

# BYLAWS OF THE LIBERTARIAN PARTY OF KENTUCKY

## 100 – Voters

**100.1 Eligible Voters :** The following persons may vote in Libertarian Party of Kentucky Primary elections, all of whom must be Kentucky residents who are at least the age of 18, or will be 18 as of the date of the general election in the year in question:

- (1) Kentucky residents who are registered, as of January 1 of that year, as Libertarian with the applicable governing authority (i.e. County Clerk/Board of Elections);
- (2) Kentucky residents who attempt to register, by January 1 of the year, as Libertarian with the applicable governing authority (i.e. County Clerk/Board of Elections), but due to a mistake of the registering authority, are not so registered;
- (3) The following persons who are ineligible to vote in a general election under Kentucky law, and register to vote not later than January 1 of the year in question with the Libertarian Party of Kentucky Elections Committee (hereinafter Elections Committee) on forms provided by that committee and provide any follow up information requested by the committee:

(a) persons convicted of a felony or high misdemeanor which was not a crime that had a victim (other than the State), and are not currently serving a sentence of incarceration. Such crimes include, without limitation, drug possession or the cultivation of marijuana, or other goods or services that are prohibited by law, but which did not cause harm to any other person; further, such persons shall be dues paying members of the state party to be eligible to vote;

(b) persons convicted of a Class C or Class D felony, except for sexual offenses for which there was a victim, who have had more than 5 years pass since their final discharge from any incarceration and their release from any probation; further, such persons shall be dues paying members of the party to be eligible to vote;

- (4) Such other persons who request to vote, not later than January 1 of the year in question with the Elections Committee on forms provided by that committee and provide any follow up information requested by the committee, and who the committee deems, in its judgment by a majority vote, should be permitted to vote. Further, such persons shall be dues paying members of the state party.

100.1.1 To the extent practical, only those who live within the political boundaries of the office being sought by a candidate may cast a vote for nomination of that candidate.

**100.2 Absentee Voting:** (1) Any Eligible Voter may request, by electronic mail or in writing by mail, on forms provided by the Elections Committee, from the State Party Secretary, an absentee ballot, by providing their name, address, date of birth, and last four of their social security

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number and such other information as may be requested. (2) Any absentee ballot shall be requested not later than the second Tuesday in February in the year in question. (3) Any absentee ballot shall be returned at least one week prior to the state convention and shall be added to the final tallies at that convention. The absentee ballot shall be on a form designed to prevent voter fraud and shall be mailed by the Elections Committee, only to the address of record in either the statewide voter list, or as confirmed in registration with the Libertarian Party of Kentucky.

## **200 – Candidates**

**200.1 – Filing Deadline for normal nominations process.** Except as otherwise provided in 300.2 and 300.7, candidates shall file to run for office on forms provided by the Elections Committee, and the filing fee required of this section. Such filings shall be made prior to the Nominating Convention, and not earlier than the first Wednesday after the first Monday in November in the year preceding the year in which the election shall be held.

**200.2 – Qualifications:** All candidates shall be legally qualified, have filed Statement of Candidacy with the Kentucky Secretary of State or appropriate County Clerk when applicable, and meet all legal requirements specified under state law to hold the office to which they seek election, except for residency requirements, by the last day of the normal filing deadline. Residency requirements shall be met by the day prior to the general election. Exceptions may be granted by a majority vote of the Elections Committee. In addition, each candidate must be a Voting Member of the Party at the time they file for office and remain such a member during their candidacy.

**200.3 – Filing Fee:** All candidates seeking office, or their respective campaign, shall submit a sum equal to the filing fee required for filing for the office with the Secretary of State as a filing fee to the Libertarian Party of Kentucky in conjunction with their submission. These funds shall be segregated, and be used solely for the purpose of paying filing fees upon nomination; if a candidate does not receive the nomination, the fees shall be returned. Exceptions may be granted by a majority vote of the Elections Committee.

**200.4 – Limitations per number of offices:** Candidates shall not be permitted to seek more than one office at a time, provided that it shall be permitted for a candidate to run for Governor and Lt. Governor if the candidate runs individually for both offices. However, any candidate who fails to achieve the nomination of the party via the normal nominations process, may be nominated by an executive committee for an office that does not otherwise have a candidate, after the normal nominations process, provided that candidate did not achieve less votes than “none of the above” that year in their respective race.

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**200.5 – Attendance at Convention for statewide or Congressional office:** Unless waived by the vote of the Elections Committee for good cause only, Candidates seeking any statewide office (including United States Senator or Governor), or seeking any Congressional Office shall attend the convention at which they seek to be nominated and shall participate in any debates scheduled for the particular office.

**200.6 – Governor/Lt. Governor Slate:** A candidate for Governor may run independently for that office, or as a slate with a Lt. Governor candidate. Such election will be made at the time of filing and provided for on the filing forms. Any election to run independently for that office, and not as a slate may be changed to run as a slate until the second Tuesday in February by filing an amended form with the Elections Committee. However, the election to run as a slate may be changed by the Governor candidate up to the point in time that formal nomination for Governor is tallied and certified at the state convention.

**200.7 – Requirement to timely file upon receipt of nomination for office:** A candidate that has been nominated by the State Party at its convention, shall file for office within 45 days of being nominated, or the ability to legally file for office, whichever is later. The Elections Committee may extend this deadline by majority vote in particular cases. Absent a timely filing or an extension, the Elections Committee may rescind the nomination by majority vote, and the vacancy may be filled by the State Party Executive Committee.

**200.8 – Filing Certificates of Candidacy:** All candidates, to receive the certificates of nomination, shall have filed the required statement of candidacy for the office in question by the deadline for doing so.

## **300 – Voting**

### **300.1 - Affiliate Party Nominating Convention**

300.1.1 Any Party which has properly called its Annual Convention may choose to hold a Nominating Convention in conjunction with that Annual Convention, for the purpose of nominating candidates for external political offices for the current political cycle, provided that at least thirty minutes has been scheduled for the Nominating Convention and the date and time noticed for the Nominating Convention is not altered. Any such Nominating Convention for an Affiliate Party is subject to Elections Committee consideration and denying the Affiliate Party the ability to hold that convention by a vote of 4/5ths of the committee. Any Affiliate Party seeking to nominate such candidates shall so inform the Elections Committee Chair and State Party Executive Committee Secretary, and notice of the Nominating Convention shall be sent

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with the notice of the Annual Convention of that Party. Failure to inform the Elections Committee or to provide notice may be cause for invalidation, at the option of the Elections Committee. No person may be nominated who does not comply with the requirements of Section 200 prior to the close of the Nominating Convention.

300.1.2 A County Party may only nominate candidates for external political office, for the current political cycle, if that County Party has at least ten (10) Voting Members, has met for nine (9) of the last twelve (12) months, and when ninety percent (90%) or greater of the registered voters eligible to vote for the office sought live within the boundaries of that Party.

300.1.3 A District Party may only nominate candidates for external political office, for the current political cycle, when 90% or greater of the registered voters eligible to vote for the office sought live within the boundaries of that Party for which County Party has not duly nominated a candidate under these Bylaws.

300.1.4: The State Party may nominate candidates for any and all offices within the state of Kentucky that have not been nominated at a Nominating Convention for the current election cycle. Notwithstanding any other State Election Rule, candidates may be nominated from the floor if: (i) no candidate filed for the office in question two weeks prior to the date of the Nominating Convention; (ii) the candidate to be placed into nomination is verified to be legally qualified to hold the office by the State Election.

**300.2 – Floor Nomination Qualification By Elections Committee:** Any candidate or candidates nominated from the floor, who accept the nomination, shall be confirmed to be legally qualified by the Elections Committee prior to having their name placed on the ballot.

## **300.3 – Voting itself.**

300.3.1 All voting shall be by secret ballot. All candidates shall run against None of the Above (“NOTA”). All voting shall be by instant runoff voting (i.e. preference voting). Any candidate failing to achieve more votes than NOTA in any round of voting shall be eliminated. Secret voting shall occur and be balloted as provided. Any candidate voting shall be counted and certified as provided in 300.5 and 300.6, and subject to the challenge procedures in Chapter 400. To the extent practical, voters shall only cast votes for offices that represent them. All ballots and voting at the District Convention level shall be sealed at any District Convention, following the counting of votes, and transmitted to the State Party Secretary via Priority U.S. mail or delivered in-person at the State Convention. Prior to giving any voter a ballot, a photo identification shall be obtained and reviewed, and the voter verified as eligible to vote.

300.3.2 If verifiable proof does not exist that an individual seeking to vote meets the voter registration requirement outlined in the State Party Constitution and these Bylaws, that voter

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shall be permitted to vote provisionally. A voter may be required to sign an oath that, to the best of their knowledge, they are eligible to participate in the nomination. Upon meeting any oath requirement, a provisional ballot shall be provided to the voter, the voter shall fill out the provisional ballot, and the voter shall seal that ballot into an envelope provided by the party. The voter shall affix to the envelope their legal name, date of birth, and voting address, and provide state-issued photo identification to the representative of the Elections Committee to ensure the information on the envelope matches the information on the photo identification.

300.3.2.1 If the number of provisional ballots could affect the outcome of the nomination, the Elections Committee shall verify voter registration of each person who cast a provisional ballot with the State Board of Elections, and, in the first instance, shall verify on the Secretary of State's website that the voter is currently registered Libertarian; any ballot cast by a person not currently registered Libertarian shall be discarded. If the registration status of the voter is confirmed to be in compliance with the State Party Constitution and these bylaws by the State Board of Elections, and if - after verification of all provisional ballots by the State Board of Elections - the number of confirmed ballots could mathematically alter the outcome of a race in which the voter is entitled to cast a ballot, the provisional ballot shall be considered valid. All provisional ballots not considered valid shall remain unopened and uncounted. All valid provisional ballots shall be opened, with identifying information made not-visible to the extent reasonable, and then tallied and added to the totals. Notwithstanding any other provision, in the event that verification of a voter casting a provisional ballot does not occur within 14 calendar days of the election, for any reason, the provisional ballot shall not be counted and the election shall be certified without counting that provisional ballot.

300.3.2.2 If the number of provisional ballots could not change the outcome of a nomination, those provisional ballots shall not be counted for that nomination.

**300.3.3: Voting for Governor candidates who are running as a slate:** In the event that a Governor candidate who runs as a slate prevails, then the Lt. Governor candidate in that slate shall likewise prevail and no separate election shall be conducted for Lt. Governor. In the event that a Governor candidate who is running individually prevails, then a separate election and balloting shall be held for Lt. Governor.

**300.4 – Counting Absentee ballots:** The Elections Committee shall count absentee ballots and shall transmit those results to the respective District Party Secretaries and Chairs, for inclusion in any district results. The results shall also be retained for inclusion in state convention totals.

**300.5 – Certification at State Convention:** All ballots shall be opened and counted by the Elections Committee (including those cast at district conventions). This process may be observed and shall be open to the voting members of the party to observe (but not to interfere).

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Any person interfering may be ejected by the Chair. At the conclusion of counting, each nomination shall be certified by the Elections Committee.

**300.6 – Official Nomination.** Official nomination shall not occur until the nominations forms are filled out by the nominating Party's Chair and Secretary, and until they are properly notarized, which shall not occur until between the first and third Tuesday in May each year, allowing the period for challenge to pass. Further, the State Party Chair and Secretary are authorized to complete any nomination form for any office in the state. No nominations shall be issued as long as a challenge is pending, unless, in the judgment of the Chair of the Elections Committee, any challenges are frivolous and dilatory; provided, further, that any pending challenge shall not prevent the issuance of any certificate of nomination on or after the third Tuesday in May. The completed certifications of nominations shall be mailed to each candidate receiving the nomination upon completion. Certificates of nomination shall conform to state law in placing candidates on the ballot.

**300.7 – Executive Committee Nominations:** After the Annual Convention, one or more Executive Committee Nominating Conventions (as many such conventions as the Elections Committee deems appropriate, notwithstanding any other limitations in the Constitution) may be called by the Elections Committee, with such convention and the persons entitled to vote to be comprised of the Executive Committee in question, for the purpose of nominating candidates, for offices for which the convention did not choose a nominee, for offices where the candidate nominated at convention has submitted a formal resignation from the political race, or for offices where the selected candidate has been deemed ineligible, following the the Constitution or these Bylaws. Further, an Executive Committee Nomination Convention may be called for any special election. A majority of the Executive Committee at issue shall constitute a quorum, and a majority vote of those attending shall be sufficient to nominate any candidate. Any such nominations shall be transmitted to the Elections Committee within twenty-four hours of the nomination, for certification as provided herein. No candidate may be nominated that received less votes than NOTA in any statewide race in the year in question.

300.7.1 Any Executive Committee wishing to call such a convention should immediately alert the Elections Committee Chair.

## **400 – Challenges**

### **400.1 – Bona Fides Challenges**

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400.1.1 Any Libertarian Voter (as defined in 100.1 of these Bylaws) may challenge the bona fides (i.e. that the candidate is a Voting Member of the party) of a candidate, by filing, not later than one week prior to the convention at which the candidate will be nominated, a formal protest. The protest need not be accompanied by any filing fee. The Elections Committee Chair shall conduct a preliminary determination of the issue, and, if it appears that the candidate is not a Voting Member of the party, shall refer the matter to the Committee for adjudication under 400.5. Alternatively, the Elections Committee Chair may dismiss the matter.

400.1.2 Alternatively, the State Party Executive Committee may, until the second Tuesday in May, vote to challenge the bona fides (i.e. that the candidate is a Voting Member of the party) of a candidate, by filing, not later than one week prior to the convention at which the candidate will be nominated, a formal protest with the Elections Committee. The protest need not be accompanied by any filing fee. The matter shall be adjudicated under 400.5.

## **400.2 – Challenges to the legal qualifications to hold the office**

400.2.1 Any Libertarian Voter may challenge the legal qualifications of a candidate to hold office (i.e. that the candidate meets all requirements under state law to hold the office) until the last Tuesday in April, by filing a formal protest with the Elections Committee. The Elections Committee Chair shall conduct a preliminary determination of the issue, and, if it appears that the candidate is not legally qualified, shall refer the matter to the Committee for adjudication under 400.5. Alternatively, the Elections Committee Chair may dismiss the matter.

## **400.3 – Challenges to the Platform or messaging of the candidate or occurrences in the event Voting Member Status is revoked**

400.3.1 The State Executive Committee, until the third Tuesday in May, may vote to challenge a candidate based on the fact their messaging or platform is so much of a deviation from the national and/or state party as to constitute a clear and present danger to the party. Any such matters shall be referred to the State Party Membership Committee, which shall make a recommendation concerning the continued membership of the candidate in question to the State Party Executive Committee as provided in the State Party Constitution. In the event that the State Party Executive Committee revokes the membership of a candidate, prior to the first Tuesday in June, the nomination shall be withdrawn.

## **400.4 – Challenges to the results of the election**

400.4.1 Any Libertarian Voter may, within two business days of an election at convention, challenge the results of any election. Any such challenge shall include:

- a. The name of the person who is making the challenge;

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- b. A copy of photo identification for the person making the challenge which included name, address, and date of birth; and
- c. The grounds on which the results are being challenged.

400.4.2 Any two members of the Executive Committee of the State Party shall further be entitled to raise a challenge under this section, and any such challenge from a member of the State Party Executive Committee, may occur until the last Monday in May.

400.4.3 Any challenges under these sections shall be resolved expeditiously, and within seven days. The Chair of the Elections Committee may summarily dismiss any challenges under 400.4.1, if they are frivolous.

## **400.5 – Adjudication Procedure**

400.5.1 Any matter that requires adjudication shall be referred to the entire Elections Committee. The Chair of that Committee shall immediately provide a copy of the charge or grounds for challenge, to the candidate seeking nomination (or who has been nominated). The candidate shall be entitled to file a response within three business days. The failure to file a timely response may be determined by the Chair to constitute a default, and, in that event, the challenge may be upheld. Further, if a response is filed that admits the basis of the challenge, the Chair may likewise enter an order upholding the challenge.

400.5.2 Absent a default or an upholding of the challenge as provided in 400.5.1, the Elections Committee shall then hold one or more hearings, including by telephone, to receive evidence and testimony. Evidence need not be admissible in a court of law, and the ruling of the Elections Committee Chair on questions of admissibility shall be binding, subject to being overturned by a 4/5 vote of the remainder of the committee. The Chair may permit filings by e-mail or electronically in order to expedite the resolution of the matter.

400.5.3 The Committee, or its members, may conduct its own investigation into any allegations in advance of a meeting or hearing.

400.5.4 Upon the conclusion of the hearing, the Committee shall vote, by at least a 3/5 vote of those present and voting, whether to sustain the challenge. If a challenge is sustained, the Committee shall also vote on the appropriate remedy, which may, but need not, include: (i) censure of the candidate; (ii) removal of the candidate's nomination; (iii) disqualification of the candidate; (iv) adjustment of vote totals; (v) readjustment of election results; or (vi) other such remedies as the Committee believes is just and proper. Votes on remedies shall also be by 3/5 vote.

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400.5.5 All deliberations shall be in closed executive session, but all final votes of the committee shall be in open session.

## **500 – Forms**

The Elections Committee shall develop the forms called for under these Bylaws, and make them available on the state party's website not later than January 1 of each year.

**As amended by the Elections Committee, and effective on, December 15th, 2019.**