

FOREWARD

This proposal is the sum of over 900 hours of review by, and input from, multiple members and committees of the party.

Primary goals:

- **Re-Empower membership; restore and enhance membership rights.**
 - **Undo and prevent alteration of membership rights outside convention.**
- **Significantly reduce governing document sizes:**
 - **Current: Constitution 15,090; Election Rules 3,256; Bylaws 16,299. Total: 34,645 words.**
 - **Proposed: Constitution 6,843; Bylaws 1,874; Operating Rules 6,679. Total: 15,396 words (60% reduction)**
 - **Removed micro-management; removed things every party is violating.**
- **Make rules understandable and able to be followed.**
- **Remove loopholes, enforce accountability, and avoid corruption and the appearance thereof.**
- **Otherwise, don't micromanage the party.**
 - **Allow for Directors to be codified.**

Incorporates compromises from what was reviewed by existing Rules Committee; some minority report, some majority report.

This Constitution proposal replaces the entire Constitution with what is listed below. It is very short when re-constructed. Anything not listed is repealed from the Constitution. Markup language is first, followed by the complete form version for easier reading.

Overall governing document reduction is significant; over 50% was cut by eliminating redundant (and sometimes conflicting) sections, and eliminating micromanagement areas almost every party was violating anyway.

KEY: Green is new proposed language. Blue is proposed after the initial deadline but before the 2nd deadline, from deliberations by Rules Committee. Purple is to be divided out for separate consideration. Red is proposed to be removed.

OPERATING RULES OF THE LIBERTARIAN PARTY OF KENTUCKY (PROPOSED)

MEMBERSHIP

OR 300 – Additional Levels of Membership (Constitution Article III Section 3.D.iv; codified _____, amended _____)

OR 300.001 Haym Salomon Members shall be Voting Members who have cumulatively donated at least fifteen (15) times the amount of Annual Dues to the State Party in the past twelve (12) months.

OR 300.002 Thomas Jefferson Member shall be Voting Members who have cumulatively donated at least ten (10) times the amount of Annual Dues to the State Party in the past twelve (12) months.

OR 300.003 Patrick Henry Members shall be Voting Members who have cumulatively donated at least five (5) times the amount of Annual Dues to the State Party in the past twelve (12) months.

OR 301 – Waivers (Constitution Article III Section 3.D.ii; codified _____, amended _____)

OR 301.001 Service Exemptions. Services which qualify by the convention body for exemption are:

- A) All 2018 candidates nominated by the party who can show they personally expended more than the amount required for Patrick Henry level membership on their campaign, not including funds donated to the candidate or filing fees, and participated in at least one public non-party function as a candidate are to be considered Patrick Henry members through November 6th, 2019.
- B) From enactment through May 1st, 2019: Phone banking, at the direction of the State Party Outreach Director, to registered Libertarians to encourage them to become Voting Members.

OR 301.002 Age waiver

- A) Those who are 16 years of age, unable to register to vote under law, and a resident of Kentucky shall be permitted to be a Registered Member upon becoming a Signatory and Dues-Paying member.

PARTY ORGANIZATION

OR 400 -- Positions on a Committee (Constitution Article VI Section 3.A.iii; codified _____, amended _____)

OR 400.001 Officers of a Committee. All committees shall have the following positions:

- A) Chair, who is responsible for preparing an agenda for and presiding at all meetings of the ~~Executive~~ Committee, generally organizing the committee, being the primary spokesman for the committee, being the primary contact with the committee which created or chartered the committee, and being a non-voting member of all other sub-committees of that committee.
- B) Vice-Chair, who is responsible for assisting the chair, performing the duties of the Chair when the Chair is unable to perform those duties, and performing the duties of the Secretary when the Secretary is unable to perform those duties.
- C) Secretary, who is responsible for maintaining all records of the committee (except financial transactions), recording the minutes of all committee meetings, and performing the duties of the Vice-Chair if the Vice-Chair is unable to perform those duties.

OR 400.002 Officers of an Executive Committee have additional duties.

- A) Executive Committee Chair, who is responsible for being the chief executive officer of the Party, and signing contracts approved by the Executive Committee on behalf of the Party.
- B) Executive Committee Secretary for the State Party, who is responsible for making provisions for legal services to all Parties.
- C) Executive Committee Treasurer, who is responsible for receiving, expending, and accounting for all Party Resources, and preparing and submitting campaign finance reports as prescribed by Kentucky law.
- D) The ranking of members of an Executive Committee is as follows: Chair, Vice-Chair, Secretary, and Treasurer, followed by At-Large Representatives ranked by order of election, followed by the Chair of each Affiliate Party ordered alphanumerically by Affiliate name.

OR 400.003 At-Large Representatives of an Executive Committee.

- A) They shall represent Voting Members who live in an area without an Affiliate Party, or otherwise represent minority viewpoints within a Party.
- B) The number of Executive Committee At-Large Representatives shall change at any Convention of a Party, based on the number of Affiliate Parties chartered by that Party. All Parties shall have one (1) At-Large Representative position; a Party with six (6) Affiliate Parties shall have two (2); a Party with seven (7) Affiliate Parties shall have three (3); a Party with eight (8) or more Affiliate Parties shall have four (4).

OR 400.004 Precinct Captains of a County or Metro Party

- A) Precinct Captains only exist in a County Party or a Metro Party.
- B) The Precinct Captain shall be a resident of the precinct, whose title, when seated, shall be "Precinct Captain -" followed by the alphanumeric precinct designation.
- C) Precinct Captains in a Party shall elect a Chair of the Precinct Captains of a Party from amongst themselves.
- D) The majority vote of all sitting Precinct Captains on an Executive Committee shall be conveyed by the Chair of the Precinct Captains, and count as a single vote on that Executive Committee.
- E) When vacant, the Executive Committee may fill the position, and that Precinct Captain shall be granted the rights and privileges of a regularly-elected Precinct Captain.

OR 400.005 Changes to committee

- A) When the roster of those serving as a voting or acting member on a committee changes, such changes shall be transmitted to the State Party Membership Director within three (3) days.

OR 401 – Committees of an Executive Committee (Constitution Article VI Section 3.A.iii; Constitution Article VI Section 3.B; Constitution Article III Section 4.B.ii; codified _____, amended _____)

OR 401.001 Form and term of committees. The term of any sub-committee shall end no later than the next Annual Convention, at which the committee shall give its report as part of regular business, the committee is vacated, and any Ad-Hoc Committee is dissolved.

OR 401.002 Standing Committees which may be established for any Party

- A) A Platform Committee may be established by an Executive Committee to draft policy statements for the Executive Committee, and suggest planks for the Party platform for approval at Annual Convention. This shall not be construed to limit the ability of any Voting Member to bring forth proposals.
- B) A Credentials Committee may be established to handle the check-in and check-out procedure for the Convention.
 - 1) They shall receive the list of eligible Voting Members from the Membership Director.
 - 2) They shall conduct check-ins during the one hour preceding the start of the convention, at the convention site. They shall not permit anyone who is not qualified to be a delegate to be credentialed as a delegate.
 - 3) They shall conduct check-ins and process check-outs every ninety (90) minutes from the start of the convention. If a recess is longer than ninety (90) minutes in which case they shall conduct these duties five (5) minutes prior to the end of the recess and resume the ninety minute cycle from that time.
 - 4) They shall report to the convention body the current number of delegates checked-in and seated, upon request.

OR 401.003 Standing Committees which may only exist for the State Party and shall not exist for Affiliate Parties

A) Campaign Caucus Committees ~~(shall be the~~ House Libertarian Caucus Campaign Committee and Senate Libertarian Caucus Campaign Committee ~~)~~

- 1) Each committee shall function as "caucus campaign committee," as set forth in Kentucky Revised Statutes and Kentucky Administrative Regulations, to solicit, raise, and spend funds to assist in the election of Libertarian candidates to the Kentucky General Assembly.
- 2) Committee membership
 - a) Members of each committee shall be elected to a term, as follows:
 - i) Two (2) members, to a ~~term not to exceed thirteen (13) months~~ two-year term in 2019, elected by the delegates at each State Party Annual Convention.
 - ii) ~~Two (2) Three (3) members, to a term to begin and expire on the day of inauguration preceding a general election held in an even-numbered year, who are the elected officials of the corresponding particular house of the General Assembly elected and receiving the greatest percent of the general election vote~~ one-year term in 2019, elected by the delegates at each State Party Annual Convention, and then to a two-year term in 2020.
 - iii) ~~One (1) member, to a term not to exceed thirteen (13) months, elected by vote of the other members of the committee at the first meeting of that committee after the State Party Annual Convention.~~ The members of both committees may be the same persons and may be members of the State Party Executive Committee.
 - iv) Vacancy in an unexpired term of a seat on the committee shall be filled by the State Party Executive Committee.
 - b) ~~Until April 2022, the members of both committees may be the same persons and may be members of the State Party Executive Committee. After April 2022, members of these committees shall not be members of the State Party Executive Committee, nor shall one person serve on both Campaign Caucus Committees.~~
 - e) ~~Vacancy in an unexpired term of a seat on the committee shall be filled as follows:~~
 - i) ~~Upon initial creation of the committee, the seats of this committee shall remain vacant until the next State Party Annual Convention, at which time they shall initially be populated by the delegates present and voting in accordance with this Constitution.~~
 - ii) ~~After initial population of the committee, by the State Party Executive Committee.~~
- 3) These committees shall not, in any way, interfere with, or otherwise engage in, the process of nominating candidates for political office, or any internal party ~~procedure~~ governance matters. Nothing in this section shall prevent members of these committees from acting as voting members of the party.
- 4) Such committees are required to comply with this Constitution, and applicable Kentucky Revised Statutes and Kentucky Administrative Regulations. Failure to comply shall result in the removal of all members of the committee.

B) Rules Committee

- 1) The Rules Committee shall be comprised of ~~no less than five (5),~~ seven (7) ~~and up to , or~~ nine (9); ~~and quorum shall be five (5);~~ voting members, who shall be appointed by the State Party Executive Committee.
- 2) The committee may recommend changes to the Constitution, Bylaws, and/or Operating Rules. Such recommendations shall be submitted to the State Party Executive Committee or State Party Convention for approval, as specified in the Constitution. This shall not be construed to limit the ability of any other member to bring forth proposals.
- 3) The committee shall identify and bring forth any Party rules that conflict with state law.

C) State Party Membership Review Committee

- 1) It shall be comprised of five or seven members, as determined by the body in the State Party annual convention, to be elected to a one-year term, by the Voting Members at the State Party annual convention. Vacancies shall be filled between conventions by the remaining members of the committee. Its members may serve on other committees, including executive committees. The Committee shall elect a chair and secretary at its first meeting, which may be held during or within seven days following the state convention at which the committee members are elected, or by email or telephone.
- 2) It shall meet only as required when a Voting Member files a complaint to the committee regarding violations by a Voting Member of the Statement of Principles. Any complaint shall be in writing and signed by the Voting Member making the complaint. Hearings should generally be recorded, but the failure of recording equipment will not invalidate the hearing.
- 3) Any matter regarding revocation of voting membership status that requires adjudication shall be referred to the entire Membership Review Committee. At the option of the Chair, he may refer the Complaint to the remainder of the Committee, which can vote to dismiss the complaint because it: (a) is dilatory; (b) has already been decided by the committee; (c) is frivolous on its face; or (d) does not violate the Statement of Principles. Unless dismissed, the Chair of this Committee shall immediately provide a copy of the charge or grounds for

challenge, to the Voting Member being challenged. The Voting Member shall be entitled to file a response and answer within ten days. Any member who is the subject of a complaint may request that hearings be open in their answer. The failure to file a timely response may be determined by the Committee to constitute a default, and, in that event, the complaint may be upheld by the Committee and sent to the Executive Committee for further action. Further, if a response is filed that admits the basis of the challenge, the Committee may likewise uphold the Complaint and send the matter to the Executive Committee for further action.

- 4) Absent a default or a upholding of the challenge as provided above, the 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 Committee Chair on questions of admissibility shall be binding, subject to being overturned by a majority vote of the committee. The Chair may permit filings by e-mail or electronically in order to expedite the resolution of the matter.
- 5) The Committee, or its members, may conduct its own investigation into any allegations in advance of a meeting or hearing.
- 6) All deliberations shall be in closed executive session, but all final votes of the committee shall be in open session.
- 7) Upon the conclusion of the hearing, the Committee shall vote whether to sustain the complaint and a violation of the Statement of Principles. If the challenge is denied that ends the matter. If a complaint is sustained, the Committee shall also vote on a recommended remedy, which is not binding upon the Executive Committee, which may, but need not, include:
 - a) recommendation of censure of the Voting Member to the Executive Committee; or
 - b) recommending to the Executive Committee the revocation of Membership.

OR 401.004 Ad-Hoc Committees

- A) An Executive Committee may create or dissolve Ad-Hoc Committees, codified in the Standing Rules; provided that Ad-Hoc Committee does not infringe upon any Standing Committee or any Director.
- B) The scope of any Ad-Hoc Committee shall be limited to the Executive Committee that creates the committee, and may not alter rights of membership or circumvent responsibilities of leadership.
- C) When an Ad-Hoc Committee is dissolved, Party Resources in possession of that committee shall be surrendered to the Party which created the committee.
- D) If a Party is dissolved, all Ad-Hoc Committees created by that Party are dissolved.

OR 402 – Positions appointed by an Executive Committee (Constitution Article VI Section 3.A.iii; codified _____, amended _____)

OR 402.001 Affiliate Party Coordinator. When an Affiliate Party is not chartered, a non-voting “Coordinator”, serving at the leisure of the Executive Committee, may be appointed to organize an Affiliate Party.

OR 402.002 Directors.

- A) When an Executive Committee seeks to execute a task or related set of tasks they may appoint a Director, who shall serve at the leisure of the Executive Committee and directly reports to the Executive Committee chair. Directors may be members of an Executive Committee.
- B) General provisions for Directors
 - 1) Directors exist to execute duties, but a Director shall not have more authority than what is granted under the Constitution and what is authorized by the Executive Committee Chair.
 - 2) A Director may be appointed by the Executive Committee, and when appointed shall report to, and serve at the leisure of, the Executive Committee Chair.
 - 3) Only one Director may exist for each outlined Director position and set of duties.
 - 4) No Party may otherwise codify any Director to operate any election-related or other items codified in Bylaws other than the Director of Elections defined in Bylaws.
 - 5) A Director may, at their discretion, appoint additional persons, who shall report directly to the Director, within the purview of their Director role. Any such appointments shall be promptly reported to the Executive Committee, and appointees shall have the same powers, limitations, and requirements of the Director.
 - 6) A Director may hold an elected or appointed position in a Party, but shall not vote on any item related to their Director role, subject to any potential restrictions under conflict of interest rules.
 - 7) A Director shall provide status reports at each meeting of the Executive Committee.
 - 8) The term of any Director shall end at Annual Convention.

C) Defined Directors:

- 1) Membership Director
 - a) They shall work with the Membership Director of the Chartering Party and of all Affiliate Parties, where applicable, to maintain the membership roles for the Party and all Affiliate Parties. Membership lists shall be disseminated to Affiliate Parties in accordance with Operating Rules.
 - b) They shall assist in developing a “Non-Disclosure Agreement” to protect membership data, and maintain the list of those who have signed that agreement.
- 2) Outreach Director
 - a) They shall conduct periodic membership drives.
 - b) They shall be responsible for creating monthly newsletters to members and other contacts who have opted-in to receiving such communication. An Affiliate Party shall be responsible for providing newsletter content to the Director in a timely manner.
- 3) Fundraising Director, who is responsible for creating and executing fundraising plans, with Executive Committee approval.
- 4) Communications Director
 - a) They shall be responsible for external communications with the public and media, with approval from the Executive Committee Chair.
 - b) They shall maintain content for any social media assets, and content for the Party on the State Party website.
- 5) Information Technology Director, who is responsible for executing all IT-related tasks as assigned.
 - a) They shall exist only for the State Party.
 - b) They shall work to document, obtain, implement, maintain, monitor, and/or modify any and all Party Resources under the purview of Information Technology of all Parties, with oversight from the State Party Executive Committee.
 - c) They shall respect privacy and autonomy, and not engage in the day-to-day operation of any Party Resource, unless specifically directed in Bylaws or Standing Rules, or by the Executive Committee of the Party that operates the asset or the State Party Executive Committee.
 - d) They may recommend “Acceptable Use Policy”, “End User License Agreement”, or other similar documents for consideration for adoption as a prerequisite to use IT assets.
- 6) Political Director, who is responsible for arranging external resources other than financial resources for candidates, and for arranging lobbying efforts for the party.
- 7) Events Director, who is responsible for arranging conventions and other non-fundraising events.
 - a) They shall be responsible for collecting and maintaining a list of political or other outreach events. The Executive Committee may task the director to organize Party presence at such events.
- 8) Field Development Director, who is responsible for finding and cultivating future leaders of the Party.
 - a) They shall be responsible for finding and assisting coordinators throughout that Party and its Affiliate Parties to build new Affiliate Parties.

D) Ad-Hoc Directors may be created by any party, provided the role the does not encompass any Director role or Standing Committee defined by this document or the Bylaws, or Ad-Hoc Committee.

OR 403 – Committee Meetings (Constitution Article VI Section 3.D; codified _____, amended _____)

OR 403.001 A committee shall meet at least every thirty-two (32) days, and business must be conducted with quorum present at least every ~~eighty (80)~~ ninety-two (92) days, ~~with at least fourteen (14) days’ notice provided to Voting Members who opt to receive such notifications;~~ and any part of the meeting not held in Executive Session open to the public.

- A) The schedule for regular meetings, including date, time, and place of meetings, shall be established at the first meeting of the committee. This schedule may be altered by the committee; such alterations shall not avoid notice requirements.
 - 1) Committees shall make an effort to find meetings times which are reasonable for all committee members to attend and participate.
- B) One-third (1/3) of the members of a committee may call a meeting of the committee, prepare an agenda for that meeting, ~~amend~~ add to the agenda of any other meeting called by the Chair, and otherwise take action as a whole.
- C) Regular meetings may be conducted in-person, telephonically, by video conference, or any combination thereof.
- D) Meetings should start no later than five (5) minutes after the scheduled time; but the start time may be extended up to sixty (60) minutes if waiting for quorum to be obtained.
- E) Meetings shall follow an agenda, notwithstanding any amendment to that agenda by the voting body.

- F) Minutes shall be kept for every committee meeting, unless a recording of the meeting is made available to the Voting Members. Minutes shall reflect the time the meeting began and the time it ended, the mechanism or location it was held, the attendees on the committee present and absent, and a record of all motions made and votes taken. ~~Draft minutes shall be submitted to the committee secretary and be published to the appropriate mailing list within two (2) business days of the close of the meeting. Upon approval, minutes shall be provided to the State Party Secretary within three (3) days, and posted to the State Party website within seven (7) days.~~ Minutes or audio recording shall be presented and approved within thirty-two days of a meeting. Upon approval, minutes or audio recording shall be provided to the State Party Secretary within seven (7) days, and posted to the State Party website within fourteen (14) days.
- 1) Meetings, meeting minutes, and/or Party assets shall not be used to ~~make personal attacks on~~ disparage members of the Party; except when the Membership Director submits request for removal of membership status from a Voting Member. Other existing meeting minutes or other party records shall have any personal attack replaced with an explanation of removal and then otherwise purged.

OR 403.002 Executive Session shall be limited to:

- A) Deliberations on the future acquisition or sale of real property by the party, 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 or contractor. This shall not be interpreted to permit discussion of general personnel matters in secret.
- D) Discussion of electoral strategies in support of nominated candidates for external political office.
- E) Meetings which federal or state law specifically require to be conducted privately.
- F) Discussion of information technology infrastructure which would compromise the security of party operations.
- G) 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.
- ~~H) Executive sessions may be held only after a motion is made and carried by a majority vote in open, public session.~~
- ~~I) No action may be taken at an Executive Session.~~
- J) No matters may be discussed at an Executive Session other than those publicly announced prior to convening the closed session.

OR 403.003 A committee may act between regular meetings, with all votes taken and recorded as roll-call votes, and details read into the minutes at the next regular meeting.

- A) The State Party Executive Committee shall provide and manage an official mailing list, made viewable to Voting Members, for electronic discussion and voting to every committee of the Party, using official LPKY.org email addresses assigned by the State Party.
- 1) No more than two (2) motions shall be considered by a committee at the same time. A committee member may introduce a motion by opening a distinct thread on the appropriate mailing list. The subject line must begin with "MOTION:" in capital letters, followed by subject in normal case.
- 2) Discussion may begin once another member has seconded the motion. A motion is considered failed if it is not seconded within two (2) business days.
- 3) The question will automatically be called after one (1) full business day with no discussion, or (5) five business days after the motion was seconded, whichever comes first. Once the question has been called, members shall have two (2) business days to vote.
- 4) No action shall be considered passed without a vote of the majority of all seated members of that committee.
- 5) If a committee votes via mailing list to enter Executive Session, the committee may meet privately via teleconference.
- B) In the case of an emergency, where the regular notice requirements would extend beyond a deadline specified in this Constitution, Operating Rules, State Law, or State Regulations:
- 1) The committee chair shall set a time, phone number, and any necessary access codes for a telephone conference, and notify members of the committee with as much notice as possible. Notification must be made by texting, or with a voice telephone call or voicemail for those unable to access texting.
- 2) The topic of the motion to be considered will be included in the text, telephone call, or voice message.
- 3) The actions considered and the results thereof shall be published to the mailing list assigned to the committee within twelve (12) hours.

OR 404 – Leave Of Absence, Resignation, and Recall (Constitution Article VI Section 3.D; codified _____, amended _____)

OR 404.001 Any member of a committee may obtain a Leave Of Absence for up to forty-five (45) consecutive days, not to exceed ~~sixty (60)~~ *ninety (90)* days cumulatively in a single ~~calendar year~~; *term of office* or that member is recalled from that committee. *Any member on a Leave of Absence shall not be counted for purposes of quorum, nor be considered a seated member of that committee.*

OR 404.002 A Leave Of Absence or resignation must be submitted to the highest-ranking remaining member of a committee in written form. If an "effective date" is not included, the effective date shall be assumed to be immediate.

OR 404.003 Any individual member of a committee who misses two (2) consecutive noticed meetings without first obtaining a Leave of Absence may be recalled from that committee by majority vote of a quorum of the other committee members.

OR 404.004 A member of an Executive Committee can also be recalled from office under the following circumstances:

- A) Any Party Officer, At-Large Representative, or Precinct Captain may be recalled at any convention by majority vote at an Annual Convention or by a vote of three-fifths (3/5) at a Special Convention.
- B) Any Officer or At-Large member of an Executive Committee may be recalled from office by a vote of two-thirds (2/3) of the entire non-vacant Executive Committee of that Party excluding the member in question.
- C) Any member of an Executive Committee, who does not participate in the regular business of an Executive Committee for a period of sixty-two (62) days or greater outside of a leave of absence, is recalled from office.

OR 404.005 Vacancies

- A) When there is a permanent vacancy due to resignation or recall from a position on a committee which may be filled by appointment under this Constitution, then the vacancy may be filled in the same manner.
- B) When there is a temporary or permanent vacancy on an Executive Committee:
 - 1) If in the office of Vice-Chair or Secretary the remaining members may appoint an Acting Member to ensure there are three Officers of an Executive Committee.
 - 2) If in the office of Treasurer, *the Vice-Chair (or Secretary if no Vice Chair) shall immediately become the Acting Treasurer, for no more than thirty (30) days, until* the remaining members ~~shall~~ appoint an Acting Treasurer.
 - 3) If in the office of Chair, the Vice-Chair shall immediately assume their duties and serve in their place, and the office of Vice-Chair shall assume the vacancy status. If the Vice-Chair is an Acting Vice-Chair, they shall retain the “Acting” status as Chair.
- C) An Acting Member shall add "Acting" to the beginning of the official title of the office, and shall have the full rights, privileges, and duties of that Officer under this Constitution. They shall serve in this role until the end of the Leave of Absence, or until the opening of the next convention for that Party; an Acting Chair returns to their previous role, title, and term.
- D) Any member of an Executive Committee, not nominated from the floor by, and elected by majority vote of, the delegates at Convention of that Party, shall be an Acting Member.
- E) When *over* one-half (1/2) ~~or more~~ of the ~~seated Officers on~~ *elected members of* an Executive Committee are Acting Members, the highest-ranking Executive Committee member who is not an Acting Member shall call a Special Convention with at least forty-five (45) days’ notice with the sole purpose of electing a new Executive Committee.
- F) Any default member of a committee of a Party can choose not to serve, or be recalled for absenteeism. Vacant positions shall be appointed by the Executive Committee of that Party. *The term of any Acting Member shall expire at the next annual convention, or next special convention called for that purpose.*

OR 405 – Accountability and Conflicts of Interest (Constitution Article VI Section 3.D; codified _____, amended _____)

OR 405.001 Accountability.

- A) Any action taken by an officer, in their official capacity, not previously approved by the Executive Committee, shall be reported to the Executive Committee within three (3) business days, and may be reviewed and overturned by the Executive Committee within fifteen (15) days of when the action is made known to the Executive Committee.

- B) Any party documentation not explicitly exempted shall be an open record, available to any Voting Member of a Party who is currently, or has been within the past three (3) months, a Voting Member.
- 1) The requestor shall place in writing, to the Party Secretary, the request to inspect a record, and certify they are not seeking the records for a commercial purpose. A charge of \$0.10 per page, plus actual postage fees, may be required in advance for physical copies.
 - 2) Request for membership data by an individual Requestor
 - a) During the notice period of a convention, a request may be made up to one (1) time per week, and the data provided shall be the most current data available, or not more than seven (7) days old, whichever period is shorter.
 - b) Otherwise, a request shall be fulfilled not more than once every thirty (30) days, with a list not more than thirty (30) days old.
 - c) When such a request is fulfilled, the name, address, county, and date of membership expiration shall be provided, except when prohibited by law.
 - 3) The following shall be exempt from disclosure and the Open Records provisions:
 - a) Any item covered under and discussed in Executive Session;
 - b) 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; and
 - c) Information of which disclosure is prohibited by law or regulation.
 - 4) Any person accessing systems or other archives with Personally Identifiable Information shall be required to first sign a non-disclosure agreement, and make a concerted effort to protect Personal Information of membership. In no case shall information be transmitted without such an agreement in place with the recipient prior to transmission.
- C) When an Officer of a Party is made aware of a violation of any governing documents, that Officer shall be responsible for taking substantive action to resolve that violation. Substantive action may include informing the appropriate Officer or official of the violation. Failure to take substantive action shall result in recall of that Officer.

OR 405.002 Conflicts of Interest and Appearance of Corruption

- A) An “Immediate Family Member” shall include a spouse, child, step-child, father, mother, sister, brother, uncle, aunt, niece, nephew, and persons in any form of cohabitation, fiduciary, or sexual relationship.
- B) In no event shall two Immediate Family Members serve as voting members of a committee after April 1st, 2020 or after eighteen (18) months from when a Party is initially chartered, whichever is later, except when at least one of the two serves on that committee because they do so as an Officer of an Affiliate Party.
- C) In no event shall a person be permitted to vote to authorize funds or to write a check to any Immediate Family Member or themselves. If any transfer of funds is authorized to a member of an Executive Committee or their Immediate Family Member, the person executing the transfer of funds shall transmit, via official State Party email, the details, including the recipient and purpose, to the State Party Treasurer and Secretary within forty-eight (48) hours of the transaction.
- D) In no event shall a committee member vote on any matter which involves them personally, an Immediate Family Member, or in any matter which involves their role on another committee in any Party.
- E) In no case shall a member of a committee give public support to a candidate of another party.
- F) A committee shall not coordinate with, or enter into any sort of verbal or written arrangement with, other non-Libertarian groups or candidates.

OR 405.003 Party Resources and Financial Responsibility

- A) “Party Resources” shall be defined as funds, time, personnel, property, or any asset of value, which are owned, leased, coordinated, controlled, or operated by a Party.
- B) The State Party Executive Committee shall be solely responsible for approving, and assigning fair market value to, any in-kind donation to any Party.
- C) In no event shall a member of a committee be given a Dues Waiver, or receive compensation or be reimbursed for expenses directly related to fulfilling the duties of their office.
- D) A list of Party Resources of a Party shall be recorded and maintained by that Party. Authorization to expend Party Resources must be specifically approved by the Executive Committee of that Party.
 - 1) Any asset in the possession of, but not owned by, a Party shall be tracked. The owner’s name, contact information, date obtained, and condition of use shall be maintained until a Party returns that asset to its owner. Personal assets may not be advertised as Party Resources.

- E) An Affiliate Party shall not transfer Party Resources to any other Party, other than the State Party, unless authorized by the State Party Executive Committee.
- F) A Party shall not endorse, or use Party Resources to support, any candidate for internal Party office, any candidate for President who has not been selected as the nominee at the National Party Convention, or any candidate for other political office who has not been nominated in accordance with Bylaws.
- G) If resources are given away, then the value and the number of items, along with the date, location, and event title given shall be reported to the Executive Committee Treasurer. If the replacement value of an item is greater than ten dollars (\$10), then contact information of the recipient shall also be reported.
- H) At any Annual Convention for a Party at which Officers are elected, all Party Resources not in a paid storage facility shall be brought to the convention for transfer to new leadership. The key, combination, or other security mechanism for access to assets stored in a storage facility shall also be brought to the convention for transfer to 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.

OR 406 -- Powers (Constitution Article VI Section 3.A; Constitution Article VI Section 1.A; Constitution Article VI Section 2.A; codified _____, amended _____)

OR 406.001 An Executive Committee shall operate the party, set up internal systems to achieve the roles, responsibilities, and goals of the party, within the confines of the Constitution, provided they do not abridge the rights of members, and operate in accordance with the Constitution, Bylaws, and Operating Rules.

OR 407 -- Compliance (Constitution Article VI Section 3.D; codified _____, amended _____)

OR 407.001 If a committee fails to comply with any Operating Rule in the 400 series, within the time specified in that Section or for a period longer than twenty-one (21) days if not specified:

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

CONVENTIONS

OR 500 -- National Party Convention (Constitution Article V Section 6; codified _____, amended _____)

OR 500.001 The Delegate List shall be a prioritized list of Delegates to the National Convention, numbering no more than the maximum number of Primary Delegates from Kentucky, as determined by the National Party, times three (3).

- A) The Delegate List shall be vacated immediately prior to the State Party Annual Convention which immediately precedes the National Party Convention.
- B) The Delegation Chair shall receive the first position. The Delegation Chair shall be the State Party Executive Committee Chair or their designee.
- C) The Delegate List shall be prioritized by order of election, starting with the second delegate, by nomination and election from the floor of the State Party Annual Convention immediately preceding the National Party Convention. Any ties shall be broken by seniority as a Voting Member in the State Party.
- D) Nominations shall be limited to those who are a Voting Member, and counted as a Basic Supporting Member of the National Party at the date on which the National Party calculates the number of Primary Delegates to the National Party Convention.
- E) Primary Delegates shall be those atop the Delegate List, numbering the number of Primary Delegates allocated by the National Party.
- F) Starting one hour prior to the opening of business, Delegates may be appended to the end of the Delegate List by vote of the Primary Delegates at the National Convention. Each addition shall be considered individually.

OR 500.002 Delegation Chair

- A) They shall be responsible for submitting the Delegate List to the National Party prior to the deadline set by the National Party.

- B) They shall be empowered to enter into a Regional Agreement with other state parties on behalf of the State Party, with approval of two (2) other Officers of the State Party.
- C) They shall be responsible for calling upon Primary Delegates to participate in convention business.
- D) When applicable, the Delegation Chair is responsible for ensuring all paperwork necessary for filing Libertarian Party candidates for President and Vice-President is completed on-site at the National Party Convention, and shall promptly deliver that completed paperwork to the State Party Executive Committee Secretary.

OR 500.003 Delegates shall attend the National Party Convention and exercise their vote on the basis of individual conscience. They shall not be bound to vote for or against any particular issues or candidates.

- A) Any Delegate absent that does not check-in at least one hour prior to the opening of business, resigns from the role, or is absent for more than seventy (70) consecutive minutes during business shall be removed from the Delegate List. If no Delegation Chair exists, then Primary Delegates who have checked-in shall elect a new Delegation Chair from amongst themselves.

ARBITRATION

OR 900 -- Arbitration Procedure (Constitution Article IX; codified _____, amended _____)

OR 900.001 A claim is the same as a Demand for Arbitration. All claims should be dutifully considered. The claimant's right to due process should be respected.

OR 900.002 Unless otherwise decided as a result of arbitration, costs shall be shared evenly between the State Party and the party bringing forth the claim or controversy.

OR 900.003 The form of a claim being brought to an Executive Committee shall be a one-line summary ("tag line") of the claim, a summary of two-thousand (2,000) words or less including the specific provisions of governing documents the claimant believes to have been violated, and the remedy sought by the claimant.

OR 900.004 The Executive Committee shall have a fourteen (14) day review period, during which they shall engage in good faith negotiation with the claimant, considering the claim in conjunction with the Constitution, Operating Rules, and/or Bylaws. The Executive Committee shall, within that period, provide a response:

- A) Accepting an argument within the claim and correct the action as requested, or in a manner mutually-acceptable to both parties within the scope of the Constitution, Operating Rules, and Bylaws.
- B) Rejecting an argument within the claim, in writing to the claimant, with the reasoning or rationale behind the rejection of the argument.

OR 900.005 The claimant shall be entitled to submit a reply to the response within seven (7) days of notification, further explaining the claim and/or the desired remedy.

OR 900.006 Upon receipt of a reply from the claimant, the Executive Committee shall consider the claim, the response by the Executive Committee, and the reply from the claimant, as a whole. From these documents, the Executive Committee shall issue its judgement within fourteen (14) days.

OR 900.007 A claimant may appeal the judgement of an Affiliate Party Executive Committee or a Director to the State Party Executive Committee. The State Party Executive Committee shall issue judgement of the appeal and affirm or reject the outcome of the arbitration within fourteen (14) days.

OR 900.008 A claimant may appeal the judgement of the State Party Executive Committee through binding arbitration. These provisions supersede any contrary arbitral rules that might otherwise apply.

- A) Pleadings. The arbitration demand must be a clear and concise statement of the claim or dispute. The respondent's answer and any counterclaims must be filed within twenty (20) calendar days of service of the demand.
- B) Arbitrator. Within seven (7) calendar days after the arbitration demand is served on the respondent, the parties must jointly select an arbitrator with at least two (2) years' experience in that capacity.
 - 1) If the parties do not agree on an arbitrator within seven (7) calendar days, the parties shall have seven (7) days to each select an arbitrator. The arbitrators for each party will select a third

arbitrator to serve as chair of a three-person panel of arbitrators, and the term “arbitrator” as further used in this Section shall thereafter refer to the panel of arbitrators.

C) Prehearing Conference. The arbitrator must promptly set a conference to clarify the claims and defenses, to establish fair procedures, and to set a schedule for completing the arbitration.

D) Discovery

1) Except for impeachment-only information, each party must voluntarily disclose:

- a) the names and addresses of persons who have discoverable information that the party may use to support its claims or defenses;
- b) a copy of the documents that the party may use to support its claims or defenses; and
- c) a computation showing each element of damages.

2) Each party may have no more than eight (8) hours, total, for depositions.

3) Each testifying expert witness must provide:

- a) a written report stating all opinions that he or she will express at the hearing;
- b) the basis and reasons for the opinions;
- c) the facts and data considered in forming the opinions;
- d) all exhibits that will be used to summarize or support the opinions; and
- e) his or her résumé.

4) Any documents from proceedings which occurred prior to this arbitration process may be submitted for consideration. No other discovery is allowed except by the arbitrator and for good cause.

5) Discovery Disputes. The parties must confer in good faith to resolve all discovery disputes. If they cannot resolve these themselves, the parties must attempt to do so in conference with the arbitrator. If the dispute is not resolved in conference, the arbitrator must promptly rule on the issues.

E) The parties must not file any motions without first conferring with opposing counsel or obtaining leave from the arbitrator.

F) Unless otherwise mutually agreed to by both parties, the final hearing will be held at the Paul Sawyier Library in Frankfort, Kentucky, and must be concluded within two (2) months of the date the arbitrator is appointed.

G) The arbitrator must issue a written, reasoned award within fourteen (14) calendar days from the date the hearing is formally closed, or as soon after that as is feasible. The remedy will be corrective action and/or actual damages; no punitive damages are allowed.

H) The arbitrator may impose reasonable monetary or other sanctions against a party, or the party’s lawyer, as appropriate, for bringing forth a claim in bad faith, failing to comply with discovery obligations, or directly or indirectly engaging in other disruptive or dilatory conduct.

I) Unless the arbitrator orders otherwise, the parties must share arbitration costs equally, including the arbitrator’s fees and expenses. Each party must pay its own expenses and attorneys’ fees.

J) The arbitrator’s award may be confirmed, modified, or vacated, and judgment entered, by any state or federal court having subject-matter jurisdiction sitting in the state of Kentucky.

K) The arbitrator’s failure to comply with any deadlines specified in this section is not grounds for invalidating any provision of this section.