

IN THE DISTRICT COURT OF JEFFERSON COUNTY, KANSAS
CIVIL DIVISION

CASEY YINGLING,)
)
 Plaintiff,)
) Case No.
 v.)
)
 JOHN GIBSON, in his official Capacity)
 as Chairman of the Kansas Democratic Party,)
)
 KYLE RUSSELL,)
)
 and,)
)
 THE KANSAS DEMOCRATIC)
 PARTY, INCORPORATED, a Kansas)
 Not-for-profit Corporation,)
)
)
 Defendants.)
 Pursuant to K.S.A. Chapter 60

VERIFIED PETITION

COMES NOW, Plaintiff Casey Yingling, and for her Petition against Defendants, states the following:

I. Parties, Jurisdiction, and Venue

1. Plaintiff Casey Yingling is a resident of Wichita, Sedgwick County, Kansas.
2. Plaintiff is a member of The Kansas Democratic Party, Incorporated Executive Committee, and is a registered Democrat voter.
3. John Gibson (“Mr. Gibson” or “Gibson”) is currently the Chairman of the Kansas Democratic Party, Incorporated. Gibson may be served at 3675 Pawnee RD, Perry, KS 66073.
4. Kyle Russell (“Mr. Russell” or “Russell”) is a Kansas resident and member of the Kansas Democratic Party, Incorporated. Russell is the Chair of the Rules and Bylaws Committee for the

Kansas Democratic Party, Incorporated. Russell may be served at 3509 W. 48th Terr., Roeland Park, KS 66205.

5. The Kansas Democratic Party, Incorporated (“KDP”) is a not for profit corporation and political party governed by the Bylaws of the Kansas Democratic State Committee. The KDP may be served by serving its registered agent John Gibson at 3675 Pawnee RD, Perry, KS 66073.

6. Plaintiff has served as the KDP Secretary, a Member of the organization’s Executive Committee, during the most recent term for that position.

7. Jurisdiction and venue are appropriate in this Court.

II. Facts

a. The KDP and its Leadership, Including Chairman John Gibson, Violated the KDP Bylaws by Removing Plaintiff from her Position as Secretary of the KDP Absent a Two-Thirds Affirmative Majority Vote

8. All of the foregoing paragraphs are incorporated by reference.

9. The Bylaws of the Kansas Democratic State Committee (“KDP Bylaws”), a copy of which is attached as Exhibit 1, provide for the purpose, organization, rules, and procedures of the KDP.

10. For example, the Bylaws define the “Members” of the Kansas Democratic State Committee, state the specific roles of the various committees, provide for the methods of selecting or recalling its Members, and state that Robert’s Rules of Order (the most recent revised edition) governs the rules of procedure in all meetings of the state committee and all other committee meetings at all levels of the Democratic Party in Kansas.

11. “Members” are defined by the Bylaws as consisting of “(1) One hundred forty-four members . . . elected by each of the four congressional districts . . . ; (2) Two members . . . elected by each ancillary organization . . . ; (3) Each Democratic member of the state board of education,

state senate, and state house of representatives; and (4) Each member of the state executive committee . . .” Exhibit 1, Art. I, § 1a.

12. This section of the Bylaws also provides that: “All members [of the committee] shall be registered Democrats, with full voting rights including voting on the election of officers.” Exhibit 1, Art. I, § 1a.

13. “All committee officers elected or appointed under [the KDP Bylaws] shall serve for two years or the expiration of the term until their successors are elected or appointed.” Exhibit 1, Art. I, § 7.

14. Plaintiff was elected as a delegate to the Kansas Democratic State Committee from the Fourth Congressional District on February 11, 2017. As Fourth Congressional District delegate, Plaintiff was a “Member” of the KDP, guaranteed full voting rights.

15. Plaintiff attended the State Committee Meeting on February 25, 2017 as Fourth Congressional District delegate.

16. During the State Committee Meeting on February 25, 2017, Plaintiff was nominated and elected Secretary of the KDP Executive Committee to serve a two-year term as Secretary.

17. Pursuant to the KDP Bylaws, the Secretary is a Member of the KDP with full voting rights, including voting on the election of officers. Exhibit 1, Art. I, §§ 1a. and 7.

18. On September 30, 2017, during the Kansas Democratic Party State Committee Meeting (colloquially referred to as “Demofest” meeting), Defendant John Gibson, acting in his official capacity as Chairman of the KDP, declared that Plaintiff had been “recalled” as Executive Secretary.

19. Within days - if not hours - of Gibson’s declaration, Plaintiff was effectively expelled from her position of Executive Secretary of the KDP. Plaintiff’s name was removed from the KDP’s

website as Secretary, Plaintiff's access to her KDP email was revoked, and Plaintiff has been barred from participation in KDP Executive State Committee meetings.

20. On January 10, 2018, Gibson sent a letter to the "Executive Committee Members" of the KDP stating that a "meeting of the Kansas Democratic Party Executive Committee" would be held at "7:00pm on Monday, January 22" to fill the position of KDP Secretary which Gibson claimed, "has been vacant since our state committee meeting on September 30, 2017."

21. Plaintiff was not provided notice of the teleconference or otherwise provided a copy of Gibson's January 10, 2018, letter.

22. According to the KDP Bylaws, "Except as otherwise provided in these bylaws, Robert's Rules of Order (the most recent revised edition), shall be the rules of procedure in all meetings of the state committee and all other committee meetings at all levels of the Democratic Party in Kansas, provided that debate on any question may be limited or closed by a majority of those voting." Exhibit 1, Art. VII.

23. "In the event of a conflict between [the] bylaws and the laws of the United States, the state of Kansas . . . these other laws or regulations will supersede these bylaws." Exhibit 1, Art. XI.

24. "Each delegate shall be entitled to one full vote." Exhibit 1, Art. VI, § 1.

25. Prior to Plaintiff's removal, certain Members of the KDP leadership allegedly circulated a Petition for recall of Plaintiff from her position as Executive Secretary.

26. When the Petition for recall was brought for a vote at the KDP State Committee Meeting on September 30, 2017, the KDP leadership in charge of the meeting held a vote that did not comply with the KDP Bylaws, failed to apply the appropriate vote threshold required by the Bylaws, and failed to follow Robert's Rules of Order.

27. According to the KDP Bylaws, “Petitions for recall must exceed the threshold of 35 percent of eligible state, district or county committeepersons signing the petition in order to force a recall election. The State Party officers shall certify within 30 days the sufficiency of the petition before the election can proceed.” Exhibit 1, Art. XIII, § 1.

28. Plaintiff was never provided a copy of this petition to review or present challenges, and Plaintiff did not receive notice regarding a meeting in which certification of the petition was discussed and voted upon by the State Party Officers, despite her elected position as a KDP State Party Officer.

29. Thus, upon information and belief, the KDP State Party Officers never certified the sufficiency of the Petition for Plaintiff’s recall as Executive Secretary within 30 days prior to the recall vote on September 30, 2017.

30. “In order for a recall petition to prevail, it must have a **two-thirds majority of the members** of the state, district or county committee. Voting must be by signed ballot. Report of the action must be in the written minutes of the meeting.” Exhibit 1, Art. XIII, § 2. (Emphasis added.)

31. The temporary chair of the KDP State Committee Meeting on September 30, 2017, was Kyle Russell, who is also the Chair of the Rules and Bylaws Committee.

32. On September 25, 2017, five days before the KDP State Committee Meeting, the Rules and Bylaws Committee held a meeting via telephone.

33. During this meeting, the issue was raised as to whether Article XIII, § 2 of the KDP Bylaws required a two-thirds affirmative vote of all of the Members of the state committee, or merely a two-thirds affirmative vote of the Members *present* at the KDP State Committee Meeting on September 30th.

34. On belief, there were apparently multiple ‘informal votes’ held by the committee: One where the vote was four to four, and another where the vote was five to three in favor of finding a two-thirds affirmative vote of the Members *present and voting* (meaning abstentions and non-votes count in the total number of ballots) were required.

35. On September 29, 2017, a meeting of the Rules and Bylaws Committee was held, wherein Mr. Russell announced to the committee that it was his intention to “rule” based on the committee’s “vote” that the KDP Bylaws require merely a vote of two-thirds of those *present* to recall Plaintiff.

36. Based on Mr. Russell’s announcement, it is apparent that prior to this September 29, 2017, meeting of the Rules and Bylaws Committee, Mr. Russell was appointed temporary chair of the meeting in which the recall would be heard.

37. It is also apparent, based on Mr. Russell’s announcement, that Mr. Russell had decided as of September 29, 2017, to disregard the KDP Bylaws, and allow recall of Plaintiff based on only a two-thirds affirmative vote of only those *present* at the September 30, 2017, KDP State Committee Meeting.

38. Mr. Russell did not report the vote of the Rules and Bylaws Committee to the full body prior to the KDP State Committee Meeting, as required by Article VIII of the KDP Bylaws. He did, however, casually mention the vote at some point during the September 30th meeting.

39. During the portion of the KDP State Committee Meeting where the recall of Plaintiff was addressed, KDP member Lee Cross made a motion to find that the “two-thirds” threshold of the KDP Bylaws meant two-thirds of the full membership, not just those who were present at the meeting.

40. Mr. Russell refused to accept or allow debate on Mr. Cross’s motion. Instead, Mr. Russell unilaterally decided to treat Mr. Cross’s motion as merely a “parliamentary inquiry.”

41. Thereafter, Mr. Russell did not allow any debate on the motion, and only argued with Mr. Cross regarding the Bylaws' meaning.

42. Mr. Russell referred to Robert's Rules of Order, which are the required procedural rules under the Bylaws, as a "tiebreaker."

43. The most recent edition of Robert's Rules of Order as of the September 30, 2017, KDP State Committee Meeting was the 11th Edition. Robert's Rules of Order (11th Ed.) specifically outlines the various ways votes may be counted.

44. Based on the definition of "Members" in the Bylaws, the vote requirement in the Bylaws, and Robert's Rules of Order, there was no reason for the Rules and Bylaws Committee to vote on the meaning of Article XIII, § 2 of the KDP Bylaws. These two writings are self-explanatory.

45. Article XIII, § 2 of the KDP Bylaws provides:

"In order for a recall petition to prevail, it must have a **two-thirds majority of the members of the state . . . committee.**"

46. Mr. Russell interpreted this to mean "two-thirds present" rather than an affirmative vote of two-thirds of the members of the state committee.

47. The words "present and voting" or a reference only to Members "present" cannot be found in Article XIII, § 2 of the KDP Bylaws.

48. Robert's Rules of Order provides the real interpretation:

"A *two-thirds vote* – **when the term is unqualified** – means at least two thirds of the votes cast by persons entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting."

RONR (11th Ed.), P. 401, ll. 5-11 (*italicized emphasis in original; bolded emphasis added*).

49. Where the KDP Bylaws require a “two-thirds majority of the members [of the state committee]” the “two-thirds” vote is qualified by the words “majority of the members¹.” The Bylaws do not provide for a two-thirds majority only of only the voting members *present*, excluding blanks or and abstentions, as interpreted by Mr. Russell and the KDP leadership.

50. Article XIII, § 2 of the KDP Bylaws, as interpreted using Robert’s Rules of Order (11th Ed.), requires a “two-thirds majority” vote of the votes cast by persons entitled to vote, which is a two-thirds majority of all of the Members of the Kansas Democratic Party. An affirmative vote of only those members who were present at the September 30, 2017, meeting is not adequate unless at least two-thirds majority of the Members vote at the meeting.

51. Based on the definition of “Members” in Article I, § 1a. of the KDP Bylaws, the membership of the Kansas Democratic Party as of September 30, 2017, consisted of a total of 252 members as defined by the KDP Bylaws, which includes Members from congressional districts, two Members from each ancillary organization, democrats elected to public office, as well as the Members serving on the State Executive Committee.

52. Thus, a vote of “two-thirds majority” of the “Members” of the KDP requires the vote of at least 169 members.

53. The use of the qualifier, “**majority of the members**,” of the state committee in Article XIII, § 2 of the KDP Bylaws means that one can never count a “two-thirds vote” as simply two-thirds of only the votes cast or two-thirds of those present and voting; it means that there must be a majority of all members voting, and that all votes count a “yes” or a “no” with abstentions or non-votes essentially having the same effect as a “no” vote.

¹ According to Roberts Rules, the term “majority” means “more than . . .”. RONR (11th Ed.), P. 400, ll. 7 -11. Thus, to constitute a “majority” in any voting scenario, the ‘yea’ votes must vote must reach the required threshold (*i.e.*, two-thirds), plus one additional vote.

54. Despite the undisputable clear definition of the term “Members” in the KDP Bylaws, and the explanation in Robert’s Rules of Order regarding interpretation of terms that are unqualified, Mr. Russell claimed that the Bylaws were “unclear,” and failed to tell the KDP members what Robert’s Rules of Order requires when the term “two-thirds vote” is qualified by another term.

55. Later, on October 6, 2017, KDP Executive Chairman John Gibson sent an email to the KDP members falsely saying that Mr. Russell’s interpretation of the KDP Bylaws as only those “present and voting” was consistent with Robert’s Rules of Order.

56. But, on September 30, 2017, there were **183** members of the KDP State Committee present to vote at the meeting. The members present were as listed in the following table:

Member Type	Voting Member	Alternate	Total
Executive Committee	27	N/A	27
Ancillary Organizations	14	N/A	14
Elected Members	14	N/A	14
First Congressional District	19	13	32
Second Congressional District	21	13	34
Third Congressional District	15	11	26
Fourth Congressional District	27	9	36

57. On belief, no more than **121** members of the KDP State Committee affirmatively voted in favor of Plaintiff’s recall as Executive Secretary, which is less than half of the members of the KDP State Committee. As noted above, two-thirds of the KDP State Committee members was 167 members. The 121 members who voted in favor of recall was not enough for the recall to pass pursuant to the KDP Bylaws.

58. 121-member votes does not constitute even simple majority of the KDP State Committee Members, representing only 48% of the membership.

59. Moreover, the 121-member votes did not even make up a two-thirds majority of the 183 members present at the September 30, 2017, meeting.

60. The vote failed to recall Plaintiff from the KDP Executive Secretary position no matter how the KDP Bylaws are interpreted.

61. Regardless, Mr. Russell, Mr. Gibson, Mr. Russell, and other KDP party leadership treated the vote as though it was enough to recall Plaintiff from her position as Executive Secretary, and effectively removed Plaintiff from this position by removing references to her position from the party website, announcing to the KDP membership that she had been removed, revoking her access to her KDP email, appointing a new Secretary and announcing the appointment on a public forum, and disallowing Plaintiff from attending executive meetings.

b. The KDP and its Leadership Prevented a KDP Member from Participating in Debate and Voting on the Recall Petition.

62. All of the foregoing paragraphs are incorporated by reference.

63. Prior to the vote on the Petition to recall Plaintiff at the September 30, 2017, KDP State Committee Meeting, KDP employee Ethan Corson directed law enforcement personnel, who were present as security for the meeting, to arrest KDP Member Levi Henry if he tried to enter the building.

64. Mr. Corson's stated justification for his actions was the entry of a Temporary Protection from Stalking Order ("TPFS Order"), obtained by another KDP Member, Caroline New, against Mr. Henry in the Sedgwick County District Court one day before the vote.

65. The Petition for Protection from Stalking, upon which the TPFS Order was based, was obviously frivolous and the claims cited within it, such as "Blog post contains numerous lies about me," and generally alleging "Ongoing harassment since Jan. Lying to others about me. Inciting others to lie about me," plainly do not meet the definition of "stalking" or "harassment" in K.S.A. 60-31a02.

66. Regardless, Ms. New was able to obtain the TPFS Order *ex parte* from a Sedgwick County, Kansas District Court judge on September 29, 2017, a Friday, and this Order was used to obtain law enforcement assistance in preventing Mr. Henry from entering the building to vote at the September 30, 2017, meeting.

67. But, it was Mr. Corson that directed the off-duty City of Wichita police officers who were serving as security at the event, to arrest Mr. Henry if he attempted to enter the hotel building where the September 30, 2017, meeting was held.

68. To make matters worse, Mr. Henry was not served with the TPFS Order until after the Sedgwick County District Court had already closed for the day on Friday, September 29, 2017, leaving no legal recourse against the wrongfully-obtained TPFS Order until, at the earliest, Monday, October 2, 2017, after the KDP State Committee Meeting had occurred.

69. On the date set for hearing on Ms. New's PFS Petition, October 12, 2017, the Petition against Mr. Henry was denied and the TPFS Order released.

70. The goal of the frivolous PFS had been accomplished. Mr. Henry was not allowed to participate in debate over Ms. Yingling's removal or vote on September 30, 2017. On belief, Mr. Henry had intended to engage in debate and ultimately vote in opposition to Plaintiff's recall.

71. In a telling indication of the KDP's intent to interfere with Mr. Henry's and Plaintiff's rights, Mr. Corson told Mr. Henry, through an intermediary, that Mr. Henry would be allowed to vote on Ms. Yingling's from the parking lot only if: (1) Mr. Henry agreed to leave immediately after he cast his vote, and (2) Mr. Henry agreed to sign a full and complete release waiving any claims against any other party that interfered with his rights in connection with the vote to remove Plaintiff.

72. Mr. Henry was not permitted to vote from the parking lot without doing both of these things.

73. Ms. New never had a valid legal basis for requesting the TPFS Order from the Sedgwick County District Court, a fact of which Ms. New and the KDP leadership who conspired with her, were aware.

74. The TPFS Order was not obtained by Ms. New for any lawful purpose, and was obtained on September 29, 2017, and served on Mr. Henry that same day after the courts had closed for the sole purpose of preventing Mr. Henry from engaging in debate and ultimately voting against the recall of Plaintiff on Saturday, September 30, 2017.

75. Upon information and belief, Ms. New conspired with Mr. Corson, Mr. Gibson, and other Members of the KDP leadership in obtaining the TPFS Order without legal support and preventing Mr. Henry from exercising his voting rights as a KDP Member.

76. This conspiracy also violated Plaintiff's rights under the KDP Bylaws to a fair vote consistent with the Bylaws on the Petition for her recall and prevented Plaintiff from engaging in debate and presenting evidence to the State Committee that would discredit claims alleged to justify her recall.

COUNT I
Breach of Contract
(Breach of KDP Bylaws)

77. All of the foregoing paragraphs are incorporated by reference.

78. The Kansas Democratic Party is a not for profit corporation, incorporated under the laws of the State of Kansas since 1989.

79. The Bylaws of the Kansas Democratic State Committee, revised on October 3, 2015, were the Bylaws in effect as of the vote on the Petition for Plaintiff's recall on September 30, 2017. *See* Exhibit 1.

80. The KDP Bylaws state that “[t]he purpose of the state Democratic Party is to bring Democrats across the state together to organize and elect Democrats to public office at every level.” Exhibit 1, Art. I, § 1.

81. Plaintiff is a Member of the Kansas Democratic Party as “Member” is defined by the KDP Bylaws. Exhibit 1, Art. I, § 1a.

82. Plaintiff is, and all relevant times has been a registered Democrat.

83. Defendant KDP and Plaintiff entered into a contractual relationship when Plaintiff became a Member of the KDP.

84. The rules, regulations, and bylaws of the KDP, including the KDP Bylaws, establish the terms of Plaintiff's contract with Defendant KDP.

85. Thus, the KDP Bylaws are an enforceable contract between Plaintiff and Defendant KDP. Both parties were at all material times obligated to comply with their respective obligations under the KDP Bylaws, and Defendant KDP was at all times obligated to fairly apply the Bylaws.

86. Interpretation of the KDP Bylaws may not be subjective but interpreted as if by a hypothetical reasonable third party.

87. There was sufficient consideration to support the contract between the parties.

88. Plaintiff has performed, or was at all times willing to perform, all of her obligations under the parties' contract, including but not limited to all obligations required of her as a Member and as Executive Secretary of the KDP State Committee under the KDP Bylaws.

89. KDP has breached the parties' contract by violating the KDP Bylaws. Examples of the KDP's conduct that breached the KDP Bylaws include:

a. Failing to properly certify the sufficiency of the Petition to recall Plaintiff as Executive Secretary within 30 days of the recall vote on September 30, 2017.

b. Failing to announce prior to the recall vote that the "Rules and Bylaws Committee" had met and voted to interpret the KDP Bylaws to require only a two-thirds affirmative majority vote of those *present and voting* at the September 30, 2017, meeting in order to recall Plaintiff from her position as Executive Secretary. Defendant KDP was required to do so pursuant to Article VIII of the KDP Bylaws.

c. Failing to properly apply the most recent edition of Robert's Rules of Order to the September 30, 2017, vote on the Petition to recall Plaintiff as Executive Secretary, which is required by Article VII of the KDP Bylaws.

d. Interpreting Article XIII, § 2 of the KDP Bylaws to require only a two-thirds majority vote of those Members *present and voting* at the September 30, 2017, meeting, as opposed to a two-thirds "majority of the members" as specifically provided by Article XIII, § 2 of the KDP Bylaws.

e. Conspiring and acting along with KDP Member Caroline New to use the judicial system and law enforcement assistance to prevent Levi Henry, a KDP Member who was eligible to vote on the Petition to recall Plaintiff and who was reasonably expected to present evidence discrediting the recall effort and engage in debate and ultimately vote against Plaintiff's recall, from entering the building and voting on the Petition to recall Plaintiff on September 30, 2017.

f. Finding and announcing that Plaintiff had been recalled from her position as Executive Secretary when less than a two-thirds majority of the Members of the state committee voted for Plaintiff's recall, in violation of Article XIII, § 2 of the KDP Bylaws.

g. Preventing Plaintiff from serving and exercising her duties as Executive Secretary of the KDP State Committee until the expiration of her two-year term or until her successor is elected or appointed pursuant to Article I, § 7 of the KDP Bylaws.

h. Announcing to the KDP membership and the general public that Plaintiff has been removed from her position as Executive Secretary of the KDP State Committee and removing Plaintiff's name from the Executive Committee on the KDP website.

90. Plaintiff has been damaged and continues to be damaged by Defendant KDP's breach of the parties' contract.

WHEREFORE, Plaintiff requests that this Honorable Court find that Defendant KDP breached the parties' contract and Order Defendant KDP to specifically perform its obligations under the parties' contract and reinstate Plaintiff as Executive Secretary and take all actions that are required to do so, including but not limited to returning Plaintiff's name and title as Executive Secretary of the KDP State Committee on the KDP website, announcing to the KDP membership and to the public that the Petition to recall Plaintiff did not pass and that Plaintiff remains the Executive Secretary of the KDP State Committee, and allowing Plaintiff to participate in all Executive Committee meetings and take all other actions appropriate and necessary in her position as Executive Secretary, and for such other and further relief as this Court deems just and proper..

COUNT II
Breach of Duty of Good Faith and Fair Dealing

91. All of the foregoing paragraphs are incorporated by reference.

92. Defendant KDP and Plaintiff entered into a contractual relationship when Plaintiff became a Member of the KDP.

93. The rules, regulations, and bylaws of the KDP, including the KDP Bylaws, establish the terms of Plaintiff's contract with Defendant KDP.

94. The parties' contract implies a duty of good faith and fair dealing by the parties.

95. Pursuant to the parties' duty of good faith and fair dealing, Defendant KDP undertook the duty to "not intentionally and purposely do anything to prevent [Plaintiff] from carrying out [her] part of the agreement, or do anything which will have the effect of destroying or injuring the right of [Plaintiff] to receive the fruits of the contract." *Waste Connections of Kan., Inc. v. Ritchie Corp.*, 296 Kan. 943, 965, 298 P.3d 250 (2013), quoting *Bonanza, Inc. v. McLean*, 242 Kan. 209, 222, 747 P.2d 792 (1987).

96. Defendant KDP intentionally and purposefully prevented Plaintiff from carrying out her part of the contract, and also injured her right to receive the fruits of the contract through multiple acts and omissions, including the following:

a. Failing to properly certify the sufficiency of the Petition to recall Plaintiff as Executive Secretary within 30 days of the recall vote on September 30, 2017.

b. Failing to announce prior to the recall vote that the "Rules and Bylaws Committee" had met and voted to interpret the KDP Bylaws to require only a two-thirds affirmative majority vote of those *present and voting* at the September 30, 2017, meeting in order to recall Plaintiff from her position as Executive Secretary. Defendant KDP was required to do so pursuant to Article VIII of the KDP Bylaws.

c. Failing to properly apply the most recent edition of Robert's Rules of Order to the September 30, 2017, vote on the Petition to recall Plaintiff as Executive Secretary, which is required by Article VII of the KDP Bylaws.

d. Interpreting Article XIII, § 2 of the KDP Bylaws to require only a two-thirds majority vote of those members *present and voting* at the September 30, 2017, meeting, as opposed to a two-thirds "majority of the members" as specifically provided by Article XIII, § 2 of the KDP Bylaws.

e. Conspiring and acting along with KDP member Caroline New to use the judicial system and law enforcement assistance to prevent Levi Henry, a KDP member who was eligible to vote on the Petition to recall Plaintiff and who was reasonably expected to vote against Plaintiff's recall, from voting on the Petition to recall Plaintiff on September 30, 2017.

f. Finding and announcing that Plaintiff had been recalled from her position as Executive Secretary when less than a two-thirds majority of the members of the state committee voted for Plaintiff's recall, in violation of Article XIII, § 2 of the KDP Bylaws.

g. Preventing Plaintiff from serving and exercising her duties as Executive Secretary of the KDP State Committee until the expiration of her two-year term or until her successor is elected or appointed pursuant to Article I, § 7 of the KDP Bylaws.

h. Announcing to the KDP membership and the public that Plaintiff has been removed from her position as Executive Secretary of the KDP State Committee and removing Plaintiff's name from the Executive Committee on the KDP website.

97. A particularly telling example of Defendant KDP's bad faith is the KDP leadership's conspiracy with member Caroline New to use the judicial system to obtain a Temporary Protection From Stalking Order under false pretenses against Mr. Henry on the day before the recall vote and use that Order to obtain law enforcement's assistance in keeping Mr. Henry from entering the building to cast his vote against the recall of Plaintiff.

98. Another example of Defendant KDP's bad faith is KDP employee Ethan Corson's communication to Mr. Henry that the KDP leadership would allow Mr. Henry to vote from the parking lot *only* if Mr. Henry left immediately afterward, and also *agreed to sign a release of liability for all of those involved*. This shows Defendant KDP's intent to assist Ms. New in abusing the judicial process and use of law enforcement assistance and also Defendant KDP's knowledge

that Ms. New and other members or leaders of Defendant KDP may be legally liable for these actions.

99. Plaintiff has been damaged and continues to be damaged by Defendant KDP's breach of the parties' contract.

WHEREFORE, Plaintiff requests that this Honorable Court find that Defendant KDP breached its duty of good faith and fair dealing under the parties' contract and Order Defendant KDP to specifically perform its obligations under the parties' contract and reinstate Plaintiff as Executive Secretary and take all actions that are required to do so, including but not limited to returning Plaintiff's name and title as Executive Secretary of the KDP State Committee on the KDP website, announcing to the KDP membership and to the public that the Petition to recall Plaintiff did not pass and that Plaintiff remains the Executive Secretary of the KDP State Committee, and allowing Plaintiff to participate in all Executive Committee meetings and take all other actions appropriate and necessary in her position as Executive Secretary, and for such other and further relief as this Court deems just and proper.

COUNT III
Declaratory Judgment

100. All of the foregoing paragraphs are incorporated by reference.

101. Plaintiff brings this claim for declaratory judgment pursuant to K.S.A. 60-1701 *et seq.*

102. Defendants KDP and Gibson have prevented Plaintiff from enjoying and exercising her duties as Executive Secretary of the KDP State Committee and have thus effectively removed her from this position.

103. Defendants KDP and Gibson did so without lawful authority and in contravention of the KDP Bylaws as discussed in detail above.

104. Pursuant to law and the KDP Bylaws, Plaintiff is the lawfully-elected Executive Secretary of the KDP State Committee and should be allowed to resume her role in this position and all of the duties and privileges that it carries.

WHEREFORE, Plaintiff requests that this Honorable Court enter a declaratory judgment that Plaintiff is the current and lawfully-elected Executive Secretary of the KDP State Committee and is allowed to exercise all privileges and duties of that position, and for such other and further relief as this Court deems just and proper.

COUNT IV
Injunctive Relief

105. All of the foregoing paragraphs are incorporated by reference.

106. Defendants KDP and Gibson have prevented Plaintiff from enjoying and exercising her duties as Executive Secretary of the KDP State Committee and have thus effectively removed her from this position.

107. Defendants KDP and Gibson did so without lawful authority and in contravention of the KDP Bylaws as discussed in detail above.

108. Plaintiff will or has experienced immediate and irreparable injury, loss, interference with legal rights, or damage by being prevented from enjoying and exercising her duties as duly-elected Executive Secretary of the KDP State Committee.

109. Plaintiff asks this Court to grant injunctive relief enjoining or restraining Defendants from preventing Plaintiff from enjoying and exercising those duties.

110. Defendants have already communicated to the KDP membership and general public that Plaintiff was removed as Executive Secretary; Plaintiff's name has been removed from the KDP website; Plaintiff has not been allowed to attend Executive meetings or exercise her duties as Executive Secretary; Gibson and other executives at the KDP held a meeting and claimed to

have replaced Plaintiff with a different secretary, and have made statements to the public claiming a new KDP Secretary, Rehan Reza, has been selected. Plaintiff was elected to a two-year term, and to date has been prevented from performing her role as Executive secretary for over three months of that two-year term.

111. Plaintiff, through counsel, has given Defendants notice of the injury, loss, interference with legal rights and damage caused by Defendants' actions and has attempted to resolve this matter without request of this Court's judicial injunction authority.

112. Despite Plaintiff's attempts, through counsel, to resolve this matter without requesting this Court's intervention, Mr. Gibson sent the KDP Executive Committee a letter on January 10, 2018, announcing his intention to "fill the vacancy" for the position of Secretary with the appointment of Rehan Reza to take place during a telephone conference held on January 22, 2018 at 7:00 p.m.

113. On January 23, 2018, the KDP stated on the KDP Twitter feed (<https://twitter.com/KansasDems>) that "[t]he KDP Welcomes Rehan Reza as Secretary."

114. The vote of the Executive Committee held on January 22, 2018, must be ratified by the State Committee meeting scheduled for March 2, 2018.

115. Pursuant to law and the KDP Bylaws, Plaintiff is the lawfully-elected Executive Secretary of the KDP State Committee and should be allowed to resume her role in this position and all of the duties and privileges that it carries immediately.

WHEREFORE, Plaintiff requests that this Honorable Court enter injunctive relief or restraining order, ordering that Plaintiff is the current and lawfully-elected Executive Secretary of the KDP State Committee and is allowed to exercise all privileges and duties of that position, and disallowing Defendants from doing anything that would prevent Plaintiff from doing so, including

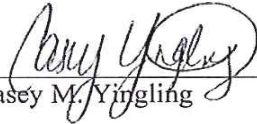
the appointment of another Member as Secretary, and for such other and further relief as this Court deems just and proper.

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

I, Casey M. Yingling, of lawful age, being first duly sworn upon oath, states:

The undersigned is the Plaintiff in the above captioned action; I have read the foregoing PETITION and know the contents thereof and the allegations and statements contained therein are true and correct.



Casey M. Yingling

SUBSCRIBED AND SWORN to before me this 23 day of January, 2018.



Notary Public

My appointment expires: June 24, 2019



Respectfully submitted,

Sloan, Eisenbarth, Glassman, McEntire & Jarboe, L.L.C.

/s/ Tai J. Vokins
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EXHIBIT 1

BYLAWS OF THE KANSAS DEMOCRATIC STATE COMMITTEE



Education

Opportunity

Responsibility

Revised on October 3, 2015

Kansas Democratic Party
PO Box 1914
Topeka, KS 66601-1914
(785) 234-0425 Phone
(785) 234-8420 Fax
<http://www.ksdp.org>

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BYLAWS OF THE KANSAS DEMOCRATIC STATE COMMITTEE

ARTICLE I. PARTY ORGANIZATION

Section 1. State Committee. The purpose of the state Democratic Party is to bring Democrats across the state together to organize and elect Democrats to public office at every level.

Section 1a. Members. The state committee shall consist of

- (1) One hundred forty-four members, 36 of whom (18 men and 18 women) are elected by each of the four congressional districts as described in Article I, Section 2c;
- (2) Two members (one female and one male) elected by each ancillary organization as defined in Article I, Section 5a; however, the party's official state organization for women shall have two female representatives.
- (3) Each Democratic member of the state board of education, state senate, and state house of representatives; and
- (4) Each member of the state executive committee as prescribed in Article I, Section 4.

All members shall be registered Democrats, with full voting rights including voting on the election of officers. Each member may submit proposals to any and all state level committees in accordance with Article III.

State committee members shall actively participate in all state committee meetings. Failure to attend three consecutive meetings shall constitute a resignation of membership on the state committee. When a vacancy occurs, the district chairperson shall appoint an alternate of the same gender from the same district to replace the delegate with full privileges and duties. State committee members shall work to increase the number of registered Democratic Party members, and elect Democratic candidates to public office.

Section 1b. State Committee Officers. The state committee shall organize biennially by electing a chairperson, a first-vice-chairperson, second vice-chairperson, secretary and treasurer. The first vice-chairperson must be of the opposite sex as that of the chairperson. The first and second vice-chairpersons may be of the same or opposite sex to achieve gender parity among the officers. The first vice-chairperson shall represent the state committee at the Democratic National Committee in odd numbered years; the second vice-chairperson shall represent the state committee at the Democratic National Committee in even numbered years. Each person elected to the office of chairperson, first or second vice-chairperson, secretary or treasurer of the state committee shall thereupon become a member of the state committee with full voting rights as such a member or shall retain membership and voting rights if such person is a member of the state committee at the time of such person's election.

Section 1c. Organizational Meetings. A meeting to organize the state party shall be held in Topeka, Kansas, not sooner than all of the required district party committee organization

BYLAWS OF THE KANSAS DEMOCRATIC STATE COMMITTEE

meetings have been held and not later than 120 days after each general election. Such meeting shall be called by the state chairperson, or if the chairperson fails to do so for any reason, by the state party first or second vice-chairperson. Such meetings shall be called by notifying each member and alternate member of the state committee at least fifteen days before the date of the meeting. The person calling such meeting shall serve as temporary chairperson thereof.

Section 1d. State Party Alternates. When the 36 members are elected by each congressional district committee, there shall also be elected an equal number of alternates. No member of the state committee shall be represented by proxy at its meetings. Alternates must be equally divided by sex. At each state committee meeting, alternates shall be chosen to represent regular members who are absent in the following manner: The district chairperson or designee shall choose one alternate to replace the absent regular member with preference being given to alternates from the same county and of the same sex as the absent regular member.

Section 1e. Voting by Incumbent State Committee Officers. Incumbent state committee officers whose offices are being filled at a given state committee meeting are not entitled to vote on the election of their respective successors by virtue of the office they hold unless they are otherwise entitled to vote as a duly elected member of the newly-elected state committee. However, as provided by statute and restated above, as soon as an officer is elected or re-elected, that officer has full voting rights including the right to vote on the election of other officers to be subsequently elected at that meeting. Additionally, since the terms of the national committeeman and committeewoman do not officially begin until adjournment of the subsequent Democratic National Convention, the incumbent national committeeman and committeewoman may vote on the election of their successors, and their successors will not be able to vote at state committee or executive committee meetings by virtue of their election as national committee members until they officially take office upon adjournment of the Democratic National Convention.

Section 1f. Election of Delegate to Officer Position. Whenever a regular voting member of the state committee is elected to a state committee officer position, he/she shall immediately assume that office and shall be deemed to have resigned his/her position as a regular voting member, and a duly selected state committee alternate may immediately take that person's place in the manner described in Article I, Section 1d as a regular voting member of the state committee and vote on any subsequent matters at that meeting. Until such time, if any, as the district committee is reconvened to permanently fill the vacancy created by that person's election to an officer position, at any subsequent meetings of the state committee held during the remainder of that term of the state committee, any duly selected state committee alternate may take that person's place as a regular voting member.

As outlined above in this section, the same procedure shall apply to a regular voting member who is elected national committeeman or committeewoman except that persons elected to the national committee don't officially accede to that office until adjournment of the subsequent Democratic National Convention. Therefore, at the state committee meeting during which a national committeeman and committeewoman are elected, the incumbent national committee

BYLAWS OF THE KANSAS DEMOCRATIC STATE COMMITTEE

people retain their votes throughout that meeting and at any subsequent meetings held before adjournment of the Democratic National Convention.

Section 1g. Limitation to One Vote per Person. No member of the state committee or executive committee shall be entitled to cast more than one vote. When elected to an officer position which carries with a vote, a regular state committee member may be replaced by an alternate pursuant to Article I, Section 1d above. However, if any person shall be elected or appointed to two positions which carry with them a state committee/state executive committee vote, he/she may cast only one vote and the other vote may not be cast since the statutes and bylaws do not provide for alternates for any state executive committee members.

Section 2. District Committees of Congressional Districts. The purpose of district committees is to elect members of the state committee, recruit candidates for and support the election of a Democratic congressperson in that district, and organize any county in the district which failed to organize as described in Article I, Section 3c.

Section 2a. Members. The district committee for each congressional district shall consist of the county chairperson and vice-chairperson of each county in the district. In addition to the chairperson and vice-chairperson of each county, each county central committee in the district may elect two additional members, of opposite sex, for each 1,000 votes or major fraction thereof in excess of 1,500 votes cast in the county by the party for all candidates for the state-wide officer receiving the highest party vote at the preceding primary election in which a statewide office appeared on the ballot.

In the event a county is partly in each of two or more congressional districts, the county chairperson and vice-chairperson shall be members of each such district committee, but the county's entitlement to additional members shall be computed separately for each such district as herein before specified on the basis of the votes cast by the party in each district at such primary election.

Section 2b. Officers. District party committees shall organize by electing a district chairperson, vice-chairperson, a secretary and a treasurer (the last two of whom may be the same person). The vice-chairperson shall be of the opposite sex as that of the chairperson.

Section 2c. Organizational Meetings. A meeting to organize the district committee shall be held in each congressional district, not sooner than all of the county committee organization meetings have been held and not later than 90 days after each general election. Such meeting shall be called by the district chairperson, or if the chairperson fails to do so for any reason, by the state party chairperson or designee. Such meetings shall be called by notifying each county chairperson and vice-chairperson and elected members of the district committee at least 15 days before the date of the meeting. The person calling such meeting shall serve as temporary chairperson thereof.

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Section 2d. Election of District Representatives and Alternates. Each congressional district committee shall elect 36 members (18 of each sex) to serve on the state committee. Candidates for delegate and alternate positions do not have to be present at the meeting in order to be elected.

When the additional members are chosen by each county central committee, there shall also be chosen an equal number of alternate. Additionally, an alternate shall be chosen for the chairperson and vice-chairperson of each county. Alternates must be equally divided by sex. No member of a district committee shall be represented by proxy at its meetings. All members shall be registered Democrats. The alternates shall be chosen to represent absent members in the following manner:

- (1) If only one alternate is present who is from the same county and is of the same sex as the absent regular member, that alternate shall replace the absent regular member.
- (2) If only one alternate is present who is from the same county but is of the opposite sex as the absent regular member, that alternate shall replace the absent regular member.
- (3) If more than one alternate of the same sex is present, or if no alternate of the same sex is present but more than one alternate of the opposite sex is present, the county chairperson or his/her designee shall choose which alternate shall replace the absent regular member.
- (4) If no alternate from the same county as the absent regular member is present, the county loses that vote on the district committee at that meeting.

In the event the required number of people is not elected at the district meeting called to elect delegates or alternates, the district chairperson may appoint registered Democrats from unrepresented counties to fill the vacant positions provisionally until the next meeting of the district committee where they may be elected to the vacant positions.

Section 3. County Central Committees.

Section 3a. Members. The whole number of precinct committeemen and precinct committeewomen shall constitute the county central committee. All persons elected to the office of precinct committeeman or precinct committeewoman shall constitute as the members of the county central committee to the end of the term to which they were elected or when their precinct designation is eliminated by consolidation of precincts or changes in precinct boundaries.

Section 3b. Organizing the County. Each county central committee shall meet not later than 30 days after each primary election. At such meeting such committee shall vote on whether to organize at that time by electing a chairperson, vice-chairperson, secretary and treasurer or whether to organize by electing such officers at a meeting to be held within 30 days after the state general election. It shall not be necessary for any of the officers of a county central

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committee to be a precinct committeeman or committeewoman and one person may hold both the office of secretary and the office of treasurer. The vice-chairperson shall be of opposite sex as that of the chairperson.

All such meetings shall be called by the county chairperson or if the county chairperson fails to do so for any reason, by any other officer of the county central committee or the district chairperson. Such meetings shall be called by notifying each precinct committeeman and precinct committeewoman at least seven days before the date of the meeting.

No proxy may be voted at any meeting of a county central committee unless the person named proxy is a resident of the same precinct as the committeeman or committeewoman appointing such proxy. Each proxy shall be signed by the appointing committeeman or committeewoman and witnessed by at least one person other than the named proxy.

If a county chairperson fails to notify either the district or state chairperson of the results of reorganization within 30 days following the county organizational meeting, this county will be considered to be unorganized until such time as the county chairperson can provide an updated Statement of Organization to the Kansas Governmental Ethics Commission and a roster of all elected precinct committee members and officers to the state and district chairperson.

All members shall be registered Democrats.

All officers elected by the county central committee shall constitute the county executive committee. Other members of the executive committee may be named by the central committee.

Section 3c. If a County Fails to Elect Precinct People. If no precinct people are elected at the regular August primary in any county, a reorganization meeting shall be called by the county chairperson, or if the county chairperson fails to do so, by the congressional district chairperson or his/her designee or by the state chairperson or his/her designee. Such reorganization meeting shall be publicized by news releases to all print and electronic media outlets in that county and any duly registered Democrat in that county who attends the reorganization meeting will be entitled to vote on the election of officers to the central committee. If the reorganization meeting has not occurred during the time periods specified by statute, the meeting shall be held as soon as possible thereafter. Upon election as county chairperson, the county chairperson may appoint people to fill precinct committee vacancies and, in all other ways, be empowered and recognized as a duly-elected county chairperson.

Section 3d. Dissolution of a County Central Committee. If no precinct committeepersons are elected in a county at the regular August primary, and no reorganization meeting was called, that county will no longer be considered organized.

Individuals from unorganized counties may still participate in Democratic functions and caucus meetings and hold offices that originate from these caucus meetings.

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Section 3e. Precinct Committeemen and Committeewomen. At each primary election the members of the party residing in each precinct in each county of the state shall elect a man of their number as precinct committeeman and a woman of their number as precinct committeewoman. No person shall be eligible to be a candidate for or hold the office of precinct committeeman or precinct committeewoman in any precinct unless such person actually lives, resides and occupies a place of abode in such precinct, and is in all other respects a qualified elector and is shown as a member on the party affiliation list, in the office of the county election officer. Vacancies occurring in the office of precinct committeeman or committeewoman shall be promptly filled by appointment by the county chairperson, except that any vacancy which occurs because the party had no elected candidate at such primary election shall not be filled until the county central committee has elected or reelected its chairperson under Article I, Section 3 of this act (these bylaws). As used in this act (these bylaws), "primary election" means the state-wide election held in August of even-numbered years. (K.S.A. 25-3801).

Section 3f. Provisional Appointees for Precinct Committee Men and Women. Although state statutes prohibit a county chairperson's appointment of people to vacant precinct committeeperson positions until after the central committee reorganizes, if a central committee chooses to postpone its reorganization until after the November general election, the county chairperson may appoint provisional precinct committee people to vacant positions. Such provisional appointees shall have all powers and duties of precinct committee people except that those provisional appointees shall not be entitled to vote on any matter until after the central committee has reorganized and elected its officers. At that time, the newly elected (or re-elected) county chairperson may officially appoint the provisional precinct people to regularly-appointed status.

Section 3g. Organization of an Unorganized County. Any registered Democrat residing in an unorganized county or the district or state party chairpersons may call a meeting to organize the county. The state committee chairperson and district committee chairperson shall be notified of the meeting. The state committee shall make reasonable attempts to notify Democrats located in that county at least 14 days in advance. All registered Democratic voters residing in the county may vote for a county chairperson, vice-chairperson, secretary and treasurer. The meeting shall be chaired by either the district chairperson or designee. In the event the county is split between two or more districts the state chairperson or designee shall chair the meeting. Upon the election of officers, the county shall be considered organized. Following the election, the newly elected county chairperson may officially appoint precinct people to regularly-appointed status.

Section 3h. Duties of County Offices. The **chairperson** shall conduct all business and supervise the affairs and activities of the county central committee; preside over all meetings; appoint all committees; serve as an ex-officio member of all committees; may appoint to any vacancies that exist within the county central committee prior to or after the primary election; represent the county central committee in all state and national functions, and perform those duties set out by

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state law. Once elected to this office this person shall have the right to vote on county central committee issues as a single vote.

The **vice-chairperson** shall perform additional duties as directed by the chairperson or the county bylaws. Once elected to this office this person shall have the right to vote on county central committee issues as a single vote.

In the event the chairperson is unable to continue in office, the vice-chairperson shall assume the duties of the chairperson until such time as the county central committee is able to hold an election for chairperson.

The **secretary** shall attend all meetings; take minutes of the proceedings; maintain the records and membership roster of the central committee, and be responsible for all official correspondence. Once elected to this office this person shall have the right to vote on county central committee issues as a single vote.

The **treasurer** shall maintain a checking account in a bank or credit union located in the same county as that of the county central committee in the name of the county central committee. The treasurer shall pay all bills as directed by the chairperson, account for all money, and file all necessary reports as required by law.

The county committee may select a sergeant at arms who shall, at the direction of the chairperson, assist in maintaining order by enforcing existing rules, regulations and policies.

Precinct committeepersons are responsible to engage their precinct's voters to help the Kansas Democratic Party grow membership and elect its candidates. All committeemen and committeewomen shall have the right to vote in all central county committee meetings.

Section 4. The State Executive Committee.

Section 4a. Members. The executive committee shall consist of the state chairperson, state first and second vice-chairpersons, state secretary, state treasurer, the national committeeman and committeewoman, the chairperson and vice-chairperson of each of the congressional district committees, the chairperson of each standing committee created under Article II, and the chairperson or president of the ancillary organizations described in Article I, Section 5a

In addition, Democrats who are elected as: the president of the senate or a senator designated by the president, the majority leader of the senate or a senator designated by the majority leader, the speaker of the house of representatives or a member of the house designated by the speaker, the majority leader of the house of representatives or a member of the house designated by the majority leader, the minority leader of each house, or a member of the same house designated by the minority leader, the assistant minority leader of each house or a member of the same house designated by the assistant minority leader, one person designated by each member of the United States Congress, one person designated by the governor, one person designated by the lieutenant governor, one person designated by the secretary of state, one person designated by the

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attorney-general, one person designated by the state treasurer and one person designated by the state insurance commissioner shall be members of the executive committee. When the majority leader and minority leader of each house have been selected under K.S.A. 46-142 et seq. and any amendments thereto, such officers shall serve in lieu of the previous majority leader and minority leader on the state committee and state executive committee. When the majority party candidates for president of the senate and speaker of the house of representatives have been nominated under K.S.A. 46-142 et seq. and amendments thereto, such candidates shall serve in lieu of the named officers on the state committee and state executive committee. The state chairperson shall be chairperson of the executive committee.

Section 5. Executive and State Committee Representation by Ancillary Organizations.

Section 5a. Ancillary Organizations. Ancillary organizations shall be entitled to three positions on the executive and state committees, as described in Article I, Section 1a(2) and Article I, Section 4a. The ancillary organizations shall be the party's official organization for stakeholder groups within the Kansas Democratic Party that work for the election of Democrats.

Section 5b. Biennial Consideration. At the organizational meeting in Topeka, KS of the state committee in non-election years, each organization shall be considered for continued inclusion on the state committee and executive committee. At the same time, additional organizations may petition to be given the same status. The vote for removal from inclusion of a previously included ancillary organization or new membership of a new ancillary organization on the executive and state committee shall require a two-thirds vote of a quorum of the state committee.

In order to be included on the state committee and executive committee, an organization must submit in advance an application provided by the state party staff which shall be available for inspection by any Democrat at the state committee headquarters which demonstrates:

- (1) A statewide membership (actual membership in at least four counties with a policy of attempting to recruit members in other counties would be a minimum).
- (2) At least one annual statewide meeting at which any members are allowed to vote.
- (3) Election of a chairperson or president by the membership to serve as a representative to the state committee/executive committee, at least once every two years.
- (4) An Election cycle plan in which the organization shows how it will function in the party's overall election effort and effectively only support Democrats.

Section 6. Powers and Duties of Committees and Officers; Filling Vacancies.

Each committee provided for in these bylaws, and its officers, shall have the powers usually exercised by such committees and by the officers thereof, insofar as is consistent with these

BYLAWS OF THE KANSAS DEMOCRATIC STATE COMMITTEE

bylaws. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with these bylaws. The duties of the chairperson or secretary of any committee when the committee is not in session, may be performed by members of such committees selected by such chairperson or secretary. Any vacancy in any committee office shall be filled in the same manner as that in which such officer was originally chosen. (K.S.A. 25-3808), except that a vacancy in the office of chairperson shall be filled by the first vice-chairperson until the next state committee meeting when an election for chairperson can be held. A vacancy in any other officer position may be filled by the executive committee but must be ratified by the state committee at its next meeting.

Section 6a. Resignation of Office. Any county party officer other than the county chairperson may affect resignation of party office by notifying the county chairperson. A county chairperson may resign by notifying the county vice-chairperson, the district chairperson and the state chairperson. If a resigning county chairperson shall fail to so notify the district chairperson and the state chairperson, the vice-chairperson shall so notify them.

Section 6b. Vacancies; Methods of Filling. All vacancies in county party office shall be filled within 30 days of the occurrence of the vacancy. The vacancy shall be filled by a vote of the county central committee. The county chairperson shall call the meeting pursuant to these bylaws unless the county chairperson's office is the vacancy being filled, in which circumstance the meeting shall be called by the vice-chairperson or any other county party officer. If all county officers fail to call such a meeting, the meeting may be called by the district chairperson or state chairperson's designee. If a vacancy has not been filled within the 30 days specified hereunder, it shall be filled as soon as possible thereafter, and the person filling such vacancy shall be recognized as having been duly and legally elected.

Section 7. Terms of Committee Members. All committee officers elected or appointed under these bylaws shall serve for two years or the expiration of the term or until their successors are elected or appointed.

Section 8. Additional Officers. The state chairperson may appoint one or more parliamentarians or sergeants at arms. The parliamentarian shall advise the chairperson on parliamentary procedure, and the sergeant at arms shall maintain order at state committee meetings and perform such other duties as directed by the state chairperson. The parliamentarians and/or sergeants at arms shall have no vote on the state committee or state executive committee unless they are already otherwise entitled to a vote on such committee.

Section 9. Election of National Committeeman and Committeewoman. The Democratic national committeeman and committeewoman shall be elected (every four years) in the year of a presidential election. Said election shall take place at the state committee meeting at which the state committee elects delegates to go to the Democratic National Convention to nominate the President and Vice-President. However, the national committeeman and national

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committeewoman elected shall not serve until the adjournment of the Democratic National Convention held that year.

ARTICLE II. OTHER COMMITTEES

Section 1. Standing Committees, Membership of Committees, Method of Selection. In addition to the committees provided for in Article I of these bylaws there shall be the following standing committees of the state committee: resolutions; rules and bylaws; credentials; and finance. The chairperson of the state committee may appoint such other committees as deemed necessary to the proper functioning of the state committee.

There shall be a chairperson, and at least four members of each of the committees set out in this article. An equal number of members shall be appointed from each of the four congressional districts. Each committee shall be divided as equally as possible as to gender.

The members of all of the committee specifically provided for in this article and any other committees shall be chosen by the state committee chairperson and shall serve during the tenure of the person appointing such members. It shall not be necessary for any member of a committee to be a member of the state committee. All committee members must be registered Democrats.

Section 1a. Resolutions Committee. The resolutions committee shall receive and consider all resolutions proposed by a member of the state committee on matters of policy proposed for adoption by the state committee and shall report in writing. Said report shall contain the text of each resolution recommended by the committee for adoption and shall identify resolutions considered but not recommended for adoption.

Resolutions shall be submitted to the secretary of the state committee at least ten days prior to the meeting of the state committee, and copies of all such resolutions shall be transmitted to each member of the resolutions committee by the secretary no less than five days prior to the state committee meeting, provided that the executive committee may vote to submit urgent timely resolutions to the state committee even though not submitted within these time periods.

Section 1b. Rules and Bylaws Committee. The rules and bylaws committee shall receive and consider all recommendations for adoption of the amendment to the rules and bylaws of the state committee.

(1) Recommendation for amendment of the bylaws or adoption of rules for the state committee shall be submitted to the rules and bylaws committee no less than ten days prior to the meeting of state committee, and the secretary of the state committee shall transmit such recommendations to the members of the rules and bylaws committee no less than five days prior to the meeting of the state committee.

(2) The rules and bylaws committee will formulate such supplementary rules as it finds necessary to augment these bylaws insofar as they are not contrary or in derogation of

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these bylaws, the Charter of the Democratic Party of the United States, the bylaws of the Democratic Party of the United States, the rules for delegate selection adopted by the Kansas Democratic Party and in effect at the time. The rules and bylaws committee will conduct the balloting and decide on any question presented to it by the chairperson regarding the rules and bylaws, parliamentary procedure, balloting, or other questions excluding credentials challenged.

Section 1c. Credentials Committee. The credentials committee shall determine the eligibility of the members of the state committee in accordance with these bylaws and rules on any supplementary rules that are formulated by the rules and bylaws committee. The credentials committee will rule on any challenges that are referred to it by the chairperson.

Section 1d. Finance Committee. The finance committee shall consist of the state chairperson, the treasurer, and four members of the executive committee, one from each of the four congressional districts. Membership of the finance committee may vary in accordance with the availability of its members and the amount of notice that can be provided. The finance committee shall review the state chairperson's recommended budget pursuant to the requirements of Article III, below.

Section 2. Party Platform Committee. There shall be one party platform committee, and it shall consist of the following: The democratic nominee in the proceeding election for the various federal and state offices including, United States senator, United States representative, Governor, Lt. Governor, Secretary of State, Attorney General, State Treasurer, Insurance Commissioner, state board of education, state senator and state representative; and each county chairperson and vice-chairperson.

The party platform committee shall meet upon the call of the state chairperson no later than the last day of August and no earlier than the first day of August in odd-numbered calendar years which immediately precede a gubernatorial election year. Members of the party platform committee shall be given fifteen days' notice of the meeting.

Such party platform committee shall be called to order by the state chairperson or the state chairperson's designee. Thereupon, the party platform committee shall organize by electing a chairperson, vice-chairperson and secretary. The party platform committee shall thereupon consider recommendations of, formulate and adopt the state platform, and shall perform such other business as may properly be brought before such a meeting. No member of such party platform committee shall be represented by proxy.

The approved platform shall be made public at a time not later than six o'clock in the afternoon of the day following adjournment of the party platform committee.

The platform adopted by the party platform committee shall consist of two parts: Section I, "The Statement of Principles", shall be a general statement of party principles and beliefs, which section shall not exceed 1,500 words. Section II, "Issues Section", shall consist of the party's

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position on particular issues, and said section shall not exceed 30 issues or planks. Each paragraph, subparagraph, section and/or subsection shall be considered as an issue or plank in computing the 30 issue/plank limitation.

Members of the party platform committee may submit proposed "Statements of Principles" or proposed portions or sections of the "Statements of Principles" or proposed issues or planks for the "Issues Section". Such proposals shall be submitted in writing to the chairperson of the state committee no less than seven days prior to the meeting of the party platform committee.

Any person registered as a Democrat in the State of Kansas may submit proposals in writing to the chairperson of the state committee or any member of the party platform committee no less than 14 days prior to the meeting of the party platform committee.

The state chairperson may appoint a platform work group to collect and organize proposals submitted for presentation to the platform committee. County parties, ancillary organizations and district committees shall be asked to submit proposals in advance of the meeting of the platform committee on a schedule to be determined by the executive committee.

Section 3. Administrative Council. This council consists of the state chairperson, first and second vice-chairpersons, secretary, treasurer, national committeewoman and national committeeman, and all the congressional district chairpersons (or the vice-chairpersons in their absence). The administrative council should be available on the call of the state chairperson and in between meetings of the executive committee to conduct the business that would be ordinarily be conducted by the executive committee, to meet in person or by conference call on a regular, perhaps monthly basis.

ARTICLE III. BUDGET/EXPENDITURE LIMIT

Once each calendar year, the finance committee will review the chairperson's recommended biennial budget for the state committee. The budget shall be prepared for an election cycle starting on January 1 of each odd-numbered year and ending on December 31 of the following even-numbered year.

At the meeting held prior to the adoption of each biennial budget, following analysis and review of the budget, its program of expenditures, detailed by accepted budgetary categories, and the sources of funds to be collected or raised in any manner to finance the budget, the finance committee will recommend a budget and any proposed revisions to the state executive committee for approval.

At the meeting held prior to the beginning of the second year of each biennial budget period, the finance committee will consider any proposed revisions and recommend revisions, if any, to the executive committee for approval.

After receiving the recommendations of the finance committee, the state party executive committee shall adopt a cycle. Again, after receiving the recommendations of the finance

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committee, the state party executive committee shall consider revisions to the budget at a meeting held approximately midway through the biennial election cycle.

The chairperson, or any member of the staff of the state committee, is prohibited from exceeding the total expenditure limit as established in the budget as approved by the state executive committee and are further prohibited from obligating the state committee for any debt or expenditure which is not provided for in the budget as approved; provided however in the event of any emergency which significantly affects the integrity and welfare of the Kansas Democratic Party, the chairperson may with approval of a majority of the members of the state executive committee, create expenditures or obligations which are not otherwise provided for in the budget.

ARTICLE IV. MEETINGS, MEETING NOTICE

Section 1. State Executive Committee. Meetings of the executive committee of the state committee shall be called by the chairperson, or in his or her failure or refusal to call, by any other officer. No later than ten days before each meeting of the executive committee the secretary of the state committee shall notify members of the date, time and place of such meeting, and the tentative agenda. The executive committee should meet at least two- times per annum, either in person or by telephone or other electronic means. Notice shall be given by mail or e-mail.

Section 2. State Committee. Meetings of the state committee shall be called by the chairperson, or on his or her failure or refusal to call, by any other officer. No later than 14 days before each meeting of the state committee the secretary of the state committee shall notify all members and alternates of the date, time and place of such meeting, and the tentative agenda. Notice shall be given by mail or e-mail.

Upon the written request of 25 percent or more of the members (excluding alternates of the state committee) filed with the chairperson, it shall be the duty of the chairperson within 30 days from receipt of such request to issue a call for a meeting of the state committee. The state committee shall meet at least two times per annum.

ARTICLE V. QUORUM

Section 1. State Committee. A majority of the members elected by the congressional district committees of the state committee present in person or by an alternate shall constitute a quorum.

Section 2. State Executive Committee. A majority of the full membership of the executive committee of the state committee present in person shall constitute a quorum.

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Section 3. District Committees. Twenty-five percent of the full membership of any congressional district committee shall constitute a quorum so long as all members of the committee were sent proper notice of the meeting.

Section 4. County Central Committees. Absent a duly adopted county central committee rule concerning quorums, 25 percent of the full membership of any county central committee shall constitute a quorum so long as all members of the committee were sent proper notice of the meeting.

ARTICLE VI. VOTING AT STATE COMMITTEE MEETINGS

Section 1. At All Meetings. Voting shall be by voice vote except for the election of delegates, alternates, officers and members of the Democratic National Committee. Each delegate shall be entitled to one full vote. The election for State Party officers shall be by signed ballot, unless only one person has been nominated, in which case a voice vote shall be conducted.

Section 2. Nominations. Except as provided by state law or National Party rules, nominations for all elective party positions shall be made from the floor.

Section 3. By Mail. The chairperson of the state committee may refer matters to the members of the state committee, the executive committee and the finance committee for consideration and vote by mail, provided, however, that if members aggregating at least 25 percent of the members (excluding alternates) of the committee being polled shall so request, the matter shall be presented to the next meeting of the committee.

ARTICLE VII. PROCEDURE--ROBERT'S RULES

Except as otherwise provided in these bylaws, Robert's Rules of Order (the most recent revised edition), shall be the rules of procedure in all meetings of the state committee and all other committee meetings at all levels of the Democratic Party in Kansas, provided that debate on any question may be limited or closed by a majority of those voting.

ARTICLE VIII. ORDER OF BUSINESS

The order of business at all meetings, including committee meetings, at all levels of the Kansas Democratic Party ~~in Kansas~~, shall be determined by the officers of the particular committees and be contained in the agenda prepared for said meeting and shall include reports of the chairperson and treasurer of all active committees.

ARTICLE IX. PARTICIPATION

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Section 1. Discrimination. Discrimination in the conduct of Kansas Democratic Party affairs on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity or expression, ethnic identity or physical disability is prohibited at all levels of the Democratic Party in Kansas.

Section 2. Affirmative Action Programs. The state committee shall undertake affirmative action programs designed to encourage the fullest participation of all Democrats in all party affairs at all levels of the Democratic Party in Kansas. These programs shall include specific goals and timetables to achieve this purpose. Performance of participation under an approved affirmative action program shall be reviewed on a regular basis consistent with upcoming election years so as to encourage participation at all levels of the Democratic election process.

ARTICLE X. AMENDMENT

Section 1. Majority Vote. Amendment of these bylaws for the sole purpose of making them comply with the laws of the United States, the State of Kansas, or rules, regulations or quotas of the Democratic National Committee may be by majority vote of the executive committee of the state committee, subject to the ratification of the state committee at its next meeting.

Section 2. Other. Any other amendment to these bylaws shall be in accordance with Article II, Section 2, of these bylaws and shall be by a vote of at least two-thirds of the members or their alternate of the state committee present.

Section 3. Effective Date. These bylaw amendments will be effective upon passage at a regularly scheduled meeting of the state committee of the Kansas Democratic Party.

ARTICLE XI. CONFLICTS

Section 1. With U.S. & State Law, National Party Rules. In the event of a conflict between these bylaws and the laws of the United States, the state of Kansas, or any rules or regulations or the Democratic National Committee, these other laws or regulations will supersede these bylaws.

Section 2. With County or District Rules. In the event that a local county or district committee adopts bylaws which conflict with these bylaws, these state bylaws will supersede the county or district bylaws.

ARTICLE XII. SELECTION OF ELECTORAL COLLEGE VOTES

The state committee shall elect, by a majority vote of its members, six electors. Any registered Democrat in the state of Kansas who is a member of the state committee may be nominated so long as such person is present and accepts said nomination. At least six persons who are present and accept said nomination shall be nominated (three must be males and three must be females). If there are only three males and three females nominated, then voting for said electors shall be

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by acclamation. If more than three males or females are nominated and accept said nominations, then a vote shall be conducted in which every member of the state committee shall be eligible to vote for up to six persons, three men and three women, to be electors. Each person voting may not vote for more than six persons and may not vote use more than one of their votes for each elector candidate. The three males and three females receiving the highest number of votes shall be deemed to have been elected as electors, with names submitted to the Kansas Secretary of State pursuant to K.S.A. 25-304.

ARTICLE XIII. RECALL OF OFFICERS

Section 1. Petition for Recall. Each state, district or county committee member shall be granted the right to draft a petition of recall against any state, district or county level party officer for which the given committee member had the right initially to elect. No more than one petition for recall shall be allowed during the term of an officer.

Petitions for recall must exceed the threshold of 35 percent of eligible state, district or county committee persons signing the petition in order to force a recall election. The State Party officers shall certify within 30 days the sufficiency of the petitions before the election can proceed. The recall election must be held no later than the next regularly scheduled state, district or county committee meeting.

Alternates do not have the right to petition for recall but do have the right to vote in a recall election should they be seated at a regularly scheduled committee meeting.

Section 2. Votes for Passage. In order for a recall petition to prevail, it must have a two-thirds majority of the members of the state, district or county committee. Voting must be by signed ballot. Report of the action taken must be in the written minutes of the meeting.