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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

**JO RAE PERKINS,**

Plaintiff,

vs.

**BEVERLY CLARNO, in her official  
capacity as Secretary of State for the  
State of Oregon, and Gary Dye,**

Defendants,

and

**LIBERTARIAN PARTY OF  
OREGON,**

Intervenor-Defendant,

Case No. 20CV31103

**DECLARATION OF KYLE MARKLEY  
IN SUPPORT OF LIBERTARIAN  
PARTY OF OREGON’S OPPOSITION  
TO PLAINTIFF’S MOTION FOR  
TEMPORARY RESTRAINING ORDER**

I, Kyle Markley, declare as follows:

1. I am a member of the Libertarian Party of Oregon (“LPO”) Board of Directors. I was elected to the Board on 2013 and have been re-elected every term since then. I and have been a member of the LPO since I moved to Oregon about twenty years ago. For the 2020 primary election, I was the Chair of the LPO Primary Election Committee.

2. Attached as Exhibit 1 is a true and correct copy of an email exchange between the Oregon Secretary of State’s office and LPO representatives, dated February 23, 2017.

3. Attached as Exhibit 2 is a true and correct copy of the LPO’s Constitution and Bylaws, which is available on the LPO website at <https://lporegon.org/wp->

1 [content/uploads/Bylaws\\_Policies/LPOConstBylaws2016.pdf](#).

2 4. Attached as Exhibit 3 is a true and correct copy of the LPO's 2020  
3 Primary Election Rules, which is available on the LPO website at  
4 [https://lporegon.org/wp-content/uploads/rules/2020\\_LPO\\_Primary\\_Rules\\_approved.pdf](https://lporegon.org/wp-content/uploads/rules/2020_LPO_Primary_Rules_approved.pdf).  
5 After these rules were adopted, the Board postponed the election due to the COVID-19  
6 pandemic by modifying dates in Section III (A).

7 5. The LPO's filing deadline for its primary election was May 8, 2020. Of  
8 the 31 people who sought to run on the LPO's primary election ballot, 18 of the  
9 candidates were Republicans and 13 candidates were Libertarians. Only three races were  
10 contested: U.S. Senator, U.S. Representative District 5, and Secretary of State.

11 **I hereby declare that the above statements are true to the best of my**  
12 **knowledge and belief, and that I understand that they are made for use as evidence**  
13 **in court and are subject to penalty of perjury.**

14 DATED this 14<sup>th</sup> day of September, 2020.

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**From:** Kyle Markley <kyle@arbyte.us>  
**Sent:** Thursday, February 23, 2017 1:53 PM  
**To:** ELZINGA Stephen; lhedbor@gmail.com; Bob Steringer; Wes Wagner; Jeff Weston  
**Cc:** brandimedaina@gmail.com; JORGENSEN Eric; jennlmen1@gmail.com; TROUT Steve  
**Subject:** Re: Party Recognition Meeting Request

Steve,

Would this be an in-person meeting with Secretary Richardson, or a telephonic meeting?

I can personally be available at any of the suggested times, either in-person or telephonically. I have additionally copied our attorney, Bob Steringer, and two of the named litigants, Wes Wagner and Jeff Weston, so they can respond with their availability for a meeting.

On 02/23/17 13:05, ELZINGA Stephen wrote:

Lars,

Richard Burke, Tim Reeves, Ian Epstein, and their attorneys requested a meeting with Secretary of State Dennis Richardson to discuss the ongoing disagreement over the official recognition of the Libertarian party of Oregon. Secretary Richardson has agreed to hear their position, and he will be meeting with them this afternoon.

Secretary Richardson also wants to hear your position, so he would appreciate the opportunity to meet with you (and any other colleagues you would like to bring) at your earliest convenience. Are you available at all tomorrow afternoon between 2-3pm or 4-5pm or Monday from 4-5pm? I've copied Eric who can assist with scheduling.

Thank you,  
Steve

Steve Elzinga  
Governmental & Legal Affairs Director  
Oregon Secretary of State  
503-986-2259 (desk)  
971-283-0001 (cell)  
[stephen.elzinga@state.or.us](mailto:stephen.elzinga@state.or.us)

\*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

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--  
Kyle Markley

***Libertarian Party of Oregon  
Constitution and Bylaws***

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## **Article 1 – Name**

The name of this organization shall be the Libertarian Party of Oregon (LPO).

## **Article 2 – Purpose**

The purpose of the LPO is to perform the activities necessary to place as many partisan Libertarian candidates on the ballot for elections in the State of Oregon as possible and to promote the system of governance espoused by the Libertarian Party Statement of Principles.

## **Article 3 – Members**

All registered Libertarian voters in the state of Oregon are voting members of the LPO. No dues are required to be a voting member of the LPO. Only voting members have the right to participate in LPO conventions and vote in LPO mail ballots. Only voting members are eligible to hold office in the LPO, except for offices that explicitly permit non-voting members to hold that office.

The LPO will have no authority to restrict or limit its members in any way not expressly allowed in this document.

## **Article 4 – Officers**

### **Sec 1: Defined**

The officers of the LPO shall be the Chairperson, Vice Chairperson, Secretary, and Treasurer. No officer is entitled to vote at board meetings unless he or she is also an elected or appointed director. The board of directors may appoint, remove, or replace an officer by majority vote. Removal from a position as an officer does not affect a person's status as a director.

### **Sec 2: Chairperson**

The board of directors must elect a chairperson from amongst themselves. The chairperson shall preside at all board meetings and conventions. The chairperson will be the Chief Executive Officer of the LPO. If the chairperson office becomes vacant, the vice chairperson becomes the chairperson, vacating the vice chairperson office.

### **Sec 3: Vice Chairperson**

The board of directors must elect a vice chairperson from amongst themselves. The vice chairperson shall act as assistant to the chairperson, and shall perform the duties of the chairperson in the chairperson's absence. If the vice chairperson office becomes vacant, the board of directors must elect a new vice chairperson from amongst themselves.

### **Sec 4: Secretary**

The board of directors must appoint or hire a secretary. The secretary need not be a voting member of the LPO. The secretary is the recording and corresponding officer of the LPO.



## **Sec 5: Treasurer**

The board of directors must appoint or hire a treasurer. The treasurer need not be a voting member of the LPO. The treasurer is the individual who is listed as the treasurer for the LPO with the Oregon Secretary of State, and has all of the responsibilities required of a party treasurer by Oregon law in addition to those prescribed by LPO governing documents and policies.

## **Article 5 – Board of Directors**

### **Sec 1: Composition**

The Board of Directors, otherwise known by Oregon State Law as the State Central Committee, shall have 9 members who serve until their successors are elected. The term of office for directors starts and ends during a special board meeting called for the purpose of transitioning from one set of directors to another. To stand for election or remain a member of the board, one must be a voting member of the LPO.

### **Sec 2: Authority**

The board of directors has full power and authority over the affairs of the LPO between conventions with the following exceptions:

- A. Modifying actions taken in convention.
- B. Defining Libertarian policy.
- C. Defining Libertarian platform.
- D. Taking a position on any public or electoral issue, unless it directly affects the operation of the LPO, including political party laws, election laws, and campaign finance laws.
- E. Modifying the constitution and bylaws of the LPO.

### **Sec 3: Duties**

The board shall have the following duties:

- Transact all business of the LPO between conventions.
- Elect a chairperson and vice chairperson from among the board of directors.
- Appoint or hire a secretary and treasurer.
- Appoint delegates to the National Libertarian Party conventions.
- Define policy for the operation of the LPO.
- Perform other such duties defined in the LPO Constitution and Bylaws or as directed at convention.

### **Sec 4: Voting Rights**

Only the 9 regular directors shall have voting rights in matters within the board's purview.

### **Sec 5: Vacancies**

Any office or directorship left vacant for any reason may be filled by appointment of a qualified person by majority vote of the remaining directors.

## **Sec 6: Non-Voting Directors**

The board of directors, by a two-thirds vote, may create or remove additional non-voting director positions to perform administrative duties, and by a majority vote may appoint, remove or replace the director holding such a position.

No director position thus created may possess any authority that is not already possessed by the board of directors as a whole.

## **Sec 7: Transitional Board Meeting**

The outgoing board of directors must schedule a transitional board meeting to occur within 30 days after the new directors are elected. At this board meeting, the term of office for the outgoing directors ends and the term of office for the incoming directors begins. The incoming directors must elect a chairperson and vice chairperson from among the board of directors at this meeting.

## **Sec 8: Regular Board Meetings**

The board of directors must adopt a policy establishing regular board meetings. In the absence of such a policy, the board of directors meets at the call of the chairperson.

## **Article 6 – Committees**

The Board of Directors may create special or standing committees by a two-thirds vote and set the policy by which the committee members and leadership are seated.

## **Article 7 – Conventions**

### **Sec 1: Regular Biennial Convention**

The LPO shall hold its regular biennial business convention in the state of Oregon in the spring of each odd-numbered year, at a time and place chosen by the board of directors.

### **Sec 2: Special Conventions**

The board of directors, or a group of voting members of no less than 1% of the voting members, may call a special convention to revise the Constitution and Bylaws and perform other business as needed. The purpose for a special convention must be included in the notice for the convention and the program for the convention cannot deviate from this purpose.

Amendments to the Constitution and Bylaws adopted in a special convention solely to comply with requirements of Oregon law take effect immediately, but are subject to ratification by a two-thirds vote in a mail ballot issued to ratify such amendments.

### **Sec 3: Convention Delegates**

Any voting member who registers as a delegate in accordance with convention rules may attend and participate in that convention as a voting delegate. The quorum requirement for any convention shall be the lesser of one hundred (100) or one quarter of one percent (0.25%) of the membership.

## **Sec 4: Convention Notice**

Electronic notice of all conventions must be given to all voting members. A prominent posting on the front page of the LPO web site and posting the notice to an electronic mailing list designated for such notices is sufficient for this purpose. It is the responsibility of voting members to ensure that they receive the notice. 45 days notice must be given. The notice must include the time, place, and proposed program of the convention. If a special convention is called by the members directly, they must provide 45 days written notice by mail.

## **Article 8 – Elections**

### **Sec 1: Methods of calling election**

#### **A. Regular Primary Election**

An election is called automatically in conjunction with the State of Oregon Primary election season. The election process used shall be mail/electronic ballot, unless the board of directors lacks the funds to run an election by mail, and votes by a two thirds margin instead to nominate by convention.

The board of directors shall set the schedule of deadlines so that they are compatible with Oregon Law and to accommodate the schedule of the national party convention if possible.

The LPO may allow voting members to opt-in to a method of electronic voting in lieu of receiving a paper ballot. Additionally a voting member may opt out of receiving a ballot if they choose.

The board must send ballots to all voting members who have not opted out of receiving a ballot, and also either returned a ballot in the previous primary election, contacted the LPO to request a ballot, or joined the LPO since the last primary election. The board may send ballots to voting members who do not meet the above criteria, but to do so the board must send ballots to all voting members who have not opted out of receiving a ballot.

The regular primary election shall serve to ratify bylaws previously referred, and nominate candidates for partisan office, or decide any other matters referred for ratification.

If the primary election does not yield a nominee for an office, or if the primary election winner and all runners-up are ineligible, unable, or unwilling to be the nominee, or fail to submit their nomination paperwork by a deadline determined by the board, then the board may elect a voting member of the LPO to be the nominee for that office.

#### **B. Director Elections**

In odd numbered years elections for directors shall be held on a schedule that permits the results to be announced at the regular convention. Mail ballots shall be sent only to persons who returned a ballot during the most recent regular primary election. Members who did not return a ballot during the previous primary election or who joined after the previous election are not eligible to vote on matters of party leadership or run for party office.

### **C. Special Elections**

The board may call special elections for the purpose of filling vacancies for partisan offices when special elections are called by the State of Oregon.

Such elections shall be run on a schedule that permits the process to be completed before the deadlines required for the special election that has been called by the State of Oregon. The board shall determine whether nominations shall be by mail ballot or by convention. In the event that it is not possible to hold an election due to the schedule provided by the Oregon Elections Division, the board may nominate registered libertarian electors as candidates for special elections.

## **Sec 2: Rules for Elections**

### **A. General rules that apply to all elections**

- Ballots must be secret.
- The rules as provided by our parliamentary authority (if any) for the handling of ballots and elections shall be observed at a minimum. Higher standards may be adopted by policy.
- The board of directors (or appointed committee), must adopt rules governing the execution of the election, including notification procedures, registering to have a candidate's name placed on the ballot, and other special rules as necessary. These rules shall be published electronically for the public.
- No fee may be assessed, or petitioning requirements made, for the placement of a candidate's name on the ballot if they are a member of the party.
- Balloting may be conducted by physical mail or electronically, or by a combination of both, at the discretion of the board of directors.
- Ballot packets shall include a section inviting members to volunteer to serve as directors, candidates, committee chairs or committee members, or in other capacities, and soliciting suggestions for party functions and activities. This section, containing the voting member's name and contact information, shall be separate from submitted ballots and archived for use by the board of directors and committees to find volunteers for particular functions and activities.
- Elections for a single position shall be tabulated by instant runoff voting, and elections for multiple positions shall be tabulated using the Wright system of single transferable vote as defined by the proportional representation society of Australia.

### **B. Rules for Primary Elections**

- A space must be made available to write in any eligible candidate for every office, even offices with no candidates running.
- Provided that no votes are cast for any libertarian elector who is both willing and eligible to accept the nomination, votes and nominations for candidates registered with other parties shall be entertained.

## **Article 9 – Finances**

### **Sec 1: Voting Requirements for Expenditures**

All approvals of expenditures or new liabilities must be made by roll call vote of the board of directors, and their votes must be entered into the minutes.

Every expenditure in excess of \$500, adjusted annually for inflation from the time of adoption, must be approved by a two-thirds vote.

## **Sec 2: Designated Donations**

Any individual may donate funds for a specific purpose. Such donations must be used as directed, provided it is consistent with the LPO purpose and principles. All such designated donations and their dispositions must be included in the regular treasurer's report. If the board of directors decides the purpose for a donation is inappropriate, the person making the donation must be given the opportunity to re-designate the donation or have it refunded.

## **Article 10 – Candidates**

### **Sec 1: Eligibility**

To be listed on any Libertarian Party of Oregon primary ballot as a qualified Libertarian elector a person must be a voting member of the LPO for the thirty days prior to the election, meet all qualifications which are required under Oregon law, and further maintain his or her voting membership through the general election.

### **Sec 2: Exceptions to Eligibility**

Candidates for President of the United States and Vice President of the United States are exempt from the requirement of being voting members of the LPO, but must be members of any national Libertarian Party affiliation. Additionally any candidates from another party are exempt provided that requirements of Article 8 Sec 2 are met.

## **Article 11 – Affiliate Parties and Organizations**

The board of directors may grant charters to groups of LPO voting members wishing to establish an affiliate party or organization. The board of directors must establish a policy for how such charters are granted and maintained. Affiliate organizations do not have any authority to nominate candidates or indenture the LPO in any manner.

## **Article 12 – Parliamentary Authority**

Each body of the LPO may adopt or change the parliamentary authority they use to operate by two-thirds vote.

## **Article 13 – Amendment**

### **Sec 1: Amendment**

#### **A. Amendment in convention**

This constitution and bylaws are amendable in convention by a two-thirds vote provided that the convention is attended by no less than 1% of all voting members. If the 1% requirement is not met, any

amendments that are passed at convention must first be sent via mail ballot for ratification before they are adopted.

#### **B. Amendment by Mail Ballot**

Amendments passed during a convention attended by less than 1% of all voting members must be referred to a mail ballot. The board of directors must vote whether to send out a special ballot for this purpose, or wait until the next regular primary election. If a special ballot is used, the same voting members must receive ballots as would be the case for the regular primary election. Amendments referred to a mail ballot must be adopted by a margin of two-thirds of all votes returned. Secure electronic ballots may also be used for special elections.

### **Article 14 – Other Authority**

These bylaws are governed by all valid provisions of state and federal laws.

**Libertarian Party of Oregon**  
**2020 Primary Election Rules**  
Approved 2020-12-10

**Section I**

These rules incorporate all relevant requirements of the LPO Constitution and Bylaws:

- Article 8 – Elections, Sec 1: Methods of calling election, A. Regular Primary Elections
- Article 8, Sec 2: Rules for Elections, A. General rules that apply to all elections, and B. Rules for Primary Elections
- Article 10 – Candidates, Sec. 1: Eligibility, and Sec. 2: Exceptions to Eligibility

**Section II**

These rules incorporate the minimum Instant Runoff Vote (IRV) requirements set forth on pages 425 through 428 of the paperback version of Robert's Rules of Order, 11<sup>th</sup> Edition, except when those requirements conflict with LPO bylaws or with special rules (Section III below) adopted by the LPO Board of Directors.

**Section III**

These rules include the following, in addition to those incorporated by sections I and II above:

A. Dates

1. Libertarian Party of Oregon primary election dates
  - a) Individuals who are LPO members as of April 28, 2020 are eligible electors
  - b) **LPO Filing Deadline:** April 24 – Last day to file candidacy or withdrawal
  - c) **Mailing Date:** May 4 – First day to mail ballots
  - d) **LPO Election Day:** May 29 – Last day to receive returned ballots

B. General Rules

1. Primary elections will be conducted as securely and transparently as may be practicable, with the goal of exceeding the quality of the Oregon Elections Division's conduct of elections.
2. Nominations will be decided by the IRV system, as modified by LPO rules.
3. The primary ballot may include a section for Libertarian electors to vote on questions referred to the membership by the Board of Directors. Election results will report the outcome of each question as the percentage who voted with each option.
4. The primary ballot may include a section for Libertarian electors to endorse statewide ballot measures that may appear on the general election ballot. Election results will report the outcome of each question as the percentage who voted with the majority sentiment (yes or no) on that measure.
  - a) Ballot measures known to be qualified for the general election ballot by the LPO Filing Deadline will be included.
  - b) Ballot measures for which the LPO receives argument statements (see subsection K below) will be included.
  - c) Other ballot measures may be included by majority vote of the Board of Directors.
5. Ballots will be mailed expeditiously to all Oregon Libertarian registered voters beginning on the Mailing Date.
6. Returned ballots must be received on or before LPO Election Day to be counted.
7. The outer return envelope must be signed by the voter and must contain only the voter's

single ballot, which may optionally be within the secrecy envelope.

8. The LPO website will identify, and will be promptly maintained to reflect changes in:
  - a) The list of registered candidates.
  - b) The list of board referral questions.
  - c) The list of ballot measure endorsement questions.
9. Election results shall be posted to the LPO website.

#### C. Electronic Voting

1. LPO members may opt-in to electronic voting.
2. At the discretion of the LPO board of directors, these members may receive an electronic voting code (e-voting code) and voting instructions in lieu of a mailed ballot.
3. At the discretion of the LPO board of directors, delivery may be by mail or electronic mail.
4. The electronic voting process shall provide equivalent information to the elector as is provided to electors receiving mailed ballots.
5. The electronic voting process shall provide an elector with an e-voting code at least one of the following voting methods:
  - a) Filling and submitting their ballot electronically; or
  - b) Printing a paper ballot, which may be submitted as-if they had received a mailed ballot.

#### D. Ballot form, enclosures, and mailing

1. Electors who have opted out of receiving a ballot, and not reversed that decision by the LPO Filing Deadline, shall not receive ballots.
2. Each ballot will be mailed with an inner secrecy envelope, a larger pre-addressed return envelope, clear instructions for completing the IRV ballot, and printed forms for volunteering or donating to the LPO.
3. The ballot will include spaces for the voter to assign a random ten-digit number for later use by that voter to verify that his ballot was tallied and counted correctly.
4. The ballot instructions will include a prominent warning of what things could spoil the ballot and cause it not to be counted.
5. Each voter's ballot will be preprinted to include a section for each of Oregon's statewide partisan elections and a section for each of the current partisan elections for districts in which the voter resides. Each such section will list all candidates who applied to be on the LPO primary ballot for that position, along with each candidate's party affiliation, and space for writing in additional candidates. Each ballot line in each such section will include a space for the voter to assign a number indicating the voter's order of preference.
6. The return envelope will be printed with the voter's name, address, a signature line, and a warning that a ballot returned without the voter's signature on the line provided on the return envelope will not be counted, and that only one ballot can be returned in the envelope.
7. The secrecy envelope will be printed prominently with the warning to put only a single ballot in that envelope.
8. Volunteer/donation forms to be returned with the ballot must include a clear and prominent warning that they must be returned in the outer envelope and not inside the secrecy envelope.
9. At the discretion of the Board of Directors, the ballot mailing may include a Libertarian Voters' Guide (see section H below).
10. Each board of directors referral question shall be presented with text and voting options determined by the Board of Directors, but must be finalized at least one calendar month prior to the LPO Filing Deadline.
11. Each ballot measure endorsement question shall include the Initiative, Referendum, or Referral number assigned by the Oregon Elections Division, the ballot title caption as



defined in ORS 250.035(2)(a) and provided by the Oregon Elections Division, and an internet address where the complete ballot title and full text of the ballot measure may be found, along with “yes” and “no” boxes for the voter to indicate his or her choice.

E. Returned ballot receipt, processing, and storage

1. Ballots will be received at a secure mailbox.
2. At least weekly from the Mailing date through LPO Election Day, two or more volunteers approved by the Board of Directors will together open the mailbox and:
  - a) Separate ballot return envelopes from any other mail.
  - b) Separate “valid returns” from “invalid returns”; a valid return is signed by an eligible Libertarian elector. The procedure for validating returns is not for publication.
  - c) [Secretary's note: this clause was deleted for publication.]
  - d) Open all valid returns and separate ballots (without opening secrecy envelopes) from other enclosures, storing ballots in portable containers marked with the number of ballots contained and the date of processing.
  - e) Reclassify valid returns containing more than one ballot (secrecy envelope) as invalid returns, and set aside the ballots and ballot return envelope together.
  - f) Record the senders of valid returns as having voted in this election.
  - g) Separate donations and donation forms for processing by the LPO Treasurer.
  - h) Separate other enclosures for processing by appropriate LPO officials.
  - i) Transport locked ballot containers to a secure location for storage until ballots are counted.
  - j) Deliver empty valid return envelopes and enclosures to appropriate LPO officials for processing or storage.
  - k) Preserve all invalid returns for later processing.
3. The LPO Secretary will permanently record which voters submitted valid returns, and will securely store return envelopes from valid returns until after the general election is completed in November.
4. The LPO Treasurer will complete ORESTAR reporting of all donations within one week of their receipt.
5. If more than one thousand valid returns are received prior to LPO Election Day, the LPO Chairperson may direct tellers to begin opening secrecy envelopes and processing ballots prior to that date.

F. Telling – ballot processing

1. The Board will appoint at least 3 impartial tellers, who are not LPO primary election candidates, to open ballot secrecy envelopes, process ballots under these IRV rules, resolve questions of legality, legibility or ambiguity of ballot markings, and report election results. Tellers will take care at each processing stage to ensure accuracy and ballot security.
2. A majority of tellers (at least two) will determine the validity of any questionable markings on ballots. Tellers' rulings are final and cannot be appealed.
3. Tellers will remove secrecy envelopes from locked containers, verify and record the number received from each container, and begin opening the envelopes.
4. Empty envelopes and those containing more than one ballot will be set aside and not counted as ballots cast.
5. A unique database number will be assigned to each singly-returned ballot. Once so numbered, those ballots will be processed as legitimate ballots (hereinafter referenced as “paper ballots”).
6. At least two tellers will cooperate to record accurately the voter preferences marked on each

paper ballot. One will enter information into the electronic ballot form, and the other will verify that information's accuracy and completeness before that record is saved as a completed ballot.

7. If tellers cannot promptly resolve a question of legality, legibility or ambiguity of the markings in a paper ballot's section for a particular question or nomination, they will mark that section of the paper ballot and set it aside for later resolution. Such questionable votes will be further processed and counted as votes cast in that question or nomination only if their number could affect its outcome.
8. In tallying votes in any question or nomination, blank or illegal votes will not be counted as votes cast. If a voter marks multiple answers to a single board referral or ballot measure endorsement question, that response will be treated as an illegal vote.
9. If a voter marks or writes only one name on a paper ballot for a particular nomination, that name will be treated as the voter's first preference for that nomination.
10. If a voter marks or writes more than one name on a paper ballot for a particular nomination, but tellers cannot determine the voter's intended order of preferences, they will treat it as an illegal vote in that nomination.
11. Once all paper ballots without unresolved questions have been recorded and saved as completed ballots, tellers will determine whether any set-aside paper ballots could affect the outcome of any question or nomination. Tellers will then make and record final determinations for the applicable portions of any such paper ballots which could affect an outcome, indicate their determinations on those paper ballots, and save those records as completed ballots. All completed ballots will then be processed by the IRV software approved by the LPO Board to generate tellers' reports and determine primary election outcomes.
12. Tellers will certify the accuracy of their reports and the outcomes of all questions and nominations.

#### G. Post-election storage

1. Paper ballots will be securely stored in locked containers.
2. Rejected secrecy envelopes and their contents will be stored in separate locked containers in the same location.
3. After the Oregon general election results have been certified, these stored materials will be recycled or destroyed.

#### H. Candidates

1. An eligible person may register as a candidate by any of the following methods:
  - a) By sending postal mail to the LPO.
  - b) By sending electronic mail to the LPO Chairperson or Secretary.
  - c) By publishing their interest on the LPO Facebook group.
2. A candidate registration request is void unless it identifies the specific office sought.
3. A registered candidate may withdraw by any of the methods allowed for registration.
4. People who were known to be candidates prior to the adoption of these rules are not required to re-register.
5. Registrations and withdrawals received after the LPO Filing Deadline shall not be processed.

#### I. Libertarian Voters' Guide

1. The Libertarian Party of Oregon will publish a Libertarian Voters' Guide, similar in purpose and form to the Oregon Voters' Pamphlet.

2. The Libertarian Voters' Guide may include statements from candidates for nomination, arguments supporting or opposing questions referred by the board, and arguments supporting or opposing ballot measures.
3. The Board shall set the prices and other terms of such statements and arguments to encourage participation and help defray costs.
4. The Libertarian Voters' Guide will be published on the LPO website, and, at the discretion of the Board of Directors, a printed copy included in the ballot mailing.

J. Candidate Statements

1. Registered candidates may submit a candidate statement for publication in the Libertarian Voters' Guide.
2. A candidate statement must not exceed 325 words and must be text-only, except for an optional photograph of the candidate. Candidate statements might be reformatted to fit on one half-page when printed.
3. A candidate photograph must be less than 4 years old and be of the head and shoulders only.
4. Photographs will be printed in black and white, 1.5" wide and 1.75" high.
5. Candidate statements may be submitted by postal mail to the LPO or by electronic mail to the LPO Chairperson or Secretary.
6. Candidate statements will be published in the online version of the Libertarian Voters' Guide without any filing fee. The candidate may choose whether it is published immediately, or only after the LPO Filing Deadline.
7. To be included in the mailed copy of the Libertarian Voters' Guide, a filing fee must be paid. The fee amount depends on the office sought. If the Libertarian Voters' Guide is sent to less than every Libertarian elector, partial refunds shall be offered in an amount for the Board to determine.
  - a) Any state-wide office (including U.S. President, Vice-President, or Senator): \$350
  - b) U.S. House Representative: \$200
  - c) State Senator, State Representative, or Local Office: \$100
8. Candidate statements received or paid for after the LPO Filing Deadline shall be considered untimely and shall not be processed.
9. Timely candidate statements shall be included as an enclosure in the Libertarian Primary Voters' Guide of every elector in the district eligible to vote for that candidate.

K. Board Referral Argument Statements

1. The LPO website shall maintain a list of the board of directors referral questions that will appear on the Libertarian Primary ballot.
2. Any voting member of the LPO may submit a board referral argument statement for publication in the Libertarian Voters' Guide. Statements will only be accepted which are germane to the subject of the referral.
3. The Libertarian Voters' Guide shall identify the person that submitted and paid for the board referral argument statement.
4. A board referral argument statement must be filed regarding a specific board referral, and for yes/no referrals must be filed in favor or in opposition.
5. A board referral argument statement must not exceed 325 words and must be text-only. Board referral argument statements might be reformatted when printed.
6. Board referral argument statements may be submitted by postal mail to the LPO or by electronic mail to the LPO Chairperson or Secretary.
7. The filing fee for a board referral argument statement of up to 150 words shall be \$200; the fee for a statement of more than 150 words shall be \$350. If the Libertarian Primary Voters'

Guide is sent to less than every Libertarian elector, partial refunds shall be offered in an amount for the Board to determine.

8. Board referral argument statements received or paid for after the LPO Filing Deadline shall be considered untimely and shall not be processed.
9. Timely board referral argument statements shall be included as an enclosure in every Libertarian Voters' Guide.

L. Ballot Measure Argument Statements

1. The LPO website shall maintain a list of the ballot measure endorsement questions that will appear on the Libertarian Primary ballot.
2. Any person or organization may submit a ballot measure argument statement for publication in the Libertarian Voters' Guide. Statements will only be accepted which are germane to the subject of the measure.
3. The Libertarian Voters' Guide shall identify the person or organization that submitted and paid for the ballot measure argument statement.
4. A ballot measure argument statement must be filed as an argument in favor of or an argument in opposition to a specific ballot measure.
5. A ballot measure argument statement must not exceed 325 words and must be text-only. Ballot measure argument statements might be reformatted when printed.
6. Ballot measure argument statements may be submitted by postal mail to the LPO or by electronic mail to the LPO Chairperson or Secretary.
7. The filing fee for a ballot measure argument statement of up to 150 words shall be \$200; the fee for a statement of more than 150 words shall be \$350. If the Libertarian Primary Voters' Guide is sent to less than every Libertarian elector, partial refunds shall be offered in an amount for the Board to determine.
8. Ballot measure argument statements received or paid for after the LPO Filing Deadline shall be considered untimely and shall not be processed.
9. Timely ballot measure argument statements shall be included as an enclosure in every Libertarian Voters' Guide.

1 **CERTIFICATE OF SERVICE**

2 I certify that on September 14, 2020, I served or caused to be served a true and  
3 complete copy of the foregoing **DECLARATION OF KYLE MARKLEY IN**  
4 **SUPPORT OF LIBERTARIAN PARTY OF OREGON’S OPPOSITION TO**  
5 **PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER** on the  
6 party or parties listed below as follows:

- 7  Via the Court’s Efiling System  
8  Via First-Class Mail, Postage Prepaid  
9  Via Email

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*Of Attorneys for Defendant Beverly Claro*

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*Of Attorneys for Intervenor-Defendant  
Libertarian Party of Oregon*