

C O N S T I T U T I O N

KENTUCKY COMMONWEALTH'S ATTORNEYS ASSOCIATION

Adopted September 18, 2017
Amended February 11, 2020
Amended August 25, 2022

ARTICLE I

Name and Purpose

SECTION 1: This body shall be known as the Kentucky Commonwealth's Attorneys Association (hereinafter "Association").

SECTION 2: The principal office and mailing address of this Association shall be the Commonwealth's Attorney Office of the Association's current Treasurer.

SECTION 3: The purpose and objectives of this Association are:

- a) To secure the closer official and personal cooperation among the Commonwealth's Attorneys in the Commonwealth of Kentucky.
- b) To secure proper legislation for the protection of those whom we serve, and the advancement and welfare of Commonwealth's Attorneys, those employed by Commonwealth's Attorneys and the Kentucky criminal justice system in general.
- c) To promote the independence and discretion of prosecutors in Kentucky.
- d) To disseminate information on methods and procedures to prevent, prosecute, and combat crimes.
- e) To foster high professional standards of conduct for all prosecutors and the recognition thereof by the general public.

SECTION 4: Throughout this constitution the pronoun "he" or "his" also implies its female counterpart.

SECTION 5: Any matter of procedure not specifically provided for in this constitution shall be governed by Robert's Rules of Order.

ARTICLE II

Membership

SECTION 1: Classes of Membership. The membership of the Association shall be classified as follows: Active, Inactive, Lifetime, Associate, and Honorary.

SECTION 2: Membership: Upon election or appointment to office, every Commonwealth's Attorney in Kentucky shall be considered a member of this Association and shall remain a member so long as the member continues to serve as Commonwealth's Attorney, unless terminated pursuant to Section 9 of this Article.

SECTION 3: The membership of any member who by virtue of a change in job status no longer meets the criteria for membership, shall terminate on the date such eligibility ceases.

SECTION 4: ACTIVE MEMBERS – The following persons shall be eligible to be active members: All duly sworn Commonwealth's Attorneys in Kentucky who have paid membership dues. New members shall be considered Active Members until the next time membership dues are payable.

SECTION 5: LIFETIME MEMBERS – Any Active Member of the Association who was in good standing at the time the member left the office of Commonwealth's Attorney shall be eligible for a lifetime membership upon the majority vote of Active Members at any future meeting of the Association. Life Members shall enjoy all the privileges of membership except the right to hold elected office.

SECTION 6: INACTIVE MEMBER – Any member who fails to pay membership dues shall be considered an Inactive Member until such time as all outstanding membership dues are paid. An Inactive Member shall enjoy all the privileges of membership except the rights to hold elective office or to vote in the Association.

SECTION 7: ASSOCIATE MEMBERS – Any Assistant Commonwealth's Attorney, Commonwealth's Detective, Victims Advocate, Paralegal, or other employee of a Commonwealth's Attorney in Kentucky, or employee of the Kentucky Office of the Attorney General, shall be eligible to be an associate member. Associate members shall enjoy all the privileges of membership except the rights to vote or hold elective office in the Association.

SECTION 8: HONORARY MEMBERS – Honorary membership shall be reserved for those persons nominated by any active member and accepted by majority vote of the membership. Honorary membership may be granted to those officials and citizens who have demonstrated support and loyalty to prosecutors and the criminal justice system of the Commonwealth of Kentucky. An honorary member shall enjoy all the privileges of membership except the rights to vote or hold elective office in the Association.

SECTION 9: TERMINATION OF MEMBERSHIP – Any Active Member who believes another member of the Association has shamed, dishonored, or brought disrepute upon the Association, or the prosecutor profession, may make a motion calling for the offending member to be expelled from the Association. The motion to expel must be made in writing via U.S. Postal Service or email and delivered to the President, unless the subject of the motion to expel is the President, in which case the motion shall be made in writing and delivered to the Secretary.

When a motion to expel is received by the President (or the Secretary if the subject of the motion is the President), copies of the motion shall be delivered to the Executive Committee within seven (7) calendar days of receipt and a meeting of the Executive Committee shall be scheduled prior to the next meeting of the Association. If at least five (5) members of the Executive Committee vote in favor of expulsion, then the motion to expel shall be brought before the Association at the next meeting.

The Secretary shall send written notice (via mail or email) of the motion to expel to the membership, and the subject of the motion, at least ten (10) days before the meeting at which the motion will be heard. The President shall bring the motion to the attention of the Association at the meeting and allow reasonable time for discussion or debate, at the discretion of the President. Vote on the motion to expel shall be by secret ballot. The Executive Committee shall tally the vote and certify the results. If expulsion is approved by two-thirds of the membership present at meeting, the offending member shall be expelled from the Association.

Prospective termination of membership shall remain confidential unless and until the member is expelled.

If an elected or appointed Commonwealth's Attorney is expelled from the Association, his or her staff shall remain eligible for Associate membership unless the staff member is also expelled pursuant to this Section.

ARTICLE III

Dues

SECTION 1: Annual dues shall be set by majority vote of the membership at any meeting and attached to this Constitution as an appendix entitled "Schedule of Annual Dues."

SECTION 2: Life Members and Honorary Members shall be exempt from payment of annual dues.

SECTION 3: Dues are payable one week prior to the 1st day of the Winter Meeting (as established in ARTICLE VII – Meetings) each year. If any member fails to pay annual dues by the conclusion of the Winter Meeting, the Treasurer shall send a notice of delinquency to the member at the member's office address. The member shall be considered Inactive until such time as all delinquent dues are paid in full.

ARTICLE IV

Selection of Officers

SECTION 1: The officers of the Association shall be elected from the Active Members and shall consist of a President, Vice-President, Secretary, and Treasurer, all of whom shall hold their respective offices for a period of one year or until successors shall be elected, qualified and installed. Officers may be re-elected to the same office in consecutive years.

SECTION 2: The officers of the Association shall be nominated and elected at the summer meeting of the Association by a majority vote of the members present and qualified to vote. The officers so elected shall be installed and take office immediately following the election. In an instance of urgency, such as an unanticipated vacancy in the slate of officers, a special session of the executive committee shall be convened, and an appropriate appointment made within thirty (30) calendar days to fill said vacancy by majority vote of the executive committee. The term of office for such appointment shall continue until the next regular election of the Association when the position shall be filled by the usual election process.

SECTION 3: A Sergeant-at-arms may be appointed by the President and shall serve at the pleasure of the President.

SECTION 4: A chaplain may be appointed by the President and shall serve at the pleasure of the President.

SECTION 5: Active members and Lifetime members shall each have one vote.

SECTION 6: Upon the completion of the President's term in office and installation of a successor, the President shall be recognized as the Immediate Past President until the next election of officers.

ARTICLE V

Duties of Officers

SECTION 1: **PRESIDENT** – The President shall preside at all meetings of the Association, preserve order and decorum, and decide all questions of order, subject to the body. The President shall not vote except to break a tie vote on any question before the executive committee or the general sessions. The President shall also act as chairman of the executive committee. The President shall appoint the Chairperson of such committees as are authorized by this constitution. The President shall be responsible for the proper functioning of all committees and shall perform such other duties as may, from time to time, be requested by the executive committee or by resolution of the Association. The President shall be responsible for the organization and presentation of the winter conference of the Association.

SECTION 2: VICE-PRESIDENT - The vice-president shall perform such duties as may be assigned by the President. In the absence of the president, the vice president shall perform the duties of the President.

SECTION 3: TREASURER - The treasurer shall be responsible for the custody of all funds and securities belonging to the Association, and shall determine the manner of depositing and safeguarding such funds and securities. The Treasurer shall receive all monies for dues and from other sources for the Association, and shall disburse funds only in accordance with the provisions of this constitution and rules established by the executive committee. The Treasurer shall make a financial report at each regular meeting of the Association, and shall make a complete financial report at the summer meeting. The Treasurer shall submit the annual report to the finance and audit committee prior to its presentation at the annual summer meeting. The treasurer shall promptly deliver all monies and securities to his successor in office, or to whomever the executive committee may designate to receive the same. The Treasurer shall also be responsible for keeping all official minutes of Association meetings.

SECTION 4: SECRETARY - The secretary shall be responsible for recording the minutes of all Association meetings. The Secretary shall also serve as the secretary of the executive committee. The Secretary shall give due notice of all meetings of the Association to all Members. The Secretary shall give due notice of all executive committee meetings to executive committee members. The Secretary shall be responsible for ensuring that the official minutes of all Association meetings are delivered to the Treasurer for safe keeping. The Secretary shall be responsible for delivering a copy of this constitution to all new members of the Association. The Secretary shall be responsible for delivering a copy of this constitution to all members upon any amendment of the constitution. Copies of this constitution may be delivered electronically.

SECTION 5: SERGEANT-AT-ARMS - It shall be the duty of the sergeant-at-arms to insure the security of all meetings of the Association, the credentials and identification of participants, and orderliness of the members. In addition, the Sergeant-at-arms shall be the official tally clerk for votes taken at said meetings. In his absence from any meeting, the President may appoint an alternate to assume the duties of sergeant-at-arms.

SECTION 6: CHAPLAIN - The chaplain shall be responsible for the spiritual well being of the Association and its members, or as otherwise directed by the president.

ARTICLE VI

Executive Committee

SECTION 1: There shall be an executive committee, which shall consist of the President, Vice-President, Secretary, Treasurer, Immediate Past-President, and Legislative Committee Chairpersons.

SECTION 2: The President of the Association shall serve as chairman of the executive committee, and shall set the dates, times and places of any executive committee meetings other than those set out in this constitution and shall preside at all meetings of the executive committee.

SECTION 3: The executive committee shall handle the business of the Association during the interims between Association meetings. The President shall report at each Association meeting on any decision made by the executive committee between Association meetings.

SECTION 4: The executive committee may, upon the request of a majority of its members, call a special meeting of the Association.

SECTION 5: The executive committee may cause accounts to be audited. It may disseminate literature to promote the interests of the Association. A majority of its members shall constitute a quorum for the transaction of business of the executive committee.

SECTION 6: Meetings of the executive committee may be conducted by phone conference or by internet conference, at the discretion of the President.

ARTICLE VII

Standing Committees

SECTION 1: Standing Committees - The Association shall have the following standing committees:

- a) Legislative Committee
- b) Membership Committee
- c) Finance and Audit Committee
- d) Nominating Committee
- e) Best Practices Committee
- f) Women Prosecutors Committee
- g) Diversity, Equity, & Inclusion Committee

SECTION 2: The nominating committee will be chaired by the Immediate Past-President. In the absence of the Immediate Past-President, it shall be chaired by the President or the President's designee. The committee shall consist of at least two active members selected by the chairman. It shall be the duty of the nominating committee, prior to the summer meeting of the Association, to nominate at least one candidate for each office requiring election, to be presented at the summer meeting. Such nominations shall be restricted to active members.

SECTION 3: Additional Committees. Additional committees may be appointed by the President as deemed necessary to conduct the business of the Association.

SECTION 4: Committee Work. The president shall keep in contact with the committees of the Association and shall assist them in preparing their reports.

SECTION 5: Legislative Committee: The President shall appoint two co-chairpersons of the Legislative Committee. The co-chairpersons may appoint additional members to the Legislative Committee as the co-chairpersons see fit.

SECTION 6: Other Committees: The President shall appoint a chairperson of each standing committee, other than the Legislative Committee, and any additional committees. The chairperson of each committee shall appoint no less than two (2) additional committee members. The chairperson may appoint more committee members as the chair sees fit.

SECTION 7: Expenses: The Association may pay necessary and actual expenses incurred by committee members in the furtherance of their duties, provided that such expenses are authorized by the executive committee and supported by documentation.

ARTICLE VIII

Meetings

SECTION 1: Regular Meetings: The general membership shall meet two (2) times a year. One meeting shall be held during the Kentucky Prosecutors Conference (KPC) and shall be known as the "summer meeting." One meeting shall be held at the Kentucky Commonwealth's Attorneys Association Conference and shall be known as the "winter meeting." If a conference is cancelled or does not take place for any reason, the executive committee shall designate the date, time, and location of the summer and/or winter meetings.

SECTION 2: Special Meetings: Special meetings of the Association shall be called by the President at the direction of a majority of the executive committee, provided that written notice thereof shall be mailed or emailed, together with the agenda of business to be conducted, and times and place of meeting, to each active member at least ten (10) days in advance. No action binding on the Association may be taken at such meetings unless the subject thereof is included in such notice.

SECTION 3: Executive Committee Meetings: Meetings of the executive committee may be called by the President at the direction of a majority of the executive committee; provided that written notice thereof shall be mailed or emailed, together with the agenda of business to be conducted and time and place of meeting, to each member of the executive committee at least five (5) days in advance. The five (5) days advance notice may be waived by unanimous agreement of the executive committee. No action binding on the Association may be taken at such meetings unless the subject matter thereof is included in such notice.

SECTION 5: Committee Meetings: The dates and places of committee meetings shall be scheduled at the discretion of committee chairperson.

SECTION 6: In the absence of any provision to the contrary in this Constitution, *ROBERTS RULES OF ORDER, REVISED* (as appearing in the latest edition thereof) shall be the parliamentary authority for all matters of procedure, unless waived by a vote of the majority of the quorum of members present at the meeting.

SECTION 7: The association does not permit proxy voting.

ARTICLE IX

Amendments

SECTION 1: This constitution may be amended at any regularly scheduled meetings so long as notice of the proposed Amendment has been transmitted to all active members at least fifteen (15) calendar days prior to the next regularly scheduled meeting. Amendment requires a favorable vote of two-thirds of the eligible voting members present at a regular meeting.

SECTION 2: Any proposed amendment shall be submitted to the executive committee for consideration. If a majority of the members of the executive committee vote in favor of such proposed amendment, the executive committee shall order the secretary to submit the proposed amendment in writing to all active members of the Association at least fifteen (15) calendar days prior to the next regularly scheduled meeting.

SECTION 3: If any proposed amendment fails, it may be resubmitted to the executive committee for reconsideration. In such case, the amendment process shall be repeated.

SECTION 4: To supplement this constitution and to promote efficient administration and operation of the Association, the executive committee may promulgate by-laws by majority vote of the active members. Such by-laws may be enacted and amended at any meeting at which a quorum is present.

ARTICLE X

Grants and Contributions

SECTION 1: Application for Funds. The President of the Association, or any member designated by the President, when authorized by the executive committee, may make application to any governmental or philanthropic organization, corporation or person for grants or contributions of funds or property for

carrying out the general or special purposes of the Association and not solely to derive personal benefit or privilege to the donor.

SECTION 2: Acceptance of Grant or Contribution. Any member who receives an offer of a grant or contribution for the Association should immediately notify the President, but no grant or contribution for the Association shall be received or finally accepted by the Association except upon the approval of the President. The terms of such grant or contribution, if any, upon acceptance, shall be set forth in writing and signed both by the President, on behalf of the Association, and the donor.

SECTION 3: Administration of Funds. Any grant or contribution to the Association shall be credited to its general fund, unless under the terms thereof, a special fund is prescribed. The budgeting, receipt, custody and disbursement of the funds or property from any such grant or contribution shall follow the procedure set out in this constitution for general funds of the Association, unless provided otherwise in the terms of such grant or contribution.

ARTICLE XI

Expenditure of Association Funds

SECTION 1: Association funds may only be expended on official business of the Association, to the benefit of the Association. The Association may pay necessary and actual expenses incurred by members, or others acting on behalf of the Association, in the furtherance of Association business, provided that such expenses are authorized by the President and supported by documentation. If the President incurs an expense in furtherance of Association business, payment of the expense must be authorized by a majority of the executive committee, and supported by documentation.

SECTION 2: The Treasurer shall be responsible for collecting and preserving the documentation for all Association funds expended.

ARTICLE XII

Oath of Office

Members of the executive committee, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, the Constitution of this Commonwealth, and the rules of this association; and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____ according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God."

ARTICLE XIII

Election of Prosecutors Advisory Council Members

SECTION 1: Pursuant to KRS 15.705 the Association shall elect the five (5) Commonwealth's Attorney members of the Prosecutors Advisory Council (Hereinafter "PAC") and shall submit a list of three (3) non-attorney citizen members to the Attorney General from which the Attorney General shall select a non-attorney citizen member of PAC.

SECTION 2: Only Active Members of the Association shall be eligible for nomination or election to PAC. Any member ineligible for election pursuant to KRS 15.705 shall not be eligible for nomination or election to PAC.

SECTION 3: Each of the five (5) Commonwealth's Attorney members of PAC shall be elected in separate elections. Eligibility to serve in each position on PAC shall be determined in accordance with KRS 15.705(2)(b). Members are only eligible for election to one PAC position at a time. If a member is nominated for more than one PAC position, the member must choose one nomination to accept. All other nominations shall be considered declined.

SECTION 4: For the year 2022, upon ratification of this Constitution as amended at the summer meeting, the Executive Committee shall nominate one (1) candidate for each PAC position. Additional nominations (if any) will then be taken from the membership. Once nominations are closed, any uncontested elections shall be conducted by voice vote. If more than one member is nominated for election to any position, election shall be conducted by paper ballot. Newly elected PAC members shall take office effective January 1, 2023.

SECTION 5: Each Active Member in good standing, and in attendance at the election, shall be entitled to cast one vote in each election. Ballots shall be marked with the name and circuit number of the member casting the vote. Proxy voting is not permitted, and no proxy votes shall be counted. Absentee voting is not permitted, and no absentee votes shall be counted.

SECTION 6: In case of a tie vote, the election shall be decided by a vote of the Executive Committee.

SECTION 7: Members are not required to be present for their nomination or election.

SECTION 8: Nominations by the Executive Committee do not require a second and shall automatically be eligible for election to PAC. All other nominations for election to PAC must be seconded by an Active Member in good standing before the nominee shall be eligible for election. An Active Member in good standing may nominate themselves for election to PAC.

SECTION 9: In the event a position on PAC is vacated for any reason, the Executive Committee shall elect an interim PAC member to serve the remainder of the vacated term. An interim term on PAC shall not count as a term for the purposes of term limits as a PAC member.

SECTION 10: The Executive Committee shall nominate three (3) non-attorney citizens to submit to the Attorney General for appointment to PAC pursuant to KRS 15.705(2)(d)1. Additional nominations (if any) will then be taken from the membership. Additional nominations must be seconded by an Active Member in good standing before being placed on the ballot. If only three nominations are made, the election shall be held by a voice vote. If more than three nominations are made, the name of the non-attorney citizen nominees shall be placed on a paper ballot. Each Active Member in good standing shall be entitled to vote for up to three (3) nominees. Ballots shall be marked with the name and circuit number of the member casting the ballot. The three nominees receiving the most votes shall be submitted to the Attorney General. In case of a tie, the tie shall be broken by a vote of the Executive Committee.

SECTION 11: The Executive Committee, led by the President, shall be responsible for issuing all ballots, counting all votes, and recording the outcome of all elections in the meeting minutes.

SECTION 12: For all regular elections after 2022, nominations for election to each PAC position shall be conducted at the winter meeting in even numbered years, elections shall be conducted at the summer meeting in even numbered years, and the elected members of PAC shall take office on January 1st of the following calendar year. Nominations and elections shall otherwise be conducted in the same manner as set forth in Sections 1 through Section 11 of this Article.

This Constitution adopted as amended on the 25th day of August 2022 at Lexington, Kentucky by at least two-thirds of members present.

Association President Cami Dugweitz

Association Secretary [Signature]