

Supplemental Rules Constitutional Report – meeting on 2/9/19

ARTICLE VI: PARTY ORGANIZATION

Section 8. Other Committees

- A. Each party may adopt, at convention through standing rules enacted by its membership, standing committees.
- B. Standing Committees for the State Party, except as set forth herein, shall be set forth in Operating Rules, which may also provide additional duties and responsibilities for such committees.

- i. Membership Review Committee

- ~~a. Its composition shall be set forth in Operating Rules.~~
- ~~b. Its membership shall be appointed by the Executive Committee or as otherwise set forth in Operating Rules, and comprise at least three members.~~
- ~~c. It shall have the duties set forth in Operating Rules, which shall include maintenance of the membership lists, send renewal letters to expiring or recently expired Voting Members, and conduct periodic membership drives in cooperation with affiliate parties.~~
- ~~d.~~a. 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.

- ~~ii. Finance Committee~~

- ~~a. Its composition shall be set forth in Operating Rules.~~
- ~~b. The members shall be appointed by the Executive Committee of the Party.~~
- ~~c. Membership shall comprise at least three members.~~
- ~~d. The Finance Committee shall have duties as set forth in Operating rules.~~
- ~~e. The Finance Committee is responsible for dues collection and accounting for Party funds.~~

- ~~iii. Platform and Issues Committee~~

- ~~a. The Chair of the Platform and Issues Committee shall be appointed by the Executive Committee from among the members of the Executive Committee of the Party no later than 60 days after the annual convention.~~
- ~~b. The members of the Platform and Issues Committee shall be appointed by the Executive Committee of the Party. Membership is open to any voting member of the Party.~~
- ~~c. This committee shall draft policy statements for the Executive Committee of the Party and develop position papers for the Party.~~
- ~~d. This Committee shall prepare planks for the Party Platform, hold hearings on these planks and submit them to the delegates of the State Party Annual Convention for approval.~~

- ~~iv.~~ii. Rules Committee

- a. Its composition shall be set forth in Operating Rules.
- b. The members of this Committee shall be appointed by the Executive Committee. Membership is open to any Party member, except for the Chair.

- c. 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.
- d. This Committee shall draft proposed changes to the Constitution and Operating Rules. Such changes shall be submitted to the Convention for approval as specified in the Constitution.

v.iii. Caucus Campaign Committees

- a. The State Party Executive Committee, or the body in convention at an annual state party convention, through Operating Rules, is empowered, by a 3/5 vote, to create one or more Caucus Campaign Committees, including a Libertarian House and Senate Caucus Campaign Committees, or one combined Caucus Campaign Committee for both the Senate and House, or such other Caucus Campaign Committee as may be permitted under state law and regulations. Such committees, if established, shall be permanent committees, shall continue in perpetuity until dissolved by the State Party Executive Committee or the convention body at an annual state party convention, by 3/5 vote.
- b. The appointment of officers of such committees, provisions for removal of such officers, limitations on such committees, and other rules and regulations of such committees shall be as provided in the Operating Rules.

vi.iv. State Party Elections Committee or "Elections Committee"

- a. There shall be only one Elections Committee, the State Party Elections Committee. This committee exists only when the Party is not a qualified "Political Party" entitled to a state funded primary election process under Kentucky law.
- b. The State Elections Committee shall be comprised of five ~~or seven~~ members, ~~at the discretion of the Chair of the State Party Elections Committee.~~
- ~~c. The Chair of the State Party Elections Committee shall be the State Party Executive Committee Secretary. The chair of this committee may break any tie vote within the committee.~~
- ~~d.c.~~ Its composition shall otherwise be set forth in Operating Rules.
- ~~e.d.~~ The committee may employ outside consultants to facilitate their duties, but those consultants are not voting members of the committee.
- ~~f.e.~~ The State Party Elections Committee shall be responsible for developing inclusive and fair rules and regulations, denoted as Elections Bylaws, for the conduct of primary elections for candidates seeking political office as Libertarians.
- ~~g.f.~~ The proposed rules, except for Elections Bylaws, shall be enacted not later than January 15 of a given year to govern elections for that year. Once passed, rules shall be transmitted to the State Party Executive Committee, which shall have the ability, within thirty days of the transmission of the rules, to disapprove any particular Election Bylaw or part of a Election Bylaw that constitutes one subject matter, by a three-fifths (3/5) vote. Any Election Bylaw is subject to review and recall by the Voting Members

of the Party at the State Convention by a three-fifths (3/5) vote, and, if recalled, may not in substance be re-enacted for a period of one year. The Voting Members of the Party at the State Convention, by a three-fifths (3/5) vote may also propose and enact any Election Bylaw. Elections Bylaws may be adopted by the State Party Elections Committee by a four-fifths (4/5) vote, and shall take effect upon the rules passage and transmission to the State Party Executive Committee. The State Party Executive Committee shall have the ability within fourteen (14) days to disapprove any Election Bylaw, by majority vote. Election Bylaws shall be in force and effect until and unless disapproved.

h.g. The rules for elections shall contain mechanisms for permitting poll watchers and shall conform to the requirements on how to elect candidates in this constitution and the requirements of state law.

h.h. The committee shall identify and bring forth any Party Elections Bylaws that conflict with state law, and propose amendments to those Elections Bylaws to rectify those conflicts.

j.i. The State Party Elections Committee shall be responsible for overseeing the electoral process and ensuring its integrity.

k.j. The State Party Elections Committee may appoint surrogates to operate any part of the primary process, who will report to, and serve at the leisure of, the State Party Elections Committee.

k. Meetings shall be held at the call of the Chair of this Committee (the State Party Secretary), with at least seven days advance notice, unless waived by a 2/3 vote in the event of an emergency and this committee is authorized to conduct meetings electronically, by e-mail, telephone or video conference. All actions taken by this committee shall be open to all Voting Members, and meetings shall be advertised, except in an emergency, to encourage electoral transparency; provided, however, that the Committee may close its meetings to the public, for an executive session to discuss, but not act upon: (i) any adjudicatory matter; (ii) pending or proposed litigation; or (iii) to receive privileged legal advice.

ARTICLE VII: CONVENTIONS

Section 2. Special Convention

- A. Except as otherwise expressly set forth, a Special Convention may be called when necessary, by any Party, with majority approval by its Executive Committee, or with majority approval from the Executive Committee of the Chartering Party, and with no less than thirty (30) days' notice to the Voting Members of that Party.
- B. Alternatively, forty percent (40%) or 10 members of a Party, whichever is greater, may call a Special Convention in writing signed by those members, with notice given to the Chair (if there is one), any chartering party Chair, and the Voting Members of that Party, and with no less than thirty-fourty-five (4530) days' notice to the Voting Members of that Party. The majority of the Voting Members of that party may cancel the special convention by petition submitted no later than fourteen (14) days prior to the convention. No Voting Member shall be permitted to sign more than one such Special Convention for any Party more than once per year; provided that this limitation shall not apply if the convention is not successfully called. A Member called Special Convention shall not be subject to the limitations in Paragraph D.

- C. A Special Convention must be called with a specific purpose or agenda, and that purpose made public as part of the notice of the Special Convention. No other activities may occur at a Special Convention other than those previously announced in the notice to the Voting Members.
- D. Except as otherwise expressly set forth, a Special Convention called by an Executive Committee may not be called more than twice per year.

ARTICLE VIII: NOMINATION AND ENDORSEMENT OF POLITICAL CANDIDATES

Section 1. Nominations of candidates for Federal, State and local government offices.

- A. A Party nominee for a Federal, State or local government office must be a Voting Member of the State Party, and be legally qualified to run for and hold the office being sought. In the event that nominating conventions occur prior to the deadlines set forth under state law, the Elections Committee has the option to require the candidate to comply with the requirements prior to the nominating convention, or a reasonable time after it; similarly, in the event that state law changes, the Elections Committee shall be entitled to conform its Election Bylaws to the requirements of state law.
- B. The State Elections Committee may impose such other Election Bylaws and requirements for candidates, their eligibility, voter eligibility and anti-fraud measures, and to the voting process, as it deems appropriate or necessary.
- C. Anyone entitled to vote for a candidate for a particular office shall be permitted to challenge the bona fides of the candidate being legally qualified to run for and hold the office being sought, in accordance with the Election Bylaws established by the Elections Committee.
- D. Nominations and Elections, and the mechanisms and committees that may nominate them, shall be set forth by the Elections Committee in its Elections Bylaws.
- E. Any persons who: (i) are Voting Members of the State Party allowed to vote under Election Bylaws set forth by the Elections Committee, which shall not be made more stringent after January 1 of the year in question; or (2) are registered to vote as a Libertarian as of January 1 of that calendar year, shall be permitted to vote for candidates that will represent them if elected.
- F. After the Annual Convention, one or more Executive Committee conventions (and an Executive Committee may hold as many such conventions as it deems appropriate, notwithstanding any other limitations in this Constitution) may be called by the State 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 rules outlined by this Constitution. These conventions need not comply with the requirements of Article VII, but 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 State Elections Committee within twenty-four hours of the nomination, for certification as provided herein. The Executive Committee Convention Chair and Convention Secretary shall ensure that the following information is transmitted for each candidate nominated to the State Executive Committee Chair and Secretary: (1) the name of the person nominated (as it will appear on the ballot); (2) his or her residence; (3) the office to which he or she is nominated; and (4) the name of the party (Libertarian Party).
- D.G. Notwithstanding any other provision, it remains the province of the State Elections Committee to waive any formalities or technicalities of this Constitution or the Election Bylaws of the State Elections Committee that do not, in its judgment, have a material effect on the outcome of any given election. Further, notwithstanding any other provision, any sections of this Constitution,

that do not adhere to state law, and otherwise prevent the nomination of candidates and their placement on the ballot, may be waived by the State Elections Committee, upon the advice of counsel of such conflict, by a four-fifths (4/5) vote and immediate notification to the State Party Executive Committee at least twenty-four hours' notice before taking such vote, and immediate notification after such vote, which is subject to review by the State Party Executive Committee within thirty (30) days of such action, which may be rescinded by majority vote of the State Party Executive Committee.

~~Section 2. Eligibility to Vote—Nomination of Candidates~~

- ~~A. Any persons who: (i) are Voting Members of the State Party allowed to vote under Election Bylaws set forth by the Elections Committee, which shall not be made more stringent after January 1 of the year in question; or (2) are registered to vote as a Libertarian as of January 1 of that calendar year, shall be permitted to vote for candidates that will represent them if elected.~~
- ~~B. Any Voting Member of the State Party, or any other registered Libertarian, may challenge the right of any potential voter to cast a ballot, prior to that ballot being cast. If a challenge has been made in good faith, then:~~
- ~~i. Proof of residency must be provided by the person being challenged. This proof of residency must be a photo ID that includes the full legal name, address, and date of birth of the person being challenged.~~
 - ~~ii. It is the responsibility of the Elections Committee to verify that a person who has been challenged is legally registered to vote in Kentucky and/or is a Voting Member of the State Party meeting the Election Bylaws established by the Elections Committee.~~

~~Section 3. Candidate Election~~

~~A. Form of Ballots~~

- ~~i. All balloting shall be done by the authorized voters present and voting, provided, however, that the State Elections Committee, shall also be entitled to institute an absentee or electronic ballot system through its Election Bylaws whereby ballots are also counted at convention that are cast in accordance with the system and Elections Bylaws established by the State Elections Committee. All cast ballots shall be preserved by the Secretary for a period of 30 days after the close of the convention. All in person balloting shall be by secret ballot, and, to the extent reasonably practical, absentee balloting as well.~~
- ~~ii. All nomination ballots shall employ preferential choice voting.~~
- ~~iii. All ballots shall contain None Of The Above (NOTA) as an option.~~

~~B. Deciding the winner~~

- ~~i. The Secretary of the Party is responsible for counting the ballots, under the supervision of the Elections Committee and in accordance with its Election Bylaws.~~
- ~~ii. The Secretary may opt to enlist other volunteers in accordance with the Election Bylaws of the Elections Committee, and make use of technology as approved by the Elections Committee, to assist in the counting of ballots.~~
- ~~iii. Any candidate whose name was listed on the ballot and received fewer votes than NOTA may not seek nomination for that office again during the same election cycle, and no Executive Committee may place that candidate into that vacancy during that election cycle. If NOTA wins against all other candidates seeking nomination for an office, then the Party has nominated no one for the position, and candidates losing to NOTA may not be re-nominated at that convention.~~

iv. ~~The results of all elections shall be transmitted to the State Elections Committee within twenty four hours of the close of the convention, for certification as provided herein. The Convention Chair and Secretary shall ensure that the following information is transmitted for each candidate nominated at convention: (1) the name of the person nominated (as it will appear on the ballot); (2) his or her residence; (3) the office to which he or she is nominated; and (4) the name of the party (Libertarian Party).~~

~~C. After the Annual Convention, one or more Executive Committee conventions (and an Executive Committee may hold as many such conventions as it deems appropriate, notwithstanding any other limitations in this Constitution) may be called by the State 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 rules outlined by this Constitution. These conventions need not comply with the requirements of Article VII, but 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 State Elections Committee within twenty four hours of the nomination, for certification as provided herein. The Executive Committee Convention Chair and Convention Secretary shall ensure that the following information is transmitted for each candidate nominated to the State Executive Committee Chair and Secretary: (1) the name of the person nominated (as it will appear on the ballot); (2) his or her residence; (3) the office to which he or she is nominated; and (4) the name of the party (Libertarian Party).~~

Section 4. Certification and Challenges

~~A. Any challenge to the nomination of a candidate must be made, in good faith, within two (2) business days (Monday to Friday excluding federal holidays) of the nomination of that candidate, and must be made in writing by a voter entitled to vote under Section 2 of this Article, who was otherwise entitled to vote for that office, to the State Elections Committee. The State Elections Committee may impose, by Election Bylaw, a reasonable fee for lodging such challenge. Further, 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 first Monday in August.~~

~~i. The Elections Committee shall make a determination on any good faith challenge to the results for any candidate.~~

~~ii. A challenge made in good faith will include:~~

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

~~b. A copy of photo identification for the person making the challenge which included name, address, and date of birth; and~~

~~c. The grounds on which the results are being challenged.~~

~~iii. The Elections Committee shall review the challenge, and is empowered to resolve any challenge in any way they deem appropriate. A ruling on any challenge must be made within seven (7) days of the date the challenge was transmitted to the Elections Committee. Any such challenge may be sustained by a three fifths (3/5) vote of the State Elections Committee, and, if so sustained, shall be treated as if no nomination occurred.~~

~~B. The results of the nomination will be considered certified after the expiration of the period allotted for challenges to candidate nominations, if no challenge has been submitted for that~~

candidate. The results of all challenged nominations will be certified after the Elections Committee issues a ruling on the challenge.

- C. ~~If an Executive Committee convention fills a vacancy for political office, that Party must follow the rules outlined by this Constitution, but such nomination may not be otherwise challenged except as set forth above. Any such nominations shall be transmitted to the State Elections Committee within twenty four hours of the nomination, for certification as provided herein.~~
- D. ~~Certificates of Nomination shall be prepared as provided by state law, and as provided in Elections Bylaws.~~
- E. ~~Notwithstanding any other provision, it remains the province of the State Elections Committee to waive any formalities or technicalities of this Constitution or the Election Bylaws of the State Elections Committee that do not, in its judgment, have a material effect on the outcome of any given election. Further, notwithstanding any other provision, any sections of this Constitution, that do not adhere to state law, and otherwise prevent the nomination of candidates and their placement on the ballot, may be waived by the State Elections Committee, upon the advice of counsel of such conflict, by a four-fifths (4/5) vote and immediate notification to the State Party Executive Committee at least twenty-four hours' notice before taking such vote, and immediate notification after such vote, which is subject to review by the State Party Executive Committee within thirty (30) days of such action, which may be rescinded by majority vote of the State Party Executive Committee.~~

Section 52. No Party shall endorse:

- A. The candidacy of any candidate for office running against a Libertarian candidate;
- B. The candidacy of any candidate for President or Vice-President other than the candidate selected at National Party convention; or
- C. Any non-Libertarian Party candidates for office in any partisan race.

ARTICLE VI: PARTY ORGANIZATION

Section 1. Party Structure

- A. Affiliate Parties
 - i. Chartering Affiliate Parties
 - ...
 - ii. Dissolution of Affiliate Parties
 - a. Dissolution shall only occur by either: (i) the vote of a majority of the Executive Committee of the party being dissolved; or (ii) for cause, by the chartering party's Executive Committee, by a vote of 3/5 of the entire membership of the chartering party's executive committee; or (iii) by the State Executive Committee by a 3/5 vote of the entire Executive Committee, for (a) repeated material non-compliance with the Party's Constitution and lack of a good faith effort to comply with same; or (b) material non-compliance with Kentucky campaign finance law and a lack of a good faith effort to rectify same that continues for a period of thirty (30) days or more.

ARTICLE VII: CONVENTIONS

Section 1. Annual Convention

- A. A Party must call at least one convention of all members of that Party annually, known as the "Annual Convention".

B. Operating Rules may be enacted that govern the calling of such conventions, the timing of such conventions, rules for such conventions, penalties for failing to call such conventions (provided that no such penalty shall work to inhibit the nomination of candidates or their placement on the ballot, such matters being left to the Elections Committee), default convention dates, and restrictions on calling conventions. Conventions must be held annually by the State Party and all Affiliate Parties.

B.C. In the event that the State Party shall fail to call an annual convention by February 1 of any given year, a Default Convention shall be held on the dates and times provided in the Operating Rules; in that event, all who qualify as registered Libertarians with the Secretary of State who are residents of Kentucky and are in attendance shall be considered delegates. Further, in that event, any requirements outside of this Constitution may be waived by majority vote of the delegates.

ARTICLE V: MEMBERSHIP

Section 1. Voting Members of the State Party shall be those persons who:

- A. Have signed the Statement of Principles, which reads: "I hereby certify that I do not believe in or advocate the initiation of force as a means of achieving social, economic or political goals-";
- B. Are legal residents of the state of Kentucky as of January 1 of the year their votes are cast, or becomes a legal resident of Kentucky after January 1 of the year in which their votes are cast, but at least thirty (30) days before a convention at which they will vote;
- C. Are 16 years of age as of January 1 of the year their votes are cast;
- D. Meet one of the following requirements related to party registration:
 - i. Registered with the Kentucky Secretary of State to vote as a Libertarian as of January 1 of the year their votes are cast; or
 - ii. Be permitted to vote in the primary elections for candidates for office as authorized by the State Party Elections Committee; or
 - iii. A member of the party registers as a Libertarian on or before January 1 of the year their votes are cast, but the legal registering agent fails in their legal obligation to properly register the member; or
 - iv. Becomes a resident of Kentucky and a Registered Member after December 31st of the year preceding the Annual Convention, but at least thirty (30) days prior to the Annual Convention
- E. Are current on State Dues, or have fulfilled an approved service exemption.
- F. Notwithstanding any other provision, the requirements contained in Paragraph D, above, shall not take effect until December 31, 2017.