

# STATEWIDE STANDING RULES OF THE LIBERTARIAN PARTY OF KENTUCKY

(Final Draft submitted to the membership for its consideration)

Adopted in Convention: \_\_\_\_\_

## 050 – Applicability of these Standing Rules

These Standing Rules shall be applicable to the Libertarian Party of Kentucky, all of its District affiliates, and all of its County affiliates, unless a particular rule specifically indicates otherwise. These Standing Rules shall be effective upon their adoption by the Delegates in Convention and that convention's adjournment. Any and all disputes, rights, or privileges regarding these Standing Rules shall be determined by the State Party Executive Committee, whose decisions are final. Any and all standing rules, policies, or procedures of the Libertarian Party of Kentucky adopted prior to the date of these Standing Rules, are hereby rescinded.

## 100 – Membership

Membership, or voting membership, in the Libertarian Party of Kentucky shall only be conferred as provided in these standing rules. No membership shall be conferred, waived, or granted, by any affiliate or officer, except as specifically set forth in these standing rules.

In an effort to standardize memberships and to make tracking and accounting for membership easier (and to assist the Membership Committee in providing notices), membership shall run and be calculated on a calendar month basis, and shall expire at the end of the month following the one-year anniversary of the last payment provide notice is given to the member of the upcoming expiration at least seven days in advance. Thus, an annual membership that is paid for on March 10, 2017 shall expire March 31, 2018.

### 100.1 – Annual Dues

Annual Dues shall be set at \$30 per year. The State Executive Committee is empowered to grant not more than one years' membership in exchange for service that will be provided to the party in lieu of these dues. Furthermore, Lifetime membership, at levels defined by the State Executive Committee to be at, or greater than, \$2,500, shall be exempt from the payment of any further dues. Any increases in the lifetime membership amount in question by the Executive Committee, shall not affect the membership status once granted.

### 100.2 – Qualified or specific purpose donations

If a donation is made to participate in any convention, or earmarked by the donor for a particular project, the donor shall not be recognized as having fulfilled any form of annual dues for such donation. This shall not be construed as limiting the ability of the Executive Committee of the State Party to grant membership for an in-kind or other kind of donation.

### **100.3 -- In-Kind Donations and Valuations, approvals in advance**

In-kind donations, to count for purposes of Membership, must be approved by the State Executive Committee in advance of the expense, or service rendered. In-Kind donations, in lieu of dues, may only be approved by the State Executive Committee, and shall only be recognized for basic, or normal dues paying member status. In no event shall after-the-fact in-kind donations, or services, be permitted to count for purposes of membership that has not been approved in advance. In no event shall such memberships be approved for anyone who is a member of the State Executive Committee, or to a member of a District Executive Committee.

### **100.4 – Withdrawal of Membership**

Any Voting Member may withdraw their membership in the Libertarian Party of Kentucky by transmitting to any officer of the Executive Committee of the state party, in any medium, a written statement of unconditional resignation or withdrawal. Notice of the resignation shall be forwarded to the entire Executive Committee and be included in the next Membership Committee report.

### **100.5 – Allocation of Membership dues and financial contributions as between the State Party, District Parties, and County Parties**

#### 100.5.1 – Default Allocations

Donations, for dues, up to the first \$75, shall be allocated as follows, unless otherwise directed by the donor:

- i. For a donation given by a donor who lives in an area without an affiliated District Party, or for a donor who lives outside the state, the entirety of the donation shall remain with the State Party.
- ii. For a donation given by a donor who lives in an area with an affiliated District Party, but with no affiliated County Party:
  - a. 50% to the State Party, and 50% to the District Party, provided either: (1) the District Party consists of one county or has no additional counties that can be chartered; or (2) the District Party has chartered at least one county party, and has net growth of at least one additional county party in the prior calendar year; or
  - b. Otherwise, 66.67% to the State Party, and 33.33% to the District Party.
- iii. For a donation given by a donor who lives in an area with an affiliated District Party and an affiliated County Party, 33.3% to the State Party, 33.3% to the District Party, and 33.3% to the County Party.
- iv. Any amounts in excess of \$75 shall be retained by the State Party.

#### 100.5.2 – Donor Requested Allocations

A donor may request a different disbursement formula, however, if in the use of that formula a donor deprives the State Party, a District Party, or a County Party the amount to which they would otherwise be entitled from the donation of annual dues at the level of a Dues Paying Member, then the donation shall not be considered toward annual dues for any party.

Nevertheless, for enhanced membership levels, the State Executive Committee shall establish minimum donations to the State Party must be met in the applicable period of time.

### 100.5.3 – Distribution to Affiliate Parties

Distribution shall be made to affiliates in good standing with the Kentucky Registry of Election Finance on a quarterly basis, within 30 days after the close of each quarter. In the event a party is not in good standing with the Kentucky Registry of Election Finance, the State Party Treasurer shall notify the party in question of this fact as being the reason they are not receiving their distribution and shall likewise offer assistance with KREF filings. Any such funds shall be held aside by the State Party Treasurer, and if the affiliate comes into compliance within 30 days of the notification, they shall be distributed to the affiliate. Otherwise, so long as the party is proceeding in good faith to rectify the issues, the funds shall be retained by the State Party until they come into compliance, at which time the disbursements shall be made; in the event that the party is not, in good faith, attempting to come into compliance, the funds shall be forfeited to the State Party.

### **100.6 – Membership disputes**

Any and all disputes over the validity of a particular member's membership shall be determined by the State Executive Committee, following a recommendation of the State Party Membership Committee by a 3/5 vote as provided in the State Party Constitution.

### **100.7 – Lapsed Memberships**

100.7.1 The State Party Membership Committee shall provide notification of expiration to all Voting Members at least 28 days, and not more than 93 days, prior to their memberships lapsing or expiring; they shall also notify via electronic mail, the District Vice Chair (if one exists) for any such member, so that the local affiliates can also attempt to rectify the issue. Records shall be kept of that notification for a period of one year. This notification shall be made via electronic mail (if one is available) and may also be made via letter or postcard.

100.7.2 Following the expiration of membership of any officer (including at-large members) of the state party, or the officer any affiliate, the State Party Membership committee will notify that person that their membership has lapsed, and that they must renew, within 30 days of the notice, or be automatically recalled from office. This notification shall be made via electronic mail (if one is available) and may also be made via letter or postcard.

100.7.3 Fourteen days after the notice is sent as provided in 100.7.2, if the issue is not corrected, the State Party Membership committee will notify: (i) the Executive Committee

Chair on which the officer in question serves, by electronic mail; and (ii) the State Party Secretary, of the officer's lapsed membership, the failure to correct the issue despite notice, and the impending automatic recall. Following the expiration of the 30-day period from the notice set forth in 100.7.2, the State Party Vice Chair shall transmit notification of the automatic recall to the member in question, to the State Party Secretary, and to the Executive Committee on which the officer in question serves, by electronic mail, at which point the person shall be recalled from office.

100.7.4 Any member shall be entitled to contest the determination of the State Party Membership Committee regarding membership at the next meeting of the State Party Executive Committee by providing notification to the State Party Secretary of their intent to contest the determination in writing (including by e-mail), who shall promptly transmit the request (and any details provided) to the remainder of the Executive Committee. A special meeting may be called if necessary for this purpose.

## **200 – Officer Duties, At-Large Member Duties, Electronic Meetings, Executive Committee Powers, Limitations on Number of Executive Committees a Member may serve on, Attendance and Participation Requirements, Frequency of Meetings, and Standing Committees of Executive Committees**

### **200.1 Executive Committee Officer Duties**

- a. Executive Committee Chair, who shall be responsible for
  1. Presiding at all Party Conventions and all meetings of the Executive Committee and generally organizing the Party, except as otherwise set forth herein;
  2. Being the chief executive officer of the Party, subject to oversight by the entire Executive Committee;
  3. The Chair and Vice-Chair shall be the sole Party officials authorized to sign any contracts on behalf of the Party, but only upon the approval of the contract by the Executive Committee.
  4. Being an ex-officio member of all standing and ad-hoc committees in the Party, except as set forth herein;
  5. Being the primary contact with the organization which charters the Party;
  6. Being the primary public spokesman for the Party; and
  7. Prepare an agenda, for approval by the Executive Committee, for all Executive Committee meetings.
- b. Executive Committee Vice-Chair, who shall be responsible for
  1. Assisting the Executive Committee Chair;
  2. Performing the duties of the Executive Committee Chair, when the Chair is unable to perform those duties;
  3. The Chair and Vice-Chair shall be the sole Party officials authorized to sign any contracts on behalf of the Party, but only upon the approval of the contract by the Executive Committee.
  4. Acting as the Chair of the Membership Committee, and maintaining the membership roles of the Party; and

5. Performing the duties of the Secretary, in the absence of the Secretary, or in the event the Secretary is unable to perform those duties.
- c. Executive Committee Secretary, who shall be responsible for
1. Maintaining all records of the Party, other than membership rolls and financial records;
  2. For the State party, providing or making provisions for legal services to the Party or any affiliate;
  3. Unless delegated by the Secretary to a committee, acting as the Chair of any media-related Committee of the Party;
  4. Recording the minutes of all Executive Committee meetings and the minutes of Party conventions;
  5. Act as a member of the Membership Committee; and
  6. Performing the duties of the Vice-Chair, in the absence of the Vice-Chair or in the event the Vice-Chair is unable to perform those duties.
- d. Executive Committee Treasurer, who shall be responsible for
1. Receiving, expending and accounting for all funds or other property of the Party under the supervision and direction of the Executive Committee;
  2. Making commitments and disbursement of Party funds for expenses within the budget established by the Executive Committee and for out-of-budget expenses specifically approved by the Executive Committee;
  3. The Treasurer shall be the official authorized to sign checks and distribute funds on behalf of the Party in accordance with the budget and authorizations from the Executive Committee; an Assistant Treasurer may be authorized for the State Party, appointed by the Treasurer, who shall be one of the Treasurers of one of the District Parties. In no event shall the Chair or Vice-Chair be an authorized person to sign checks on behalf of the party. In no event shall any expenditure be authorized that has not been specifically approved by the Executive Committee.
  4. Being the Chair of the Finance Committee; and
  5. Preparing a quarterly financial report for the Executive Committee, which shall outline all expenditures and revenues. Once approved by the Executive Committee, these records shall be made available to any Voting Member, upon written or e-mailed request.
- e. At-Large Representative
1. The duties of the Executive Committee At-Large Representative is to represent those in the Party who live in an area without an affiliate Party.
  2. The at large representative shall also serve as an ombudsman for any member who has concerns.
  3. The at large representatives shall also have such other duties as may be assigned by the executive committee.

## **200.2 Electronic Meetings**

Meetings of any Committee may be conducted telephonically or by video conference so long as such meetings are either recorded and made available to the membership or Voting Members have the ability to dial in and observe live, provided that, for executive committees, at least one in-person meeting shall be held per calendar year and may be held following the annual convention.

### **200.3 Additional Powers of Executive Committees**

In addition to those powers set forth in the Constitution, (1) an Executive Committee is responsible for issuing policy statements on behalf of the Party, and (2) it may appoint any person to non-voting positions on the committee, who shall serve at the pleasure of the Executive Committee.

### **200.4 Limitations on serving on more than one party**

No person may serve on more than one Executive Committee within the Party, except as the representative from an affiliate Party on the Executive Committee of the chartering Party, as defined in this document.

### **200.5 Leaves of Absence limitations**

If more than 50% of the Officers and At-Large Representatives of an Executive Committee of any Party are on a Leave of Absence for a period longer than 30 days, the highest ranking and available Executive Committee member may decree all seats vacant, and call a Special Convention with the sole purpose of electing a new Executive Committee for that Party.

### **200.6 Participation of Committees**

Any member of an Executive Committee who does not participate in the activities of the Executive Committee for a period of sixty (60) days or greater, without having first given proper notice of a leave of absence, shall be automatically recalled from office. The Chair of the Committee shall provide notice of this fact to the member in question, or any voting member may file a complaint as provided in these Standing Rules on this issue.

### **200.7 Meetings to be called**

A Party must conduct a business meeting, with adequate notice and open to the public, at least once every 90 days. Any Executive Committee Chair, or Vice-Chair if the Chair is on a declared leave of absence, who fails to call a business meeting within the specified time shall be immediately recalled from office.

### **200.8 State Standing Committees**

The following rules (200.8 series) are applicable to the state party only, and shall not be binding on affiliates:

#### **200.8.1 Membership Committee**

- a. It shall be chaired by the Vice-Chair and the Secretary shall be a Member.
- b. The Chair shall not serve as an *ex-officio* member of this Committee or otherwise be appointed to this Committee, but shall be permitted to be present at any of its meetings.
- c. Its membership shall be set by the Executive Committee and is open to any Party member except the Chair, and comprise at least three members.
- d. It is responsible for maintenance of Party membership lists.
- e. It shall conduct periodic membership drives not less than annually.
- f. It shall meet and recommend to the Executive Committee that the membership of any individual be revoked if that member makes statements or takes actions which are contrary to the Statement of Principles. Such recommendation shall require a three-fifths (3/5) vote of the entire Membership Committee.

**200.8.2 Finance Committee**

- a. The Finance Committee shall be chaired by the Treasurer of the Party.
- b. The Chair shall not serve as an *ex-officio* member of this Committee or otherwise be appointed to this Committee, but shall be permitted to be present at any of its meetings.
- c. The members shall be appointed by the Executive Committee of the Party.
- d. Membership is open to any voting member of the Party, except the Chair, and comprise at least three members.
- e. The Finance Committee shall develop the annual budget and submit it to the Executive Committee of the Party for approval.
- f. The Finance Committee is responsible for dues collection and accounting for Party funds.

**200.8.3 Rules Committee**

- a. The Secretary is the Chair of the Committee.
- b. The Chair shall not serve as an *ex-officio* member of this Committee or otherwise be appointed to this Committee, but shall be permitted to be present at any of its meetings.
- c. The members of this Committee shall be appointed by the Executive Committee. Membership is open to any Party member, except for the Chair.
- d. This Committee shall draft Convention Rules for adoption by the Executive Committee of the Party. The Convention Rules may: (i) establish deadlines for registration for the convention; (ii) establish or alter Robert's Rules of Order; (iii) provide for the establishment of a Credentials Committee for the Convention; (iv) establish other general rules to govern the Convention. No convention rules may be adopted that: (i) deprive any Voting Member of a reasonable opportunity to register and participate in the Convention; (ii) deprive the convention body of the ability to ultimately decide matters that come before it, but such rules may govern, generally, procedure and practice; or (iii) otherwise violate specific provisions of this Constitution.
- e. This Committee shall draft proposed changes to the Constitution and Standing Rules. Such changes shall be submitted to the Executive Committee or Convention for approval as specified in the Constitution.

**200.8.4 Composition of Elections Committee**

- a. The members of this Committee shall be appointed by the Executive Committee. Membership is open to any Party member, except for the Chair.

**300– Convention Related Rules**

**300.1 Convention Date Windows**

- A. The business of the Annual Convention for the State Party shall be conducted not earlier than the second Saturday in March, and not later than the fourth Saturday in May, and may optionally include the Sunday immediately following.

B. The business of the Annual Convention for any chartered District Party shall be conducted not earlier than the third Saturday in February, and not later than the third Saturday in April. No District Party shall call their convention prior to the first day of December in the year prior to the convention.

C. The State Party Elections Committee may call a District Convention for the sole purpose of holding elections for candidates for political office within a District which has no chartered District Party. Such a convention shall be held not earlier than the third Saturday in February, and not later than the third Saturday in April. Alternatively, the State Party Elections Committee may organize such voting at the State Convention, or by absentee or electronic ballot, or by other means, in accordance with its rules.

D. The business of the Annual Convention for any chartered County Party shall be conducted not earlier than the third Saturday in January, and not later than the third Saturday in March, and may optionally include the Sunday immediately following. No County Party shall call their convention prior to the first day of December in the year prior to the convention.

E. Further, the State Party Elections Committee may call a County Convention for the sole purpose of holding elections for candidates for political office within a County which has no chartered County Party. Such a convention shall be held not earlier than the third Saturday in February, and not later than the third Saturday in March, and may optionally include the Sunday immediately following. Alternatively, the State Party Elections Committee may organize such voting at the District or State Convention, or by absentee or electronic ballot, or by other means, in accordance with its rules.

F. In the event of inclement weather, in which any competent governmental authority has declared a "snow emergency," or other weather emergency or Act of God occurrence, any convention set forth herein shall be rescheduled one week, to the following Saturday and optionally the following Sunday at the same location, if the location can be scheduled; otherwise notice shall be provided by the end of the following Monday to all voting members of the party electronically, as to the revised location. The notice requirements shall be waived in such instance.

G. A business meeting of an Executive Committee shall occur immediately following the close of the Annual Convention for that Party. This meeting shall be listed on the published Annual Convention agenda.

H. Unless 3/5ths of an Executive Committee of a Party vote otherwise, the Annual Convention of that Party shall be held within the legal boundaries of that Party.

I. Once a convention has been called by a party, upon approval by the executive committee, notice of it shall be transmitted to the Chartering Party Executive Committee, and the State Party Executive Committee Secretary.

J. Nothing in this section shall prevent the Executive Committee as a whole from preparing and calling a convention under its collective powers set forth elsewhere in this Constitution.

K. In no event shall a Chartering Party be entitled to call a convention that holds a convention on the same date or time as one of its affiliate parties' conventions, or on a date prior to its affiliate parties' conventions, provided the Chartering Party



had notice of the affiliate party's convention prior to the setting of the Chartering Party's convention; in no event shall an affiliate party be entitled to hold a convention on the same date as its Chartering Party's convention, or on a date after its Chartering Party's convention, provided the Chartering Party's convention was set prior to the affiliate party's convention.

- L. Any Affiliate Party failing to call a convention in accordance with this constitution shall be considered disbanded, or at the option of the State Executive Committee, that its offices are deemed vacant and subject to temporary appointment by the State Executive Committee for the purpose of organizing and calling a convention on the Default Date set forth above. The State Executive Committee, at its discretion, may provide notice of the Affiliate Party of its failure to hold a proper convention, and give the Affiliate Party not more than sixty (60) days to call and hold a proper convention, even if those dates are outside of the limits contained herein; in the event the issue is not corrected within the sixty (60) day period, the State Party Executive Committee shall disband the affiliate party.

**300.2 State Party Failure to Call Convention:** If the State Party fails to call its annual convention, by February 1 of any particular year, the State Party Annual Convention will be held at the Paul Sawyer Public Library in Frankfort, Kentucky, on the second fourth Saturday of March at 10 A.M. Eastern Time. At such a convention:

- A. All Voting Members of the State Party and all members of the National Party, who are residents of Kentucky, in attendance shall be considered delegates.
- B. 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.
- C. A convention chair will be elected from among those delegates. The burden of proving eligibility to be a delegate is on the individual seeking to be a delegate.
- D. All Executive Committee and At-Large positions in the State Party shall be declared vacant, and the convention body shall elect a new State Party Executive Committee and at least one At-Large Representative. No person who was a member of the State Party Executive Committee on January 1st of that year will be eligible to be elected to any position within the Party unless it is demonstrated that the member in question took action to bring to a vote an appropriate convention plan, and that vote was defeated by others.
- E. This constitution will not be eligible for amendment without the approval of three-quarters of the delegates at such a convention.

**300.3 Convention Notice:** Convention Notice shall be provided by the State Party Secretary via electronic mail to all voting members who have electronic mail addresses registered with the state party. In the event any member opts out of such notices, or directs that the party not communicate electronically with that member, such notice will not be provided. The Notice should, if feasible, also be posted to the party's website, and its facebook page.

**300.4** Except as otherwise set forth in the Constitution, or these Standing Rules, notice should be given at least 30 days in advance of a convention.

## **400 – Ethics, Nepotism, and Conflicts of Interest**

All officers will conduct themselves in an ethical manner. These Ethics provisions are adopted to ensure appropriate behavior as well as the appearance of appropriate behavior. Violation of this Code of Ethics, particularly intentional violations, shall be cause for recall of any officer, or other appropriate discipline. The following definitions apply to this section:

**“Anything of value”** includes the following: 1. A pecuniary item, including money, or a bank bill or note; 2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money; 3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money; 4. A stock, bond, note, or other investment interest in an entity; 5. A receipt given for the payment of money or other property; 6. A right in action; 7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel; 8. A loan or forgiveness of indebtedness; 9. A work of art, antique, or collectible; 10. An automobile or other means of personal transportation; 11. Real property or an interest in real property, including title to realty; a fee simple or partial interest, present or future, contingent or vested, within realty; a leasehold interest; or other beneficial interest in realty; 12. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status; or 13. A promise or offer of employment.

**“Family Member”** shall include the person, his or her spouse, child, father, mother, sister, brother, sister-in-law, brother-in-law, father-in-law, mother-in-law, uncle, aunt, niece, nephew, child, step-child, grandparent, grandchild, first cousin, and persons in any form of cohabitation arrangement or sexual relationship.

**“Officer”** shall include any member of an Executive Committee of the Libertarian Party of Kentucky (including at-large members), any member of any Executive Committee of any affiliate (including District and County affiliates), and any member or appointee of any committee of the Libertarian Party of Kentucky or any member or appointee of any committee of any affiliate of the Libertarian Party of Kentucky (including District and County affiliates).

### **400.1 – General Ethics**

An Officer, by himself or herself or through others, shall not intentionally or recklessly:

400.1.1 Use or attempt to use his or her influence as an Officer in any matter which involves a substantial conflict between his or her personal interest and his or her duties in the discharge of his office.

400.1.2 Use his or her official position or office to obtain financial gain for himself or herself, any Family Member, or a business associate of the Officer; nothing in this section shall prevent arm’s length providing of services to the party if the Officer in question recuses himself or herself from any deliberation or vote on the matter on behalf of the party or approval of expenses or compensation approved by an Executive Committee.

400.1.3 Use or attempt to use his or her official position as an Officer to secure or create privileges, exemptions, advantages, or treatment for himself or herself or others in direct contravention of the interest of the party.

400.1.4 Use party funds, time, or personnel for his or her private gain or that of a Family Member; this provision shall not prohibit arm's length providing of services to the party if the Officer in question recuses himself or herself from any deliberation or vote on the matter on behalf of the party;

400.1.5 A party Officer shall not knowingly accept compensation, other than that explicitly authorized by an executive committee (and in which the officer recuses himself or herself from any discussion or vote), for performance of his or her duties.

400.1.6 A party Officer shall not solicit, accept, or agree to accept anything of value in exchange for the performance of any party duties by that officer, except from the party itself, as authorized by the appropriate executive committee.

## **400.2 – Voting as an Officer of the Party**

400.2.1 No Officer shall cast any vote regarding, or advocate for in any discussion, the employment, or appointment of a Family Member of the Officer, or the Officer himself or herself to any office that provides any financial benefit or compensation. This section shall not prohibit providing factual background information prior to any motion being made or formal voting on the matter.

400.2.2 No Officer shall cast any vote or participate in any discussion regarding the Membership status of himself or herself, or any Family Member of the Officer. This section shall not prohibit providing factual background information prior to any motion being made or formal voting on the matter.

400.2.3 No Officer shall cast any vote regarding authorization of funds (including for reimbursement) that will be paid to the Officer, or any Family Member of the Officer. This section shall not prohibit providing factual background information prior to any motion being made or formal voting on the matter.

400.2.4 An Officer shall not participate in any action relating to the disciplining of a Family Member, and shall not vote in the Officer's discipline by the Party.

400.2.5 An Officer shall not intentionally participate in the discussion of a question in committee or on the floor, vote, or make a decision in his official capacity on any matter in which he or she, or any Family Member, or the officer's business associate will derive a direct monetary gain or suffer a direct monetary loss as a result of his or her vote or decision. The provisions of this subsection notwithstanding, an Officer may vote on general items or policies that affecting his or her expenses or allowances, which are not specific to the Officer in question or any Family Member of the Officer (i.e. a general expense reimbursement policy or bylaw).

### **400.3 – Conduct as a Delegate**

400.3.1 No Delegate to any County, District, or State Convention shall accept Anything of Value in exchange for his or her vote or participation on any manner or specific business coming before the body. Any such promise or exchange need not be explicit, but can be implicit from all of the facts and circumstances surrounding the matter.

400.3.2 No person shall offer Anything of Value to any Delegate at any County, District, or State Convention in exchange for his or her vote or participation on any manner or specific business coming before the body. Any such promise or exchange need not be explicit, but can be implicit from all of the facts and circumstances surrounding the matter.

400.3.3 Nothing in this section shall prohibit or prevent: (a) the paying of convention fees by any third party so that the Delegate can attend, provided it is not conditioned or given in a manner that solicits or conditions the Delegate to cast votes in any particular way; (b) cost sharing of expenses or ride sharing to any convention, provided it is not conditioned or given in a manner that solicits or conditions the Delegate to cast votes in any particular way; (c) advancing or assisting with the provision of costs for transportation or lodging at any convention, provided it is not conditioned or given in a manner that solicits or conditions the Delegate to cast votes in any particular way; or (d) the paying of membership dues by any third party in advance of the convention so that the Delegate can attend, provided it is not conditioned or given in a manner that solicits or conditions the Delegate to cast votes in any particular way. Nevertheless, Convention Rules may require the disclosure, by the Delegate, of any convention fees, costs, or dues advanced by any third party and any statements or conditions made in connection with those matters. Any such fees, dues, or expenses paid or advanced by any third party to any Delegate, in connection with the State Convention, shall be disclosed by the Delegate to the Credentials Committee by the end of registration, and available for review by any other Delegate.

400.3.4 Any Delegate, or other Member, that violates this section shall immediately be ejected from the convention by the Credentials Committee or Chair of the convention, be subject to having any delegate status revoked from any other conventions, be subject to having their Membership revoked, and be banned from the party for a period to be determined by the Executive Committee of the State Party. The State Party Executive Committee is empowered to impose such of these sanctions it deems appropriate upon finding a violation of this section. Hearings and matters arising under this section shall be conducted using the procedures for “Recall” in Section 600, regarding recall by the Executive Committee.

### **400.4 – Additional Nepotism provisions**

No person shall be permitted to write a check, even if otherwise authorized, to any Family Member or themselves. If any funds transfer is authorized, or any check is written to any party officer (i.e. the Chair, Vice Chair, Secretary or Treasurer), the Treasurer, or other person writing the check or authorizing the fund transfer shall transmit that fact via email, including who the check was written out to, and for what purpose, to the Executive Committee in question, within 48 hours of the transaction.

## **400.5 – Additional Conflict of Interest provisions**

In the event that any matter comes before the body, or any Executive Committee, in which a particular Officer has a personal financial interest, or in which a Family Member has a financial interest, in addition to recusal, the Officer shall fully disclose the conflict of interest in addition to recusing himself or herself from the discussion and/or vote.

## **500 – Party Records and meetings to be open to Members**

It is the general policy of the Libertarian Party of Kentucky that its meetings and meeting minutes are not the property of its officers, or executive committees, but rather that such meetings and records are accountable to its Voting Members. Furthermore, it is the general policy of the Libertarian Party of Kentucky.

The following definitions shall govern this section:

"Open record" means all meeting minutes for any committee or convention, quarterly or monthly financial summaries, officer reports presented at any meeting, photographs of any meeting or event, meeting or event audio recordings or meeting or event video. Open record shall also include the list of Voting Members of the party, or any affiliate, with the name, mailing address, district, and county provided, but shall not include any electronic mail, facsimile, or telephone number, or other personal information other than name and address for such members.

### **500.1 – Open records provisions regarding members; exceptions**

500.1.1 Any Voting Member of the State Party, or any affiliate, who has been a Voting Member for the preceding ninety (90) days ("Requestor"), may request to inspect any Open record of the party by placing the request in writing (e-mail is acceptable) to the Party Secretary, or the affiliate secretary, where applicable, provided the person so-requesting certifies that they are not seeking the records for a commercial purpose. In no event shall any record be released to anyone other than a valid Requestor.

500.1.2 If the person to whom the application is directed does not have custody or control of the Open record requested, that person shall notify the Requestor that they do not have custody, and, if they know who does, shall so inform the Requestor.

500.1.3 Upon inspection, the Requestor shall have the right to make abstracts of the Open records and memoranda thereof, and to obtain copies of all Open records not exempted. Wherever possible and whenever electronic records exist, such records shall be provided electronically over electronic mail at no cost to the Requestor. For physical copies, the secretary may charge \$0.15 per page copied, plus reasonable postage fees, and may require advance payment of the prescribed fee, including postage where appropriate. In person inspection may occur at the time and location convenient to the secretary. Inspection shall occur within thirty (30) days of the request. In lieu of the foregoing, such materials may be made available on a public website.

500.1.3 If the application places an unreasonable burden in producing Open records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the party, the official custodian may refuse to permit inspection of the Open records or mail copies thereof.

500.1.4 The following shall be exempt from disclosure and the Open records provisions:

- (A) Software licensed or used by the Party;
- (B) Specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to records in the party's computer system;
- (C) Membership list information other than name, address, congressional district and county;
- (D) Donor lists and data, other than such information as is filed publicly;
- (E) Specific personal identifying information of any member, including social security number, banking information, or similar personal identifying information.
- (F) Records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy, but this shall not include any meeting minutes or public meeting audio or video;
- (G) Any legal advice, memorandum, or matters protected by the attorney-client or other applicable legal privilege recognized by state or federal courts;
- (H) The contents of real estate appraisals, engineering or feasibility estimates and evaluations relative to acquisition of property, until such time as all of the property has been acquired;
- (I) Records of the Party involved in adjudication that were compiled in the process of regulating elections, determining compliance with party requirements, or investigatory matters if the disclosure of the information would harm the party by premature release of information to be used in a prospective adjudication;
- (J) Preliminary drafts, notes, correspondence with private individuals, other than correspondence which is intended to give notice of final action of the Party;
- (K) Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;
- (L) All Open records or information the disclosure of which is prohibited by federal or state law or regulation;
- (M) Any other record of a proprietary or confidential nature, the release of which to the general public has a substantial likelihood of seriously damaging the party or its interests in the judgment of the Chair and Secretary, who shall both agree that the exception applies; this exception shall not be used to prevent the release of the minutes of any meeting or general financial reports; and
- (N) Materials that relate solely to internal party operations with sensitive data of a political or operational interest.

500.1.5 The State Party Executive Committee may require a non-disclosure agreement for any officer, committee member, or other person, who handles or will handle the information described in 500.1.4(A), (B), (C), (D), (E), (F), (G), (H), (I), (L), (M), and/or (N). It

may also impose a blanket requirement for non-disclosure agreements. Any such agreement may be perpetual for so long as the information is not public. Any such agreement shall be limited to only that information listed in 500.1.4(A), (B), (C), (D), (E), (F), (G), (H), (I), (L), (M), and/or (N), and shall not include information that is an Open Record.

## **500.2 – Party to conduct its meetings transparently; exceptions**

500.2.1 Except for executive sessions, as provided in 500.2.2 and 500.2.3, all party meetings, including committee meetings, shall be conducted transparently, and all Voting Members of the party shall be permitted to attend and observe the meeting, or the meeting shall be recorded for their review after it occurs within seven days after the meeting concludes. All actions of any committee or executive committee shall occur in open session.

500.2.2 Minutes shall be kept for each and every committee meeting, which, at a minimum, shall reflect the time the meeting began and the time it ended, the location it was held in (or identifying teleconference), the attendees on the committee present and absent, and a record of all motions made and votes taken.

500.2.3 Executive sessions are permitted only for the following purposes:

- (a) Deliberations on the future acquisition or sale of real property by the party, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by the party;
- (b) Discussions of proposed or pending litigation against or on behalf of the party, or to otherwise receive confidential legal advice;
- (c) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an particular individual employee, officer, or member without restricting that employee's, member's, or officer's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;
- (d) Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the respective governing body or staff is present;
- (e) Meetings which federal or state law specifically require to be conducted in privacy; and/or
- (f) Discussion of internal infrastructure which would compromise the security of party operations.

500.2.4 Requirements for conducting executive sessions:

(1) The following requirements shall be met as a condition for conducting executive sessions:

- (a) Notice shall be given in regular open meeting of the general nature of the business to be discussed in executive session and the reason for the closed session;

(b) Executive sessions may be held only after a motion is made and carried by a majority vote in open, public session;

(c) No final action may be taken at an executive session; and

(d) No matters may be discussed at an executive session other than those publicly announced prior to convening the closed session.

## **600 – Financial Controls, Approvals, and Party Assets**

### **600.1 – Budget process and procedure; expenditures in accordance with budget**

600.1.1 The fiscal year of the Libertarian Party of Kentucky shall begin January 1 of any calendar year, and run through the last day of the following December.

600.1.2 Not later than the last day of November, the Treasurer, in conjunction with any finance committee, shall present a draft budget to the Executive Committee for the following year. That budget shall outline expected receipts for the following year. It shall also outline expected expenses in detail. Any budget, draft or final, shall not permit greater expenses than receipts and balance carry-forward combined. A sample budget follows:

#### *FY 2017-2018 Budget, LPKY - District 1 (July 1, 2017 through June 30, 2018)*

Fund balance from FY 16-17:	\$200
<u>Revenues:</u>	
Dues passed through from State:	\$300
Direct Contributions:	\$500
Convention attendance fees (\$15 x 15):	\$225
<i>Total:</i>	<i>\$1025</i>
<u>Total available for appropriation:</u>	\$1225
<u>Expenses:</u>	
Convention costs:	
Venue:	\$100
Food (\$5 x 15):	\$75
Credentials costs (\$4 x 15):	\$60
<i>Total:</i>	<i>\$235</i>
Outreach costs:	
Marshall county fair:	\$100
Graves county fair:	\$100
Brochure costs:	\$50
LP Gear costs:	\$100
<i>Total:</i>	<i>\$350</i>
Administrative Costs:	
Postage:	\$14.70
Banking fees:	\$15
P.O. Box fees:	\$60
<i>Total:</i>	<i>\$89.70</i>



<i>Total Expenses:</i>	\$674.70
<u>Balance Carry Forward to FY 18-19:</u>	\$550.30

600.1.3 Following presentation of the draft budget to the Executive Committee, it may adopt the draft budget, or amend the draft budget. Any expenses set forth in the budget are explicitly approved, and no further authorization need be made. Further, the Executive Committee may require additional approval for any expense line item that it wishes to exercise more oversight over by so noting that desire in any approval motion. Any budget or amended budget that has been passed shall be transmitted to the State Treasurer for archiving in the records of the party within 30 days of passage.

600.1.4 The Executive Committee may amend the budget at any time within or before the fiscal year, or within 30 days following the fiscal year.

**600.2 – Expenses to be approved in advance; exceptions**

600.2.1 All expenses, except Emergency Expenses, shall be approved in advance, by the Executive Committee, either as an explicit approval for the particular expense, or as part of a budget approval.

600.2.2 Emergency Expenses

600.2.2.1 Emergency Expenses are defined as those expenses that are: (i) unanticipated; (ii) not within the control of the Party or its officers; (iii) require immediate payment prior to the next meeting of the Executive Committee, to prevent serious consequences, including, but not limited to, the imposition of fines or penalties upon the party, the loss of the party’s ballot access, criminal penalties, civil penalties, or other serious legal consequences; and (iv) it is not reasonably practical to obtain approval for the emergency expenses by the Executive Committee in advance.

600.2.2.2 Emergency Expenses may be paid with the approval of both the Chair and Treasurer and their determination that an expense is an Emergency Expense. The Vice Chair and Secretary, if any, shall also be telephoned for their approval of Emergency Expenses (though if they cannot be reached, the Chair and Treasurer may proceed).

600.2.2.3 Following the payment of an Emergency Expense, the Chair shall immediately (within three hours) transmit to the Executive Committee via electronic mail the fact that an Emergency Expense was paid, indicate the amount, indicate why the expense met the definition of Emergency Expense, and open an electronic vote for the approval of the Emergency Expense, to be opened for 48 hours. In the event the Emergency Expense is not approved by the Executive Committee, those who made the decision to make the emergency expenditure shall each equally reimburse the party of the cost of the Emergency Expense.

600.2.3 All expenses shall be documented with appropriate receipts, which shall be retained by the respective treasurers for a period of two years. Reimbursements that do not have receipts (i.e. mileage, etc), shall require a expense reimbursement request and certification by the person seeking reimbursement that the expense was actually incurred, was for party

business, and was pre-approved; that request and certification shall also be retained for a period of two years.

600.2.3.1 Any approved mileage expense, if previously authorized, shall be reimbursed at the rate of 45% of the current IRS business mileage reimbursement rate, rounded up to the nearest penny. Nothing in this section should be construed as generally authorizing, or encouraging, the reimbursement of mileage. Such approvals should be made, if at all, carefully and rarely.

### **600.3 – Dual control requirements**

No Treasurer shall disburse or cause any check or funds transfer to occur without the express approval of the Executive Committee. All Treasurers shall transmit to the Executive Committee a list of receipts and expenses, in line item detail, at least quarterly.

There shall be a backup signer on each account established by the party, which shall not be the Chair or Vice Chair and not a Family Member of any other member of the Executive Committee in question. A backup signer can include the Treasurer from the State Party or any District party, the Secretary of the party, or an at-large member of the executive committee.

In the event any backup signer signs any checks or authorizes any fund transfer, he or she shall transmit that fact via email, including who the check was written out to, and for what purpose, to the Executive Committee in question, and why the primary signer could not sign the check or authorize the fund transfer.

### **600.4 – In-kind donations**

600.4.1 All in-kind donations shall be approved in advance by the Executive Committee for whom the in-kind service is rendered, or in-kind goods is accepted.

600.4.2 In-kind donations, in lieu of dues, shall only be approved by the State Executive Committee.

600.4.3 In-kind donations exceeding \$250 to the State Party, and affiliates combined, shall only be approved by the State Executive Committee.

600.4.4 In-kind donations shall be valued at the reasonable market value for the goods or service in question.

### **600.5 – Party Assets**

600.5.1 Assets donated to, or purchased by, a party remain the property of that party.

600.5.2 It shall be the duty of the treasurer, with the assistance of the secretary, of a party to maintain the list of party assets with a value of over \$100 for their party. The

Executive Committee of a party has the right to determine the proper location (or “home”) of assets for that party.

600.5.3 At each Annual Convention for a party, all assets of that party not in a storage facility shall be brought to the convention for transfer to new leadership to the extent reasonably practicable. If assets are stored in a storage facility, then the key, combination, or other security mechanism shall be transferred to the new leadership. If paperwork is necessary to transfer control of a storage facility, that paperwork shall be brought to the convention and completed by the appropriate parties if it is possible to do so. In any event, any such transfer shall occur within seven days of the convention and arrangements shall be made at the convention for such transfer.

## **700 – Endorsement of candidates, political contributions to candidates, and issues campaigns, press releases**

### **700.1 No endorsements in Partisan Primary Elections; exceptions**

700.1.1 No Executive Committee shall make any endorsements in any Libertarian Primary election, but may make statements or take actions opposing candidates running in other parties’ primary election cycle.

700.1.2 No District or County Party Convention shall make endorsements for any office to be nominated at the Libertarian state or national convention until after such nominations have occurred; this section shall not prevent voting or preference voting to occur, in conjunction with the rules of the State Party Elections Committee.

### **700.2 Political contributions to candidates**

Any Executive Committee may make contributions to candidates nominated by the Libertarian Party, in accordance and compliance with federal and state law. No contributions may be made to any candidate until or unless they have been nominated by the appropriate Libertarian Party.

### **700.3 Issues campaigns**

Executive Committees may only make campaign donations exceeding \$100 to Issues campaigns with the approval of the State Executive Committee.

### **700.4 Press Releases**

All State Party Press Releases and external communications including mass mailings, except Facebook and twitter, shall be approved, in advance of their release to media sources, by the State Chair and State Secretary. In the absence of the Chair, the Vice Chair may act on his behalf; in the absence of the Secretary, the Treasurer may act on his behalf.

## **800 – Recall procedure**

### **800.1 Petitions for recall, initiated by members**

800.1.1 Any member initiated recall shall be initiated by delivery of a petition, signed in writing or delivered by electronic mail sufficient to ensure authentication that the email is from a voting member, by fifteen percent (15%) of the voting members of the party, who are voting members of the party on the day the petition is initiated. The petition shall indicate that it is a petition for the recall of the officer by name and include the title held. Each person signing shall print their name, address, and sign and date the petition. Sending an electronic mail shall, if authenticity is established, count as a signature. The petition may be delivered in parts. The petition may, but is not required to, list any grounds for recall. If delivered in parts, a sufficient number of petitions (15% of the voting members of the party) shall all be delivered within a 30-day window.

800.1.2 The petition(s) shall be delivered to the Secretary of the executive committee on which the officer serves, unless the petition calls for the recall of the Secretary, in which case it shall be delivered to the Vice Chair of the executive committee on which the officer serves.

800.1.3 Once a sufficient number of petitions are received, provided the petition is not a subsequent petition that is barred by the Party Constitution, the Secretary (or Vice Chair in the event the recall petition involves the Secretary) shall then obtain a current list of Voting Members for that party, and immediately notify the State Party Secretary of the delivery of a valid number of petitions.

800.1.4 The officer who is the subject of a petition for recall shall be immediately notified of the petition after it is delivered in part or in full, and be permitted to provide a statement in his or her defense, within three days after a petition is deemed valid, which shall likewise be transmitted to the Voting Members for their consideration.

800.1.5 After the three-day period in 800.1.4 passes, the Secretary (or Vice Chair in the event the recall petition involves the Secretary) shall then inform the Voting Members of the Party of the opening of a vote to recall the officer in question, by electronic mail and/or by ordinary U.S. mail.

800.1.6 The voting shall be opened for a period of 21 days following the opening of the voting period, which shall commence on the notification being provided to Voting Members as provided in 800.1.3. The question shall be: “Shall \_\_\_\_\_ be recalled from the office of \_\_\_\_\_?” or, if a reason is provided with the petition(s), it shall be: “Shall \_\_\_\_\_ be recalled from the office of \_\_\_\_\_, for the following reason: \_\_\_\_\_” The question put to members shall also include the response from the subject of the recall, if they have filed a timely statement in his or her defense, as outlined in 800.1.4. A vote of 3/5 of all of the Voting Members of the party in question must vote in the affirmative for the recall to be successful (abstains, or failures to vote are counted towards the denominator). Votes shall be returned to the Secretary and the Vice Chair (unless the Secretary or Vice Chair are the subject of the recall, in which case votes shall be returned to the Chair and either the Secretary or Vice Chair

(whichever is not the subject of the vote)), who shall serve as Tellers. Votes shall be made by email, if authenticity can be established. Votes may also be made by ordinary U.S. mail to the Secretary (or Vice Chair if the Secretary is the subject of the recall petition), and all such votes shall be copied to all the other Tellers in that event. All votes shall be retained for a period of 30 days to permit any challenge to be lodged. The votes of individual members shall be kept secret, to the extent possible. No person subject to a recall shall retaliate or threaten to retaliate in any way due to the recall effort.

## **800.2 Recall by Executive Committee**

800.2.1 Any recall by Executive Committee shall be initiated by a motion to approve charges supporting recall by the Executive Committee. Such charges shall be in writing, and provide sufficient factual detail to adequately put the officer on notice of the actions or omissions that constitute cause or neglect, and support the request to recall the officer. Any motion to approve charges must be sustained by a vote of no less than two-thirds (2/3) of the entire non-vacant Executive Committee of that Party must vote affirmatively in favor of the charges, excluding the member in question. A time and date for the hearing of the charges shall also be set with the approval of the charges, which shall be at least eight days after the approval of the charges. The time and date of the hearing shall be set, to the extent possible, at a time that is reasonably calculated so that the charged member can attend. The officer in question shall be immediately provided a copy of the charges, in writing, and informed of the time and date of the hearing.

800.2.2 Any hearing of charges shall be recorded. At a hearing on the charges, any evidence supporting the charges shall be presented first. The charged officer shall have the ability to question any person offering such evidence. The charged officer shall then be permitted to offer any evidence or explanation to the Executive Committee and shall be subject to questioning by the Committee.

800.2.3 At the conclusion of the hearing, two-thirds (2/3) of the entire non-vacant Executive Committee of that Party must vote affirmatively in favor of recall, excluding the member in question (i.e. abstains and non-voting members shall count towards the denominator).

## **900 – National Committee Regional Representation**

### **900.1 Regional Agreements**

The Libertarian National Committee permits affiliates to band together to form representative regions. In years of a national convention, it shall be incumbent on the Chair of the State Party Executive Committee, starting in January of that year, to solicit interest from other surrounding state affiliates for the purpose of forming a region. To the extent possible, a regional agreement should be worked out, negotiated, and approved by the State Executive Committee, prior to the start of the National Convention.

In the event that such an Agreement is not formalized prior to two days before the start of the National Convention, the State Party Executive Committee Officers, consisting of the Chair,

Vice-Chair, Secretary, and Treasurer, who are in attendance at the National Convention, shall be empowered to negotiate and approve, by majority vote, a regional agreement. The highest-ranking Officer in attendance shall be empowered to sign any negotiated agreement. In the event no State Party Executive Committee Officer is in attendance, the Delegation Chair shall be empowered to negotiate and sign an appropriate regional agreement after the start of the National Convention.

Any signed regional agreement shall be provided to the national Secretary immediately after signing, and to the State Party Secretary within seven days following the national convention.

## **1000 – Party Meetings, Electronic Voting, Minutes, and Affiliation Matters**

### **1000.1 Meetings and Electronic Voting**

1000.1.1 Meetings shall be held not less than quarterly. (Party Const. Art. VI, Section 1, E, iii). Parties are encouraged to meet monthly.

1000.1.2 The time and place of meetings shall be established by the Chair of the Committee by adoption of a meeting schedule for the year, to be presented in a meeting in January of each year. The Executive Committee may amend the schedule.

1000.1.3 Special meetings shall be called at the call of the chair, or the majority of the Executive Committee, with at least seven days' advance notice, and shall be limited to the subjects contained in the call and agenda. The seven days' advance notice requirement can be waived, in an emergency, by a 2/3 vote of the Committee.

1000.1.4 Meetings may be conducted telephonically or by video conference so long as such meetings are either recorded and made available to the membership or Voting Members have the ability to dial in and observe live, provided that at least one in-person meeting shall be held per calendar year and may be held following the annual convention.

1000.1.5 Electronic or email voting may be called between meetings providing that there is a vote in favor of the action by not less than fifty-one percent (51%) of all non-vacant positions on the Executive Committee (abstains or failures to vote are counted in the denominator for such a determination). Votes shall be cast in a form that permits verification of authenticity (e-mail is permitted), and shall be presented to the Secretary, who shall keep them on file with the minutes, and who shall read an account of them at the next Executive Committee meeting.

### **1000.2 Failure to have meetings**

1000.2.1 It is necessary that each Executive Committee hold a business meeting at least quarterly. (Party Const. Art. VI, Section 1, E, iii). It is not necessary, however, that quorum be obtained for a particular meeting to count for this section, provided the meeting is

called and noticed in good faith. Individual officers that fail to attend meetings within a 60-day period, are subject to removal.

1000.2.2 Any Voting Member of the State Party can file, with a District Executive Committee Secretary or Chairman for County parties, or with the State Chair or Secretary for District Parties, a complaint that a meeting has not been conducted within the preceding 90 days. The District (for County parties) or State (for District parties) Secretary, or Chair, shall then confirm whether or not a County or District affiliate has held the required meeting by reviewing relevant records, if any, and by sending an e-mail to the County or District Chair and Secretary. Failure by the affiliate Chair or Secretary to respond satisfactorily demonstrating that a meeting was held, within 72 hours of a request, and the absence of any records indicating a meeting was held, shall serve as confirmation that a meeting has not been held.

1000.2.2.1 Any Voting Member of the State Party can file with the entire State Party Executive Committee a complaint regarding the failure by the State Party to hold a meeting as required. The Chair in question shall respond to the complaining party within 72 hours (unless he is on an authorized leave of absence, in which case the Vice Chair shall so respond).

1000.2.3 Upon confirmation that no such meeting was held, the affiliate will be in violation of the State Party Constitution, and its Chair shall be automatically recalled from office (unless the Chair is on an authorized leave of absence, in which case the Vice Chair shall be recalled from office). The Chartering Party Chair, or Secretary, shall transmit this fact to the Chair in question who has been recalled, the rest of the executive committee in question, and to the Chartering Party Executive Committee, and the recall shall be effective upon transmission.

1000.2.4 In the event that the affected Chair believes that the decision to recall is in error, the Chair may appeal the decision to the State Party Executive Committee, by giving notice to the State Secretary within seven (7) days of the notification of recall. The State Party Executive Committee shall determine the matter at their next scheduled meeting.

### **1000.3 Minutes**

1000.3.1 Minutes shall be taken at all Executive Committee meetings, and conventions, with a summary of actions (i.e. motions) made transparent and available to Voting Members. It is acceptable, but not favored, to include discussion items in the minutes.

1000.3.2 County and District Secretaries shall send copies of their meeting and convention minutes to the State Secretary within 30 days following the minutes approval, to ensure the party has records, including historical records, of all such meetings, and to allow for publication to the Voting Members of the Party.

1000.3.3 Upon the filling of any vacancy on any executive committee, the Secretary concerned shall transmit such fact to the State Party Secretary. The State Party Secretary shall also be entitled to request from any District or County Chair the current membership of their executive committees, for purposes of compiling a roster of officers. The roster shall be available to any member of the State Party Executive Committee for review.

## **1000.4 Affiliation matters**

1000.4.1 An affiliate is formed when there is sufficient interest by the Voting Members within a District or County to form the affiliate. The State Party charters District parties. District parties charter county parties. Typically, three to five Voting Members are able to pursue affiliation.

There are several potential paths to affiliation: (i) if there are five members who desire to affiliate, and have determined who will fill what role in the affiliate, they may approach the Chartering party may appoint the executive committee under Article VI, Section I,C,i(e) of the LPKY Constitution, and then immediately work to schedule the initial convention in accordance with the LPKY Constitution; (ii) alternatively, they may approach the Executive Committee of the chartering party, who may call a special convention for that purpose under Article VII, Section 2(A), and, in that event, the Executive Committee of the chartering party would pre-approve the chartering of the affiliate following the convention, send a chair and secretary to that convention to assist with its chartering, and provide required notice; (iii) alternatively, forty percent (40%) or 10 members of a Party, whichever is greater, can call a special convention for chartering the affiliate under Article VII, Section 2(B), and, if they do so, are responsible for providing required notice and other requirements; or (iv) alternatively, the procedure in 8.3.2 may be utilized.

### 1000.4.2 Chartering convention by Voting Members

First, the time, date (the date should generally be 60 days out to accomplish the required tasks), and location of the convention must be determined.

Second, the names and addresses of all voting members in the affected area must be ascertained for the purpose of providing notice by the State Membership Committee. If there are less than three such members, affiliation cannot occur. The date for the convention must be at least 45 days in advance to provide the 45-day notice to the State Party Executive Committee under Article VII, Section 3(A).

Third, notice must be provided to the State Executive Committee at least 45 days in advance.

Fourth, Voting Members in the area, must be given notice at least 30 days in advance. Further, the Chartering Party must be given notice at least 30 days in advance. 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.

Fifth, the Chartering Party will generally send a temporary convention chair and secretary to act until the convention elects a Chair and Secretary.

Sixth, the Chartering Party will handle credentialing.



Seventh, the Convention will elect officers for the Executive Committee of the affiliate. Chair, Treasurer, and either Vice Chair or Secretary must be elected. The Convention must approve a resolution seeking affiliation from the Chartering party.

Eighth, following the Convention, the newly elected Executive Committee must petition the Chartering Party for affiliation, and, if it is a county party, a copy shall be sent to the State Party Executive Committee Secretary for record keeping purposes. The petition shall include evidence of compliance with this section and it shall be in writing. The Chartering Party's Executive Committee shall act on any petition for affiliation within 30 days of the petition, and, if it shall fail to do so, the petition shall be considered approved.

## **1100 – Default standing convention rules**

### **1100.1 - General Provision**

These shall be the default standing convention rules for any annual, or special convention. The applicable executive committee, however, directly or on the recommendation of a rules committee established for that purpose, shall be permitted to alter these rules in any way that they see fit, provided any such amendments or deviations are adopted and approved by the applicable executive committee at least thirty (30) days in advance of the respective convention.

### **1100.2 Delegates and Credentialing**

1100.2.1 Delegates to all County, all District, and State Conventions (for the State Conventions, this definition applies if Voting Members are less than 250 as of January 1 of the Calendar year):

- a. All "Voting Members" as defined in the current Constitution of the Libertarian Party of Kentucky, who are Voting Members as of 14 days prior to the Convention (if such a bylaw has been adopted by the executive committee in question), who have registered for the Convention as set forth in these rules, and checked into the Convention, as set forth in these rules;
- b. A "Putative Delegate" are those persons who are Voting Members, set forth above, who are Voting Members by the deadlines set forth above, but have either: (i) not checked in to the Convention; or (ii) have not registered for the Convention.

1100.2.2 Delegates to State Conventions (if Voting Members are 250 Delegates or more as of January 1 of the Calendar year):

- a. All Delegates who have been elected Delegates to the State Convention by their respective District Conventions, who are Voting Members as of 14 days prior to the Convention, who have registered for the Convention as set forth in these rules, and checked into the Convention, as set forth in these rules;
- b. A "Putative Delegate" are those persons who are otherwise a Delegate, set forth above, who are Voting Members by the deadlines set forth above, but have either: (i) not checked in to the Convention; or (ii) have not registered for the Convention.

### **1100.3 Registration for the Convention**

Registration shall be opened, onsite, starting one hour prior to the start of convention business, at the convention location. Any person who is a convention delegate shall then be permitted to register, provided he or she is in line to register by the time set for the start of convention business; registration shall be handled by the Credentials Committee.

### **1100.4 Verification of Delegates**

1100.4.1 There is hereby created a Credentials Committee, which shall consist of three persons to be appointed by the Executive Committee, one of whom shall be the Secretary of the committee calling the convention; the committee shall be appointed not later than twenty-one days prior to the start of the convention. The duties of the committee shall be as set forth in these Rules, and shall include verification of the credentials of delegates. In the absence of an Executive Committee appointment by twenty-one days prior to the start of the convention, the Secretary of the committee calling the convention shall appoint the other members of the Credentials Committee and provide notice of those appointments to the Executive Committee.

1100.4.2 Not earlier than thirty days prior to the convention, and not later than twenty-one days prior to the convention, the Membership Committee shall transmit a draft list of Putative Delegates to the Executive Committee with a copy to the Secretary of the Executive Committee. The Executive Committee may hold a meeting to make additions or modifications to the list in question, or to address discrepancies not earlier than twenty-one days prior to the convention, and not later than fourteen days prior to the convention. The list, as transmitted by the Membership Committee, with any additions or modifications by the Executive Committee within the time allotted, shall be deemed Putative Delegates. The draft list, as approved or amended by the Executive Committee, shall then be transmitted to the Credentials Committee, which is not empowered to remove anyone from this list of Putative Delegates.

1100.4.3 The Membership Committee shall likewise transmit, to the Credentials Committee, a list of persons that have become a "Voting Member" as defined in the current Constitution of the Libertarian Party of Kentucky, between the period of thirty days to fourteen days prior to the convention. The Credentials Committee may determine and decide any claims of error or discrepancy, from this list, prior to the presentation of its report. Absent some evidence of error or mistake, these persons shall also be deemed Putative Delegates, along with any additions found appropriate by the Credentials Committee due to error or mistake. Any such additions shall be transmitted to the Executive Committee Chair and Secretary by the Credentials Committee not later than three days prior to the convention.

1100.4.4 The Credentials Committee shall handle the check-in procedure for the Convention, and shall conduct check-ins during the one hour preceding the start of the convention, at the convention site. Any person who is on the list of Putative Delegates, shall be permitted to check in, provided he or she is in line to register by the time set for the start of business for the convention. In the event that a Putative Delegate checks-in who has not registered for the convention (and registration is not still open), they shall be informed of that fact, and be permitted to register onsite.

1100.4.5 The Credentials Committee shall cross-reference registrations for the convention, with the Putative Delegate Voting Member lists describe above, and those persons who have checked in, to determine who is permitted to vote as a Delegate to the convention.

1100.4.6 Authorized Delegates, who are the only parties authorized to vote, shall be maintained in list format by the Credentials Committee, which shall also issue some form of identification for credentialed Delegates making it apparent who is permitted to vote in the convention.

### **1100.5 Opening of the Convention, Presentation of the Report of the Credentials Committee and amendments thereto, and Adoption of Rules**

1100.5.1 The Chair shall not call the convention to order until the check in procedure above has concluded. The Chair of the Convention at the start of the convention shall be the Executive Committee Chairman, unless he shall not be present or resign, in which case the Vice Chair of the party shall serve as Chair. The Secretary of the Convention at the start of the convention shall be the Executive Committee Secretary. In the event the Executive Committee Secretary shall not be present, or shall resign, the Chair shall appoint the Secretary of the Convention.

1100.5.2 Immediately after the Chair calls the convention to order, the first order of business shall be the Presentation of the Report of the Credentials Committee, which shall report those delegates authorized to vote. The Report may be, by the body of those delegates authorized to vote in the Report, debated, adopted or amended, by a simple majority vote. Putative Delegates shall be entitled, however, to be recognized on the floor, for a period of two minutes each, for the purposes of debating the Report of the Credentials Committee, but shall not be entitled to vote on the adoption or amendment of the Report.

1100.5.3 No one can vote whose name is not on the list of delegates reported by the Credentials Committee, until it has been amended to add that person to the Report. Upon the motion to substitute one delegation for another, neither one can vote. Upon a motion to strike out the names of a delegation whose seats are contested any such person in that delegation cannot vote. But upon the main motion to accept the report, all persons whose names are on the list of members as reported by the committee and amended by the convention are entitled to vote, and they alone.

1100.5.4 If there is a case of contest between two sets of delegates and there is serious doubt as to which is entitled to recognition, the Credentials Committee should omit both from the list and report the fact of the contest.

900.5.5 The Credentials Committee shall also permit check-in to occur at a period of two hours following the opening of the convention for 10 minutes, and at a period of two hours following that check-in for 10 minutes. Further, if the convention lasts multiple days, check-in shall be opened for 10 minutes preceding the opening of business on each subsequent day. Anyone in line during those time periods shall be permitted to register. Following check-

ins, the credentials committee reports shall be revised, by a majority vote. The Reports of the Credentials Committee shall act automatically to suspend any pending business until the completion of that report, upon recognition by the Chair, without the need to suspend the rules. Once a member has been admitted to the convention and has checked in, that member shall be determined to be part of the body and may not be removed by virtue of an amendment to the Credentials Committee Report, for purposes of quorum. However, an amendment to the Credentials Committee Report may add members to the convention after it is initially adopted.

1100.5.6 The second order of business shall be the election of a Convention Chair and Secretary; the Secretary shall keep minutes reflecting actions taken at the convention. The Chair shall be the Executive Committee Chair unless not present, or removed by a three-fifths (3/5) vote of the convention body. The Secretary of the Executive Committee shall be the Secretary of the Convention, unless not present, or removed by a three-fifths (3/5) vote of the convention body, The Chair shall be entitled to employ or utilize a parliamentarian to assist on matters of procedure.

1100.5.7 The third order of business by the Chair shall be the presentation of these Rules by the Rules Committee, as approved by the State Party Executive Committee, to the convention body, which may debate, adopt or amend these rules, by a simple majority vote. Once approved, these rules may not be further amended, but may be suspended by a two-thirds (2/3) vote.

1100.5.8 The fourth order of business by the Chair shall be presentation of the agenda for additional business. The agenda shall be the agenda that was provided in the notice for the Convention that was given by the Chair of the Executive Committee of the State Party. The convention body may debate, adopt or amend such agenda, by a simple majority vote. Once adopted, the agenda may not be modified, or its order of business deviated from, except by a motion to suspend the orders of the day, which must pass by a 2/3 vote.

## **1100.6 – General Convention Rules**

1100.6.1 Rules governing the election and nomination of candidates for the Libertarian Party primary shall be as established by the State Elections Committee; these rules govern matters other than the voting of candidates for public office in the Libertarian Party primary.

1100.6.2 Voting by proxy will not be permitted at this Convention.

1100.6.3 Each individual nominated to any party position shall be nominated and voted on as an individual, not as part of a slate. Names of all nominees shall be listed in alphabetical order on the ballot.

1100.6.4 Any delegate to this convention may place in nomination for any officer or other position to be elected at this convention, the name of any other delegate, or the name of any other eligible member. Nominations shall be accepted by the presiding officer of the convention until the Chair calls for any further nominations three times, and a period of 15 seconds elapses with no further nominations. No person may be nominated who is not a Voting Member of the party, as of the start of business for this convention. No nomination shall be official until it is

accepted by the person so nominated. In the event that seconding speeches are to be given, they shall be determined by random drawing of lots.

1100.6.5 Any vote for officer or office must be taken by secret ballot, implementing instant runoff or preferential voting, and “None of the Above” (or NOTA) also listed as an option. Tellers shall be appointed, as set forth in Paragraph 5 below, for any vote for any officer or office. The Secretary of the Convention shall serve as the chief teller and coordinate their activities. If NOTA prevails, there shall be no one elected to the position in question and it shall be counted as a vacancy at the close of the convention. The persons elected shall not take office until the adjournment of the convention.

- a. Upon the conclusion of the voting and reports from the tellers, if any, for any office or officer to be elected at this Convention, the results of the voting shall be reported by the tellers to the Chair, who shall then report it to the Convention body. The Chair shall also report whether or not the results from the tellers is unanimous to the Convention body.
- b. If the tellers results are unanimous, the vote shall not be subject to any challenge from the floor except upon a vote of two-thirds (2/3) of the convention body to reconsider. If tellers are not unanimous, the convention body shall resolve the discrepancy by majority vote, or by declaring the election void and holding it again.
- c. It shall be out of order for any member to seek reconsideration of any vote for any office or officer to be elected at this Convention: (i) except on the date the vote is held for the office or officer to be elected; and (ii) within two hours of the initial announcement of the results. Any such motion to reconsider shall be considered a privileged motion the first time that it is made. Not more than one motion to reconsider shall be considered.

1100.6.6 The Chair of the convention shall appoint three or five tellers to count the members who are entitled to vote and also to count the actual balloting, one of whom shall be the Secretary of the Convention. In the event that any teller is running for any office, a substitute teller shall be appointed for the vote for that office.

1100.6.7 It shall be the duty of the Chair of the convention to assure that the right to challenge any committee recommendation is more than perfunctory, and places no undue burden on the challengers. All such committee reports shall be subject to approval and to amendment, in whole or in part, from the floor of the convention, and shall be subject to the final vote of the Convention.

1100.6.8 Any amendments proposed or passed at convention, to the Constitution of the Libertarian Party of Kentucky, shall not take effect until the moment the Convention adjourns.

1100.6.9 Quorum to do business shall constitute 45% of the members authorized to vote, as established in the Credentials Committee report, or any amendments thereto. The Credentials Committee shall be responsible for tracking and calculating the quorum number.

1100.6.10 Simple resolutions, to be considered or adopted by the convention, shall be in writing, and presented to the Secretary of the Convention not later than three hours after the start of the convention.

1100.6.11 On questions of the adoption of changes to the Constitution of the Libertarian Party of Kentucky (state party convention only), or changes to the platform:

- a. Changes to the Constitution of the Libertarian Party of Kentucky:
  - i. The Rules Committee shall present a report recommending changes to the Constitution of the Libertarian Party of Kentucky, as outlined in the convention agenda. In the event the committee is not unanimous; any minority reports shall also be presented to the convention body. Any Articles or sections that are the subject of a minority report shall be automatically divided for consideration by the body.
  - ii. To permit the adequate discussion and debate of any contentious changes, the Chair shall then permit, and call for, any motions to divide consideration of any particular Article or Section, either proposed in the report, or generally; no motion to divide shall be permitted except to divide particular articles or sections (i.e. it shall not be in order to divide particular paragraphs of sections, rather, the entire section shall be divided). Any such motion shall be made and seconded and require a majority vote.
  - iii. Upon a motion to divide the question, any such Article or Section shall be debated and voted on separately, with the remainder of the undivided Constitution with the proposed amendments submitted by the Rules Committee, to be considered and voted upon first, and then the questions of division debated in the order they were divided.
  - iv. In accordance with the Constitution of the Libertarian Party of Kentucky, amendments to the Constitution may be made by no less than a vote of three-fifths (3/5) of the Voting Members present.
  - v. Any proposed amendments to the Constitution or the Report of the Rules Committee shall be made in writing, and shall conform to Section 1100 in terms of submission to the Rules Committee in advance of the Convention.
  - vi. The Rules Committee shall publish its Report on the Constitution revisions, and any minority reports, not later than thirty days prior to the convention to the State Party Executive Committee, and shall further provide access to it to members of the party for advance consideration not later than thirty days prior to the convention (i.e. Google Docs with a link to it on the party's website), as provided in the standing rules of the State Party.
- b. Changes to the Platform of the Libertarian Party of Kentucky
  - vii. A plank may be deleted by a simple majority vote of the Convention delegates.

- viii. 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. Any such substitution or addition, shall be made in writing and delivered to the Secretary of the Convention prior to consideration of the proposed amendment, substitution, or addition.
- c. Each proposal for deletion, substitution, or amendment shall be made in separate votes.

## **1200 – Information Technology Policies**

### **1200.1 Official E-mail usage**

1200.1.1 Scope: This policy covers appropriate use of any email sent from an LPKY email address (@lpky.org) and applies to all employees, members, volunteers, vendors, and agents operating on behalf of LPKY. All email sent to or from an LPKY email address is the property of the State Party.

1200.1.2 All use of email must be consistent with the LPKY constitution and standing rules, as well as compliance with applicable laws. LPKY email accounts should be used primarily for party business-related purposes; personal communication is permitted on a limited basis, but non-party related commercial uses are prohibited. The LPKY email system shall not be used for the creation or distribution of pornography, or offensive comments about race, gender, disabilities, age, sexual orientation, or national origin. Sending chain letters or inappropriate joke emails from a LPKY email account is prohibited. Nothing in this section shall prevent good faith political discussions about the foregoing issues that are pertinent to party business. LPKY members who receive any emails with this content from any LPKY member should report the matter to any member of the State Party Executive Committee immediately.

1200.1.3 All members of any affiliated executive committee (State, District, County) and members of any sub-committee therein, upon official notification of election or appointment being sent to the IT Committee, will be assigned a lpky.org email address within five business days, and provided with account credentials and directions on how to access the account. An email shall be sent to such members upon creation of the account, outlining the details of ownership and management of current LPKY email servers.

1200.1.4 Email should be retained if it qualifies as a LPKY business record. Email is a LPKY business record if there exists a legitimate and ongoing business reason to preserve the information contained in the email. Email that is identified as a LPKY business record shall be retained as follows: As a general matter, record retention should be two years for records that do not include financial statements, checks, drafts, and authorization to spend funds, and four years for records that contain financial statements, checks, drafts, and authorization to spend funds.

1200.1.5 LPKY may monitor messages without prior notice. LPKY is not obliged to monitor email messages. Monitoring of LPKY e-mails shall only occur in the event that there is probable cause to believe that there has been a misuse of party e-mail; probable cause can be established through a report that inappropriate emails that violate the State Party Constitution, these standing rules, or law, have been sent by the member's account, complaints from third parties, an abnormal amount of space being utilized by a particular email account, or other credible evidence of misuse.

1200.1.5.1 Any message monitoring shall have the express approval of at least three of the four officers in writing or by e-mail (i.e. the Chairman, Vice-Chairman, Secretary, or Treasurer) of the State Party Executive Committee; if more than one of the foregoing officers is accused or suspected of misuse, the approval must be obtained by all officers not accused or suspected of misuse, and at least two District Chairs or at-large members.

1200.1.5.2 The results of any monitoring shall be shared with the officers who have approved the monitoring.

1200.1.5.3 Any member whose e-mail has been monitored shall be notified of such monitoring within 30 days of the conclusion of the monitoring, or within 120 days of the start of the monitoring, whichever comes first; included in such notice shall be the date and time the monitoring began, the persons requesting or complaining about the person, and the justification and probable cause basis of the monitoring.

1200.2.1. No person shall access the email account of another user without the permission of the user whose account is being accessed, except as authorized under 1200.1.5.

## **1200.2 Social Media**

1200.2.1 All Social Media pages or groups created for the State Party, or any affiliate party, shall remain the property of the State Party, though administered as provided herein. The Officers of the State Party (i.e. Chair, Vice Chair, Secretary, and Treasurer) executive committee shall have administrative privileges on all social media assets for the State Party, or for any non-chartered affiliate. For chartered affiliate parties or their committees, the State Party Chairman and Secretary shall have administrative privileges solely for the purposes of ensuring compliance with 1200.2.5, or to affect a disaffiliation, and for the purpose of posting official notices of convention, unless their privileges have been revoked as provided in this section. The State Party Executive Committee shall have the ability to revoke privileges of any person from any party asset. In no case shall a social media asset have fewer than two members with administrative privileges.

1200.2.2 All official posts on behalf of any party shall be consistent with the Platform of the Party and shall not violate these standing rules or the State Party Constitution, or state or federal law.

1200.2.3 By default, administration of a page is to be executed by the officers of the executive committee for which the page is the topic and those persons shall be given sufficient privileges on those pages, unless such privileges are revoked. District chairs shall be given



administrative privileges on their own pages including the right to assign privileges not inconsistent with any other bylaw provision, and those of any county affiliate within their district, unless such privileges have been revoked. Further, District officers shall be authorized to post on behalf of those parties, unless posting privileges are revoked as provided herein. An executive committee shall take official action to add any additional posters to the account, or may establish a committee to handle such accounts.

1200.2.4 As a general matter, the party account should be used only to make the original post. Exceptions to this general matter are limited to providing specific factual information for a planned party event (i.e. the time, date, location, etc. of an event) or to provide a link to the party's platform or website for further information. Otherwise, responses to a comment or thread are to be made with personal accounts and not with a party account. In no event shall argument be made via the party's account in the comments. Persons making posts that are not a sharing of another post are strongly encouraged to place their initials in parenthesis at the end of the post.

1200.2.5 Posts may be deleted that: (i) are clearly inconsistent with the platform; (ii) are in clear violation of these standing rules or the party's constitution; (iii) are clearly unnecessarily vulgar, profane, or obscene, without a corresponding and sufficiently offsetting benefit to the party in terms of advancing its mission; (iv) violate state or federal law; or (v) contain a link that is broken or missing. In the event any post is deleted, the officer deleting the post shall inform the relevant party chair of the action, and shall inform the original poster of the action if that poster is a member of the relevant party's executive committee, along the reason for the post's deletion within 8 hours of the deletion. In the event that the poster, or relevant party chair, believes that the post conformed to policy, they may appeal the deletion decision to the State Executive Committee, and, in the event of three successful appeals, the administrative privileges of the person deleting the posts shall be revoked by the State Party Executive Committee for a period not less than 90 days. Further, failing to comply with the requirements of this provision, regarding deletion, shall result in the loss of administrative privileges for a period of not less than 90 days and may be the basis for further disciplinary action. Persons who make such posts on more than one occasion are subject to having their posting privileges revoked, temporarily or permanently.

### **1200.3 Website**

1200.3.1 The LPKY website and any other associated websites using the LPKY.org domain name are the property of State Party. Websites are to be maintained by the State Party Executive Committee, or any committee to whom it delegates that responsibility.

1200.3.2 The State Party Secretary will be given access to the primary LPKY website in order to post events, press releases, meeting minutes, and other articles.

1200.3.3 Duties to maintain the website, wiki, or other web-based technologies may be delegated to others, but the same requirements, rules, and restrictions shall apply to those to whom duties are delegated.

## **1300 – Miscellaneous**

### **1300.1 Waiver of Standing Rules requirements.**

Case by case waivers of any of the requirements of these standing rules may be granted by the State Party Executive Committee, by a 3/5 vote of the entire membership of the State Party Executive Committee.