



KENTUCKY REGISTRY OF ELECTION FINANCE

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John R. Steffen
Executive Director
Leslie M. Saunders
General Counsel

ADVISORY OPINION 2025-002

Any Advisory Opinion rendered by the Registry under subsection (1) or (2) of KRS 121.135 may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the Advisory Opinion is rendered. See KRS 121.135(4).

July 25, 2025

VIA FIRST CLASS U.S. MAIL AND EMAIL TO KEN MOELLMAN, JR.

Mr. Ken C. Moellman, Jr.
State Party Executive Committee Chair
Libertarian Party of Kentucky
PO Box 432
Independence, KY 41051

In re: Request for Advisory Opinion: Campaign Contributions by the Libertarian Party of Kentucky to Its Candidates

Dear Chair Moellman:

This Advisory Opinion is sent in response to your email of June 30, 2025, requesting an advisory opinion on the “applicability of campaign contribution limits made by a ‘political group,’ as defined in KRS 118.015(11), to its duly-nominated candidates.” You stated that the executive committee of the political group, Libertarian Part of Kentucky (“LPKY”), has been evaluating its ability to provide financial support to its candidates, specifically for state and legislative offices in 2026 and executive branch offices in 2027 and that LPKY’s ability to provide such support would directly affect the number of candidates who would choose to seek nomination for those races. Your email continued:

Campaign Contributions By the Libertarian Party of Kentucky to Its Candidates (AO 2025-002)

Historically — excluding the period from 2017 to 2020 — LPKY has been recognized as a "political group" under KRS 118.015(11), and has operated accordingly. With the changes to Kentucky's campaign finance laws over the past decade, we are seeking clarification to ensure compliance with current statutes and regulations.

We respectfully request an opinion that, consistent with Advisory Opinions 2013-003 and [2014-005] (as modified by subsequent changes to contribution limits), the Executive Committee of a political group such as LPKY may continue to make contributions to its duly-nominated candidates, and that such candidates may accept those contributions, provided all applicable reporting and registration requirements with KREF are met.

The Registry of Election Finance ("Registry") posted your request on its website for public comment for ten days, starting July 7, 2025, as required by KRS 121.135(5)(a), and no comments were received.

The advisory opinions you referenced, and which are attached to this opinion, stand for the following propositions:

AO 2013-003 --- LPKY's executive committees at the county and district levels are "an executive committee of a political party" within the meaning of what was then KRS 121.015(e), but is now KRS 121.015(f), so long as LPKY at the state level maintains an official party structure, continues to work to achieve ballot access for its candidates, and continues to report its finances as a state level executive party of a political committee. Thus, LPKY county and district affiliates should file with the Registry and report as executive committees.

AO 2014-005 – After determining that a particular LPKY candidate was time barred from accepting contributions for the primary, but could register to do so in the future, the advisory opinion stated that the reporting requirements of KRS 121.180 applied to "non-major and independent candidates" in the same manner as to those other political parties.

As is noted in both of those previous advisory opinions, the Registry is not bound by KRS Chapter 118 definitions, such as the definitions of "political party," "political organization," or "political group" in KRS 118.015(1), (10), and (11), respectively. Those definitions relate only to KRS Chapter 118 and not to KRS Chapter 121, which contains Kentucky's campaign finance statutes. For Kentucky campaign finance law purposes, LPKY meets the definition of "executive committee" in 32 KAR 1:050, §1(1):

'Executive committee' means an organizational unit or affiliate recognized within the document governing a political party, that raises and spends funds to promote political party nominees, and performs other activities commensurate with the day-to-day operation of a political party, including voter registration drives,

Campaign Contributions By the Libertarian Party of Kentucky to Its Candidates (AO 2025-002)

assisting candidate fundraising efforts, holding state conventions or local meetings, and nominating candidates for local, state, and federal office.

LPKY's current constitution is available online at <https://lpky.org/about/governance/> (last amended on February 24, 2024). Similar to the version considered in AO 2013-003, LPKY structures itself as a state party which uses affiliated associations throughout the state (organized by county). These affiliates exist, along with LPKY to "associated together to form a political party whose primary purpose is to place Libertarian candidates on the ballot and assist them in achieving electoral success[,]" LPKY does this through a nominating convention and conducts its business through a collection of standing committees.

No change in campaign finance law in the intervening years between the above-cited advisory opinions and today's date would require that LPKY be treated differently than any other executive committee, which may make unlimited contributions to their candidates and which are subject to applicable reporting requirements in KRS 121.180(2). Similarly, LPKY candidates may receive unlimited contributions from LPKY's and its affiliates' executive committees. These candidates remain subject to the same candidate reporting requirements in KRS 121.180(3).

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request and only may be applied to cover the conduct in the transaction you described. If you have any questions concerning this Advisory Opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,



LESLIE M. SAUNDERS
General Counsel

Cc: John R. Steffen, Executive Director



KENTUCKY REGISTRY OF ELECTION FINANCE

Steven L. Beshear
Governor

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Frankfort, Kentucky 40601-3240
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Craig C. Dilger
Chairman
Sarah M. Jackson
Executive Director
Emily Dennis
General Counsel

ADVISORY OPINION 2013-003

Any Advisory Opinion rendered by the Registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the Advisory Opinion is required. KRS 121.135(4).

December 6, 2013

Kenneth C. Moellman, Jr., Chairperson, Libertarian Party of Kentucky
Joseph B. Szeremet, Chairperson, Libertarian Party of Boone County
P.O. Box 432
Independence, KY 41051

**In re: Executive Committee of a Political Party
Definitions and Reporting Requirements (AO 2013-003)**

Dear Mr. Moellman and Mr. Szeremet:

This Advisory Opinion is sent in response to your November 6, 2013 request for clarification regarding the registration and reporting requirements of the Libertarian Party of Kentucky (LPKY) and its affiliate organizations, including the Libertarian Party of Boone County. Pursuant to KRS 121.135(5)(a), your request was posted for public comment on November 14, 2013. No public comments were received.

You specifically ask the Kentucky Registry of Election Finance (Registry) for an Advisory Opinion addressing the following questions:

- (1) Are the executive committees of the LPKY at the county and district levels “an executive committee of a political party” within the meaning of KRS 121.015(3)(e)?
- (2) Should LPKY county and district affiliates begin filing with KREF as required by an “executive committee of a political party” within the meaning of KRS 121.015(3)(e)?

In re: Campaign Funds/ Definitions/ Allowable Campaign Expenditures (AO 2013-03)

The short answer to both questions is a qualified “yes.”

The Registry recognized the LPKY’s status as a state executive committee of a political party in Case # 2012-338, *In re: Campaign Fund of Ken Moellman for State Treasurer, et al.* In so doing, the Registry also recognized it was not bound to use the KRS Chapter 118 definition of “political party” in its interpretation of what constitutes an “executive committee of a political party” for purposes of KRS Chapter 121.¹ On December 11, 2012, LPKY submitted its Political Committee Registration form and became duly registered as a state executive committee with an effective date of December 3, 2010.² The LPKY’s political committee registration status is contingent on the LPKY maintaining an official party structure, continuing its work to achieve ballot access for LPKY candidates, and periodic reporting of LPKY finances as a state executive committee of a political party.

Upon request, Chairperson Moellman provided the Registry’s General Counsel with a copy of “The Constitution of the Libertarian Party of Kentucky.”³ The LPKY’s Constitution provides for the establishment of affiliates of the state party. The affiliates exist to assist the state party in its stated purpose and goals, and one purpose of the state party is to promote and coordinate affiliate organizations throughout Kentucky. An affiliate party of the LPKY is required to conduct its affairs through an executive committee, and any affiliate party that does not establish an executive committee - consisting of a Chair, Treasurer, and either a Vice-Chair or Secretary - for a period of more than 45 days is dissolved.⁴ Thus, as long as the LPKY functions as a state executive committee of a political party, executive committees of the LPKY at the county and district levels are also executive committees of a political party within the meaning of KRS 121.015(3)(e) and must register as such.

Executive committees at the county and district levels are required by law to file a 30-Day Post Election Finance Statement following each primary and regular (general) election. See KRS 121.180(2) and 32 KAR 1:030 §2 (b). Therefore, LPKY county and district affiliates should file reports with the Registry as required by executive committees of a political party.

The Registry notes the LPKY is structured in such a manner that the state party coordinates affiliate organizations throughout the state. In addition, the LPKY Constitution provides for dissolution of any affiliate organization that fails to establish and maintain an executive committee. Therefore, it is incumbent on the LPKY state executive committee to ensure its affiliates timely register and report as political committees and to further provide immediate notification to the Registry in the event an affiliated organization is dissolved.

¹ See Attachment 1: Supplemental Staff Report and Recommendations (without Exhibits) in Case No. 2012-338, *In re: Campaign Fund of Ken Moellman for State Treasurer, et al.*

² See Attachment 2: Political Committee Registration for the LPKY, received by the Registry on December 11, 2012, and Registry response recognizing LPKY as an executive committee dated December 18, 2012.

³ See Attachment 3: Constitution of the Libertarian Party of Kentucky (last revised at special convention on October 26, 2013).

⁴ See Attachment 3 at Articles III and VI.

Kenneth C. Moellman, Jr., Chairperson, Libertarian Party of Kentucky
Joseph B. Szeremet, Chairperson, Libertarian Party of Boone County
December 6, 2013

In re: Campaign Funds/ Definitions/ Allowable Campaign Expenditures (AO 2013-03)

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request, does not cover past conduct, and may only be applied to cover the conduct in the transaction you describe. If you have any questions concerning this Advisory Opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,



EMILY DENNIS
General Counsel

Attachments:

- (1) Supplemental Staff Report and Recommendations (without Exhibits) - Case # 2012-338
- (2) LPKY Political Committee Registration and Registry response
- (3) Constitution of Libertarian Party of Kentucky (last revised October 26, 2013)

Cc: Registry Members
Sarah M. Jackson, Executive Director

**KENTUCKY REGISTRY OF ELECTION FINANCE
CASE NO. 2012-338**

**In re: Campaign Fund of Ken Moellman for State Treasurer,
Ken Moellman, Candidate, Eric Grinnell, Treasurer;
and the Libertarian Party of Kentucky, Eric Cranley, Chairman,
Matthew Holder, Treasurer**

NOTICE

As previously noticed, the above-styled case will be heard by the Kentucky Registry of Election Finance ("Registry") at its next regular meeting to be held on **Wednesday, August 29, 2012, at 10:00 a.m.** in the offices of the Registry at **140 Walnut Street, Frankfort, Kentucky 40601.**

**SUPPLEMENTAL STAFF REPORT
AND RECOMMENDATIONS**

Ken Moellman (Moellman) was a candidate for the office of State Treasurer in the 2011 general election. Moellman notified the Registry of his candidacy on March 28, 2011. Moellman established a campaign fund (Moellman Campaign Fund), and designated Eric Grinnell (Grinnell) as his campaign Treasurer. According to Election Finance Statements filed with the Registry, the Moellman Campaign Fund terminated its campaign account on January 7, 2012.

Pursuant to KRS 121.120(4)(k), Registry Auditor Greg Cordier performed an audit of the Moellman Campaign Fund. The audit revealed that the Moellman Campaign Fund accepted an apparent excess contribution from a contributing organization. Specifically, the Moellman Campaign Fund accepted a contribution in the amount of \$4,900 from the Libertarian Party of Kentucky (LPKY), which the LPKY reported as a contribution from a contributing organization,

in apparent violation of KRS 121.150(6).¹ Respondents were notified of the audit findings pursuant to KRS 121.140 and 32 KAR 2:030, Section 5, and given an opportunity to respond (See Notice and Staff Report dated June 22, 2012).

In response to the Notice and Staff Report, on behalf of the Moellman Campaign Fund, Moellman and Grinnell state there is no definition of “party executive committee” in Kentucky statutes or administrative regulations. They argue that any application of the definition of political party found in KRS 118.015 to Kentucky’s campaign finance laws would be incorrect, as KRS Chapter 118 relates specifically to the administration of elections and nominations, and KRS 118.015 specifically states its definitions apply only to KRS Chapter 118. In the absence of statutory or regulatory definition, they urge the Registry to apply the “plain meaning rule” to KRS 121.150.

Under the plain meaning rule, Moellman claims the LPKY is a political party, as he (Moellman) obtained the right to run as a candidate of the LPKY at an annual convention, where he was duly nominated as the LPKY candidate for State Treasurer. Moellman and Grinnell state the Moellman Campaign acted in good faith by accepting the LPKY’s contribution, appropriately spent the funds to obtain ballot access, and received no notice of the possibility of a violation until the funds were already spent. Any deficiency in the LPKY’s paperwork and filings, they argue, is beyond their ability to control (See Response received July 9, 2012).

LPKY reiterates the arguments of the Moellman Campaign Fund concerning the application of KRS 118.015 and argues that the LPKY should be considered a political party

¹ See attached Exhibit A: June 22, 2012 Audit Report and supporting documentation and Exhibit B: Report of Contributions by a Contributing Organization filed by the Libertarian Party of Kentucky and subsequent notices from the Registry concerning the excess contribution by the Libertarian Party of Kentucky (enclosures omitted).

under the “plain meaning rule.” LPKY notes that its organization falls under the jurisdiction of the Federal Election Commission, has an Executive Committee with leadership positions elected by delegates at annual conventions, and has members registered to vote as Libertarians in the state of Kentucky. LPKY claims its organization is governed by a Constitution passed in convention by its delegates in attendance, nominates candidates for political office, solicits funds from both members and non-members, and is the official state party affiliate of the national Libertarian Party. LPKY notes it complies with federal law regarding political parties, and is considered a political party by the Internal Revenue Service (IRS) and the Federal Election Commission (FEC). LPKY notes the Registry previously issued an Advisory Opinion (AO 1999-09) permitting the Natural Law Party to act as a political party, despite the fact that the Natural Law Party did not meet the definition of political party found at KRS 118.015.

LPKY acknowledges it incorrectly submitted the “Report of Contributions by a Contributing Organization” Form (KREF 012); however, LPKY states the Registry sent this form to LPKY and the form was submitted in good faith because LPKY believed this was the form the Registry required for reporting as an Executive Committee.² LPKY disputes the Registry’s classification of its organization as a non-party contributing organization on grounds that it puts any party candidate (other than Democratic and Republican candidates) at a significant fundraising disadvantage. The LPKY argues this disparity is unconstitutional, as it would effectively create separate campaign finance limits for third party candidates. LPKY requests to be treated on equal terms with the Republican Party of Kentucky (RPK) and

² See attached Exhibit B: “Report of Contributions by Contributing Organization” submitted by LPKY on December 14, 2011.

Kentucky Democratic Party (KDP) and states it is prepared to submit appropriate executive committee registration and reporting forms upon the Registry's recommendation.

ISSUE

The sole issue in this case is whether the Moellman Campaign Fund accepted an excessive contribution from the LPKY as a contributing organization under KRS 121.150(6). Resolution of this issue depends on whether the LPKY is properly classified as a contributing organization, subject to limits under KRS 121.150(6), or an executive committee of a political party, in which case KRS 121.150(23)(b) applies.

ANALYSIS

LPKY's registration and reporting status under KRS Chapter 121

For campaign finance purposes, a substantial benefit to executive committee status is the ability of an executive committee to spend significantly more money than other contributors in support of a candidate. Under KRS 121.150(23)(b), a candidate may receive the greater of 50% or \$10,000 in aggregate contributions from executive committees of any county, district, state or federal political party in any one (1) election. By contrast, a contributing organization may only make a \$1,000 contribution to a candidate in any one election. See KRS 121.150(6). A "contributing organization" is defined as a group which merely contributes to candidates, slates of candidates, campaign committees, caucus campaign committees, or executive committees from time to time from funds derived solely within the group, and which does not solicit or receive funds from sources outside the group itself. Respondents do not contest that LPKY contributed \$4,900 to the Moellman Campaign Fund; however, they argue the LPKY should be

treated as an executive committee and not as a contributing organization for purposes of campaign finance registration and reporting requirements.

KRS Chapter 121 clearly permits the Registry to require registration and campaign finance reporting by an “executive committee of a political party.” However, as correctly noted by Respondents in this case, the term “executive committee” is not defined in KRS Chapter 121 or its associated regulations (KAR Title 32). Similarly, the term “political party” is not defined for campaign finance purposes.

Kentucky law prescribing the Conduct of Elections (KRS Chapter 118) specifically defines the term “political party” for purposes of KRS Chapter 118, “unless the context otherwise requires,” as “an affiliation or organization of electors representing a political policy and having a constituted authority for its governance and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for.” See KRS 118.015(1). Respondents correctly note, notwithstanding a substantially similar prior definition of “political party” in KRS Chapter 118, the Registry previously permitted the Natural Law Party of Kentucky may register and report as an Executive Committee under KRS Chapter 121.³ The campaign finance definition of “committee” - specifically as it relates to an executive committee of a political party - has not

³ See Exhibit C: Advisory Opinion 1999-09. In 1999, KRS 118.015(1) defined “political party” as follows: “A ‘political party’ within the meaning of this chapter, is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for. In 2002, the General Assembly deleted the phrase “within the meaning of this chapter” and replaced it with the preparatory language, “As used in this chapter, unless the context otherwise requires:”. See 2002 Ky. Acts. Chapter 63 (H.B. 32), Section 9. Notably, in the 1999 gubernatorial election, 4 “political parties” fielded gubernatorial slate nominees, including the Republican Party of Kentucky, Kentucky Democratic Party, Natural Law Party of Kentucky, and the Reform Party. At the time, all 4 political parties had registered executive committees periodically reporting campaign finances to the Registry.

been changed, defined, or explained by regulation since 1999.⁴ As explained in Advisory Opinion 2008-002, “(u)nlike a campaign committee, caucus campaign committee, political issues committee, permanent committee, or inaugural committee, which terms are defined by KRS 121.015(3), an executive committee lacks statutory definition because it is defined by its affiliation with a national political party, and by-laws or other governing rules.”⁵

In 2002, the Kentucky General Assembly added the following defined terms to KRS 118.015 relating to the Conduct of Elections:

“Political organization” meaning “a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors;” and

“Political group” meaning “a political group not constituting a political party or a political organization within the meaning of subsections (1) and (8) of this section.” See KRS 118.105(8)-(9).

In general, a candidate representing a political organization or political group achieves ballot access in Kentucky by filing a Statement-Of-Candidacy (SBE 59A) and Nominating Petition (SBE 59). See KRS 118.315 and KRS 118.365. This is how Moellman achieved ballot access to run for State Treasurer on behalf of the LPKY.⁶

While one may presume that the definition of “political party” under KRS Chapter 118 applies in KRS Chapter 121 due to the proximity of the statutes, the presumption may be rebutted by the introductory language of KRS 118.015, “As used in this chapter, unless the context otherwise requires.” These words plainly mean that the definitions in KRS 118.015 are

⁴ In 2005, the Kentucky General Assembly added the term “caucus campaign committee” to the definition of “committee” under KRS 121.015; however, this had no effect on what constitutes an “executive committee.”

⁵ See Exhibit D: Advisory Opinion 2008-002.

⁶ See attached Exhibit E: Statement-Of-Candidacy and Nominating Petition (first two pages only) filed by Moellman.

applicable only to KRS Chapter 118 (unless the context requires otherwise). The Advisory Task Force for Development of the Registry's Legislative Package unanimously recommended that legislative action be taken to define "executive committee" as a state or county political party as defined in KRS Chapter 118, or an active congressional district.⁷ However, to this day, the term "executive committee" remains undefined. Therefore, the Registry is by no means bound to use the KRS Chapter 118 definition of "political party" in its interpretation of what constitutes an "executive committee of a political party" for purposes of KRS Chapter 121.

In the absence of state law or regulation on this subject, federal campaign finance law provides some guidance for the Registry in its present analysis and a blueprint for future regulations defining the term "political party" for purposes of KRS Chapter 121. Specifically, federal regulations define the term "political party" as a committee or organization whose nominated or selected candidates for federal office appear on the ballot as the party's candidates. 11 CFR 100.15. Under FEC guidelines, an organization may qualify as a state party committee upon determination by the Commission. The Commission advises committees desiring a determination to submit an advisory opinion request to the Commission. The Commission further advises that three (3) requirements must be met in order for a committee to qualify as a state party committee, as follows:

- The committee must achieve ballot access for at least one federal candidate in the state;
- The committee must possess an official party structure; and
- The relationship between the political party and the committee must be based on an agreement that requires the committee to perform activities

⁷ Final Report of the Advisory Task Force for Development of the Registry's Legislative Package, Adopted as Amended by the Registry of Election Finance, September 19, 2005, p. 18.

commensurate with the day-to-day operation of the party on a state level (such as raising contributions; assisting candidates' fundraising efforts; conducting voter registration drives; holding state conventions; and nominating candidates for state and federal office).⁸

Applying this three (3) part standard to the LPKY in the present case, the LPKY achieved ballot access for at least one statewide candidate in the 2011 general election - Moellman for State Treasurer. The LPKY demonstrates in its response that it possesses an official party structure and is governed by a Constitution. The Constitution of the LPKY provides for the establishment of an executive committee and requires the committee to perform activities commensurate with the day-to-day operations of the party on the state level.⁹ For these reasons, based on the record of this case, the General Counsel finds no reason to believe the Moellman Campaign Fund or the LPKY violated KRS 121.150(6), as the Moellman campaign may properly accept a \$4,900 contribution from the state executive committee of the LPKY, in compliance with KRS 121.150(23)(b).

RECOMMENDED ORDER

Based upon the audit findings, responses thereto, and analysis of applicable law, the General Counsel recommends the Registry find no probable cause to believe the Moellman Campaign Fund or LPKY violated KRS 121.150(6) as set forth in findings of the audit report. However, the LPKY must forthwith properly register as an executive committee and report its campaign finances to the Registry dating back to the 2011 general election campaign reporting period in which Moellman was a candidate. In addition, going forward, it will be incumbent on the LPKY to maintain its political committee registration status by maintaining an official party

⁸ See Campaign Guide for Political Party Committees (July 2009), Federal Election Commission, p. 122.

⁹ See attached Exhibit F: The Constitution of the Libertarian Party of Kentucky (also attached to Response of LPKY as Exhibit D).

structure, continuing its work to achieve ballot access for LPKY candidates, and periodic reporting of LPKY finances as an executive committee of a political party, subject to contribution and expenditure limits as set forth in KRS Chapter 121.

This 10th day of August, 2012.

Respectfully submitted,



EMILY DENNIS
General Counsel
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, Kentucky 40601
(502) 573-2226
Fax # 502.573.5622
Emily.Dennis@ky.gov

COUNSEL FOR THE REGISTRY

CERTIFICATE OF SERVICE


This is to certify that a true and accurate copy of the foregoing Notice and Staff Report was served by U.S. Certified Mail, Return Receipt Requested, postage prepaid, to Respondents, at the following addresses:

Ken Moellman
Candidate for State Treasurer
475 Hickory Grove Rd.
Foster, KY 41043

Eric Grinnell, Treasurer
Campaign Fund of Ken Moellman for State Treasurer
7230 Turfway Dr.
Florence, KY 41042

Eric Cranley, Chairman
Matthew Holder, Treasurer
Libertarian Party of Kentucky
P.O. Box 432
Independence, KY 41051

on this 10th day of August, 2012.



Emily Dennis
General Counsel

E-Mail

257701
REGISTRY USE

KENTUCKY REGISTRY OF ELECTION FINANCE
140 Walnut Street, Frankfort, KY 40601-3240
(502) 573-2228 / FAX (502) 573-5622
www.kref.ky.gov

POLITICAL COMMITTEE REGISTRATION
Please type or print

RECEIVED

Libertarian Party of Kentucky

Committee Name - Do not include candidate's name in committee name unless authorized by candidate. (KRS 121.210(4)). Acronyms are permitted but full title from which derived must be shown. (KRS 121.170).

2012 DEC 11 A 8:47

P.O. Box 432 Independence KY 41051

Daytime Telephone Number, (502) 526-5957

REGISTRY OF
ELECTION FINANCE

Libertarian Party state affiliate - Political Party

State the name of sponsor, the specific source of funds and the purpose for which this committee is being registered. (Permanent committees must list the major business, social, or political interest represented.)

This committee is being organized as a: (check one)

Dates committee plans to be active:
(Committees with on-going activity use "indefinite")

- CAMPAIGN COMMITTEE (for candidate(s) during an election campaign) - KRS 121.015(3)(a).
- CANDIDATE AUTHORIZED UNAUTHORIZED
- CAUCUS CAMPAIGN COMMITTEE - KRS 121.015(3)(b).
- POLITICAL ISSUES COMMITTEE (for an issue which will appear on the ballot) - KRS 121.015(3)(c).
- PERMANENT COMMITTEE (a permanent organization which functions on a regular basis) - KRS 121.015(3)(d).
- INAUGURAL COMMITTEE - KRS 121.015(3)(f).

FROM: 12/3/2010

THROUGH: 1/1

INDEFINITE

NOTE: The chairperson and the treasurer of a committee shall be separate persons. The official contact person of a permanent committee shall not be a legislative agent or an executive agency lobbyist. See KRS 121.170(4).

CHAIRPERSON INFORMATION:

Eric Cranley
Name

Daytime Telephone Number: (859) 646-6480
Home Telephone Number: (859) 640-6480
E-mail Address: eric.cranley@LPKY.org

2215 Teal Briar Ln #102 Burlington KY 41005
Mailing address (including city, state and zip)

TREASURER INFORMATION:

James Bozman
Name

Daytime Telephone Number: (859) 630-9668
Home Telephone Number: (859) 630-9668
E-mail Address: james.bozman@LPKY.org

600 Friars Ln #2 Florence KY 41042
Mailing address (including city, state and zip)

OFFICIAL CONTACT PERSON:

Name

Daytime Telephone Number: () -
Home Telephone Number: () -
E-mail Address:

Mailing address (including city, state and zip)



Baker, George (KREF)

From: Ken Moellman [ken.moellman@lpky.org]
Sent: Tuesday, December 11, 2012 1:09 AM
To: Baker, George (KREF); Eric Cranley; James Bozman
Subject: Libertarian Party KREF Filer Number request

Mr. Baker,

I have carbon-copied our State Chairman, Eric Cranley, and our newly-elected State Treasurer, James Bozman, to this message.

Here is the scanned copy of the KREF form. I should have just mailed it to you, rather than mess with trying to FAX it. But here's the scanned copy and the original is on its way to you.

If you can reply with a Filer number at your earliest convenience, I will work with the party to get the 2011 and 2012 reports returned to KREF in a timely manner.

Additionally, I am working on the documents that describe the relationships of the various levels of the party. In many ways, it is not indifferent from other parties in Kentucky, just smaller. However there are a few key differences, and specifically around bringing income into the party. Our goal is to have the most efficient mechanism for fundraising, and to make that mechanism as easy to audit and report to KREF as possible.

--

Ken Moellman
4th District Chairman
Libertarian Party of Kentucky
ken.moellman@lpky.org
<http://www.lpky.org/>
(859) OK-BE-LPK

12/11/2012



KENTUCKY REGISTRY OF ELECTION FINANCE

Steven L. Beshear
Governor

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Craig C. Dilger
Chairman

David R. Martin
Vice-Chairman

Sarah M. Jackson
Executive Director

Rhonda K. Monroe
Assistant Executive Director

Emily Dennis
General Counsel

December 18, 2012

Libertarian Party of Kentucky
Mr. Eric Cranley, Chairman
2215 Teal Briar Ln., # 102
Burlington, KY 41005

Registry Filer Number: 257701

Dear Chairman Cranley:

The above named executive committee is duly registered with this office. Please read this letter and accompanying material carefully. Enclosed is a packet of materials to be used in filing reports during this election year. The Libertarian Party of Kentucky must submit financial reports to the Registry for the 2011 post general election and the 2012 post primary and 2012 post general elections. These prior reports must be completed and received by **January 15, 2013**.

The committee must report on the prescribed forms and by the reporting deadline. Reports must be received by the Registry or postmarked no later than the close of business on the grace ending date. To be valid, a postmark must be applied legibly by the US Postal Service. A copy of each report should be retained for the committee's files.

Reporting dates and financial reporting forms may be found on the Registry's website, kref.ky.gov. If there are any changes in the chair or treasurer of the committee, or if an address changes, the committee is required to notify the Registry within three (3) days.

The Kentucky Registry of Election Finance ("Registry") approved recommendations of its Fines Committee that have resulted in an **increase** to the penalty amount assessed for late filing of Election Finance Statements by all reporting entities, including executive committees. To encourage timely filing of reports, the Registry Board approved the following sliding scale for administrative fines for late filing of reports:

1-5 days late \$50 minimum (1 day late) plus \$10 for each additional day
6-10 days late \$100 minimum (6 days late) plus \$10 for each additional day
11-15 days late \$150 minimum (10 days late) plus \$10 for each additional day
16 + days late \$200 minimum (16 days late) plus \$10 for each additional day

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The committee has been assigned an identification number. Please note this number on all reports and correspondence to this agency, **Identification Number # 257701**.

Reporting instructions, the guidebook entitled Executive Committee Guide to Campaign Finance, reporting forms, and other helpful information may be found on the Registry's website, www.kref.ky.gov. We encourage you to rely on our agency's website as an important resource. If I can be of any assistance relative to your executive committee's activities, please feel free to contact me at (502) 573-2226.

Sincerely,



George B. Baker III,
Administration Specialist III

Cc: James Bozman, Treasurer

Enclosures: Executive Committee Reporting Forms
Copy of Committee Registration form
Executive Committee Guide to Campaign Finance

The Constitution of the Libertarian Party of Kentucky

PREAMBLE

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

ARTICLE I: NAMES AND DEFINITIONS

Section 1. The National Libertarian Party shall be hereafter referred to as the "National Party".

Section 2. The name of the Party serving as the official state affiliate of the National Libertarian Party shall be "The Libertarian Party of Kentucky", hereinafter referred to as the "State Party".

Section 3. A Party serving as the official affiliate of the State Party within a US Congressional District shall be a "District Party".

A. A Party organized in the Commonwealth of Kentucky, within a U.S. Congressional District which encompasses two or more counties shall be "The Libertarian Party of Kentucky – " followed by the ordinal number of the Congressional District as determined by the Commonwealth of Kentucky, followed by the word "District".

B. The official name of any District Party which is contained within one county shall be one of the following:

- i. "The Libertarian Party of Kentucky – " followed by the ordinal number of the Congressional District, followed by the word "District", as determined by the district numbering determined by the Commonwealth of Kentucky; or
- ii. "The Libertarian Party of Kentucky – " followed by the name of the county, and then immediately followed by the word "County"; or
- iii. "The Libertarian Party of " followed by the name of the city, and then immediately followed by the word "Kentucky" when that county is operated as a Consolidated Local Government, Urban County Government, Unified Local Government, or Charter County Government, as defined in Kentucky Revised Statutes.

C. If entitled to the intended name, the official name of a District Party may only be changed by majority vote by the delegates from the affected District Party, at the annual State Convention, by majority vote occurring no more often than once every 18 months.

Section 4. A Party serving as the official affiliate of a District Party within a Kentucky county shall be a "County Party".

A. The official name of any County Party within a county without a Consolidated Local Government, Urban County Government, Unified Local Government, or Charter County Government, as defined in Kentucky Revised Statutes, shall be known as "The Libertarian Party of" followed immediately by the name of the county as recognized by the state of Kentucky, followed by "County, Kentucky".

B. The official name of any County Party within a county that is operated as a Consolidated Local Government, Urban County Government, Unified Local Government, or Charter County

Government, as defined in Kentucky Revised Statutes, shall be:

- i. "The Libertarian Party of" followed immediately by the name of the county, followed by "County, Kentucky"; or
- ii. "The Libertarian Party of " followed by the name of the operating name of the city operating as a Consolidated Local Government, Urban County Government, Unified Local Government, or Charter County Government, and then followed by the word "Kentucky".

C. The official name of a County Party may only be changed by majority vote by the delegates from the affected County Party, at the annual State Convention, by majority vote no more often than once every 18 months.

Section 5. A Party serving as the official affiliate of a County Party within an incorporated city, legally recognized by the state of Kentucky, shall be a "City Party". The name of the City Party shall be "The Libertarian Party of " followed by the name of the city, and then followed by the word "Kentucky".

Section 6. For the purposes of this Constitution, a "Party" is defined as any Constitutionally-sanctioned organizational unit within the State Party, including the State Party.

Section 7. A Party may employ alternate titles for Constitutionally-defined roles within a Party, so long as those roles have similar meaning and are appropriate.

ARTICLE II: PERIOD OF DURATION

Section 1. The duration of the State Party shall be Perpetual, unless disbanded by the National Libertarian Party.

ARTICLE III: PURPOSE

Section 1. The State Party shall exist to serve as the officially affiliated state party of National Party in the state of Kentucky.

Section 2. The purpose for which the State Party is organized is to implement and give voice to the principles embodied in the platform of the State Party by:

- A. Nominating candidates for federal, statewide and local elections in Kentucky and supporting candidates for political office;
- B. Promoting membership in the State Party;
- C. Promoting and coordinating affiliate organizations through the Commonwealth; and
- D. Entering into political information activities.

Section 3. All affiliated Parties exist to assist the State Party in its stated purpose and goals.

ARTICLE IV: POWERS

Section 1. A Party shall carry out its purposes by any means seen fit by the Executive Committee of that Party, provided that;

- A. The Party complies with Kentucky and Federal law, and;
- B. The Party acts in good faith within the boundaries of its governing documents.

ARTICLE V: MEMBERSHIP

Section 1. Voting members of the State Party shall be those persons whose State Party dues are current or service exemption has been achieved, and who 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."

Section 2. Non-voting members shall be those persons who fulfill the annual monetary or service requirements to the State Party, or sign the Statement of Principles, but not both.

Section 3. The amount of financial and service-based support required for State Party membership may be modified by a majority vote of the Executive Committee of the State Party. A change in requirements does not change the current status of existing members for the duration of their current membership.

Section 4. The membership of any member may be revoked by vote of the Executive Committee of the State Party. To successfully revoke membership, not more than one voting member of the State Executive Committee may object or abstain.

ARTICLE VI: PARTY ORGANIZATION

Section 1. Party Structure

- A. Except as otherwise provided herein or in the By-laws of the State Party, the affairs of a Party shall be conducted by the Executive Committee of that Party.
- B. A Party may not exist without an Executive Committee.
 - i. The District Executive Committee shall be elected at a meeting, made known to the Voting Members in the political division encompassed by the Party at least 30 days in advance, by a majority vote of the Voting Members in the Party who attend the meeting.
 - ii. An Executive Committee must consist of at least a Chair, Treasurer, and either a Vice-Chair or Secretary. If the Executive Committee of a Party does not fulfill this requirement for a period greater than 45 days, that Party is dissolved.
- C. A chartering Party may not charter more than one affiliate Party for the same political subdivision.
 - i. A State Party may only charter District Parties within the Congressional Districts legally defined by the Commonwealth of Kentucky.
 - ii. A District Party may only charter a County Party within a County in which a majority of the population lives within the Congressional District as legally defined by the Commonwealth of Kentucky.
 - iii. A County Party may only charter a City Party within a City in which a majority of the population of the incorporated city exists within the legally-defined borders of the county.
 - iv. In the case of disputes of rightful leadership of a Party, the chartering Party shall in all cases resolve the dispute. All decisions by the chartering Party are final.
- D. An Executive Committee consists of the following positions:

- i. The four officers of a Party are defined as:
 - a. Executive Committee Chair, who shall be responsible for
 1. Presiding at all Party Conventions and all meetings of the Executive Committee and generally organizing the Party;
 2. Being the chief executive officer of the Party;
 3. Being an ex-officio member of all standing and ad-hoc committees in the Party, and all affiliated Parties chartered by the Executive Committee or its affiliates;
 4. Being the primary contact with the the organization which charters the Party;
 5. Coordinating with Media Director to be the primary public spokesman for the Party; and
 6. Prepare an agenda for all Executive Committee meetings.
 - b. Executive Committee Vice-Chair, who shall be responsible for
 1. Assisting the Executive Committee Chair;
 2. Performing the duties of the Executive Committee Chair, when the Chair is unable to perform those duties;
 3. Acting as the Chair of the Membership Committee, and maintaining the membership roles of the Party.; and
 4. Performing the duties of the Secretary, in the absence of the Secretary.
 - c. Executive Committee Secretary, who shall be responsible for
 1. Maintaining all records of the Party, other than membership rolls and financial records;
 2. Providing or making provisions for legal services to the Party;
 3. Acting as the Chair of any media-related Committee of the Party; and
 4. Recording the minutes of all Executive Committee meetings and the minutes of Party conventions.
 5. Performing the duties of the Vice-Chair, in the absence of the Vice-Chair.
 - d. Executive Committee Treasurer, who shall be responsible for
 1. Receiving, expending and accounting for all funds or other property of the Party under the supervision and direction of the Executive Committee;
 2. Making commitments and disbursement of Party funds for expenses within the budget established by the Executive Committee and for out-of-budget expenses specifically approved by the Executive Committee;
 3. Being the Chair of the Finance Committee;
 4. Supervising and coordinating fundraising efforts of the Party, and act as coordinator for fundraising events, both with the Party from which it was chartered and all affiliate Parties; and

5. Preparing a quarterly financial report for the Executive Committee.
- ii. At least one member of the Party, elected at-large by the members of the Party, whose title shall be Executive Committee At-Large Representative.
 - a. The duties of the Executive Committee At-Large Representative is to represent those in the Party who live in an area without an affiliate Party.
 - b. Changes in the number of Executive Committee At-Large Representatives may occur at any Convention, by majority vote of the delegates of the Party.
 1. There shall never be fewer than one (1), nor more than (4), Executive Committee At-Large Representative position(s) on an Executive Committee.
 - iii. The Executive Committee Chair of each Party organization directly affiliated with the Party.
 - a. When that affiliate Party does not exist, the chartering Executive Committee may appoint, by majority vote, a member to the Executive Committee, to assist in the organization of the affiliate Party. The appointed member shall be given the title "Coordinator", and will not be counted as a voting member of the Executive Committee.
 - iv. Precinct Captains
 - a. Precinct Captains shall exist on an Executive Committee for:
 1. A District Party which is contained within one county.
 2. A County Party which includes precincts in which a majority of the population of that precinct does not live in an incorporated city.
 3. A City Party.
 - b. When seated on the committee, the Precinct Captain's title shall be "Precinct Captain -" followed by the precinct designation.
 - c. The majority vote of all sitting Precinct Captains on an Executive Committee shall count as a single vote on that Committee.
 - d. The Precinct Captain shall be a resident of the precinct.
 - e. When vacant, the Executive Committee may fill the position by majority vote, and that Precinct Captain shall be granted the rights and privileges of a regularly-elected Precinct Captain.
- E. An Executive Committee is established for the governance of the Party between conventions.
- i. It is responsible for the Party affairs as specified in this Constitution, and the governing document of the Party.
 - ii. It shall meet not less than annually at the State Convention to review Party matters. The time and place of meetings shall be established by the Chair of the Committee.
 - iii. It shall adopt an operating budget, approve expenditures not previously budgeted and review the Party's financial status quarterly.
 - iv. It is responsible for issuing policy statements on behalf of the Party.
 - v. It shall review the campaign strategy and literature of endorsed or nominated candidates

running for an office which crosses the boundary of affiliate Parties, or where there is no affiliate Party. The Executive Committee may suggest changes to these items but shall not exercise a veto over the adoption of a particular strategy or particular literature.

- vi. It may appoint any person to non-voting positions on the committee, who shall serve at the pleasure of the Executive Committee.
 - vii. All decisions of the Executive Committee shall be made by a majority vote of those present unless otherwise specified by this Constitution.
 - viii. The Chair of an affiliated Party may appoint a proxy for the chartering committee. The Chair of the chartering Party must receive verifiable proof that the Chair of the affiliate Party has appointed a proxy. If the Chair of an Affiliate Party does not attend a meeting of the Executive Committee of the Chartering Party, and has not appointed a proxy for that meeting, the highest ranking elected or appointed member of the Executive Committee of the Affiliate Party present may act as proxy. For the approved period, a proxy shall have the same rights and privileges as the regular member of the committee of the Chartering Party.
 - ix. A quorum must be present for an Executive Committee to conduct official business.
 - x. The assignment of specific duties to the At-Large Representatives shall be made by the Executive Committee.
 - xi. Minutes shall be taken at all Executive Committee meetings with a summary of major actions made transparent and available to Voting Members.
 - xii. The Executive Committee may act between meetings, provided that all business requiring a vote be conducted as follows:
 - a. Unless otherwise required by the governing documents of the Party, a favorable vote by not less than fifty-one percent (51%) of all non-vacant positions on the Executive Committee shall be required for any resolution to pass;
 - b. Votes shall be cast by in a form that permits verification of authenticity, and shall be presented to the Secretary, who shall keep them on file with the minutes, and who shall read an account of them at the next Executive Committee meeting;
- F. The ranking of members of an Executive Committee is as follows: Chair, Vice-Chair, Secretary, and Treasurer, followed by At-Large Representatives ranked by seniority.

Section 2. Qualifications to Serve

- A. All members of an Executive Committee must be a voting member of the Party.
- B. All members of any Executive Committee must be a legal resident of the state of Kentucky.
- C. All members of any Executive Committee must be registered with the Kentucky Secretary of State to vote as a Libertarian. Exceptions to voter registration requirements are limited only to when:
 - i. State law does not provide for the registration for any Libertarian Party members.
 - ii. A member of the party registers as a Libertarian, but the legal registering agent fails in their legal obligation to properly register the member.
 - iii. A member is ineligible to register to vote by law.
- D. No person may be considered for any position on any Executive Committee, who does not meet

the eligibility requirements in this section.

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

Section 3. Leave of Absence

- A. A leave of absence can be obtained by members of an Executive Committee when that member will be known to be unavailable for an extended period of time.
 - i. A leave of absence shall be submitted to the highest-ranking remaining member of an Executive Committee.
- B. During a Leave of Absence by the Chair, the Chair shall give notice to the entire committee, and the Vice-Chair shall serve in their place during the leave of absence.
- C. If more than 50% of the Officers and At-Large Representatives of an Executive Committee of any Party are on a Leave of Absence for a period longer than 30 days, the highest ranking and available Executive Committee member may decree all seats vacant, and call a Special Convention with the sole purpose of electing a new Executive Committee for that Party.

Section 4. Resignation and Recall

- A. Any member of an Executive Committee may submit resignation to the highest-ranking remaining officers of an Executive Committee.
 - i. Resignation must be in written form, either through mail or by electronic form.
 - ii. A resignation must include an "effective date".
 - iii. Any member of an Executive Committee who becomes deceased shall be considered immediately recalled.
- B. A member of an Executive Committee can be recalled from office under the following circumstances:
 - i. Any Party officer, At-Large Representative, or Precinct Captain may be recalled from office by written petition of twenty (20) percent of all Voting Members of that Party, and by mailed, electronic, or other certified vote of no less than two-thirds (2/3rds) of all Voting Members of that Party. Voting members eligible shall be limited to those within the particular sub-division of the Party where the Officer or At-Large Representative subject to a recall serves.
 - ii. Any member of an Executive Committee who does not participate in the activities of the Executive Committee for a period of sixty (60) days or greater, without having first given proper notice of a leave of absence, shall be automatically recalled from office.
 - iii. Any member of an Executive Committee may be recalled from office by a vote of no less than three-quarters (3/4) of the entire non-vacant Executive Committee of that Party.
 - iv. Any sitting member of an Executive Committee, who fails to meet the qualifications and requirements to be elected and serve in any capacity at any level in the party, as prescribed by the governing documents of that Party, will be given thirty (30) days, upon documented notification by any Party member, come into compliance with these requirements. Failure to meet these qualifications within the thirty (30) day period shall result in automatic recall from office.

Section 5. Vacancies in office

- A. If for any reason the position of Chair of an Executive Committee shall become vacant, the Vice-Chair shall immediately assume the duties and title of the Chair, creating a vacancy in the office of Vice-Chair.
- B. If for any reason, should the office of any Officer which is not the Chair, or any At-Large seat, on an Executive Committee becomes vacant during a term, the remaining members of that Executive Committee may elect a Party member to complete the term of office vacated.
- C. If the vacancy occurs in a seat held by the Chair of an Affiliate Party:
 - i. The Executive Committee of the Affiliate Party shall be responsible to fill the position of Chair, whenever possible.
 - ii. When the vacancy occurs as a result of dissolution, the Committee of the Chartering Party may appoint a new coordinator.

Section 6. Acting members of the Executive Committee

- A. During a leave of absence in the office of; the Treasurer, Secretary, Vice-Chair, or any At-Large Representative, the remaining members of an Executive Committee may appoint an acting member of the Executive Committee by majority vote.
- B. The acting member of an Executive Committee shall add "Acting" to the beginning of the official title of the office.
- C. An Acting Member of an Executive Committee shall have the full rights, privileges, and duties of an elected member of the Executive Committee, except an Acting Member will not have a vote on that committee.
- D. An Acting Member of an Executive Committee shall serve until the end of the leave of absence, or the next Convention at which the delegates of that Party are assembled, at which time their term shall be considered expired.

Section 7. Elections

- A. Officers of the State Party and established County Parties, as well as At-Large Representatives of established District Parties and established City Parties, shall be elected by majority vote of the voting members of that Party at Annual Conventions held in odd-numbered years.
- B. Officers of established District Parties and established City Parties, as well as At-Large Representatives of the State Party and established County Parties, shall be elected by majority vote of the Voting Members of that Party at Annual Conventions held in even-numbered years.
- C. Precinct Captains shall be elected by majority vote of the Voting Members in attendance from that voting precinct, at Annual Conventions each year.
- D. Vacancies in a Party may be filled at any convention by majority vote of the Voting Members who would normally be eligible to elect the vacant position.
- E. Members of the Executive Committee shall take office immediately upon the close of the Convention at which they were elected, and shall serve until their successors are elected and qualify for office, unless otherwise specified by this Constitution.

Section 8. Other Committees

- A. Standing Committees

i. Membership Committee

- a. It shall be chaired by the Vice-Chair.
- b. Its membership shall be set by the Executive Committee and is open to any Party member.
- c. It is responsible for maintenance of Party membership lists.
- d. It shall conduct periodic membership drives not less than annually.
- e. 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-quarters (3/4) vote of the entire Membership Committee.

ii. Finance Committee

- a. The Finance Committee shall be chaired by the Treasurer of the Party.
- b. The members shall be appointed by the Executive Committee of the Party.
- c. Membership is open to any voting member of the Party.
- d. The Finance Committee shall develop the annual budget and submit it to the Executive Committee of the Party for approval.
- e. The Finance Committee is responsible for dues collection, fund raising 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.
- 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. Rules Committee

- a. The Secretary is the Chair of the Committee.
- b. The members of this Committee shall be appointed by the Executive Committee. Membership is open to any Party member.
- c. This Committee shall draft Convention Rules for adoption by the Executive Committee of the Party.
- d. This Committee shall draft changes to the Constitution and By-laws. Such changes shall be submitted to the Executive Committee or Convention for approval as specified in the Constitution.

B. Ad-Hoc Committees

- i. An Executive Committee shall have the power to create or dissolve ad-hoc committees, at-will, by majority vote of that Executive Committee, and documented in either the State Party Constitution or in the By-laws of that Party.
- ii. The scope and influence of any ad-hoc committee shall be limited to the Party whose Executive Committee creates the committee.
- iii. No other Executive Committee may dissolve an ad-hoc committee other than the Executive Committee of the Party that created that committee.
- iv. If a Party is dissolved for any reason, the ad-hoc committees created by that Party will also be automatically dissolved.

Section 9. Dissolution of a Party

- A. If for any reason a Party is dissolved, the assets of that Party shall be dispersed as follows:
 - i. A District Party, County Party, or City Party that has been dissolved shall transfer all Party funds to the State Party.
 - ii. If State Party is dissolved, its final act shall be to transfer all Party funds to the National Libertarian Party.
- B. All titles and voting rights granted to the members of a Party that has been dissolved, as a function of that Party, shall be revoked.

ARTICLE VII: CONVENTIONS

Section 1. State Party Annual Convention

- A. The State Executive Committee Chair must call at least one convention annually, known as the "Annual Convention".

Section 2. Special Convention

- A. A Special Convention may be called when necessary, by any Party, with majority approval by its Executive Committee, or with majority approval from the Executive Committee of the Chartering Party, and with no less than thirty (30) days notice to the Voting Members of that Party.
- B. A Special Convention must be called with a specific purpose, 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.
- C. A Special Convention may not be called by a Party more than twice per year.

Section 3. Rules for calling all types of Conventions

- A. The Chair of the State Executive Committee is responsible for calling any and all conventions, for any Party.
 - i. The State Chair shall oversee all conventions, or shall appoint a surrogate to oversee the convention.
 - ii. Except for Conventions where they are a member of the Party in convention, the State Executive Committee Chair or their surrogate shall have no vote.

B. Except where otherwise defined in this Constitution, any convention must be called with at least forty-five (45) days notice prior to the convention, with a "best-effort" taken to contact current Voting Members of the affected Party.

- i. The notice must explain the type of convention being called.
- ii. The notice must explain for which Party the convention is being held.
- iii. Two attempts to contact the Voting Members by any reasonable and affordable means; and
- iv. Reasonable public advertisement in any known liberty publications reaching Libertarians in Kentucky.

Section 4. National Party Convention Delegates and Alternate Delegates

A. Delegates and Alternate Delegates to the National Party Convention shall be nominated at the State Convention preceding the National Party Convention. Any vacancies may be filled by appointment by a majority vote of the State Party Executive Committee.

B. The delegates to the National Party convention shall:

- i. Attend the National Party convention and vote on questions and elections presented there.
- ii. Exercise their vote at the National Party convention on the basis of individual conscience, i.e., they shall not be bound to vote for any particular issues or candidates by the State Convention, Executive Committee or Party officers.

C. The Alternate Delegates to the National Party convention shall:

- i. Attend the National Party convention.
- ii. Replace according to order of election any Delegate who is not able to attend the National Party convention.

D. The Delegation Chair to the National Party Convention shall be the Chair of the State Executive Committee.

- i. If the State Executive Committee Chair is unable to attend the National Party Convention, the Chair shall appoint a Delegation Chair who is a member of the State Party and who is eligible to participate at the National Convention as a delegate.
- ii. The Delegation Chair may fill vacant delegation seats after arriving at the National Party Convention. Priority shall be assigned as follows: Members of the State Party, followed by members of the National Party members who reside in Kentucky, followed by members of the National Party who have donated to the State Party in the past year, and finally to members of the National Party who live outside of Kentucky.

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.
- B. Nominations for all candidates are to be made from the convention floor by the convention delegates gathered at a convention where the nomination of candidates is part of the agenda.

C. State, District, County and City Parties are authorized to make nominations as follows:

- i. City Party may nominate candidates for City offices or other local offices that are within the geographical limits of the City.
- ii. A County Party may nominate candidates for County offices and for the offices of any Cities within the geographical limits of the county that do not have a City Party.
- iii. A District Party may nominate candidates for:
 - a. the office of the Federal Representative of that District;
 - b. the offices of the State representing areas within the geographical limits of the District;
 - c. the offices of Counties within the District that do not have a County Party; and
 - d. the offices of Cities within the District that are without a City Party and without a County Party.
- iv. The State Party may nominate candidates for:
 - a. state-wide Federal and State offices;
 - b. State offices that do not fall entirely within the geographic limits of a District having a Party;
 - c. in a District without a Party, the nomination for offices that a District Party would be authorized to make; and
 - d. any State or local offices that do not fall within the nominating jurisdiction of any other Party as set forth in this Section.

Section 2. Eligibility to Vote

- A. Any persons who are registered to vote in Kentucky as a Libertarian shall be permitted to vote for candidates at convention.
- 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 State Party to verify that a person who has been challenged is legally registered to vote in Kentucky as a Libertarian.
- C. This section shall be considered null and void if the State of Kentucky terminates the practice of tracking Libertarian registrations.

Section 3. Candidate Election

A. Form of Ballots

- i. All balloting shall be done by written vote of the delegates present and voting. All cast ballots shall be preserved by the Secretary for a period of 30 days after the close of the convention.
- 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 Executive Committee.
- ii. The Secretary may opt to enlist other volunteers, and make use of technology as approved by the State Party, 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.

C. After the Annual Convention, the Executive Committee may nominate 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.

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 of the nomination of that candidate, and must be made in writing to the Chair and one other officer of the Executive Committee of the State Party.

i. The State Party shall recognize 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 State Party shall review the challenge, and is empowered to resolve any challenge in any way they deem necessary. A ruling on any challenge must be made within thirty (30) days of the original nomination.

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 State Party issues a ruling on the challenge.

C. If an Executive Committee fills a vacancy for political office, that Party must follow the rules outlined by this Constitution, but may not be otherwise challenged.

Section 5. 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 IX: PLATFORM

Section 1. Adoption of a Platform.

- A. A Party may adopt a Platform.
- B. No Party may adopt a platform that conflicts with the platform of the Party from which it is chartered.

Section 2. The Platform may not be inconsistent with the Statement of Principles adopted by the State Party or the National Party.

Section 3. Amending the Platform.

- A. The Platform may be amended at any Party Convention by deletion, substitution, or addition of any plank.
- B. A plank may be deleted by a simple majority vote of the Convention delegates.
- C. The substitution of a new plank for an old plank, or the addition of a new plank, shall require approval by a vote of two-thirds (2/3) of the delegates present and voting.

ARTICLE X: GOVERNING DOCUMENTS

Section 1. This Article of this Constitution may not be amended outside of the State Party Annual Convention.

Section 2. Constitution

- A. This Constitution supersedes all previous Constitutions, By-laws or other governing documents of the State Party and any of its affiliates.
- B. Amendments to this Constitution may be made by no less than a vote of three-fifths (3/5) of the Voting Members of the State Party at any State Party Annual Convention or State Party Special Convention when declared in order to amend the governing documents of the State Party; or by a vote of not less than three-quarters (3/4) of the sitting State Executive Committee.
- C. Any amendments made to this constitution by the State Executive Committee between conventions shall take effect immediately, but shall be immediately repealed at the close of the next convention unless ratified by a majority vote of the voting membership in attendance.

Section 3. Bylaws

- A. Any Executive Committee may create, amend or repeal By-laws for the Party by a majority vote of the Executive Committee.
- B. Any adopted Bylaws may not conflict with this Constitution. Any Bylaw in conflict is automatically repealed.

Section 4. No document governing any Party shall be in conflict with this Constitution. Any conflicts shall be automatically repealed.

- A. If an affiliate Party chooses to adopt governing documents, it shall not conflict with a chartering Party's governing documents, be considered at a scheduled business meeting of that party, be made known to the Voting Members in the Party at least 30 days in advance, and be passed only by a majority vote of the Voting Members in the Party who attend the meeting.
- B. If a governing document of an affiliate Party, in part or in sum, is found to be in conflict with a chartering Party's governing documents, the conflicting portion of the document must be

remedied so as to not be in conflict within 45 days, or that entire governing document for that affiliate Party shall be considered repealed.

- C. If an affiliate Party does not choose to adopt its own governing documents, that Party shall accept the governing documents of its chartering Party as its own.

ARTICLE XI: PREFERENTIAL VOTING

Section 1. In any case where a question has been called to a vote and there are more than two (2) options, preferential voting, also known as instant runoff voting, shall be used in written form to determine the winning choice.

Section 2. Whenever preferential voting is used, the Secretary of the Party shall be responsible for tallying each round of voting, and recording the tally of votes for each round of voting.

ARTICLE XII: ALL OTHER CIRCUMSTANCES

Section 1. All situations not covered in this document shall be governed by the latest available edition of "Robert's Rules of Order, Newly Revised".

Adopted at convention on February 27th, 2010

Last revised at special convention on October 26th, 2013



KENTUCKY REGISTRY OF ELECTION FINANCE

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ADVISORY OPINION 2014-005

Any Advisory Opinion rendered by the Registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the Advisory Opinion is required. KRS 121.135(4).

August 20, 2014

Mr. Kenneth C. Moellman, Jr.
Chair, Libertarian Party of Kentucky
P.O. Box 432
Independence, KY 41051

Mr. Joshua Brotherton
Candidate for Boone County Commissioner
2379 Graves Rd.
Hebron, KY 41048

**In re: Receipt of Primary Election Contributions by Libertarian Party Candidates
(AO 2014-005)**

Dear Mr. Moellman and Mr. Brotherton:

This Advisory Opinion is sent in response to your request regarding the proposed activities of Josh Brotherton (Brotherton), Libertarian Party (LPKY) Candidate for Boone County Commissioner. The Registry received your request on July 21, 2014. As required by KRS 121.135(5)(a), your request was posted for public comment on July 24, 2014. No public comments were received.

Your request generally concerns the question of whether Kentucky's Campaign Finance Law precludes LPKY candidates such as Brotherton from receiving primary election contributions. If primary election contributions are permitted, you also request further guidance on reporting deadlines applicable to LPKY candidates such as Brotherton. Regarding this issue,

**In re: Ability of Libertarian Party Candidates to solicit and receive primary election contributions
(AO 2014-005)**

you suggest that the Registry apply standards outlined by the Federal Election Commission (FEC) which allow independent and non-major party candidates to choose a “primary” date, which may or may not be the same as the state’s primary election date.

At the outset, please note that the \$1,000 per election individual contribution limit authorized by KRS 121.150(6) does not translate into a maximum \$2,000 annual contribution limit as stated in your letter, because no state or local elected official in Kentucky is elected on an annual basis. In addition, the Registry has recognized on more than one occasion that it is not bound to use the KRS Chapter 118 definition of a “political party” in interpreting KRS Chapter 121.¹ Thus, there is no basis upon which to conclude that the Registry’s interpretation of KRS Chapter 121 “. . . limits an individual donor to a maximum contribution of \$1000 per year, per LPKY candidate, versus their Democrat and Republican counterparts to whom an individual donor could contribute up to \$2000 per year, per candidate.”

These preliminary matters aside, you specifically request an Advisory Opinion on the following issues:

1. Will the Registry allow Brotherton to accept donations from individual donors for both a primary election and a general election, even though LPKY does not currently meet the definition of “political party” as outlined in KRS 118.015?
2. If the answer to the first question is in the affirmative, will the Registry use the same guidelines as the FEC? If in the negative, will the Registry provide those guidelines?
3. If the answer to either the first or second question is in the affirmative, when would a Libertarian candidate be required to file a post-primary report with the Registry?
4. Does the response to this Request for Advisory Opinion apply to all candidates of the Libertarian Party of Kentucky subject to the regulations of the Registry, or will each and every candidate of LPKY be required to make such a request?

KRS 121.015(8) defines “candidate” to mean “any person who has received contributions or made expenditures, has appointed a campaign treasurer; or has given his consent for any other person to receive contributions or make expenditures with a view to bringing about his nomination or election to public office, except federal office. The Registry has consistently advised prospective candidates that the receipt or expenditure of funds, the appointment of a campaign treasurer, or the authorization of another to raise and spend funds, *with a view to bringing about one’s nomination or election to public office*, is the bright line test for when one becomes a candidate under KRS 121.015(8). Emphasis added.

¹ See Case No. 2012-338 (*In re: Campaign Fund of Ken Moellman for State Treasurer, et al.*) and AO 2013-003.

**In re: Ability of Libertarian Party Candidates to solicit and receive primary election contributions
(AO 2014-005)**

“Election” is defined as “any primary, regular, or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed. See KRS 121.015(2). A candidate may only accept a contribution valued at up to one thousand dollars (\$1,000) from an adult individual in any one (1) election. See KRS 121.150(6). With respect to non-partisan judicial races – which do not appear on the primary election ballot unless more than two (2) candidates file for the same judicial office - the Registry has previously opined that, regardless of whether the judicial candidate’s name appears on the primary ballot, the candidate may accept \$1,000 per individual donor in both the primary and regular (general) elections. See Advisory Opinion 2000-001. The logic applicable to non-partisan judicial candidates should also apply to Brotherton and other similarly situated LPKY candidates; however, the complicating factor in this case is that Brotherton’s request for an Advisory Opinion on this issue was received on July 21, 2014, well after the primary election date of May 20, 2014. The primary election reporting cycle set forth in KRS 121.180, consisting of required campaign finance reports to be filed 32 days prior, 15 days prior, and 30 days after the election, has passed. Therefore, Brotherton is time-barred from registering to raise and spend funds for the 2014 primary, but he may accept contributions and make expenditures for the 2014 general election and must register to do so.

For future elections, Brotherton may register his candidacy prior to the period of time in which he is allowed to officially file for ballot access with the Secretary of State or County Clerk by notifying the Registry of his intent to seek elected office, including his name, birth date, mailing address, and telephone number, the elected office sought, the year of the election, the campaign treasurer’s name, mailing address, and telephone number, and the name and address of the financial institution designated as the campaign depository. See pp. 4-5, *Candidate Guide to Campaign Finance* (KREF 016/ Revised 08/2011).

In response to your second question, KRS 121.180 provides the guidelines for filing Election Finance Statements. The reporting guidelines in KRS 121.180 are election specific and would appear to preclude non-major and independent candidates from choosing an alternative reporting schedule in the manner that Federal Election Commission guidelines permit. For your reference purposes, filing deadlines for the 2014 regular (general) election cycle are enclosed.

In response to your final question, all similarly situated Libertarian Party candidates may generally follow the guidelines of this Advisory Opinion. However, there may be instances where a candidate’s circumstance differs significantly from the facts described in your request. In those instances, a separate Advisory Opinion Request from the candidate is appropriate.

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Mr. Ken Moellman
Mr. Joshua Brotherton
August 20, 2014

**In re: Ability of Libertarian Party Candidates to solicit and receive primary election contributions
(AO 2014-005)**

Please keep in mind that this Advisory Opinion is based on the specific facts set forth in your written request, does not cover past conduct, and only may be applied to cover the conduct in the transaction you describe. If you have any questions concerning this Advisory Opinion, please do not hesitate to contact the Registry. Thank you.

Very truly yours,



EMILY DENNIS
General Counsel

Enclosure

Cc: Registry Members
Sarah M. Jackson, Executive Director

2014 Regular (General) Election - Candidate Reporting Dates

| Report | Due | Grace Period Ends | Due From |
|----------------------------|------------|--------------------------|---|
| 32-day pre-General report | 10/03/2014 | 10/08/2014 | All Candidates AND Campaign Committees for Candidates who elected to receive/spend over \$3,000 for the 2014 General Election |
| 15-day pre-General report | 10/20/2014 | 10/27/2014 | All Candidates AND Campaign Committees for Candidates who elected to receive/spend over \$3,000 for the 2014 General Election |
| 30-day post-General report | 12/04/2014 | 12/09/2014 | All Candidates AND Campaign Committees for Candidates who elected to receive/spend over \$1,000 for the 2014 General Election |
| 60-day post-General report | 01/03/2015 | 01/08/2015 | All Candidates AND Campaign Committees for Candidates with debt and/or surplus funds remaining on the 30-day post-General Election report |

The Libertarian Party Of Kentucky Constitution

PREAMBLE

WE, the Libertarians of Kentucky, in convention, in order to affiliate ourselves with the National Party and to promote the libertarian philosophy in the state of Kentucky, associate together to form a political party whose primary purpose is to place Libertarian candidates on the ballot and assist them in achieving electoral success, and for that purpose adopt this Constitution.

ARTICLE I: NAMES AND DEFINITIONS

Section 1. The National Libertarian Party, also known as the Libertarian National Committee, Inc., shall be referred to as the "National Party".

Section 2. The name of the Party recognized as the official state affiliate by the National Party shall be "The Libertarian Party of Kentucky," referred to as the "State Party".

Section 3. A Party chartered by the State Party as the official affiliate in a county shall be a "County Party", known as "The Libertarian Party of " followed by the name of the county, followed by " County, Kentucky";
or

A. Jefferson County may refer to itself as "The Libertarian Party of Louisville".

B. Fayette County may refer to itself as "The Libertarian Party of Lexington".

Section 4. A "Party" is defined as any Constitutionally-sanctioned party within the State Party, including the State Party.

Section 5. No political party, other than the National Party, State Party, and Affiliate Parties may identify itself as any form of the name “Libertarian Party” within the state of Kentucky, nor shall any person claim a leadership title who does not hold such a title under this Constitution.

ARTICLE II: PERIOD OF DURATION

Section 1. The duration of the State Party shall be perpetual.

ARTICLE III: MEMBERSHIP

Section 1. Voting Members, in Annual Convention, are the supreme authority of the Party.

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

Section 3. Levels of membership

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

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

i. ‘Force’ is actual violence or earnest threat thereof that is physical to a person or persons or their physical property.

C. A “Registered Member” is a resident of Kentucky who is registered with the state of Kentucky as a voter affiliated with the Libertarian Party.

i. A waiver may be granted to Kentucky residents unable to legally register to vote, because they:

a. have been convicted of a felony which does not violate the Statement of Principles, as approved by the Membership Review Committee.

b. are at least 16 years of age, but not yet able to legally register to vote due to their age. Such members shall be “Youth Members” and, when other criteria are met, able to exercise Voting Member rights only at the County Party level.

ii. In addition, a waiver shall be granted by the Membership Review Committee, or by a two-thirds (2/3) vote of the Voting Delegates at State Party Annual Convention, if the Kentucky resident submits a timely registration change to Libertarian, with the registering agent at least one week prior to any deadline, and, through no fault of that resident, the authority fails to properly process the registration; the burden of proof shall be on the resident to prove timely submittal.

- D. A “Dues-Paying Member” is a person who meets the minimum donation of Annual Dues, or has a Dues Waiver.
- i. Annual Dues shall be the inflation adjusted value of \$5 in July 1971, indexed to July of the year prior to the current year using the Consumer Price Index (CPI) Calculator provided by the United States Federal Government Bureau of Labor Statistics, rounded up to the nearest \$5. Members shall be given at least thirty (30) days’ notice when the amount is to be increased.
 - a. If the amount calculated under this provision exceeds the amount permitted under Kentucky law to be contributed by a minor within a single calendar year, the amount required of a minor shall be the legal contribution limit.
 - b. A change in the amount calculated for Annual Dues does not change the current status of existing Dues-Paying Members for the duration of their current membership.
 - ii. A “Dues Waiver” may be granted, in lieu of Annual Dues, by the State Party Executive Committee, either in advance by majority vote, or after-the-fact by a vote of two-thirds (2/3). Acceptable Dues Waivers are:
 - a. Pre-approved service-based support (or, “service exemption”), as a number of hours rounded up to the nearest quarter hour to cover the dollar amount for Annual Dues calculated at federal minimum wage.
 - b. In-kind donation, valued at no less than the value of Annual Dues.
 - c. In no event shall a member of a committee be given a Dues Waiver.
 - iii. Lifetime membership shall be thirty (30) times the amount of annual dues, or the maximum annual contribution limit; whichever is less. Lifetime membership shall not be revoked once granted, except as provided in this Constitution.

Section 4. Revocation of membership

- A. Dues-Paying Membership is revoked after a member, in writing, declares publicly, or declares privately to the Chair of the State Party, their desire to disaffiliate; or
- B. Revocation of Signatory Membership upon violation of the oath to be a Signatory Member, only after:
 - i. A vote of the Membership Review Committee recommends such action; and
 - ii. A vote of the entire State Party Executive Committee to revoke Signatory Membership.

ARTICLE IV: PARTY ORGANIZATION

Section 1. Purpose

- A. All Parties exist to implement and give voice to the principles embodied in the platform of the State Party by:
- i. Nominating candidates for federal, statewide and local elections in Kentucky and supporting candidates for political office.
 - ii. Promoting membership in the State Party.
 - iii. Promoting and coordinating affiliate organizations throughout the state.
 - iv. Entering into political information activities.

Section 2. State Party

- A. The State Party Steering Committee shall consist of the Chair of each affiliated County Party, and shall be empowered to elect the State Party Executive Committee by majority vote.
- i. Participation
 - a. Quorum of the State Party Steering Committee shall be a majority of the seated committee for meetings with between thirty (30) days' and forty-five (45) days' notice or greater. Quorum at meetings with less than thirty (30) days' notice shall be two-thirds (2/3) of the seated members. Quorum at meetings with greater than forty-five (45) days' notice shall be one-third (1/3) of the seated members.
 - b. A Vice-Chair of a County Party, rather than the Chair of that County Party, may be seated as a voting member of the State Party Steering Committee when the Chair of that County Party is not participating in a meeting of the State Party Steering Committee.
 - ii. Meetings of the State Party Steering Committee occur:
 - a. Within 24 hours of the close of the State Party Annual Convention.
 - b. Upon the call of the Chair of the State Party Steering Committee.
 - c. Upon the call of 1/3rd of the State Party Steering Committee.
 - d. Electronically, in-person, or a hybrid.
 - e. When no Chair has been elected, or the Chair is unavailable, the Vice-Chair shall preside, or a presiding officer may be elected for that particular meeting from among the members of the committee.
 - iii. Officers of the State Party Steering Committee shall be Chair, Vice-Chair, and Secretary.
 - a. They shall be elected from among the members of the State Party Steering Committee, and shall serve until the close of the next Annual Convention, until they are no longer eligible to serve on the Steering Committee, or until their formal resignation.
 - iv. Powers and duties of the State Party Steering Committee:
 - a. Appoint and remove members of the State Party Executive Committee by majority vote.

- b. Veto any action of the Executive Committee by majority vote, within seven (7) business days of notification of such action.
- B. The State Party Executive Committee shall consist of Voting Members of the State Party appointed by the State Party Steering Committee.
 - i. The State Party Executive Committee shall consist of a Chair, Vice-Chair, Secretary, and Treasurer. Tie votes may be broken by the Chair of the State Party Steering Committee.
 - a. The State Party Executive Committee Secretary shall be responsible for obtaining legal counsel for the State Party, when necessary.
 - ii. The members of the State Party Executive Committee shall serve until until they relieved from duty by the State Party Steering Committee, are no longer eligible to serve on the State Party Executive Committee, or until their formal resignation.
- C. The State Party shall charter County Parties within the counties of Kentucky as currently legally defined by the Commonwealth of Kentucky.

Section 3. County Parties

- A. There shall not be more than one County Party for the same county.
- B. A County Party shall not exist without the State Party.
- C. County Party Executive Committee
 - i. The Officers of a County Party shall be Chair, Vice-Chair, Secretary, and Treasurer, and be elected in odd-numbered years by Voting Members, present and voting at the Annual Convention for that County Party, who reside in the county.
 - ii. Additional members of the Executive Committee shall be elected in even-numbered years by Voting Members, present and voting at the Annual Convention for that County party, who reside in the boundary of the district:
 - a. One additional member per Magisterial District, except;
 - b. In counties using an Urban County Government or Consolidated Local Government, the city council districts for that form of government other than At-Large.
 - iii. In addition to the other measures in this Constitution, members of a County Party Executive Committee may be recalled by majority vote at an Annual Convention, or three-fifths (3/5) at a Special Convention, of Voting Members of that Party present and voting.
- D. A County Party must file and remain in compliance with Kentucky Registry of Election Finance, be in compliance with Federal Election Commission regulations, and be in compliance with this Constitution. Any group that appears to be a County Party but does not comply with these

requirements is instead considered a County Development Group and does not receive the benefits of a County Party.

E. Disbursement of Funds to County Parties

- i. Donations not made for special projects, after deducting any transaction fees, shall be divided and disbursed after the close of each quarter, using the following formula:
 - a. If the donor lives in an area without County Party, or lives outside the state, the donation will remain with the State Party.
 - b. If the donor lives in an area with an affiliated County Party, the County Party shall be allocated two-thirds (2/3) of the donation, rounded to the nearest penny.

Section 4. Party Governance

A. Executive Committee

- i. Between conventions, a Party shall be governed by an Executive Committee, functioning as the Board of Directors, empowered to collect and expend funds, ensure Party campaign finance compliance, operate day-to-day tasks, maintain Party assets, plan and execute an Annual Convention, and act on behalf of Voting Members as specified in, and limited by, this Constitution. Duties of officers are as follows:
 - a. Chair, an officer who is responsible for preparing an agenda for and presiding at all meetings of the committee, generally organizing the committee, being the primary spokesman for the committee, and signing contracts approved by the Executive Committee on behalf of the Party.
 - b. Vice-Chair, an officer 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. If the office of Chair becomes vacant, the Vice-Chair shall immediately become the Chair. If the office of Treasurer becomes vacant, the Vice-Chair shall immediately become the Acting Treasurer for up to ninety (90) days or until a Treasurer has been appointed.
 - c. Secretary, an officer who is responsible for maintaining all records of the committee (except financial transactions), recording the minutes of all committee meetings, maintaining Party internet content and related assets, and performing the duties of the Vice Chair if the Vice-Chair is unable to perform those duties or the Vice-Chair is vacant.
 - d. Treasurer, an officer who is responsible for receiving, expending, and accounting for all Party Resources, and preparing and submitting campaign finance reports.

- ii. The ranking of members of an Executive Committee is as follows: Chair, Vice-Chair, Secretary, and Treasurer.
- iii. An Executive Committee may create and populate ad-hoc subcommittees or directors, the term for which shall end upon termination by the Executive Committee or the Annual Convention for that Party, whichever comes first; provided that the function of that committee does not overlap functions already assigned to defined committees, subcommittees or directors.

- a. A Director may be appointed to execute a task or set of related tasks, directly report to the Executive Committee Chair, and shall serve at the leisure of the Executive Committee. The Executive Committee Chair may suspend and replace a Director, subject to review and approval by the Executive Committee. Directors may be members of an Executive Committee. A Director shall not have more authority than what is granted under this Constitution and authorized by the Executive Committee Chair.

B. Recall, Resignation, and Leave of Absence

- i. Any member of any committee may obtain a Leave Of Absence for up to forty-five (45) consecutive days; not to exceed ninety (90) days total in a single term of office, or that member is recalled from that committee. Any member on a Leave of Absence shall be treated, for purposes of quorum, as if that person is not on the committee, and not counted towards whether quorum is met or not. 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.

- ii. Any member of any committee other than State Party Steering Committee is recalled from office by:

- a. Missing two (2) noticed regular meetings within a sixty-two (62) day period without first obtaining a Leave of Absence;
- b. Continuing to fail to meet the qualifications and requirements to be elected and serve in any capacity at any level in the Party thirty (30) days after notification;
- c. A vote of no less than two-thirds (2/3) of the entire voting members of that committee.

- iii. Except as outlined, temporary or permanent vacancies on a committee shall be filled by the Executive Committee of that Party until the next Annual Convention or next Special Convention called for that purpose.

C. To be a voting member on any committee of a Party, a person must be a Voting Member of that Party. A committee may appoint non-voting members, who report to and serve at the leisure of the committee, as consultants to facilitate or operate any part of their duties.

D. All County Party Executive Committees shall establish a regular monthly business meeting schedule. Failure to conduct business with quorum for over ninety-two (92) days shall be considered

de facto dissolution of that County Party.

- E. Meetings may be conducted in-person, telephonically, by video conference, or any combination thereof.
- i. Meetings shall be held at the call of the Chair of the committee, or by one-third (1/3) of the members of the committee, with at least seven (7) days advance notice; unless waived by a two-thirds (2/3) vote of the entire committee in the event of an emergency.
 - ii. Minutes or a recording of the meeting shall be kept for every committee meeting, and made available to the Voting Members. Minutes shall be presented and approved within thirty-two days of a meeting. Upon approval, minutes shall be provided to the State Party Secretary within seven (7) days, and posted to the State Party website within fourteen (14) days. Meeting minutes shall not disparage particular members, except when the Membership Review Committee submits a request for removal of membership status from a Voting Member.
 - iii. Except as specifically outlined in this Constitution, all parts of meetings other than Executive Sessions shall be open to the Voting Members, and meetings shall be advertised, except in an emergency, to encourage transparency; provided, however, that the Committee may close its meetings to the public, for an Executive Session. No action may be taken in Executive Session, the purpose of the Executive Session shall be made public, and 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 price.
 - 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 appointment, discipline, or dismissal of a particular individual employee or contractor.
 - d. Discussion of electoral strategies in support of nominated candidates for external political office, or other matters related to confidential political strategy.
 - 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.
- F. Any committee may act between regular or special meetings by voting electronically, with all votes recorded as roll-call votes and read into the minutes at the next regular meeting. The State Party Executive Committee shall provide an official mailing list for discussion and voting. Up to two (2) motions may be considered by a committee simultaneously. 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. 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. The question will automatically be called, unless tabled to the next special or regular meeting by a vote of one third (1/3) or more of the committee, after one (1) full business day with no discussion, or five (5) 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. No electronic action shall be considered passed without a vote of the majority of all seated members of that committee.

- G. In the case of an emergency, where the regular notice requirements would extend beyond a deadline specified in this Constitution, State Law, or State Regulations, an emergency meeting may be called. All members must be notified by texting, voice telephone call, or voicemail of the timing and topic. The draft minutes shall be published within twelve (12) hours.
- H. If any Party is unable to internally resolve a question of its rightful powers, duties, leadership, any and all questions under this Constitution or compliance with this Constitution, or legal obligations, the matter shall be submitted to the parent Party for resolution.

Section 5. Affiliation and Dissolution of Parties

- A. A County Party may be chartered or dissolved by majority vote of the State Party Executive Committee. Dissolution by the State Party Executive Committee shall be subject to veto by the State Party Steering Committee as comprised prior to dissolution.
- B. If a County Party is to be dissolved, the State Party Executive Committee may, within fourteen (14) days, alternatively choose to call a Convention for that County Party, in accordance with this Constitution, to remedy the issue(s) which triggered dissolution. Otherwise, that County Party is dissolved.
- C. A County Party that has been dissolved shall transfer all Party Resources, and a list of outstanding duties and obligations, to the State Party. No Party may transfer its assets preceding its dissolution with an eye towards avoiding this requirement. Nothing in this section requires the State Party to assume any liabilities of dissolved County Parties.
- D. When a Party has been dissolved, all titles and rights granted, as a function of that Party, are revoked.

Section 6. Standing committees

- A. Unless explicitly specified, all standing committees shall have five (5), seven (7), or nine (9) Voting Members, elected for two-year staggered terms at Annual Convention, with vacancies filled by the appropriate Executive Committee.

B. Standing committees

i. Membership Review Committee

- a. There shall be only one Membership Review Committee, the State Party Membership Review Committee.
- b. 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.
- c. 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. Any member who is the subject of a complaint shall be informed within seven (7) days, be entitled to file a response and answer within ten days, and may request that hearings be open in their answer.
- d. Hearings should be recorded. Upon completion of the hearings, if the complaint is sustained, the evidence and findings shall be turned over to the State Party Executive Committee. If the complaint is dismissed the subject may request that such records be destroyed.

ii. Platform and Issues Committee

- a. The committee may draft policy statements for the Executive Committee of the Party and develop position papers for the Party.
- b. This Committee shall prepare planks for the Party Platform, hold hearings on these planks and submit them to the Voting Delegates of the Annual Convention for approval.

iii. Rules Committee

- a. There shall be only one Rules Committee, the State Party Rules Committee.
- b. The committee may recommend changes to the governing documents of the Party. Such recommendations shall be submitted to the State Party Executive Committee or State Party Convention for approval. The committee shall identify and bring forth any Party rules that conflict with state law.

iv. Campaign Caucus Committees

- a. The State Party Executive Committee, or the body at a State Party Annual Convention is empowered, by a three-fifths (3/5) vote, to create one or two Caucus Campaign Committees as may be permitted under state law and regulations.
- b. 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 State Party Annual Convention, by three-fifths (3/5) vote.
- c. Campaign Caucus Committees may only be the House Libertarian Caucus Campaign Committee and Senate Libertarian Caucus Campaign Committee.

- d. 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.
- e. These committees shall not, in any way, expend any funds in connection with the nomination of Libertarian candidates for public office or internal Party office, or internal governance matters. Nothing in this section shall prevent members of these committees from acting as Voting Members of the Party.
- v. Credentials Committee
 - a. Any Party with at least fifty (50) Voting Members shall establish a credentials committee, consisting of three (3) or five (5) Voting Members of that Party. One shall be the Executive Committee Secretary of that Party.
 - b. When a Party with fewer than fifty (50) Voting Members opts to not create such a committee, the Executive Committee Secretary of that Party shall act as the committee.

ARTICLE V: CONVENTIONS

Section 1. Annual Convention

- A. A Party must annually call a convention of all Voting Members of that Party, known as the Annual Convention.
 - i. A County Party shall hold their Annual Convention between January 14th and February 14th.
 - a. Unless a County Party Executive Committee votes to hold an Annual Convention on a different date and/or time and notifies the State Party Executive Committee prior to November 15th of the year prior, a County Party Annual Convention will occur in lieu of the regularly scheduled meeting of the Executive Committee, at the same time and place of the regularly-scheduled Executive Committee meeting. Failure to hold an Annual Convention of a County Party shall be an automatic dissolution of that County Party. If the location of the regularly-scheduled business meeting is an online meeting, the convention shall instead be held on the last Saturday in January at the main branch of the public library in that county at noon.
 - ii. The State Party shall hold their Annual Convention between February 15th and March 31st.
 - a. If the State Party fails to properly call its Annual Convention by February 1st, the State Party Annual Convention shall be the Default Convention, held at the Main Branch of the public library in Franklin County, Kentucky on the second Saturday of March, and will begin at 10 A.M. Eastern Time. All who qualify as registered Libertarians with the Secretary of State who are residents of Kentucky and are in attendance shall be considered Voting Delegates. The burden of proving eligibility to be a Voting Delegate is on the individual seeking to be a

Voting Delegate. The National Party may send a representative to act as the Acting Convention Chair, who may also be responsible for validating eligibility for delegate status, until such time that the convention body elects a Convention Chair from among the Voting Delegates in attendance. Any requirements outside of the Constitution may be waived by majority vote of the Voting Delegates at such a Default Convention. All Officer and At-Large positions in the State Party shall be declared vacant, and the convention body shall elect a new Executive Committee.

- iii. Notice of Annual Convention must include the date, time, location, and purpose of the Convention being called, and be submitted to the State Party Executive Committee no later than the close of the last full weekend in November. The State Party Executive Committee Chair must provide notice by email, phone, SMS, in-person notification, or US Postal Service, for any Annual Convention for the State Party at least forty-five (45) days prior, and thirty (30) days prior for any other Party.

B. Exceptions

- i. When any governmental agency with jurisdiction has declared a weather emergency or state of emergency, any convention may be rescheduled by the applicable executive committee with notice to the State Party Executive Committee, to the following weekend. If the nature of such an emergency will cause a rescheduled date to be impossible, a Party may opt to conduct the convention in an online electronic format; any such scenario shall require approval from the State Party Executive Committee. All notice requirements shall be waived in such instances, but best-effort shall be made to contact all Voting Members in the affected area, given the timeframe and available resources, to encourage wide participation by Voting Members of that Party.
- ii. If a reservation for a planned convention location is canceled by facility, the Party shall inform the State Party Executive Committee and re-notice the new location to all those entitled to notice of convention. If this cancellation occurs within ninety-six (96) hours prior to the opening of business, if permitted by the facility, a sign will be clearly posted at the original location informing members of the location change.
- iii. If the legal deadline to file any paperwork for external political office in the next general election occurs prior to the second weekend in March, the State Party Executive Committee is empowered to alter the times given in this Section.

C. Annual Convention Agenda

i. Registration and Credentials

- a. Registration, check-in, and check-out shall be processed by the Credentials Committee.
- b. Registration and check-in for the convention shall be opened, onsite at the convention location, starting at least one hour prior to the start of convention business for a Party with

fifty (50) or more Voting Members or fifteen (15) minutes for a Party with fewer than fifty (50) Voting Members, at the convention location. Any Putative Delegate shall then be permitted to register, if necessary, and check-in to become a Voting Delegate if they are in line to register prior to the scheduled start of convention business.

- c. Upon the convention being called to order, the first order of business shall be the Presentation of the Report of the Credentials Committee, which shall report those Voting Delegates authorized to vote.
- d. After the adoption of the initial report of the Credentials Committee, no additional persons may be a Voting Delegate until amendments to the Credentials Committee report have been accepted by vote of the current Voting Delegates. The Credentials Committee shall permit check-in to occur for ten (10) minutes at a period of every two (2) hours following the opening of the convention and at the end of each recess longer than ten (10) minutes; and shall present those additional check-ins to the convention body for approval.
- ii. Officer Reports may be given by each officer or acting officer; each shall be no longer than 5 minutes unless time is extended by the Voting Delegates.
- iii. For County Parties only: A motion to recall any member(s) of the Executive Committee shall be considered in order immediately following the initial credentials report, with Voting Delegates given three opportunities over a contiguous period of fifteen (15) seconds to make such motion.
- iv. For the State Party only: Amendments to governing documents
 - a. The report of the Rules Committee and proposals from the floor shall be considered.
- v. Committee Elections
 - a. The Executive Committee of a County Party shall take office immediately upon the close of the Convention at which they were elected, and shall serve until their successors are elected and qualify for office.
 - b. Other committees elected at convention shall be elected.
 - c. At the Annual Convention of the State Party immediately preceding a National Party Convention, delegates to that National Party Convention shall be elected in accordance with this Constitution after all other committee elections at that convention.
 - d. A Voting Delegate may nominate any person from the convention floor who is qualified under this Constitution, as of the opening of the convention, to hold that position. Nominations shall be accepted until the Chair calls for any further nominations three times over a contiguous period of fifteen (15) seconds, with no further nominations. No nomination shall be official until it is accepted by the person so nominated. If seconding speeches are to be given, the order shall be determined by random drawing of lots.

e. Any vote shall be taken by secret ballot, with individual ballots preserved for no less than sixty (60) days. Review of the actual ballots may be requested by any Voting Member of the State Party.

vi. Amendments to platform

a. The report of the Platform Committee and proposals from the floor shall be considered.

vii. Additional business

a. Voting Delegates shall have the authority to rescind any previous action of the Executive Committee of that Party by majority vote, and otherwise act as that Executive Committee as outlined in this Constitution.

viii. Adjournment

D. Voting Delegates, in State Party Annual Convention, shall have the ability to waive, by three-fourths (3/4), any and all formalities, notice requirements, and legalities related to any question arising under this Constitution, except for:

i. requirements of Voting Delegates to be a Voting Member as defined in this Constitution, which may not be waived; and

ii. the process for nomination of candidates to public office.

E. A business meeting of the State Party Steering Committee or County Party Executive Committee shall occur within seven days following the close of the Annual Convention for that Party.

Section 2. Special Convention

A. A Special Convention must be called with a specific purpose or agenda, and that purpose made public as part of the notice of the Special Convention. Other than items under this Constitution which may occur at any convention, no other activities may occur at a Special Convention other than those properly noticed to the Voting Members and no suspension of the rules may be made to the contrary. The agenda shall follow the agenda of an Annual Convention but shall exclude portions not relevant to the noticed purpose of the Special Convention.

B. A Special Convention of a Party may be called by an Executive Committee, or by the State Party Executive Committee, and with at least thirty (30) days' notice to the Voting Members of that Party.

C. A Special Convention may be called by petition of one-third (1/3) of the Voting Members of a Party. Such a call shall be in writing at least forty (40) days prior to the convention date, signed by those members, with notice given to the Chair and Secretary of that Party. The Chair of that Party shall provide notice to the Voting Members of that Party within five (5) days of receipt of the petition.

D. A Special Convention may be canceled by petition of one-half (1/2) of the Voting Members of that Party. Such a cancellation shall be in writing at least fourteen (14) days prior to the convention date,

signed by those members, with notice given to the Chair and Secretary of that Party. The Chair of that Party shall provide notice of the cancellation to the Voting Members of that Party within five (5) days of receipt of the petition.

Section 3. Organizational Convention

- A. An Organizational Convention may be called when no County Party exists where one could exist under this Constitution, and members seek to form a County Party.
- B. Voting Members who live within that jurisdiction shall be permitted to organize for the purposes of electing an Executive Committee, and petitioning the State Party Executive Committee to become a recognized County Party.
- C. The State Party Executive Committee may call an Organizational Convention to create a County Party.

Section 4. Nominating Convention and Special Nominating Convention

- A. A Nominating Convention or a Special Nominating Convention shall be conducted in accordance with Article VI, for the sole purpose of nominating candidates for partisan external political office.

Section 5. National Convention

- A. Only those who are a Voting Member, and are counted as part of the delegate allocation formula of the National Party on the date the National Party calculates the number of Primary Delegates to the convention of the National Party, shall be permitted to be elected to be delegates to the National Convention.
- B. 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). The Delegate List shall be vacated immediately prior to the State Party Annual Convention which immediately precedes the National Party Convention.
- C. The Delegation Chair shall receive the first position. The Delegation Chair shall be the State Party Executive Committee Chair, or the Chair's designee. If no Delegation Chair exists, then Primary Delegates who have checked-in shall elect a new Delegation Chair from amongst themselves.
 - i. They shall be responsible for submitting the Delegate List to the National Party prior to the deadline set by the National Party.
 - ii. They shall be empowered to enter into a Regional Agreement with other state parties on behalf of the State Party, with approval of one (1) other Officer of the State Party.

- iii. They shall be responsible for calling upon Primary Delegates to participate in convention business.
 - iv. 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.
- D. The remainder of 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.
- i. 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.
 - ii. Any Delegate 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 one-hundred twenty (120) minutes cumulatively during business may be removed from the Delegate List by the Delegation Chair; a person is not considered absent if they are present at the venue, but performing official functions or party business off of the floor.
- E. No earlier than one (1) hour prior to the opening gavel of the National Convention, the elected and present delegates may gather and vote to add additional delegates to the Delegate List. The Delegate List may only be amended as follows: Those elected at State Party Annual Convention, followed by Members of the State Party, followed then by members of the National Party who reside in Kentucky, reside within the same National Party region, and reside outside of the National Party region.

Section 6. General rules for Annual, Special, and Organizational Conventions

- A. A "Putative Delegate" is a person who is a Voting Member living within the jurisdictional boundaries of that Party as of thirty (30) days prior to a convention; and for an Annual Convention have also:
- i. Been a Registered Member since December 31st of the year preceding the convention; or
 - ii. Become 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.
- B. Only "Voting Delegates" may vote in convention. A Voting Delegate is a Putative Delegate who has both registered for and checked into the Convention, and has not either checked out or have been removed by the Voting Delegates.

C. Quorum shall be 50.01% of the maximum number of Voting Delegates present during that day of the convention.

ARTICLE VI: CANDIDATE NOMINATION

Section 1. Candidate nomination for external political office shall be governed by this Article, and items outside of this Article shall apply only if specifically referenced by this Article.

Section 2. Calling a Nominating Convention

- A. A Party may call a Nominating Convention for the nomination of candidates for elections occurring that calendar year. Any Party may call a Nominating Convention in conjunction with the Annual Convention of that Party, provided that:
 - i. the political boundaries of the offices for which nominations will occur are fully within the boundaries of that Party, and
 - ii. notice of a Nominating Convention is included with the notice of Annual Convention for that Party.
- B. Prior to the State Party Annual Convention, the State Party Executive Committee may call a series of Nominating Conventions in regions of the state to nominate candidates for offices with political boundaries that extend beyond one county. The State Party Executive Committee is responsible for overseeing such a Nominating Convention.
- C. The State Party Executive Committee may vote to deny a Nominating Convention for any Party.
- D. The State Party Executive Committee may choose to permit absentee balloting at a Nominating Convention, if they include the requirements in the notice of the convention.

Section 3. Those who are Registered Members as of January 1st and who live within the boundaries of the office being sought shall be eligible to participate as voters in a Nominating Convention.

Section 4. Candidate Nomination at Nominating Convention

- A. A candidate may be nominated at any Nominating Convention where the political boundaries of the office sought are fully contained within the boundaries of that Party, the nomination sought is for a partisan general election occurring in the next eighteen (18) months, and no candidate has been yet nominated in accordance with this Article.
- B. All nominations shall occur from the convention floor.
- C. Only Eligible Candidates may be considered for nomination. Eligible Candidates shall be those who are legally qualified to seek the office, are a Voting Member of the State Party as of January 1st, and have paid to the State Party Executive Committee any filing fee determined by the State Party

Executive Committee, which shall not exceed the filing fee with the Secretary of State for the office sought. Any filing fee shall be returned to any candidate who does not receive the nomination of the Party, less actual transaction charges. A candidate shall also be required to ensure that their Voting Membership shall not lapse prior to the date of the General Election.

- D. No person shall be nominated for external political office under this section without receiving at least three (3) votes in the affirmative.

Section 5. Voting Itself

A. Ballots.

- i. All voting shall be by secret ballot.
- ii. All candidates shall run against None of the Above (“NOTA”).
- iii. All voting shall be by Ranked Choice Voting.
- iv. All ballots shall be sealed and transmitted to the State Party Secretary via Priority U.S. mail or delivered in-person within forty (40) days.

B. Voters

- i. Prior to giving any individual a ballot at a Nominating Convention, photo identification shall be obtained and reviewed, and the person verified as eligible to be a voter.
- ii. If verifiable proof does not exist that an individual meets the requirement to be a voter, they shall be permitted to vote provisionally. Such votes shall be individually sealed in an envelope, with the name, voting address, and date of birth of the individual affixed. The vote shall not be counted until additional detail can be provided that proves the individual is qualified to be a voter.
- iii. If the number of provisional ballots cannot affect the outcome of the nomination, or if verification cannot be completed in a period of thirty (30) days after the close of the Nominating Convention, such ballots shall be discarded.
- iv. Slates of candidates shall not be permitted, except for Governor and Lt. Governor. 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.

Section 6. Tally and Certification

- A. Upon the return of all ballots, or thirty (30) minutes upon the distribution of the last ballot, all ballots other than provisional ballots shall be opened and tallied by tellers, in an open setting where

any Voting Member of the Party may observe but they may not interfere. Tallying shall be conducted using Ranked Choice Voting, except that None Of The Above may not be eliminated.

B. Once a winner is declared:

- i. Any candidate nomination not successfully challenged shall be certified by the convention chair and secretary after the challenge period has elapsed.
- ii. The Chair of the Convention shall ensure that any required paperwork for nomination, other than any nominating petition which requires more than two (2) signatures, is prepared for submission to the Secretary of State within two (2) weeks, or two (2) days before the filing deadline; whichever is earlier.

Section 7. Candidate Nomination at Special Nominating Convention

- A. After the close of the State Party Annual Convention, or in the case of a special election, the State Party Executive Committee may call a Special Nominating Convention for any Party to nominate candidates for external political offices for which no candidate has been nominated for the upcoming election. The Executive Committee of the Party holding a Special Nominating Convention shall be the eligible voters. Only elections to be held in the next nine (9) months may be considered.
- B. Quorum shall be a majority of the Executive Committee of the Party holding the Special Nominating Convention.
- C. Any such nominations shall be transmitted to the State Party Executive Committee within twenty-four (24) hours.

Section 8. Challenges

- A. Any Voting Member of the Party may file an appeal within one week of the close of the balloting, based on either:
 - i. The bona fides of a candidate or eligibility of a candidate under state law, which shall be adjudicated by the Membership Review Committee; or
 - ii. Substantial irregularities in the nomination process which would alter the outcome of the nomination, which shall be adjudicated by the State Party Executive Committee.
- B. The State Party Executive Committee may also challenge the bona fides of a candidate, which shall be adjudicated by the Membership Review Committee.
- C. Adjudication shall result in sustaining or revoking the nomination or endorsement of the candidate.

ARTICLE VII: GOVERNING DOCUMENTS

Section 1. This Constitution exists as a single document, and applies as “constitution and bylaws” in accordance with Roberts Rules of Order. It applies to all Parties, and supersedes all previous governing documents of all Parties. A Constitution may only exist for the State Party.

- A. Proposed amendments to this Constitution shall be submitted at least forty-five (45) days prior to the State Party Annual Convention at which it will be considered, though advance notice may be waived by two-thirds (2/3) of the Voting Delegates present and voting, and a motion to suspend the rules on this subject matter shall be subject to limited debate of two (2) minutes per side.
 - i. Proposed amendments may be submitted by any Voting Member.
- B. Amendments to this Constitution shall require a vote of two-thirds (2/3) of the Voting Delegates at the State Party Annual Convention, or a vote of three-quarters (3/4) at State Party Special Convention, and upon passage shall take effect immediately unless otherwise specified.
- C. This Constitution may also be amended by the State Party Steering Committee on an emergency basis; for instance, the potential loss of ballot access. Emergency Amendments shall require a vote of at least four-fifths (4/5) of the entire State Party Steering Committee. Any amendments made to this Constitution by the State Party Steering Committee between conventions shall take effect immediately, but shall be repealed unless ratified by a vote of two-thirds (2/3) of the Voting Delegates at the next State Party Annual Convention.
 - i. Any such emergency amendment cannot amend Section II, Section III, or Section VII of this Constitution.

Section 2. Standing Rules

- A. A Party may adopt Standing Rules, provided such rules comply with federal and state law, this Constitution, and Roberts Rules of Order. Any Standing Rule which does not comply is repealed. Standing Rules only apply to the Party that enacts them, and are not binding on the rights of Voting Members or on Affiliate Parties.
- B. Any Standing Rules adopted by a Party shall be codified in a Policy Manual for that Party, and reviewed by the Executive Committee at the first meeting after a Convention of the Party that committee serves.

ARTICLE VIII: ETHICS, TRANSPARENCY, AND ASSETS

Section 1. Financial controls and Party assets

- A. “Party Resources” are funds, time, compensated personnel, property, or any asset of value, which are owned, leased, coordinated, controlled, or operated by a Party.

- B. 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.
- C. Any Party Resource 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 Party Resource to its owner. Personal assets may not be advertised as Party Resources.
- D. A County Party shall not transfer Party Resources to any other Party, without giving notice to the State Party Executive Committee Treasurer.
- E. Unless explicitly authorized by the Executive Committee, when resources are given away the value and the number of items, along with the date, location, and event title given shall be reported to the Executive Committee Treasurer and Chair. If the replacement value of an item is greater than ten dollars (\$10), then contact information of the recipient shall also be reported.
- F. 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. Bank account transfers shall be initiated within one week of the convention. 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.

Section 2. In-Kind Donations

- A. All in-kind donations shall be approved in advance by the Treasurer of the Executive Committee for whom the in-kind service is rendered, or in-kind goods are accepted.
- B. In-kind donations, in lieu of Annual Dues, shall only be approved by the State Party Executive Committee.
- C. In-kind donations shall be valued at the reasonable market value for the goods or service in question.

Section 3. No voting member of a subcommittee or committee, shall:

- A. Be compensated, other than for actual costs incurred for providing goods or services pre-approved by the Executive Committee.
 - i. A member of a committee may provide goods or services to the party at arm's length at or below their usual and customary pricing if the committee member in question recuses themselves from any deliberation or vote on the matter, but a full accounting of the transaction(s) – including the price and/or expense – shall be provided to the Executive Committee and to the Treasurer of the

State Party Executive Committee within seventy-two (72) hours of any such transaction, and a comprehensive list provided to the convention body at the next Annual Convention of that Party.

Such compensation shall require detailed accounting for such expenses.

- B. Use his or her official position or office to obtain financial gain or other personal benefit, for himself or herself, any family member, or a business associate.
- C. Use their official position in the party to endorse a candidate prior to receiving nomination or being elected, or vote to intentionally influence the outcome of such processes. This shall not prevent a committee member from acting as a Voting Member of the Party.

Section 4. Party Records

- A. "Open Record" means all meeting minutes, financial summaries, officer reports presented at any meeting, photographs, video, or audio of any meeting or event, and reports filed with any public agency.
- B. Any person who has been a Voting Member of the State Party for the preceding ninety (90) days ("Requestor") may request to inspect any Open Record of the Party by placing the request to the Secretary, provided the person so-requesting certifies that they are not seeking the records for a commercial purpose. In no event shall any record be released to anyone other than a valid Requestor.
- C. If the person to whom the application is directed does not have custody or control of the Open record requested, that person shall notify the Requestor that they do not have custody, and, if they know who does, shall so inform the Requestor.
- D. Whenever electronic records exist, such records shall be provided electronically over electronic mail at no cost to the Requestor. For physical copies, the secretary may charge \$0.15 per page copied, plus reasonable postage fees, and may require advance payment of the prescribed fee, including postage where appropriate.
- E. The following shall be exempt from disclosure and the Open records provisions:
 - i. Information Technology items such as software licenses, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to records in the Party's computer system;
 - ii. Personal information about members and donors other than name, address, congressional district and county;
 - iii. Financial information such as taxpayer identification number, banking information, and active real estate negotiations.

- iv. Legal advice, memorandum, or matters protected by the attorney-client or other applicable legal privilege recognized by state or federal courts;
 - v. 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;
 - vi. Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended;
- F. All Open records or information the disclosure of which is prohibited by federal or state law or regulation;
- G. Any materials that relate solely to internal Party operations of a proprietary or confidential nature, the release of which to the general public has a substantial likelihood of seriously damaging the Party or its interests in the judgment of the Chair and Secretary, who shall both agree that the exception.

ARTICLE IX. PREFERENTIAL VOTING AND NONE OF THE ABOVE

Section 1. When, during the nomination for internal Party positions or the election or nomination of external political candidates, and there are more than two (2) options:

- A. If the number of voters is not greater than three (3) times the number of options, cumulative voting shall be used to determine the winning choice. Each voter will be given a number of tokens equal to one and one half (1.5) the number of choices, rounded up to the nearest whole number.
- B. In all other cases, ranked choice voting, also known as instant-runoff voting, shall be used to determine the winning choice.

Section 2. In any case where a question involves election or nomination, None of the Above (NOTA) shall be an option.

Section 3. Whenever preferential voting is used, the Secretary of the Party shall be responsible for tallying, announcing, and archiving the results of each round of voting. Except where otherwise explicitly outlined in this Constitution, those entitled to vote may, in good faith, challenge the results.

Section 4. Except where explicitly permitted in this Constitution, proxy or absentee voting is forbidden.

Section 5. No person shall be elected to any position within any Party without receiving at least two (2) votes in the affirmative.

ARTICLE X. ALL OTHER CIRCUMSTANCES

Section 1. All situations not covered shall be governed by the latest edition of “Robert’s Rules of Order, Newly Revised”

As last amended in convention on February 24, 2024.

Like Peace Prosperity And Freedom?

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The Libertarian Party is committed to America’s heritage of freedom: individual liberty and personal responsibility, a free-market economy of abundance and prosperity, a foreign policy of non-intervention, peace and free trade.



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