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# 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 "Chartering Party" is a Party which, under this Constitution, currently has

chartered, or is in the act of chartering, an Affiliate Party.

Section 4. An “Affiliate Party” is a division of the State Party, affiliated by a Chartering Party, in accordance with this Constitution.

Section 5. A Party chartered by the State Party as the official Affiliate Party 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”.

Section 6. A “Metro Party”, known as the official name “ The Libertarian Party of Louisville – Metro District ”, followed by the number of the district, may be affiliated by the Jefferson County Party.

Section 7. A “Party” is defined as any Constitutionally-sanctioned party within the State Party, including the State Party.

Section 8. 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 shall charter County Parties within the counties of Kentucky as currently legally defined by the Commonwealth of Kentucky.

### Section 3. Affiliate Parties

- A. There shall not be more than one Affiliate Party for the same political subdivision.
- B. An Affiliate Party shall not exist without a Chartering Party.
- C. Jefferson County
  - i. The Jefferson County Party may affiliate Metro Parties. A Metro Party shall be aligned to the boundaries of a Louisville Metro Council district and functionally equivalent to a County Party.
  - ii. The relationship between Jefferson County and Metro Parties shall reflect the organization and relationship of the State Party and County Parties.

- D. A County Party other than the Jefferson County, or Metro Party Party shall:
  - i. Fill out that Party with Precinct Captains.
  - ii. Build and train a grassroots organization of Libertarian Party activists for duly-nominated candidates of the Libertarian Party of Kentucky to contact.
- E. Disbursement of Funds to Affiliate Parties
  - i. Donations not made for special projects, after deducting any transaction fees, shall be divided and disbursed quarterly using the following formula:
    - a. If the donor lives in an area without an Affiliate Party, or lives outside the state, the donation will remain with the State Party.
    - b. If the donor lives in an area of Jefferson County with an affiliated Metro Party, the Jefferson County Party shall be allocated one-third (1/3) of the donation and the Metro Party shall be allocated one-half (1/2) of the donation, rounded to the nearest penny.
    - c. If the donor lives in an area with an affiliated County Party where that is not Jefferson County, the County Party shall be allocated two-thirds (2/3) of the donation, rounded to the nearest penny.

#### Section 4. Party Governance

- A. Between conventions, a Party shall be governed by an Executive Committee, functioning as the Board of Directors, empowered to collect and expend funds, operate day-to-day tasks, and act on behalf of Voting Members as specified in, and limited by, this Constitution.
  - i. The voting members of an Executive Committee shall be:
    - 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, being the primary contact with the committee which created or chartered 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, and performing the duties of the Vice Chair if the Vice-Chair is unable to perform those duties or the Vice-Chair is vacant. The State Party Secretary is also responsible for making provisions for legal services to all Parties.
    - d. Treasurer, an officer who is responsible for receiving, expending, and accounting for all Party Resources, and preparing and submitting campaign finance reports as, and if, mandated by law.
    - e. For the State Party and the Jefferson County Party, one Regional Representative of an Executive Committee. Any person who lives within the

specific district is qualified to serve in this position, even if serving on another Executive Committee.

1. Regional Representatives for the State Party shall be aligned with the legally-defined boundaries of the US Congressional Districts in Kentucky.
  2. Regional Representatives for the Jefferson County Party shall be the Chairs of any affiliated Metro Party.
  3. A vacancy in Regional Representative may be filled by vote of the Voting Members of that District in Special Convention. For the State Party, an electronic vote shall be permitted to fill such a vacancy.
- f. For a County Party other than Jefferson County or a Metro Party, Precinct Captains who shall be a resident of the precinct, whose title, when seated, shall be "Precinct Captain -" followed by the alphanumeric precinct designation. The lack of a Precinct Captain in attendance at a properly-noticed meeting of the Executive Committee shall not be counted against quorum.
- ii. The ranking of members of an Executive Committee is as follows: Chair, Vice-Chair, Secretary, and Treasurer, followed by At-Large Representatives ranked by order of election, followed by the Chair of each Affiliate Party by order of tenure as Chair.
  - iii. 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.
  - iv. Any Officer or At-Large member of any committee shall be 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 written petition of fifty (50) percent of all current Voting Members who are entitled to elect the office at the next Annual Convention, and by mailed, electronic, or other certified vote of no less than three-fifths (3/5ths) of all such Voting Members;
    - d. A vote of no less than two-thirds (2/3) of the entire voting members of the Executive Committee of that Party other than the member in question; or
    - e. Majority vote at an Annual Convention, or three-fifths (3/5) at a Special Convention, of Voting Delegates for that Party.
  - v. 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.
  - vi. In no event shall a person serve as a voting member on more than one Executive Committee, except as defined in this Constitution.
- B. 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.

- C. Any committee shall hold regular meetings at least every thirty-two (32) days, and business must be conducted with quorum present at least every ninety-two (92) days. Any part of the meeting not held in Executive Session shall be open, at a minimum, to the Voting Members.
- i. Meetings may be conducted in-person, telephonically, by video conference, or any combination thereof.
  - ii. 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.
  - iii. 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.
  - iv. Except as specifically outlined in this Constitution, all actions taken by a committee shall be open to all 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.
  - v. 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.

- vi. 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.
- D. If any Affiliate 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 Chartering Party for resolution.

## Section 5. Affiliation and Dissolution of Parties

- A. An Affiliate Party may be chartered with a majority vote of the Chartering Party.
- B. Dissolution shall only occur by either: (i) the vote of a majority of the Executive Committee of the Affiliate Party being dissolved; or (ii) for cause, by the Chartering Party's Executive Committee, by a vote of three-fifths (3/5) of the entire Membership of the Chartering Party's Executive Committee, excepting the Chair of the Party at issue who may not participate.
- C. If an Affiliate Party is to be dissolved, the Chartering Party Executive Committee may, within fourteen (14) days, alternatively choose to call a Convention for that Affiliate Party, in accordance with this Constitution, to remedy the issue(s) which triggered dissolution. Otherwise, that Affiliate Party is dissolved.
  - i. An Affiliate 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 Affiliate Parties.
- D. If the State Party is dissolved, its final act shall be to transfer all Party Resources, and a list of outstanding obligations, to the National Party.
- E. When a Party has been dissolved, all titles and rights granted, as a function of that Party, are revoked.

## Section 6. Subcommittees and Directors

- A. Unless explicitly specified, all standing subcommittees 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. 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 subcommittees or directors.



- i. 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.

### C. Standing Subcommittees

- 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 other than Jefferson County shall hold their Annual Convention between January 1st and February 14th.
  - ii. The Annual Convention for an affiliated Metro Party shall occur between January 1st and January 21st, and the Annual Convention for the Jefferson County Party shall occur between January 22nd and February 14th.
  - iii. 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.
  - iv. 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. A motion to recall Officer or At-Large member(s) of a Party 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.
- iii. Amendments to governing documents

- a. This item shall only apply to the State Party.
- b. The report of the Rules Committee and proposals from the floor shall be considered.
- iv. Committee Elections
  - a. The Executive Committee of a 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.
    - i. Officers of the State Party and affiliated County and Metro Parties shall be elected in odd-numbered years.
    - ii. District Representatives shall be elected at State Party Annual Convention in even-numbered years.
    - iii. Precinct Captains of affiliated County and Metro Parties, shall be elected in even-numbered years.
  - b. Other committees elected at convention shall be elected after the Executive Committee.
  - c. 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.
  - d. Any vote for officer or office must 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.
- v. Amendments to platform
  - a. The report of the Platform Committee and proposals from the floor shall be considered.
- vi. 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.
- vii. 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 Executive Committee shall occur within seven days following the close of the Annual Convention.

## 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 Executive Committee of the Chartering Party, 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 Affiliate Party exists where one could exist under this Constitution, and members seek to form an Affiliate Party.
- B. Voting Members who live within that jurisdiction shall be permitted to organize for the purposes of electing Officers, and petitioning the Chartering Party or State Party to become a recognized Affiliate Party.
- C. The Executive Committee of a Chartering Party or of the State Party may call an Organizational Convention to create an Affiliate 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, then in the order of ranking of State Officers, and in the absence of any State Officer, 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.
1. They shall be responsible for submitting the Delegate List to the National Party prior to the deadline set by the National Party.
  2. 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.
  3. They shall be responsible for calling upon Primary Delegates to participate in convention business.
  4. 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.
1. 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.
  2. 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.

## 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. Any Party may call a Nominating Convention in conjunction with the Annual Convention of that Party, provided that notice of a Nominating Convention is included with the notice of Annual Convention for that Party. The State Party Executive Committee may vote to deny a Nominating Convention for any Affiliate Party. 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 in a Nominating Convention.

### Section 4. Candidate Nomination

- 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.

### 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.
- C. 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. Special Nominating Convention

- A. After the close of the State Party Annual Convention, the State Party Executive Committee may call a Special Nominating Convention for any Party that is otherwise eligible to nominate at a Nominating Convention, but did not do so. Those members of an Executive Committee of a Party shall be eligible to



- participate in a Special Nominating Convention.
- 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: PLATFORM

Section 1. A Party may adopt a Platform, provided that Platform does not conflict with the platform of the State Party or the Statement of Principles.

Section 2. At any convention at which platform amendment is part of the noticed agenda, planks may be deleted by majority vote, and created or amended by a vote of two-thirds (2/3), of the Voting Delegates present and voting.

## ARTICLE VIII: 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 Executive 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 Executive Committee. Any amendments made to this Constitution by the State Party Executive 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 change the status of existing members.

## 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 IX: 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. An Affiliate 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. 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 Chartering Party 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 X. PREFERENTIAL VOTING AND NONE OF THE ABOVE**

Section 1. In any case where a question has been called to a vote and/or during the election or nomination of candidates, and there are more than two (2) options, 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.

## **ARTICLE XI. ALL OTHER CIRCUMSTANCES**

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

## **ARTICLE XII. TRANSITION IN 2022**

Section 1. Entities no longer authorized to be Affiliate Parties upon the adoption of this Constitution at the 2022 State Party Annual Convention are dissolved, and their assets are to be returned to the State Party within ninety (90) days of the close of the 2022 State Party Annual Convention. The State Party Treasurer shall make a best effort to look back through the 2021 State Party Annual Convention to reallocate funds transferred from the dissolved District Parties to the appropriate County Parties, which exist as of or are formed within ninety (90) days of the close of the 2022 State Party Annual Convention, based upon the source of the donation, as if any new parties had already existed and as if the new disbursement formulas were in place since that time.

Section 2. This article is automatically repealed at the close of the 2023 State Party Annual Convention.

*As amended in State Party Annual Convention on March 6th, 2022*

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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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