

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL



Green Party of Kentucky  
P.O. Box 1242  
Covington KY 41012

JAN 22 2 52 PM '01

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street NW  
Washington DC 20463

January 14, 2001

re: your letter of Nov. 2, 2000

AOR 2001-02

Dear Mr. Noble:

In your letter of November 2, 2000, you requested that we send you two documents, which are enclosed:

1. A copy of the Green Party of Kentucky Bylaws
2. A letter from Ken Sain, our congressional candidate in last year's general election.

I am sorry that it has taken so long for me to comply with your request. We are a volunteer organization at this point and time to attend to paperwork is in short supply sometimes. Thanks for your patience and for your consideration of this matter.

Yours truly,

Alexander D. Moorhead  
Treasurer

**Green Party of Kentucky  
Bylaws  
April 2000**

**ARTICLE I — NAME**

The name of the organization shall be the **GREEN PARTY OF KENTUCKY**.

**ARTICLE II — PURPOSE**

The Green Party of Kentucky (hereinafter "the Green Party") is founded upon the four coequal principles of Ecological Wisdom, Grassroots Democracy, Social Justice and Non-violence. The purpose of the Green Party of Kentucky shall include, but not be limited to, perpetuating and implementing the following:

1. Sustainability;
2. Personal and global responsibility;
3. Respect for diversity;
4. Feminism;
5. Community-based economics and decentralization.

**ARTICLE III — MEMBERSHIP**

**Section 1 — Eligibility:**

Membership in the Green Party may be claimed by all Kentucky residents who share an acceptance of and a commitment to the Green Party's Principles and Values.

**Section 2 — Expulsion:**

a. Members may only be expelled by a two-thirds vote at a General Membership Meeting which is an Annual Meeting, Special Meeting, Biennial Convention or Endorsing Convention. All members, including the member proposed for expulsion, must be notified at least one week before the meeting where the issue of member expulsion shall be raised. Membership shall be so forfeited by any member who acts in a manner in opposition to explicit principles and values of the Green Party. For purposes of this section, twenty members shall constitute a quorum.

b. Holders of elected public office may be removed from the membership of the Green Party for actions that are in opposition to explicit principles and values of the Green Party. Holders of elected public office may only be removed from the membership of the Green Party by a two-thirds vote at a General Membership Meeting. All members, including the holder of elected public office proposed for removal, must be notified at least one week before the meeting where the issue of removal shall be raised. For purposes of this section, twenty members shall constitute a quorum.

**ARTICLE IV — COMMITTEES**

**A. COORDINATING COMMITTEE**

**Section 1**

The Coordinating Committee shall be the governing body of the Green Party, and shall exercise a general oversight function. The Coordinating Committee shall oversee the

implementation of programs, campaigns and projects which advance the goals and purposes of the Green Party.

Eligibility to serve on the Coordinating Committee shall be open to any member of the Green Party of Kentucky. Coordinating Committee members shall not be members of any other political party. When possible, members shall be selected to represent the diversity of populations in Kentucky.

The Coordinating Committee must have at least a 60/40 gender balance. If, after the first vote for new Coordinating Committee members, that requirement is not met, the election process begins again until the directive has been satisfied.

#### **Section 2**

The Coordinating Committee shall be structured as set forth in Article IX, Section 1 of the Constitution; the Coordinating Committee shall meet as often as necessary, and at least quarterly.

#### **Section 3**

Four members of the Coordinating Committee shall constitute a quorum.

#### **Section 4**

The Coordinating Committee shall select members of the Executive Committee, as set forth in Article IX, Section 2 of the Constitution.

#### **Section 5**

The Coordinating Committee may appoint sub-committees from time to time for limited purposes as specified by the Coordinating Committee.

#### **Section 6**

The Coordinating Committee may hire and fire staff as necessary.

#### **Section 8**

Seats on the Coordinating Committee may be vacated by written resignation. The remaining Coordinating Committee members may fill that vacancy for the remainder of the term.

#### **Section 9**

Members of the Coordinating Committee may be removed for cause by a majority vote at a General Membership Meeting. All members, including the coordinating committee member proposed for removal, must be notified at least one week before the meeting where the issue of removal will be raised. For purposes of the section, twenty members shall constitute a quorum.

#### **Section 10**

The Coordinating Committee shall not make expenditures that exceed income by more than ten percent during any single year, without specific approval to do so at a

membership meeting, except to meet legal obligations of the Green Party or in the case of an unforeseen emergency situation.

Any debt or deficit carried at the end of the year that was not approved by the membership must be handled in the following year, so that total unapproved debt never exceeds the current year's income by more than ten percent.

A year shall be designated as the calendar year, unless the Green Party has implemented a fiscal year for its budgeting.

#### **Section 11**

The Coordinating Committee can determine that a seat has been vacated by a member of the Coordinating Committee who has failed to be present at three or more consecutive Coordinating Committee meetings, and has not made contact with any other regularly attending Coordinating Committee member to offer an excused absence.

The Coordinating Committee can also determine a seat to be vacated by any member who fails to be present at all Coordinating Committee meetings for a period of six months or longer.

### **B. WORKING COMMITTEES**

#### **Section 1**

Working Committees shall serve to attain and implement the Green Party's goals and purposes. Working Committees shall meet as often as necessary.

#### **Section 2**

Working Committees may be established by the Coordinating Committee as necessary.

#### **Section 3**

A majority of the Working Committee shall constitute a quorum.

#### **Section 4**

Each Working Committee may appoint a chair and shall prepare an annual report, including a projected work plan, to be submitted to the Coordinating Committee and to the membership at the annual meeting.

#### **Section 5**

Working Committees must receive authorization in advance from the Coordinating Committee for any expenditures.

### **ARTICLE V — MEETINGS**

#### **Section 1 — Minutes**

a. Minutes shall be taken as necessary at all Green Party meetings, and shall subsequently be distributed to all committee members as is conveniently possible.

b. Minutes shall be read, amended and approved as necessary at all Green Party meetings.

#### **Section 2 — General Membership Meetings**

a. Members shall be notified of General Membership Meetings at least fourteen days before the meeting, either by letter, telephone, or by notice in GreenSpeak.

b. Members shall conduct an Annual Meeting every year within one week before or after the Vernal Equinox. Modification of this provision may be made by the coordinating Committee.

c. All General Membership Meetings are open.

#### **Section 3 — Coordinating Committee**

a. The Coordinating Committee shall meet as often as necessary and at least quarterly.

b. Coordinating Committee members must be notified at least seven days before meetings, either in writing or by telephone. Whenever possible, Coordinating Committee meetings shall also be announced in GreenSpeak.

c. Whenever possible, the Coordinating Committee shall hold meetings at a regular time and place which is maximally accessible to all members of the Green Party.

d. All Coordinating Committee meetings are open.

e. When necessary, the Coordinating Committee may make decisions without the seven day meeting notice by obtaining a majority vote of a quorum.

### **ARTICLE VI — VOTING STANDARDS**

#### **Section 1**

At Biennial Conventions, Annual Meetings, Special Meetings and Endorsing Conventions, the right to participate in the decision making process shall be extended to all attendees until the number of registered delegates is equal to .01% (one-hundredth of one percent) of the population of the State of Kentucky based on the most recent United States Census Count. Upon attainment of this number, the Coordinating Committee, unless the Coordinating Committee otherwise directs, shall designate the total number of delegates.

#### **Section 2**

Unless voting privileges are extended to a greater number of delegates by a majority of the assembled body at a Biennial Convention, Annual Meeting, Special Meeting or Endorsing Convention, voting privileges shall be exercised by the designated delegates. Delegates shall be selected from local party unit recognized by the Coordinating Committee, or, if the Coordinating Committee so directs, by the general membership of

the Green Party. The number of delegates of the local party unit shall be in direct proportion to the percentage of Green Party membership that local party unit represents.

**Section 3**

Unless otherwise specified in the Constitution or in these Bylaws, all decisions shall be made by a majority vote.

**Section 4**

At a General Membership Meeting, two-thirds of all Green Party embers are required to veto a decision or direction taken by the Coordinating Committee.

**ARTICLE VII — AMENDMENTS**

**Section 1**

These bylaws may only be amended at an Annual Meeting or Special Meeting.

**Section 2**

These bylaws may be amended by a two-thirds vote of Green Party members present at the Annual Meeting or Special Meeting, provided that there is a quorum. Written notice of proposed amendments must be given to all Green Party members at least 30 days before the meeting where the vote will be taken on proposed amendments.

**Section 3**

Amendments to the bylaws shall take effect upon approval by the membership unless otherwise provided.

Copyright © 1998-2000, Kentucky Greens



# Ken Sain for Congress

403-5 Riverside Dr.  
No. 22  
Covington, KY 41011

<http://www.KenSain.com>

Contact person:  
Rodney Gould  
(859) 727-2542

November 10, 2000

To whom it may concern:

I am a member of the Green Party of Kentucky's Coordinating Committee and one of its founders. I am also the first Green Party candidate in Kentucky history. We raised and spent more than \$5,000 on my campaign this fall, to officially qualify myself as a candidate by FEC standards.

I recognize the authority of the Green Party of Kentucky to be the "state committee" representing the Green Party in Kentucky.

If you have any questions regarding this statement, please contact me.



Ken Sain



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

November 2, 2000

Alexander D. Moorhead, Treasurer  
Green Party of Kentucky  
PO Box 1242  
Covington, KY 41012

Dear Mr. Moorhead:

This refers to your letter dated October 24, 2000, which requests advice concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the possible status of the Green Party of Kentucky ("the State Party") as a State Party committee.

The request asks the Commission to grant State committee status to the Green Party of Kentucky. Under 2 U.S.C. §431(15), the term "State committee" is defined as the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission. "Political party" is defined under 2 U.S.C. §431(16) as an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization. The Commission has required that any party's Federal candidate whose name appears on the election ballot should also be a candidate that meets the definition of "candidate" under the Act at 2 U.S.C. §431(2) for that candidate's status to be relevant to a request for State committee status. To qualify as a candidate under the Act, the individual must either make expenditures in excess of \$5,000 or receive contributions in excess of \$5,000. Two recent advisory opinions that have examined these issues are Advisory Opinion 2000-21 (State committee status for the New York Conservative Party) and Advisory Opinion 2000-14 (State committee status for the New York Working Families Party). For your convenience, these opinions are enclosed with this letter.

The Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). Commission regulations explain that such a request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR

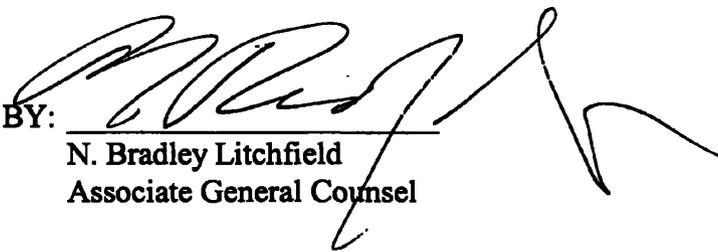
112.1(c). Therefore, before this office can treat your letter as an advisory opinion, further information is needed regarding some points that are raised in the request and have been relied upon in these prior opinions. Please provide the following information:

1. A copy of the State Party's bylaws or other governing documents.
2. Reports filed with the Commission indicate that Ken Sain, the State Party's 2000 candidate for Kentucky's 4<sup>th</sup> Congressional district, has received or expended in excess of \$5,000 and, therefore, qualifies as a candidate. Please provide a statement from this current candidate that indicates that he supports the State Party's advisory opinion request or recognizes its authority to represent the Green Party in Kentucky.

Upon receiving your responses to the foregoing request for additional information and documents, this office and the Commission will give further consideration to your inquiry in the advisory process. If there are any questions concerning the advisory opinion process, the enclosed opinions, or this letter, please contact Michael Marinelli, at (202) 694-1650.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: 

N. Bradley Litchfield  
Associate General Counsel

Enclosed  
Advisory Opinions 2000-21 and 2000-14



Green Party of Kentucky  
P.O. Box 1242  
Covington KY 41012

RLC  
FEDERAL  
COMMISSION  
OFFICE  
CC

OCT 30

RECEIVED  
FEC MAIL ROOM

2000 OCT 29 A 10:08

General Counsel  
Federal Election Commission  
999 E Street NW  
Washington DC 20463

October 24, 2000

re: state party status

Dear sir or madam:

This is to request an Advisory Opinion about the Statement of Organization for the Green Party of Kentucky PAC, FEC Identification Number C00360495.

According to a letter we received from Alice Kang in the Report Analysis Division, we "must petition you in the form of an advisory opinion to determine if it [our committee] satisfies the criteria for state party status."

We have successfully conducted petitioning campaigns and have placed on ballots in Kentucky the national Green Party candidates for President and Vice President, Ralph Nader and Winona LaDuke, as well as a candidate for the 4<sup>th</sup> District Congressional seat, Ken Sain.

We have also applied to the Kentucky Registry of Election Finance for recognition as a political party in Kentucky. Additionally, we sent a delegation of five people to the national Green Party nominating convention in Denver in June, 2000. We have been working to raise money and to campaign for the party's candidates.

It is my understanding that we therefore qualify as a state committee for the Green Party. Thank you for your consideration of this matter.

Yours truly,

Alexander D. Moorhead  
Treasurer