms and deadlines;
 - ii. creation of filing fees per office, not to exceed ten percent (10%) greater than the filing fee required by the Commonwealth of Kentucky;
 - iii. limitation on the number of offices to which a candidate may seek nomination;
 - iv. a procedure to challenge the bona fides of the candidate being legally qualified to run for and hold the office being sought;
 - v. voter eligibility and credentialing;
 - vi. absentee and/or electronic voting;
 - vii. anti-fraud measures and mechanisms for permitting poll watchers; and
 - viii. any other matter deemed pertinent, germane, or prudent, to the running of fair and inclusive primary elections for candidates seeking political office.
- C. Bylaws, other than Emergency Bylaws, which are amended after the first Wednesday after the first Monday in November of the year immediately preceding the general election shall not take effect until the following election cycle.
- D. Bylaws may be created, amended, or deleted:
 - i. At a properly called and noticed State Party Annual Convention by a vote of three-fifths (3/5).
 - ii. At a properly called and noticed State Party Special Convention, called for the purpose of amending the Constitution or Bylaws, by a vote of two-thirds (2/3). At any such convention, a motion to suspend the rules to consider each amendment of Bylaws without required notice shall require a vote of three-quarters (3/4) of the delegates who are present and voting.
 - iii. By the State Party Rules Committee, on an emergency basis, by a vote where not more than one (1) seated committee member may object or abstain, subject to repeal by majority vote of the State Party Executive Committee within twenty-one (21) days. Notification of the passage of Bylaws on an emergency basis shall be transmitted to the State Party Executive Committee within twenty-four (24) hours of passage. Emergency Bylaws shall be noted as such in the Bylaws.
 - iv. By the State Party Executive Committee by a vote of three-quarters (3/4) of the entire seated State Party Executive Committee. Bylaws created by the Executive Committee shall be noted as such in the Bylaws.
- E. Each Bylaw shall reference the sections under the Constitution and/or Robert's Rules of Order, and when applicable the section of Kentucky Revised Statutes and/or Kentucky Administrative Regulations, from which it derives its authority, and shall note the date of passage and last amendment.
- F. Each Bylaw shall be considered individually. This requirement, outside convention, may not be waived with a suspension of the rules.
- G. Bylaws may not be adopted that conflict with this Constitution. Amendments to this Constitution which

invalidate Bylaws already in effect shall result in the automatic and immediate repeal of such a Bylaw.

H. No Affiliate Party may adopt Bylaws.

I. Any Bylaws previously adopted by an Affiliate Party are repealed. Any Bylaw previously adopted by the State Party, which is not directly related to the nomination of candidates, is repealed. Any document previously used by the State Party to adopt election rules and in effect immediately prior to the convention at which this provision is adopted shall be automatically re-codified as Bylaws without constitutional restriction until November 6, 2018. After recodification, the previous document is then repealed, and no other document may codify election rules other than the Bylaws of the State Party.

Section 3. Statewide Standing Rules

A. Statewide Standing Rules may only exist for the State Party, and shall apply to the State Party and all Affiliate Parties.

B. Statewide Standing Rules may be adopted, amended, or deleted by:

i. A vote of three-quarters (3/4) of the seated State Party Executive Committee. Proposals may be brought without restriction by any member of an Executive Committee. Such rules created by the Executive Committee shall be noted as such in the rules.

ii. Majority vote at any properly called and noticed State Party convention.

C. Statewide Standing Rules shall exist to provide efficient, unified operations and overall party direction and guidance for the entire party.

D. Statewide Standing Rules may not be adopted that conflict with this Constitution or Bylaws.

Amendments to the Constitution and/or Bylaws which invalidate Statewide Standing Rules already in effect shall result in the immediate repeal of such a Statewide Standing Rule.

E. Each Statewide Standing Rule shall reference the sections under the Constitution, Robert's Rules of Order, and/or Bylaws from which it derives its authority, and shall note the date of passage and last amendment.

F. Each Statewide Standing Rule shall be considered individually. This requirement, outside convention, may not be waived with a suspension of the rules.

Section 4. Standing Rules

A. Any committee may adopt, amend, or delete Standing Rules to govern the day-to-day operations of that committee. Proposals to create, alter, or abolish Standing Rules may be brought without restriction by any member of a committee.

B. Standing Rules may be adopted, amended, or deleted by a Party, by:

i. A vote of three-fifths (3/5) of the entire seated Executive Committee. Proposals may be brought without restriction by any member of an Executive Committee. Such rules created by the Executive Committee shall be noted as such in the rules.

ii. Majority vote at any properly called and noticed Party convention.

C. Any adopted Standing Rules shall be reviewed by the Executive Committee at the first meeting after a convention of the Party it serves.

D. Standing Rules may not be adopted that conflict with this Constitution, Robert's Rules of Order, Bylaws, Statewide Standing Rules, or otherwise modify the rights of membership or alter the relationship between membership and leadership. Amendments to the Constitution, Bylaws, and/or Statewide Standing Rules which invalidate Standing Rules already in effect shall result in the automatic and immediate repeal of such a Standing Rule.

E. Each Standing Rule shall reference the section under the Constitution, Robert's Rules of Order, Bylaws, and/or Statewide Standing Rules from which it derives its authority, and shall note the date of passage and last amendment.

Section 5. The criteria to amend governing documents shall not be amended by the State Party Executive Committee.

Section 6. All governing documents of all Parties shall be published on the State Party website to promote widespread understanding and participation by Voting Members.

ARTICLE XI: PREFERENTIAL VOTING AND NONE OF THE ABOVE

Commented [A32]: As noted, this provision is going to get the party into trouble in a specialized area where there are serious federal and state legal issues that have to be contended with. We do not recommend that elections bylaws be adopted from the floor, but rather be adopted by a committee, subject to later review and recall. This is particularly the case since the legislature is in session through April. The proposal, coupled with early conventions before the legislature adjourns, leaves the party essentially unable to deal with changes in the law.

Commented [A33]: We believe that these provisions should be debated and adopted by the members, in convention.

- Section 1.** In any case where a question has been called to a vote and/or during the election or nomination of candidates, and there are more than two (2) options, preferential voting, also known as instant runoff voting, shall be used to determine the winning choice.
- Section 2.** In any case where a question involves election or nomination, None Of The Above (NOTA) shall be an option.
- Section 3.** Whenever preferential voting is used, the Secretary of the Party shall be responsible for tallying each round of voting, and recording the tally of votes for each round of voting.
- Section 4.** Except where explicitly permitted in this Constitution, or in Bylaws, proxy or absentee voting is forbidden.

ARTICLE XII: BINDING ARBITRATION OF DISPUTES

- Section 1.** Any person who has been a Voting Member of a Party within the past six (6) months may bring forth a claim or controversy, in the form of a demand for arbitration, concerning:
 - A. The rightful powers, duties, and/or legal obligations of that Party;
 - B. Any action taken by that Executive Committee, or an individual Officer thereof; or
 - C. Any questions of compliance with this Constitution, Bylaws, Statewide Standing Rules, or the Standing Rules of a Party.
- Section 2.** Any disputes or questions related to the process for nomination of candidates for political office shall be heard and resolved by the Rules Committee as the binding arbitrator for all such disputes, as codified in Bylaws.
- Section 3.** If any Affiliate Party is unable to internally resolve a question to the satisfaction of both parties, the matter shall be submitted to binding arbitration, with the State Party to be responsible for resolution.
- Section 4.** Any dispute heard by the Rules Committee or an Affiliate Party may be appealed to the State Party Executive Committee, whose decision shall be final.
- Section 5.** Procedures for arbitration shall be codified in Statewide Standing Rules, shall provide for fair, even-handed adjudication, shall encourage timely resolution, and shall encourage negotiation and mediation prior to engaging in arbitration. Unless otherwise decided as a result of arbitration, costs are to be shared evenly between the State Party and the party bringing forth the claim or controversy.
- Section 6.** Except as set forth herein, or within the Standing Rules of the State Party, no matter governing any rightful powers, duties, leadership, or legal obligations of the State Party and/or Affiliate Party, or questions arising relating to the primary elections process for public office, or any and all questions under this Constitution or compliance with this Constitution, or any dispute that arises under this Constitution between the State Party, District Party, County Party, and its members shall be reviewable in any Court, or subject to collateral attack by any third party.

ARTICLE XIII: ALL OTHER CIRCUMSTANCES

- Section 1.** All situations not covered in this Constitution, and specific references to Robert's Rules of Order, shall be governed by "Robert's Rules of Order, Newly Revised, 11th Edition."

Commented [A34]: Not only is this provision subject to abuse, several members of the committee believe it has been abused by a single member. With all due respect, arbitration is costly, from both a monetary and time perspective.

We also recognize that party officers can abuse their office, and, in that event, the mechanism needs to exist. But it should not be able to be involved by any single member. Rather, some sizeable percentage of members should be required to invoke it.

They should also be required, if they lose, to reimburse the party (i.e. all the other members) for the expense they have wrongfully created in that instance.