



**BY-LAWS & RULES**  
**OF THE**  
**CALIFORNIA**  
**DEMOCRATIC**  
**PARTY**

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# **CALIFORNIA DEMOCRATIC PARTY STATE CENTRAL COMMITTEE BY-LAWS**

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# **CALIFORNIA DEMOCRATIC PARTY STATE CENTRAL COMMITTEE BY-LAWS**

(amended 1/2021, printed 1/2021)

## **ARTICLE I: NAME AND PURPOSE**

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### **Section 1. NAME**

The name of this organization shall be the CALIFORNIA DEMOCRATIC PARTY. Its governing body shall be the DEMOCRATIC STATE CENTRAL COMMITTEE (This Committee).

### **Section 2. PURPOSE**

- a. All persons who disclose a preference for the Democratic Party on their voter registration card, pursuant to the laws of the State of California, are members of the California Democratic Party and are entitled to participate in the official organization of the California Democratic Party as provided by the laws of the State and these By-Laws.
- b. These By-Laws shall govern the organization, operation and functions of that political party known as the California Democratic Party (the Party) and the Democratic State Central Committee (This Committee).
- c. This Committee shall elect state officers of the Party and members of the Democratic National Committee, shall adopt a State Party platform in gubernatorial years and may adopt a proposed national platform in presidential election years, shall conduct campaigns for the party and its candidates for public office, shall appoint committees and employ staff as deemed desirable, and shall conduct such other business as the policy and program of the Party may require.
- d. This Committee may endorse partisan primary elections and may take positions on ballot measures.

### **Section 3. TERMS**

- a. All references in these By-Laws to “Democrat” or “registered Democrat” shall mean a voter who disclosed a preference for the Democratic Party on their voter registration card. All references in these By-Laws to “Decline-to-state” shall mean a voter who disclosed no preference for a political party on their voter registration card.
- b. All references to “nominee” shall refer to that registered Democrat in a voter-nominated election who received the highest number of votes in the general election. Should there be no registered Democrat among the “top-two” in the general election, “nominee” shall refer to that registered Democrat who received the highest number of votes in the top-two open primary.
- c. All references to “partisan primary” shall refer to mean voter-nominated top-two open primary.

- d. “Equal Division” shall mean that in all elections and appointments to which this phrase applies, one half shall be self- identified female and the balance shall be other than self-identified female. A variance of no more than one (1) shall be allowed when the number concerned is an odd number. With regard to appointments made under Article II of these bylaws, the appointor shall be counted in determining whether or not Equal Division has been adhered to. With regard to elections, this rule shall only apply to the greatest extent possible if insufficient numbers of a gender should decide to run.
- e. “Gender” shall mean one being either “self-identified female” or “other than self-identified female”.
- f. All references to the “Code of Conduct” shall refer to the Code of Conduct adopted by This Committee, set forth as Appendix “A” to these bylaws.
- g. All references to the flow chart entitled “Process for Reporting Misconduct and Harassment,” shall refer to that document adopted by This Committee and attached hereto as Appendix “B.”

#### **Section 4. REGIONS**

This Committee shall be divided into Regions. Regions shall be defined by A.D. boundaries and are subject to redistricting by the Organizational Development Committee for approval by This Committee or its Executive Board (See also Article III, Section 4.) and shall, beginning with the next reapportionment after 2001, be comprised of an equal number of Assembly Districts. Notwithstanding the previous language in this section, the Organizational Development Committee, in order to facilitate This Committee’s operations, organizing and electoral activity, shall have the power to divide up to two of these Regions into two separate Regions each, for a total of four Regions consisting of a lesser number of Assembly Districts than the remaining Regions; provided, however, no Region may consist of fewer than two Assembly Districts.

## **ARTICLE II: MEMBERSHIP**

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### **Section 1. MEMBERSHIP**

- a. The Committee shall consist of:
  - (1) One member for each elective public office named in Section 2a of this Article.
  - (2) Members appointed pursuant to Section 3 of this Article.
  - (3) Members elected by County Central Committees of the Party pursuant to Section 4 of this Article.
  - (4) Members elected by Assembly District Election Meetings pursuant to Section 5 of this Article.
  - (5) National Committee members of the Party.
  - (6) The immediate past state officers of This Committee.
  - (7) Officers of This Committee while serving their term of office.
  - (8) Four (4) officers of the California Democratic Council. These shall consist of the State President and three (3) other officers, as determined by the California Democratic Council.
  - (9) Four (4) officers of the California Young Democrats. These shall consist of the State President and three (3) other officers, as determined by the California Young Democrats.
  - (10) Chair of each Statewide Organization Chartered by This Committee pursuant to Article X and the Guidelines Re: Chartered Organizations adopted by the Rules Committee of This Committee.
- b. Membership shall terminate, subject to renewal, every two years and shall extend from the convening of the first regular meeting of this Committee in the odd numbered year to the convening of the first regular meeting held in the next odd-numbered year, with vacancies occurring during this period filled in accordance with the provisions of Section 10 of this Article.
- c. There shall be no dual memberships. The membership of any Democrat who is elected or otherwise designated to hold an office named in subdivision (a) of this section who resigns or is removed shall terminate upon selection of their replacement. A member who becomes eligible for membership on some other grounds during their two-year term shall inform the State Chair of the eligibility and identify the position which they wish to represent.

- d. All members of This Committee must be of voting registration age and be either (i) duly registered members of the Democratic Party of California, or (ii) ineligible to register as Democrats, but have expressed an intent to register as a member of the California Democratic Party upon becoming eligible to do so.

## **Section 2. PUBLIC OFFICE MEMBERS**

- a. For purposes of this Section, the following public officers shall be referenced:
  - (1) Governor
  - (2) Lieutenant Governor
  - (3) Treasurer
  - (4) Controller
  - (5) Attorney General
  - (6) Secretary of State
  - (7) Insurance Commissioner
  - (8) Superintendent of Public Instruction, as per Article II, Section 6
  - (9) Members of the State Board of Equalization
  - (10) Members of the State Legislature
  - (11) Members of the United States Senate from California.
  - (12) Members of the United States House of Representatives from California.
- b. Any Democrat who is elected or otherwise designated to hold an office named in subdivision (a) of this section and whose term of office extends beyond January of the next odd-numbered year shall be a member of This Committee for the two-year period commencing at the first regular meeting of that year. Any Democrat who is elected in a special election shall serve the remainder of the term.
- c. Any Democrat who is elected or otherwise designated to hold an office named in subdivision (a) of this section during the two-year period commencing in January of the odd-numbered year shall be a member of This Committee upon election or designation for the remainder of the two-year period.
- d. In the case of an office named in subdivision (a) of this section to which a Democrat has not been selected at the most recent general election in which a nomination for that office was made, the Democratic Party nominee at the most recent primary election

shall be a member of This Committee during the two-year period commencing at the first regular meeting of an odd-numbered year or until such time during that period that a Democrat is elected or designated to hold that office.

- e. In the case of an office named in subdivision (a) of this section for which a special election was held and no Democrat was elected, the highest vote-getting Democrat shall be a member of This Committee during the remainder of the two year term, unless the prior nominee for this office is still a member of This Committee by virtue of having been nominated to that office.
- f. In the case of an office named in subdivision (a) for which subdivisions (b), (c), and (d) are all inapplicable, one member shall be appointed as follows:
  - (1) If a state legislative office is involved, by appointment of a voter who resides in the district in question by the relevant County Central Committee of the Party. The relevant County Central Committee is determined as follows:
    - (a) If the district is situated wholly within a single county, the County Central Committee for the county in which the district is situated;
    - (b) If the vacancy occurs in a district comprising two or more counties and is caused by disqualification or death, the County Central Committee for the county in which the disqualified, deceased or resigned member resided;
    - (c) If the vacancy occurs in a district comprising two or more counties and is not caused by disqualification or death, the County Central Committee for the county in which the non-Democratic legislator, or the highest vote-receiving non-Democratic candidate in the most recent election for the office in question, resides.
  - (2) If the office of the U.S. Senate or any of the statewide offices named in subdivision (a) of this section is involved, by appointment by the Executive Board of This Committee.
  - (3) If the office of a member of the United States House of Representatives is involved, by appointment by the Executive Board of This Committee of a voter who resides within the Congressional District to be represented.
- g. Any member of This Committee whose membership is held pursuant to subdivision (b), (c), or (d) of this Section shall be known as a "Public Office Member."

### **Section 3. APPOINTED MEMBERS**

- a. Each member identified in Section 2b or 2c of this Article shall be entitled to appoint six members; except that members elected to the House of Representatives and the State Assembly shall be entitled to appoint five members. Equal Division shall be adhered to in all appointments made under this section.

- b. Each member identified in Section 2d or 2e of this Article shall be entitled to appoint three members; except that nominee members for Congress and the State Assembly shall appoint two members. Equal Division shall be adhered to in all appointments under this section.
- c. The following officials shall each be entitled to appoint an additional thirty (30) members; Equal Division shall be adhered to in all appointments under this section:
  - (1) The Speaker of the California Assembly, if a Democrat, or the Minority Leader of the California Assembly, if a Democrat.
  - (2) The President Pro Tempore of the California Senate, if a Democrat, or the Minority Leader of the California Senate, if a Democrat.
  - (3) The leader of the California Democratic delegation to the United States House of Representatives, as determined by the delegation, and designated in writing to the Secretary of This Committee.
  - (4) The Statewide Officers identified in Article III, section 1a, to be equally divided from among them, and for each such statewide officer, at least three of the appointed members shall be of the gender other than the self-identified gender of the appointing officer.
- d. Appointment of members to This Committee shall be made in writing in the form prescribed by the Secretary of This Committee, signed by the appointing member and delivered to the State Chair of the Party. Appointees shall serve at the pleasure of the appointing member. Delivery of notification of appointment to This Committee shall be made no later than February 7 following the General Election, or next business day if date falls on state holiday or weekend, in order to be eligible to vote at the next meeting of This Committee, except in the case of a special election not certified by Feb 7, delivery of notification of appointment to This Committee shall be made not later than fourteen (14) days after certification of the election, or next business day if date falls on state holiday or weekend.

#### **Section 4. MEMBERS ELECTED BY COUNTY CENTRAL COMMITTEES**

- a. Each County Central Committee of the Party shall elect, from its own members as defined by its by-laws, representatives who shall serve at the pleasure of the County Central Committee to This Committee as follows: four members as base representation, plus one member for each 10,000 registered Democrats or fraction thereof.
- b. The number of registered Democrats shall be as of the most recent report of registration to the Secretary of State. The Secretary of This Committee shall secure the registration totals received by the Secretary of State seven days prior to the General Election, and shall forthwith notify the respective County and District Committees of the Party

registrations and the allocation of members to be elected under provisions of the Elections Code.

- c. Elections shall be held by January 31 following the regular general statewide election. Those committees that reorganize in January shall elect their representatives to This Committee at their organizational meetings.
- d. Persons elected as members shall adhere to the Equal Division Rule, and shall be members of the County Central Committee as of the date of the first regular meeting of This Committee.
- e. In order for the representative to be eligible to vote at the next meeting of This Committee, no later than February 7 of an odd-numbered year, or next business day if date falls on state holiday or weekend, the County Chair shall notify the State Chair of the Party in writing signed by the County Chair of the names and addresses of the persons elected to membership of This Committee. Those committees which reorganize in January shall make this notification within three days of the elections held pursuant to subsection (c).
- f. County Central Committees may provide for the election of their allocation of membership on an at-large basis or by Supervisorial or Assembly Districts, or by any combination thereof.

**Section 5. MEMBERS ELECTED BY ASSEMBLY DISTRICT ELECTION MEETINGS**

- a. Each Assembly District Election Meeting, as provided in Article VI of these By-Laws, shall elect fourteen of its members as members of This Committee.
- b. Persons elected as members shall adhere to the Equal Division Rule.

**Section 6. STATEWIDE NON-PARTISAN OFFICES**

The highest vote-getting candidate for a Statewide Non-Partisan office registered as a Democrat, at the time of the close of filing, shall be a member of This Committee. If elected, such candidate shall be entitled to appoint six members of This Committee, and shall adhere to the Equal Division Rule. If not elected, such candidate shall be entitled to appoint three members of This Committee, and shall adhere to the Equal Division Rule. In the case of an office for which the above does not apply, one member shall be appointed by the Executive Board of This Committee to fill the appointor's position.

**Section 7. NOTIFICATION OF APPOINTMENT OR ELECTION**

- a. The Chair of This Committee shall notify each person appointed or elected as a member of This Committee:
  - (1) That they are a member of This Committee;

- (2) Of the date, time and place of the first regular meeting of This Committee;
  - (3) That the meeting may be attended either in person or by proxy;
  - (4) That every proxy shall be filed in the office of the State Chair no later than 5 p.m. of the day preceding the meeting of This Committee or shall be presented to the appropriate designee of the State Chair at the meeting of This Committee during the hours set by the Meeting rules to do so;
  - (5) The proxy shall be in writing signed by the member under penalty of perjury.
- b. The Chair of This Committee shall enclose, with each notification of appointment or election, one proxy form.
  - c. The Chair of This Committee shall provide all members with appropriate notice and forms of proxy prior to each special meeting of This Committee.

## **Section 8. QUALIFICATION FOR MEMBERSHIP**

A person is eligible for membership on This Committee only if such person is registered as affiliated with the Party at the time of election or appointment, maintains that status throughout their membership, and has agreed in writing to the Code of Conduct.

## **Section 9. REMOVAL FROM MEMBERSHIP**

- a. Any member who has failed to pay the prescribed dues as provided in section 11 of this Article and any uniformly imposed fee included in the registration materials shall not be credentialed to attend any meeting of This Committee until such time as they have satisfied their dues and fee obligation by payment or waiver. Authority to hear and decided such issues rests in the Credentials Committee; provided, however, that denial of a dues and/or fee waiver may be appealed to the Statewide Officers of This Committee by the affected member.
- b. This Committee may remove any member if, during their term of membership, such member affiliates with or registers as other than Party Preference Democratic; publicly avows preference for another party; publicly advocates that the voters should not vote for the endorsed candidate of This Committee for any office; or who publicly gives support to or avows a preference for a candidate registered as other than Party Preference Democratic in the voter-nominated top two open primary; or violates the Code of Conduct.
- c. Removal of a member may be effected in the following manner:
  - (1) At least three (3) members of the Executive Board or thirty (30) members of This Committee must sign and submit to the Secretary of This Committee a written statement of charges containing the grounds for removal.
  - (2) The Secretary of This Committee, upon receipt of the statement of charges, must send to the accused member by timely registered mail, a copy of the statement

of charges and a letter stating: that the accused member may either resign or have a hearing before the officers of This Committee named in Article III, Section 2 that at such hearing, the accused member shall be afforded an opportunity to respond to the statement of charges and to confront the witnesses against such member; and that such member may be represented by counsel at such hearing.

- (3) If the accused member does not resign, the Secretary of This Committee shall send a copy of the statement of charges to all officers of This Committee along with a notice of the hearing date.
  - (4) At the hearing the officers shall examine the statement of charges brought against the accused member. The accused member shall be afforded an opportunity to respond to the charges, to confront any witnesses against such members, and may be represented by counsel if desired. Such hearing shall be conducted in such fashion as to afford the accused member due process of law. After such hearing, a sanction shall be imposed where appropriate. Except for a violation of the provision of Article II, Section 9(b) which prohibits publicly giving support to or avowing a preference for a candidate nominated by another party, the sanction shall be removal from membership. Where the member has been found to have violated the prohibition on publicly giving support to or avowing a preference for a candidate nominated by another party, the sanction shall be removal from membership and a bar from reappointment or reelection to membership in This Committee, as defined in Article II, Section 1(b), immediately following the term during which the sanction of removal was imposed. For example, if the violation occurred in October 2008 and the sanction was imposed in December 2008, the removed member would be barred from renewed membership until after the convening of the annual meeting of This Committee in 2011; however, if the violation occurred in January 2009 and the sanction was imposed after the seating of members at the annual regular meeting of This Committee in 2009, the member would be barred from renewed membership until after the convening of the annual regular meeting of This Committee in 2013. Any finding of a violation, and the imposition of an appropriate sanction for that violation, shall require a vote of not less than two-thirds of the officers present and voting.
- d. Where a member has been accused of violating the Code of Conduct, removal may also be recommended to the Statewide Officers of This Committee, by a vote of a majority of all members of the Conduct Commission.

## **Section 10. VACANCIES**

- a. A vacancy on This Committee shall be deemed to exist in the event of the appointment or election to membership of an ineligible person or whenever any member dies, resigns or is removed, becomes incapacitated to act, is removed from membership pursuant to Section 9 of this Article, assumes membership through other means, or ceases to be registered as Party Preference: Democratic. A vacancy shall also be deemed to exist: for Section 2 or Section 6 members who resign from the public office entitling them to membership; for Section 4 members who cease to be registered in the county from which they were elected; and for Section 5 members who cease to

be registered in the Assembly District from which they were elected.

- b. Vacancies shall be filled as follows:
  - (1) Should a member appointed to membership pursuant to Section 3 of this Article cease to be a member for any reason specified in subdivision (a) of this Section, the vacancy shall be filled not less than three days preceding the next meeting of This Committee by the original appointing member. The original appointing member shall notify in writing the State Chair of the Party of all appointments made pursuant to this subdivision. If the original appointing person is no longer a member of This Committee or does not wish to fill the vacancy, the State Chair of This Committee shall do so.
  - (2) Should a member elected to membership by a County Central Committee cease to be a member for any reason specified in subdivision (a) of this Section, notice shall be given to the County Central Committee by This Committee as soon as possible after occurrence of the vacancy, and the County Central Committee shall fill the vacancy at its next meeting following the notification. The County Committee Chair shall notify in writing the State Chair of the Party of the election held pursuant to this subdivision.
  - (3) Should a member elected to membership by an Assembly District Election Meeting cease to be a member for any reason specified in subdivision (a) of this Section, then the vacancy shall be filled by the person of the gender necessary to maintain, achieve or improve equal division who received the next most number of votes at the relevant Assembly District Election Meeting. In the event that this method does not provide a person to fill the vacancy, then the current Assembly District Representative to the Executive Board shall call a public meeting of the remaining members of This Committee resident in the Assembly District, who shall fill the vacancy with a registered Democrat resident in the Assembly District who is the gender necessary to maintain, achieve or improve equal division. This meeting shall be called with at least 10 days notice to the members of This Committee resident in the Assembly District. Once the vacancy is filled, the Assembly District Representative to the Executive Board shall notify, in writing, State Chair of the Party of the selection made pursuant to this subdivision.

## **Section 11. DUES**

- a. Dues shall be paid by This Committee's members. The Executive Board shall establish the time and manner by which these dues shall be paid before the next scheduled meeting of This Committee.
- b. Any member who fails to pay the prescribed dues may be removed from This Committee in the manner prescribed in Section 9 of this Article, except that payment of dues shall not be obligatory for any member who self-identifies and affirms in writing either they are (i) a person to whom such a payment constitutes an economic hardship or (ii) someone who cannot make such a payment because of an objective impediment to

the making thereof.

- c. The failure to pay any uniformly imposed fee included in the registration materials for a meeting of This Committee shall preclude the member from being credentialed, but shall not be grounds for removal from membership, except that payment of fees shall not be obligatory for any member who self-identifies and affirms in writing either they are (i) a person to whom ~~it~~ such a payment constitutes an economic hardship or (ii) someone who cannot make such a payment because of an objective impediment to the making thereof.
- d. The name of any elected or appointed member who, without cause, fails to pay the prescribed dues shall be forwarded to the appointing member or the chair of the electing body before the initiation of removal proceedings.

## **Section 12.**

### **CONFLICT OF INTEREST DISCLOSURE**

- a. A member of This Committee must disclose to other Members of This Committee while addressing a Convention, Executive Board Meeting, or through written disclosure when communicating through mail, e-mail, or other digital communication, primarily directed towards members of This Committee, that said member, the spouse of the member, or the domestic partner of the member has a material financial interest in advocating for or against a candidate for State or Federal Office or one or more state initiatives if said oral or written communication relates to the material financial interest.
- b. For purposes of this section, a “financial interest in advocating for or against a candidate or one or more state initiatives” exists when the member or the spouse/domestic partner of the member:
  - (1) is a candidate for the public office under consideration; or,
  - (2) is a paid employee or independent contractor of a political committee or owner, paid employee or independent contractor of a consulting firm which is taking a position for or against one or more candidates or state initiatives under consideration; or
  - (3) is an employee who serves or works in paid employment at the pleasure of a person standing for election to the office under consideration; provided, however, that nothing in this rule shall require any person serving on a non-salaried basis as an appointee to a public panel, board or commission to make such disclosure; or
  - (4) otherwise receives monetary compensation for the purposes of taking a position for or against one or more candidates or state initiatives under consideration.
- c. A financial interest is “material” when it has a value of \$1,000 or more in a calendar year.

- d. Disclosure shall be accomplished by stating verbally, when speaking, or in the communication itself when doing so through mail, e-mail, or other digital communication, primarily directed towards members of This Committee, the material financial interest the member of This Committee has in the candidates or state initiatives under consideration.
- e. Statewide Officers of This Committee shall be required to file quarterly financial disclosures statements (promulgated by the Rules Committee), itemizing any compensation constituting a material financial interest as defined herein, and shall file a “Notice of Acquisition of Material Financial Interest” within fifteen (15) days of acquiring same.
- f. Such quarterly financial disclosure statements shall be filed with the CDP Office, no later than the 15th of the month after the end of each quarter, available upon request, with each Statewide Officer’s current disclosure statement made available on the CDP website, within 48 hours of filing.

## **ARTICLE III: OFFICERS**

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### **Section 1. STATEWIDE OFFICERS**

- a. The statewide officers of This Committee shall be a State Chair, two Vice Chairs, a Secretary and a Controller. The Vice Chairs shall adhere to the Equal Division Rule.
- b. All statewide officers shall be elected to four-year terms.
- c. The Vice Chair who, when considering the Chair and Vice Chair together adheres to the Equal Division Rule, shall be designated the First Vice Chair.
- d. A prerequisite for candidacy to a statewide office is that a candidate be a member of This Committee by the time the election takes place.
- e. The Executive Board shall have the power to compensate the State Chair. Any decrease in compensation shall not take effect until the next election of the State Chair, except upon two-thirds vote of the Executive Board.

### **Section 2. DESCRIPTION OF DUTIES**

- a. The State Chair shall be the chief executive officer and the official voice of This Committee, shall carry out the policies and purposes, and shall pursue its interests to the best of their abilities, including, but not limited to:
  - (1) nominating an Independent Ombudsperson, in consultation with the Statewide Officers of This Committee, subject to approval by a majority vote of the members of the Executive Board present and voting who shall:
    - (a) not be a member or employee of This Committee;
    - (b) serve for a term of two (2) years; and
    - (c) be subject to removal by a majority vote of the statewide officers.
  - (2) preparing a list of Investigators, in consultation with the Statewide Officers of This Committee and subject to approval by a majority vote of the members of the Executive Board present and voting, from which the Independent Ombudsperson may select an Investigator to investigate a complaint of a violation of the Code of Conduct and to assist in the work of the Conduct Commission; who, in the judgement of the Chair of This Committee, are:
    - (a) professional investigators; and
    - (b) who shall not be members or employees of This Committee.
- b. The First Vice Chair shall assist the Chair in the performance of the duties of that office. To the extent necessary, the First Vice Chair shall exercise the powers of the Chair in the

event of the Chair's absence. In the event that the office of Chair is vacated, the First Vice Chair succeeds to the office of Chair until a new Chair has been selected as provided in Section 5a below. The First Vice Chair shall be responsible for organizational maintenance and development consistent with the policies of the State Chair and This Committee.

- c. The Second Vice Chair shall assist the State Chair in the performance of the duties of that office. The Second Vice Chair shall be responsible for organizational maintenance and development consistent with the policies of the State Chair and This Committee. In the event of a vacancy in both the office of the Chair and the First Vice Chair, the Second Vice Chair succeeds to the office of Chair until a new Chair has been selected as provided in Section 5a below.
- d. The Secretary shall maintain all records of This Committee, shall serve all required notices, shall discharge such other duties as pertain to this office, and shall turn over at the end of their term of office all records and documents associated with the office of Secretary to This Committee, except as may be otherwise noted herein.
- e. The Controller shall have access to the financial records maintained by This Committee, shall prepare and deliver at each Executive Board meeting a report on the financial affairs of This Committee, shall serve as Chair of the Finance Committee, and shall turn over at the end of their term all records and documents associated with the office of Controller to This Committee.

### **Section 3. ELECTION OF STATEWIDE OFFICERS**

- a. The Statewide officers shall be elected to their four-year terms at the first meeting of This Committee held immediately following the conclusion of a presidential election year. The election for Officers shall take place as set forth on the agenda mailed to the members. All statewide officers shall be elected by the entire membership of This Committee.
- b. A candidate for any statewide office shall file a notice of intent-to-run for that office which must be received by the Secretary of the Party by 5p.m. of the day which is sixteen (16) calendar days prior to the opening of credentialing for the Convention. No withdrawals shall be allowed after that date. Should the incumbent officeholder fail to file the notice of intent to run by that date, then the filing deadline shall be extended to the day which is nine (9) days prior to the opening of credentialing for the Convention. No withdrawals shall be allowed after that date.
- c. Following the close of nominations for officers, no additional nominations shall be permitted, except for an office for which no person has been nominated prior to the close of nominations or for which all persons nominated have withdrawn.
- d. No vote for any person shall be counted unless the person has been duly nominated for, and has accepted that nomination for the office for which such vote is cast.
- e. In the event only one person is nominated for any office and such person accepts the nomination, the Secretary of the meeting shall be directed to cast a unanimous ballot for

such candidate at the time of the election.

- f. In the event no candidate receives a majority vote on the 1st ballot, a runoff election (2nd ballot) shall be held between the two persons receiving the largest number of votes actually cast for all candidates who have been duly nominated for and accepted the nomination for the office involved.

#### **Section 4. REGIONAL DIRECTORS**

- a. There shall be 16-25 Regional Directors of This Committee who, with its Statewide officers, shall constitute the State Officers of the California Democratic Party.
- b. Regional Directors shall be elected for two-year terms on Saturday of the first Convention of This Committee held in odd numbered years. Regional Directors shall be elected at Regional Caucuses, each composed of all members of This Committee resident in the respective regions.
- c. Elections of Regional Directors shall be governed by the provisions set forth in Article III, Section 3, subsections c.-g.
- d. The Regional Directors shall assist the statewide officers in the maintenance and development of the Party organization within their respective regions. They are responsible for developing, assisting, and coordinating the County Central Committees, Clubs & other Democratic organizations within their region, and shall convene a regional meeting of the members of This Committee in the region with sufficient time for input, or timely resolutions, prior to each meeting of This Committee or its Executive Board.
- e. A candidate for Regional Director must be a member of This Committee, and may only file for Regional Director position of the State Party Region in which they are registered to vote. Should a Regional Director re-register outside of their Region during their term of office, they shall be assumed to have vacated the office.

#### **Section 5. VACANCIES**

- a. In the event that any statewide office shall become vacant, the vacancy shall be filled on a temporary basis by the Executive Board of This Committee and a new election for that office shall be held at the next State Convention of This Committee. The person elected by the Convention shall serve the remainder of the four-year term of that office. The election shall be held consistent with the provisions found in Section 3 above.
- b. In the event that any Regional Directorship shall become vacant the Chair of This Committee may appoint one member of This Committee resident in the Region to serve as interim Regional Director and one member of This Committee (hereinafter “facilitator”), who shall cause to be convened and shall conduct a meeting of the current members of This Committee resident in the relevant Region, who were also members at the time the vacancy occurred, to fill the vacancy, subject to the following provisions:
  - (1) At least thirty (30) days written notice of the existence of the vacancy and of the

time and place of the meeting to fill the vacancy shall be given to each voting participant. The Chair of This Committee shall effectuate this notice.

- (2) Subject to the above notice requirement, this meeting shall occur at either the next regional meeting which is scheduled to be held prior to the next meeting of This Committee or its Executive Board, or at the annual Convention of This Committee, whichever occurs first. Upon written request from a member of This Committee resident in the affected region, the Chair may consider and allow an alternative date to hasten the filling of the vacancy, provided the above notice requirement is adhered to.
- (3) In the event that such a vacancy occurs after the Executive Board meeting prior to the first Convention of This Committee held in odd numbered years, it shall be the Chair of This Committee's sole discretion on whether or not to convene a meeting to elect a replacement.
- (4) A candidate to fill the vacancy in the office of Regional Director may not serve as the facilitator of the meeting and must be a member of This Committee and registered to vote in the State Party Region in which the vacancy occurred.
- (5) In order to run for said office a candidate must file a notice of intent to run by 5pm ten days prior to the date of the meeting.
- (6) Voting shall be by signed written ballot, the results of which shall be read off as though it were a roll call vote.
- (7) Proxy voting shall be permitted as provided for at meetings of This Committee.
- (8) Once received by the facilitator, a ballot may not be retracted, rescinded, or otherwise changed and shall be counted in the totals.
- (9) All ballots shall be read aloud noting the name of the voter and their choice for Regional Director, and shall be counted toward the totals, if received by the facilitator prior to the beginning of the roll call vote. Any ballot received after the beginning of the roll call vote shall not be counted.
- (10) The participation of a majority of the eligible members of This Committee credentialed as delegates at the meeting, either in person, or by proxy, shall constitute a quorum. In the absence of such quorum no election shall take place and the vacancy shall be filled either by the Executive Board of This Committee, or by the members of This Committee resident in the relevant Region at the next meeting of This Committee, whichever occurs first.
- (11) The person elected must be from the same region as the person who vacated the given office, and they shall serve the remainder of the two- year term of that office.
- (12) The Rules Committee shall promulgate rules for the conduct of the meeting.

## **Section 6.**

## **REMOVAL OF OFFICERS**

An officer of This Committee may be removed from office for misconduct or neglect of duty in office by the following procedures:

- a. Any member of This Committee, or the members of the Conduct Commission, (hereafter, the Filer) may file a Statement of Charges to remove an Officer of this Committee (hereafter, the Accused Officer), being no more than 200 words, with the Secretary. If the Accused Officer is the Secretary of This Committee, all responsibilities of the Secretary with regard to this Section shall be carried out by the State Chair.
- b. The Secretary, within seven (7) days of the receipt of the Statement of Charges, shall send to the Accused Officer by registered mail a copy of the Statement of Charges and a letter stating that the Accused Officer may either resign or file an Answer to the Statement, in not more than 200 words. Such Answer must be received by the Secretary within ten (10) days of the date that the Secretary mailed the Statement of Charges.
- c. The Secretary, within seven (7) days following receipt of the Answer or the deadline for receipt of the Answer, shall issue to the Filer a Petition, which shall include the Statement of Charges and the Answer. If, within sixty (60) days of the date of the mailing by the Secretary of the Petition, the Filer returns to the Secretary the Petition with the names and signatures of thirty (30) current Executive Board members, an item for Removal of Officer shall be placed on the agenda of the next regular Executive Board meeting held at least seventeen (17) days after the submission of such Petition by the Filer to the Secretary. When the Statement of Charges is filed by the Conduct Commission, no additional signatures are required and shall be considered as the Petition referred to herein. Written notice of this agenda item must be mailed to the Executive Board no less than ten (10) days prior to the Executive Board meeting. Where the basis of a Petition is an alleged violation of the Code of Conduct, constituting sexual misconduct, as determined by the Conduction Commission, a Special Meeting of the Executive Board may also be convened to consider the Petition. A special meeting for purposes of considering such a Petition may be called by the Conduct Commission in consultation with the Chair of This Committee. In such circumstances the Chair of This Committee, or in the case of a Petition accusing the Chair of such violation, the Secretary of This Committee, shall provide written notice by letter or electronic mail to the Executive Board at least seven (7) days in advance of such a special meeting.
- d. At said next regular meeting of the Executive Board, the item shall be the first item of business after the final credentials report. The Accused Officer may be removed by two-thirds (2/3) vote of all members present and voting, provided there is present and voting at least 33-1/3 percent of the membership of the Executive Board.
- e. If the motion for removal of the Accused Officer is defeated, then no such motion to remove the Accused Officer on substantially the same charges shall be in order for the remainder of the Accused Officer's term. It shall be the sole discretion of the Chair to determine whether any new statement of charges is substantially the same as the previous statement. If the Chair is the Accused Officer, this responsibility shall be that of the

## **ARTICLE III-A: Election OF OFFICERS 2021**

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### **Section 1. GOVERNING RULES:**

Irrespective of any other provision of these bylaws which may be in conflict with the below, the following sections shall govern the Election of Statewide Officers and Regional Directors for the 2021 election.

### **Section 2. DATES FOR DETERMINATION OF MEMBERSHIP:**

The dates for determination of membership for the 2021 Convention shall remain as specified in Article II, Sections 3 and 4; Article VI, Section 1, a, (2), and Article VI, Section 1, a; or as may be modified by any decision of the Compliance Review Commission in a particular case.

### **Section 3. DELETION OF ARTICLE III-A:**

This instant Article III-A, shall, without the necessity of further action, be automatically deleted from these bylaws as of 11:59 p.m. on Wednesday, June 30, 2021.

### **Section 4. METHODS OF COMMUNICATION AND HOLDING OF CONVENTION:**

- a. Transmission, and completion of filing, of documents, including ballots and voting, shall be via e-mail, facsimile, or United States Postal Service, at the discretion of the Chair of This Committee with regard to documents sent by This Committee, and by the individual member with regard to documents sent to This Committee.
- b. This Committee shall, for the 2021 Convention, meet virtually, via Zoom or other suitable method, as determined by the Chair of This Committee.

### **Section 5. DETERMINATION AND CERTIFICATION OF ROSTER OF MEMBERS:**

- a. The preliminary roster of members of This Committee, as of the dates for determination of membership for the 2021 Convention as set forth in Section 2 above, shall be as certified as of Monday, February 15, 2021, by a majority of the Chairs of the Standing Committee on Credentials.
- b. Any candidate for membership on This Committee, whose name has been timely submitted, and denied such certification shall be notified by the Secretary of This Committee within 24 hours of said denial.
- c. Any challenge to this certification decision may only be filed by the affected candidate for membership, and must be commenced by the filing of a written challenge with the Secretary of This Committee, with copies served on the Chair of This Committee, as well as the appointing person, and the chair of the relevant organization, where applicable, no later than seven (7) calendar days after the alleged violation occurred, but in no event later than 5:00 p.m. on Friday, February 19, 2021.
- d. The Compliance Review Commission shall decide all challenges affecting the

credentials of members regarding the determination of the roster of members for the 2021 Convention, based upon the written challenge of the candidate for membership, and the testimony, written or oral, of a Chair (or Chairs) of Standing Committee on Credentials, no later than 10:00 p.m. on Monday, February 22, 2021. In the event the Credentials Chair(s) support the challenge, the challenged candidate for membership shall be offered an opportunity to present oral testimony. A failure of Compliance Review Commission to render a decision by that time shall be considered as a decision to sustain the roster of members as certified by the Credentials Chairs. All decisions of the Compliance Review Commission as pertains to the Determination and Certification of Roster of Members shall be final.

- e. The Final Certified Roster of Members, eligible to participate in the 2021 Convention of This Committee, individually or by proxy, shall be those members of the Democratic State Central Committee determined to be eligible as of Tuesday, February 23, 2021.

**Section 6. NOTICE OF INTENT-TO-RUN DECLARATION / NOMINATIONS:**

- a. The filing of a Notice of Intent-to-Run Declaration shall be required to be filed by a member of This Committee, in order to be a candidate for any Statewide or Regional Director Office, and shall be considered as a nomination for that particular office.
- b. The time period for filing of Notice of Intent-to-Run Declarations shall open at 10:00 a.m. on Monday, January 4, 2021.
- c. To qualify to run for office, a member of This Committee's Notice of Intent-to-Run Declaration must have been received by the Secretary of the Party no later than 5:00 p.m. on Monday, March 15, 2021.
- d. In the event that the incumbent officeholder for a particular office fails to file the notice of intent to run by that date, then the filing deadline shall be extended to 5:00 p.m. on Friday, March 19, 2021, for that office.
- e. No withdrawals of candidates shall be allowed after the filing of Notice of Intent-to-Run Declarations have closed for that particular office, unless all candidates have withdrawn.
- f. Following the close of filing of Notice of Intent-to-Run Declarations, no additional candidates shall be permitted.
- g. In the event no member has filed a Notice of Intent-to-Run Declaration, or for which all persons who have filed a Notice of Intent-to-Run Declaration have withdrawn, a vacancy shall be declared to exist in that office which shall be filled as provided in Article III, Section 5.

**Section 7. AVAILABILITY OF ROSTER OF MEMBERS OF THIS COMMITTEE:**

- a. All candidates who have filed a Notice of Intent-to-Run Declaration for a State Office of This Committee will be provided access to a final, certified roster of Members of This Committee in the specific jurisdiction for which they are a candidate on Monday, February 15, 2021 or upon filing, whichever is later. If filing before Monday, February

15, 2021, the candidate will be provided with a preliminary roster of Members of This Committee in the specific jurisdiction for which they are a candidate.

**Section 8. NO PROXY VOTING:**

- a. There shall be no Proxy voting.

**Section 9: PREREQUISITES TO VOTING AND HAVING ONE'S VOTE COUNTED:**

In order to vote, and have one's vote counted, a member must have timely:

- a. paid their dues and fees to This Committee, or had them waived,
- b. registered for the meeting, if registration was required,
- c. obtained their credential prior to the closing of credentialing, if credentials were issued for the meeting,
- d. completed and returned to the proper authority any ballot that may be issued,
- e. agreed in writing to abide by the Code of Conduct, and,
- f. signed any written ballot, if written ballots are used.

**Section 10. BALLOTS, BALLOT COUNTING, AND DECLARATION OF UNANIMOUS ELECTION:**

- a. In the event only one person has been nominated for any office and such person accepts the nomination, the Secretary of This Committee shall be directed to cast a unanimous ballot for such candidate as of 5:01 p.m. on Friday, March 19, 2021, for that office.
- b. Ballots, with the names of persons in contested races, shall be sent to members of This Committee no later than Wednesday, March 24, 2021.
- c. In order to be considered, a ballot must be received by the Secretary of This Committee no later than Wednesday, 5:00 p.m., April 21, 2021, and the member must have complied with Article IV, Section 7, b.
- d. No vote for any person shall be counted unless the person has been duly nominated for, and has accepted that nomination for the office for which such vote is cast.
- e. The Secretary shall certify the election no later than Wednesday, April 28, 2021. In the event the Secretary is a candidate for re-election, certification of the Secretary's election shall be made by those Co-Chairs of the Standing Committee on Credentials who had been designated as "Lead Co-Chair(s)" by the Chair of This Committee in 2019, if still a member of This Committee; and, if either is not, or both are not, then by any remaining such "Lead Co-Chair" and those Co-Chairs of the Standing Committee on Rules who had been designated as "Lead Co-Chair(s)" by the Chair of This Committee in 2019, if still a member of This Committee.

**Section 11. FAILURE TO ACHIEVE A MAJORITY VOTE; RUN-OFF ELECTIONS; BALLOTS; AND BALLOT COUNTING:**

- a. In the event no candidate receives a majority vote on the 1st ballot, a runoff election (2<sup>nd</sup> ballot) shall be held between the two persons receiving the largest number of votes actually cast for all candidates who have been duly nominated for and accepted the nomination for the office involved.
- b. Ballots, with the names of persons in contested run-off races, shall be sent to members of This Committee no later than Monday, May 3, 2021.
- c. In order to be considered, a ballot in contested run-off races must be received by the Secretary of This Committee no later than Monday, at 5:00 p.m., on May 31, 2021, and the member must have complied with Article IV, Section 7, b.
- d. No vote for any person shall be counted unless the person has been duly nominated for, and has accepted that nomination for the office for which such vote is cast.
- e. The Secretary shall certify the election no later than Monday, June 7, 2021. In the event the Secretary is a candidate for re-election, certification of the Secretary's election shall be made by those Co-Chairs of the Standing Committee on Credentials who had been designated as "Lead Co-Chair(s)" by the Chair of This Committee in 2019, if still a member of This Committee; and, if either is not, or both are not, then by any remaining such "Lead Co-Chair" and those Co-Chairs of the Standing Committee on Rules who had been designated as "Lead Co-Chair(s)" by the Chair of This Committee in 2019, if still a member of This Committee.

**Section 12: CHALLENGES ARISING UNDER SECTIONS 10 AND 11 HEREIN:**

- a. Any challenge arising under Sections 10 and 11 herein, shall be processed in accordance with Article XII of these bylaws and the Procedural Rules of the Compliance Review Commission Promulgated and Adopted by the CDP Rules Committee Pursuant to CDP Bylaws Article V, Section 5, b). Provided, however, that any such decision of the Compliance Review Commission shall be final.

## **ARTICLE IV: MEETINGS**

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**Section 1. REGULAR MEETINGS**

- a. Regular Meetings
  - (1) The Democratic State Central Committee shall convene a regular meeting each year. The State Chair shall determine the precise dates.
  - (2) For the first regular meeting of an odd-numbered year (the "organizing convention"), the roll of eligible voters at this meeting of This Committee shall consist of those members who have qualified as of February 7, or next business day if date falls

on state holiday or weekend, of the year of that meeting. Once qualified as of February 7, or next business day if date falls on state holiday or weekend, one who remains otherwise qualified to maintain their membership on This Committee, shall vote in the district(s) in which they are registered.

- (3) For all other meetings of This Committee (whether regular or special), the qualification date shall be a date selected by the Chair of This Committee and publicized on the Party's website that is between sixty (60) and ninety (90) days prior to that meeting.
- b. The State Chair shall call This Committee to order at the time set forth in the agenda mailed to each member, and as soon as practicable thereafter shall receive a preliminary report of the Credential Committee as to the list of certified members and proxies. The Officers of This Committee shall serve as the Officers of any meeting of This Committee and the Committees previously appointed by the Chair of This Committee shall serve as the Committees of any meeting of This Committee, as may be deemed necessary by the Chair of This Committee and subject to the right of the Chair to fill any vacancies on said Committees to insure a full complement of members. In the event there is no Chair of This Committee, the First Vice-Chair shall preside and act in their stead.

## **Section 2. SPECIAL MEETINGS**

This Committee may hold special meetings in any of the following ways: upon call of the State Chair; upon call of the Executive Board; upon call of the Conduct Commission in consultation with the Statewide Officers of This Committee; or upon the call of the State Chair within 15 days after receipt by the Chair of a written request signed by a majority of the members of This Committee.

## **Section 3. PLACE OF MEETINGS**

The regular meetings of This Committee shall be held in a suitable location determined by the Executive Board or, if the Executive Board does not meet, by the State Chair of the Party.

## **Section 4. AGENDA**

- a. The agenda for all regular meetings shall be determined by the Executive Board of the Party.
- b. Such agenda shall include provisions for adoption of a Party Platform, election of Party officers, adoption of Party By-Laws, and such other matters as may be deemed in the best interest of the Party.

## **Section 5. QUORUM**

A majority of the credentialed members of the organization represented either in person or by proxy shall constitute a quorum for the transaction of business. If at any regular or special meeting of this organization, or a committee thereof, a quorum is not present, those present may adjourn until a time when a quorum shall be present.

**Section 6.****PROXIES**

- a. Members of This Committee may be represented at any meeting of This Committee by proxy. A member may give their proxy to a registered member of the California Democratic Party, of the same or approximate gender identification whenever possible, who is not already a member of This Committee subject to the following limitations:
  - (1) A member elected by a County Central Committee may only give their proxy to a member, as defined by its by-laws, of the same County Central Committee.
  - (2) A member elected by an Assembly District Election Meeting may only give their proxy to a registered Democrat resident in the same Assembly District.
  - (3) A proxy holder shall only vote in the district in which the person for whom their is a proxy resides.
- b. Proxies shall be signed by the member under penalty of perjury and shall be in the form prescribed by the Secretary of This Committee.
- c. No proxy shall be recognized unless filed with This Committee prior to the close of registration for a meeting of This Committee.
- d. Revocation or change of proxies shall be recognized by the Credentials Committee only upon a signed and dated, written request made by the member which is submitted by the member either in person, by facsimile transmission, or the original is otherwise delivered to that committee.
- e. No person may hold more than one proxy. Voting by proxy shall not be permitted with respect to standing or special committees of This Committee.

**Section 7. PARLIAMENTARY PROCEDURES, VOTING, AND PUBLICATION OF CODE OF CONDUCT**

- a. In all cases not provided for by law or by these By-Laws, the meeting of this organization shall be governed by ROBERTS RULES OF ORDER.
- b. In order to vote, and have one's vote counted, at any meeting of This Committee, a member must have timely:
  - (1) paid their dues and fees to This Committee, or had them waived,
  - (2) registered for the meeting, if registration was required,
  - (3) obtained their credential prior to the closing of credentialing, if credentials were issued for the meeting,
  - (4) completed and returned to the proper authority any ballot that may be issued, and

- (5) agreed in writing to abide by the Code of Conduct.

The Code of Conduct and procedures for reporting violations of the Code of Conduct shall be distributed in advance to all participants in all California Democratic Party meetings, via a URL Link provided in the Notice of Meeting. Meeting organizers are strongly encouraged to have copies of the Code of Conduct available at all meetings, to ensure that all participants are given an opportunity to agree in writing as provided in Article IV, Section 7, b, (5), and have their votes counted, as well as to be available for review.

- c. In the event a voter needs assistance as part of an accommodation under Article XIII, Section 1, the member, prior to the member casting their ballot, may designate on a form prescribed by the Secretary of This Committee, in consultation with the Credentials Committee, any person to provide such assistance. The designation shall be signed by the member or it may be signed on their behalf by another, if the direction to sign and signature is witnessed by another member of This Committee. Revocation or change of the person designated to provide assistance shall be recognized by This Committee only upon a signed and dated written request made by the member which is submitted to This Committee prior to the member casting their ballot.
- d. Unless otherwise noted in these By-Laws or Roberts Rules of Order, any tie elections shall be determined by lot.
- e. When a voice or standing vote is taken at a meeting of This Committee, it shall be the duty of Regional Directors to monitor their delegation to insure that only those eligible are voting.
- f. When a roll call vote is taken, the roll call shall be conducted by the Regional Directors who shall report the vote of their delegation to the Tally Clerk.
- g. On any demand by a member for a roll call vote, the Chair must present the demand to the floor. Upon approval by at least 300 members by a standing vote, the roll shall be called in the manner prescribed in subdivision (d) of this Section.
- h. During any vote, the Chair may cause the floor to be cleared of persons who are not members of This Committee or do not carry a proxy therefrom.

## **Section 8. RESOLUTION PROCEDURES**

- a. Form
  - (1) All resolutions must be typed.
  - (2) Inducement (e.g., Whereas) clauses shall be limited to three (3) or less, and resolve clauses shall be limited to two (2) or less.
  - (3) Resolutions must be no longer than one (1) 8-1/2" x 11" typewritten page.
  - (4) All resolutions must be adopted by a County Central Committee, or a Chartered

Democratic organization or sponsored by twenty-five (25) members of This Committee or a majority of the members of This Committee who meet at a Regional Meeting, per Article III, Section 4d.

b. Timely Resolutions

- (1) Resolutions must be received by the State Chair of the Party, thirty (30) calendar days prior to a meeting of This Committee, except as provided in subsection (c) below.
- (2) The State Chair of the Party shall mail copies of resolutions submitted according to the above procedure to all members of the Resolutions Committee prior to a meeting of This Committee.

c. Late / Floor Resolutions

- (1) Twenty-five (25) copies of each resolution must be provided to the Resolutions Committee by the sponsor(s) of the resolution.
- (2) All resolutions to be considered at a meeting of This Committee must be presented for consideration at the Resolutions Committee meeting preceding the general session. In order to be considered at the general session, a late resolution must have the unanimous consent of the Resolutions Committee to be considered and all resolutions must be approved by the Resolutions Committee. Any resolution heard by the Resolutions Committee, failing to obtain approval, may be brought to the floor of a meeting of This Committee with the signatures of three hundred (300) members of This Committee on forms approved by the Resolutions Committee.
- (3) All resolutions to be presented from the floor shall be submitted to the Secretary of the Convention for signature verification by 5:00 p.m. on the day before the resolution is presented.
- (4) The sponsor of a resolution presented from the floor shall be responsible for providing the Secretary of the Convention with sufficient copies of their resolution for each member of This Committee.

d. Resolutions pending at the close of a Convention of This Committee shall be referred to the Executive Board of This Committee. All such resolutions shall first be presented to the Resolutions Committee for recommendation to the Executive Board.

The Resolutions Committee shall recommend: adoption, adoption with amendment, or rejection. Such resolutions shall be presented to the Executive Board for consideration in its original form unless the sponsor agrees to the amendment(s) recommended by the Resolutions Committee.

## **Section 9. SEATING**

Seating at meetings of This Committee shall be organized by Assembly Districts.

## **ARTICLE V: STANDING COMMITTEES AND SPECIAL COMMITTEES**

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### **Section 1. STANDING COMMITTEES**

This Committee shall have the following Standing Committees with the duties as set forth herein below: Credentials; Rules; Resolutions; Platform; Affirmative Action; Legislation; Finance; Voter Services; and Organizational Development.

### **Section 2. CONSOLIDATION OF COMMITTEES**

The Chair of This Committee, during their tenure, may also consolidate, or if once done, deconsolidate, standing committees as deemed appropriate, subject to ratification by the Executive Board of This Committee.

### **Section 3. APPOINTMENT OF MEMBERS OF COMMITTEES**

Except as set forth herein below, The Chair of This Committee shall appoint from fifteen to thirty members of This Committee to each of the Standing Committees mentioned herein. For all Committees without exception, the Chair of This Committee, in making these appointments, shall take into consideration the Party's commitment to non-discrimination, affirmative action, inclusiveness, and diversity including, but not limited to such things as: race, color, creed, national origin, sex, gender identity, age, religion, ethnic identity, sexual orientation, persons with disabilities as defined by the Americans with Disabilities Act of 1990, economic status. The geographical location of the appointees, including their residence in urban, suburban, or rural communities, shall also guide the Chair of This Committee in making appointments to each Standing Committee.

### **Section 4. APPOINTMENT OF CO-CHAIRS**

The Chair of This Committee shall appoint co-chairs of each Standing Committee from among its members.

### **Section 5. STANDING COMMITTEE DUTIES AND RESPONSIBILITIES**

#### **a. Credentials Committee:**

The Credentials Committee shall be comprised of 25-45 members. It shall be the duty of the Credentials Committee to approve the credentials of all persons appointed or elected to This Committee, to present a list of qualified members to the Chair of This Committee as soon as practicable, and to hear certain appeals from decisions of the Compliance Review Commission, as specified in Article XII. The Credentials Committee shall review and approve all proxies in accordance with Section 6 of Article IV of these By-Laws. All challenges of members or proxies shall be referred to the Credentials Committee for resolution.

#### **b. Rules Committee:**

It shall be the duty of the Rules Committee to keep the By-Laws and Rules of This Committee consistent with the aims and policies of This Committee, to propose changes

in the rules and By-Laws and special rules when necessary, to promulgate forms for quarterly financial disclosure statements for the Statewide Officers, promulgate rules for the filling of vacancies in Regional Directorships, adopt guidelines for the Legislation Committee, promulgate rules for the conduct of Assembly District Election Meetings, to adopt guidelines upon recommendation of the Organizational Development Committee for the Chartering of Organizations under Article X of these bylaws, to advise the Secretary of This Committee as to what information is needed on the Application for Charter, approve or reject proposed Caucus Statements of Purpose and Intended Activity, promulgate Guidelines for Certification, Re-Certification, and Decertification of Caucuses, to advise the Secretary of This Committee as to what information is needed on the Application for Certification of Caucuses, certify and decertify caucuses, promulgate procedural rules for the operation of the Compliance Review Commission, recommend changes in the Code of Conduct as may be necessary from time to time, promulgate procedural rules for the operation of the Conduct Commission and to effectuate the flow chart entitled "Process for Reporting Misconduct and Harassment" attached hereto as Appendix "B," to hear certain appeals from decisions of the Compliance Review Commission as specified in Article XII, and to interpret the rules and By-Laws when called upon by the Chair of This Committee or the Executive Board.

**c. Resolutions Committee:**

It shall be the duty of the Resolutions Committee to review all resolutions proposed to This Committee or the Executive Board in accordance with these By-Laws. The Resolution Committee shall have authority to recommend, reject, or amend all such resolutions prior to referral to This Committee or the Executive Board. The Resolutions Committee shall establish and publish the procedures for the proposition of resolutions that are consistent with these By-Laws.

**d. Platform Committee:**

It shall be the duty of the Platform Committee to hold at least three meetings throughout the state, to have a platform draft available for interested persons on the first day of the meeting of This Committee at which the platform is to be considered, to hold a final hearing during the first day of that meeting, and to present to This Committee for approval a final draft of the platform during the second day of that meeting.

**e. Finance Committee:**

The Finance Committee shall be comprised of 25-35 members. It shall be the duty of the Finance Committee to organize, in cooperation with the officers of This Committee, activities and policies designed to protect and enhance the financial position of the Party; to prepare in cooperation with This Committee, This Committee's operating budget for presentation to the Executive Board; and to review and report to the Executive Board on the budgeting policies of the State Party.

**f. Affirmative Action Committee:**

The Democratic Party has a commitment to diversity and openness in participation. To ensure that commitment, the Affirmative Action Committee shall advise all persons with power of appointment and all electing bodies of the demographics of California Democrats so they may make informed choices in the selection and election of delegates, committee members and staff who are representative of the diversity of the

Democratic Party with respect to gender, ethnicity, creed, age, sexual orientation, economic status, persons with disabilities as defined in the Americans with Disabilities Act of 1990, and area of residence. It shall be the duty of the Affirmative Action Committee to implement and monitor the goal of affirmative action for selection of:

- (1) The delegates to all State Conventions and Conferences;
- (2) The members of all standing committees of the State Central Committee of the California Democratic Party;
- (3) California delegates to all National Conventions and Conferences;
- (4) The staff of the State Party.

**g. Legislation Committee:**

It shall be the function of the Legislation Committee to propose legislation when needed, in response to the duties and policies of the Party; to maintain a listing of all pending legislation that is of "must" and/or major concern to the Party; and to keep a record of the vote by the Democratic Party legislators on such legislative items. The Legislation Committee shall in consultation with the Chair of This Committee, organize and coordinate activities to advance Party positions on legislative priorities, including, but not limited to, lobby days with legislators, grassroots mobilization, delegate outreach, and as needed, shall advise the Chair of This Committee and make recommendations as to how to most effectively utilize Party resources for this purpose, consistent with guidelines adopted by the Rules committee.

**h. Voter Services Committee:**

The Voter Services Committee shall be comprised of 50-80 members. It shall be the duty of the Voter Services Committee:

- (1) To develop a system of grass roots organizing at the precinct level to facilitate active participation of voters in Democratic Party activities;
- (2) To coordinate programs to increase Democratic Party voter registration;
- (3) To organize new citizen swearing in events;
- (4) To organize outreach at college campuses and other sources of potential new Democratic registrants;
- (5) To recommend goals and guidelines for the State Party voter contact program, such as an operational plan for an effective vote-by-mail campaign in each special and general election for state and local campaigns;
- (6) To develop a plan to increase the percentage of Democratic voters who register for permanent vote-by-mail status.
- (7) To coordinate training seminars which include instruction on campaign management,

issues, and financial reporting requirements;

- (8) To make every reasonable effort to assure that with respect to each and every partisan office that there shall be at least one Democratic candidate who has filed, who wishes the Party's endorsement, and who is worthy of consideration for that endorsement as allowed for in Article VIII, Endorsement of Candidates;
- (9) To review those non-partisan races in which there was no Democratic candidate in the preceding election to that office and to ensure there shall be at least one Democratic candidate for the next election to that office.

**i. Organizational Development Committee:**

It shall be the duty of the Organizational Development Committee:

- (1) To recommend to the State Chair local, state and national political strategies, activities, and policies designed to improve the organizational effectiveness of the Party;
- (2) To propose a plan for redistricting of the Regions after each State Reapportionment is adopted;
- (3) To propose guidelines to the Rules Committee, for their consideration and approval, concerning the Chartering of Organizations under Article X of these bylaws; and,
- (4) To recommend to the Executive Board the granting or rejection, of applications for Charter of organizations under Article X of these bylaws pursuant to guidelines adopted by the Rules Committee.

**Section 6: ADDITIONAL RESPONSIBILITIES**

It shall be the responsibility of the Co-Chairs of those Committees described in section 5 (f), (g), (h), and (i) to:

- a. prepare an Action Plan within three months of their appointment, and annually thereafter, for consideration and adoption by those committees at their next meeting with individual assignments for the members of the committee,
- b. transmit the Action Plan to the Executive Board of This Committee for consideration and adoption, and
- c. make regular reports to the Executive Board on their Committee's activities and progress on the Action Plans.
- d. make annual reports to the State Delegates on their Committee's activities and progress on the Action Plans. This would be made public to the state delegates by listing it on the Party's website.

**Section 7: SPECIAL COMMITTEES**

The Chair of This Committee may appoint such special committees as they deem appropriate.

**Section 8:                   PROCEDURES FOR COMMITTEE PROCEEDINGS**

Committee proceedings shall be governed by these bylaws, and when not in conflict therewith, such rules and procedures as may be adopted pursuant to the provisions of these bylaws. Any matter not covered by either these bylaws or said procedures shall be governed by the latest edition of Robert's Rules of Order.

- a.       Standing Committees, sub-committees thereof, and/or any of its members, may meet in person, by telephone, or by other means of electronic communication.
- b.       Except as may be otherwise allowed herein, in order for a Standing Committee, a sub-committee thereof, or any of its members to meet other than in person, the Chair of This Committee must:
  - (1)     After considering the nature of the meeting, make a determination that allowing it to be conducted other than in person does not impose any undue burden, does not fundamentally alter the nature of the proceeding, and that the need for physical presence is not a paramount component of the meeting, so long as each member can speak and be heard by the other members,
  - (2)     Provide at least seven (7) days notice to all interested persons that proceedings may be conducted other than in person, and
  - (3)     Provide a means for all other interested persons to likewise attend, at least via "listen/view-only" mode.
- c.       Except as may be otherwise allowed herein, rules allowing for meetings of standing committees and subcommittees other than in person, shall only apply to such meetings that are not concurrent with a Convention or Executive Board meetings of This Committee.

## **ARTICLE VI: ASSEMBLY DISTRICTS AND ASSEMBLY DISTRICT ELECTION MEETINGS**

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### **Section 1. ASSEMBLY DISTRICT ELECTION MEETINGS**

- a. Except as may be otherwise allowed herein, biennial Assembly District Election Meetings shall be held for the purpose of electing from each Assembly District 14 members to this Committee and one representative to the Executive Board:
  - (1) The Election Meetings shall be held on the Saturday or Sunday of the weekends immediately prior to and following the weekend when the Martin Luther King, Jr. holiday is celebrated in odd-numbered years, with such meeting beginning no earlier than 10 am nor begin later than 2 pm, with the time for registration to be open for a four-hour period.
  - (2) Persons eligible to participate shall be all registered Democrats residing in the Assembly District, who have agreed in writing to abide by the Code of Conduct.
  - (3) Persons eligible to be candidates for Assembly District representative or Assembly District Representative to the Executive Board shall be all registered Democrats who were eligible to participate as such in the preceding General Election; provided however, that if a person turned 18, or became a United States citizen by virtue of naturalization, after the last day for registration for said election, execution on or before the end of the filing period referred to in Section 1(i) of the Article of a legally valid voter registration form showing a residence within the Assembly District shall constitute prima facie evidence of eligibility to participate; and has agreed in writing to abide by the Code of Conduct.
  - (4) The Convener of the Election Meeting shall be selected by the Chair of this Committee in consultation with the Regional Director responsible for the Assembly District, no later than September 15 of the year prior to the ADEM meeting. The selected Convener must be a registered Democrat and pledge not to seek a DSCC seat nor an Executive Board position from that ADEM.
- b. Locations
  - (1) There shall be at least one ADEM location in each Assembly District.
  - (2) Prior to the 2021 ADEMs and<sup>1</sup> prior to the first ADEMs after each decennial redistricting is finalized, the Chair of This Committee shall publicize a list of Assembly Districts in which more than one ADEM location shall be established. In deciding which Assembly Districts shall have more than one location, the Chair shall consider whether there exists good cause to do so. For the purposes of this subsection, "Good cause" may include the necessity of traveling very long distances, traveling in heavy traffic through dense population centers, or

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<sup>1</sup> The language "Prior to the 2021 ADEMs and" shall be deleted from these Bylaws upon the finalization of the redistricting following the 2020 Census.

traveling in hazardous weather conditions. Decisions may be adjusted for each ADEM cycle, but will otherwise carry over from the previous ADEM cycle, until the finalization of the next redistricting.

- (3) In consultation with the Regional Director(s) resident in the Assembly District and with other local interested persons appointed by the Chair, and consistent with paragraph (2) above, the Chair shall identify one or more appropriate locations in each Assembly District by November 15 of the year preceding the ADEM. The location selection shall be guided by criteria provided in the ADEM Procedures and shall be posted on the Party's website.
- (4) For the convenience of Democrats registered in geographically large Assembly Districts, The Chair of This Committee may designate one or more ADEM locations to serve more than one Assembly District, as long as each Assembly District is served by at least one location within that Assembly District.
- (5) Challenges on location decisions:
  - (a) Any member of This Committee may challenge location decisions affecting the Assembly District in which they are registered to vote to the Compliance Review Commission by November 22 of the year preceding the scheduled ADEMs. Such filings may challenge decisions as to specific locations or as to the number of locations for a particular Assembly District.
  - (b) As to challenges concerning specific locations, such an appeal must contain an immediately available alternative to the selected location that also meets the location criteria in the ADEM Procedures at a similar cost. The Compliance Review Commission may, in its sole discretion, dismiss such a challenge if it does not contain the required information on an alternative location as to its availability and suitability.
  - (c) Notwithstanding any other language in these Bylaws, the Compliance Review Commission may follow an expedited schedule to make a decision by December 15, and the decision of the Compliance Review Commission on matters in this subsection shall be final.
- c. The Chair of This Committee, in consultation with the appropriate Regional Directors and Convener shall, no later than November 15 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend, publicize on the Party's website the date, time, and place of the Election Meetings.
- d. The Convener and the Chair of This Committee, as indicated below, shall make every reasonable effort to make known to all registered Democrats in the Assembly District of the date, time, place, and purpose of the Election Meeting, the rules for participation in the Election Meeting, and the filing deadlines and rules for candidates for delegate, by transmitting notice of the Election Meeting no later than December 21 of the year preceding the holding of the Election Meeting, or next business day if date falls on state holiday or weekend, to the following persons:

- (1) All members of This Committee residing in the District (to be notified by the Chair of This Committee).
  - (2) All members of the County Committee residing in the District (if one or more counties lie wholly within the District, then the notice shall be transmitted to all members of those County Committees) (to be notified by the Convener, to the list of members to be obtained from the Chairs of any County Committees which lie wholly or in part within the Assembly District).
  - (3) All attendees of the previous Assembly District Election Meeting (to be notified by the Chair of This Committee).
- e. Proof of compliance with the provisions of the preceding subsection shall create a rebuttable presumption of compliance with Article XIII, sections 3, 5 and 6.
- f. The Convener or the Convener's designee shall preside at the Election Meeting as chair, and shall be responsible for conducting the Election Meeting in conformance with the ADEM Procedures in effect at that time.
- g. In order to receive a ballot, each Election Meeting participant shall agree, via a form provided by the Secretary of This Committee, to allow the Party to use the contact information they submit as part of the registration process for outreach purposes.
- h. The Rules Committee of This Committee shall promulgate ADEM Procedures governing the organization and conduct of the Election Meetings, which shall include a process for applying as a candidate for delegate, including an opportunity to indicate a willingness to serve as Representative to the Executive Board if elected as provided in Section 1(j)(1) below a filing fee of \$30 (which may be waived due to hardship and such waiver shall be available as an option online and on all written forms), a filing period of 30 days which shall start 60 days prior to the date of the first biennial Assembly District Election Meetings and end 30 days after the start of the filing period, and provide for the posting of eligible candidate names (to be updated no less than once per week starting with the opening of the filing period) on the Party's website, along with statements by the candidates, with the proviso that such statements be no longer 2400 characters and shall not mention the name of any other candidate. Statements shall be published as submitted; no additions, corrections, or other edits shall be made once submitted. Candidate may also provide a link to a video campaign statement as long as such statement does not mention the name of any other candidate.
- i. Post-ADEM Procedures:
- (1) When the time for balloting has ended according to the ADEM Procedures, the Convenor shall proceed to count the number of ballots (but not the votes) according to the ADEM Procedures. The Convener shall transmit to the Chair of This Committee (or their designee) the number of ballots. The ballot box shall be sealed with the voted ballots, blank ballots and all supporting materials, and delivered to one or more addresses designated by the Chair of This Committee.
  - (2) Upon receipt of the ballot boxes, and after a process to verify participant eligibility is

completed, The Chair of This Committee (or his designee) shall cause the eligible ballots to be counted and shall publicize the results on the CDP's website. The Chair shall then start the process of offering the position of Assembly District Representative to the State Executive Board to the appropriate persons as provided in subsection (j)(1) below. Upon acceptance of the position, those persons' names shall also be so publicized.

- 3) Failure by the Convener to return the materials referred to in the previous paragraph shall result in the withholding of that Convener's credential to, or ability to register for, any meeting of This Committee and its Executive Board for the remainder of the term, until such time as the Chair of This Committee certifies that the materials have been returned as required or upon the Chair's finding of good cause, waives same

j. Assembly District Representatives to the State Executive Board:

- (1) An Assembly District Representative to the State Executive Board shall be chosen at each Assembly District Election Meeting as follows: after the results are finalized, the highest vote-getting candidate from among those who both won a seat as a delegate and had indicated their willingness to serve as the Executive Board representative at the time of the filing of their candidate application (for the purpose of this paragraph, "E-Board Candidates") shall be provided the opportunity to serve as Executive Board Representative if that person so chooses. If that person declines to serve as Executive Board Representative, then the opportunity shall be offered to each E-Board candidate in the order of votes received. Any ties shall be resolved by methods provided in the ADEM Procedures. If all E-Board candidates decline the opportunity, then a caucus of those members of This Committee resident in the Assembly District (except those elected by a county committee pursuant to Article II, section 4), shall meet at the next meeting of This Committee to elect an Assembly District Representative to the State Executive Board.
- (2) In the event that an Assembly District has not been represented at two successive meetings of the Executive Board, the Representative shall be subject to removal from the board upon notification of the Regional Director in whose region the Assembly District is contained.
- (3) In the event of a subsequent vacancy of the office of Assembly District Representative to the State Executive Board (either by operation of this subsection j(2) or otherwise), the Regional Director for the applicable Assembly District shall call a public meeting of the members of This Committee resident in the Assembly District, who shall fill the vacancy from among those persons enumerated in paragraph (1) of this subsection j. This meeting shall be called with at least 10 days notice to the members of This Committee resident in the Assembly District. For the purpose of this meeting only, a quorum shall be 5 (five) members of This Committee resident in the Assembly District. Once the vacancy is filled, the person who called the meeting to fill the vacancy shall notify, in writing, the State Chair of the Party of the selection made pursuant to this subdivision.

Section 2:

- a. Notwithstanding any other provision of this Article, for the ADEM election for 2021, there shall be no in-person voting in light of the COVID-19 pandemic. Voting shall be through vote-by-mail.
- b. This section 2 will expire on its own operation on July 1, 2021,
- c. Ballots will be accepted if they are received by January 30, 2021 and are postmarked by January 27, 2021, contain an illegible postmark, or have no postmark at all.

## **ARTICLE VII: EXECUTIVE BOARD**

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### **Section 1. EXECUTIVE BOARD**

- a. There shall be an Executive Board of This Committee, which shall have all the powers and duties of This Organization when it is not in actual session.

### **Section 2. EXECUTIVE BOARD MEMBERSHIP**

The Executive Board shall consist of the following members of This Committee:

- a. The following public officials:
  - (1) All United States Senators;
  - (2) The Governor, Lieutenant Governor, Treasurer, Controller, Attorney General, Secretary of State, Insurance Commissioner, Superintendent of Public Instruction and all members of the Board of Equalization.
  - (3) Two members of the House of Representatives, each of whom shall be selected by the members of the House of Representatives on This Committee;
  - (4) Two members of the State Assembly, each of whom shall be selected by the members of the Assembly on This Committee;
  - (5) Two members of the State Senate, each of whom shall be selected by the members of the State Senate on This Committee;
- b. County Committee representatives elected as follows:
  - (1) One County Committee representative shall be elected for each 100,000 registered Democrats or portion thereof resident in the county.
  - (2) County Committee representatives to the Executive Board shall be elected by their respective County Committees as provided in their bylaws at their first regular meeting following This Committee's state convention in an odd-numbered year. Only Democratic State Central Committee Members who hold their membership by virtue of Article II, Section 4 shall be eligible for such election.
  - (3) County Committee representatives shall be divided as equally as possible between the genders as described in Article II, Section 3, Subsection e, in accordance with the Equal Division rule.
- c. All Assembly District Representatives.
- d. All National Committee Members of the Party.
- e. All officers and immediate past officers of This Committee.

- f. The President of the California Democratic Council and of the California Young Democrats unless the Chair is already an Executive Board member. If this is the case, the CDC and/or the CYD may choose another officer as its Executive Board member.
- g. The chair or co-chairs of each Standing Committee of This Committee.
- h. The Chair of each caucus officially recognized by This Committee pursuant to Article XI, Section 1, (e) and (f) of these By-Laws, unless the Chair is already an Executive Board member. If this is the case, a Caucus may choose another officer as its Executive Board member.
- i. The Chair of each State-wide Organization Chartered by This Committee pursuant to Article X and the Guidelines, unless the Chair is already an Executive Board member. If this is the case, a State-wide Organization chartered by This Committee may choose another officer as its Executive Board member.

### **Section 3. EXECUTIVE BOARD ORGANIZATION**

The State Chair shall be the Chair of the Executive Board, and the State Secretary shall be the Secretary of the Executive Board.

### **Section 4. EXECUTIVE BOARD MEETINGS**

- a. Except as may be otherwise allowed herein, the Executive Board shall convene in regular meetings at least three times in each calendar year. Such regular meetings shall be held at such time and place as the Executive Board may designate so long as no two consecutive meetings are held in the same county.
- b. The Executive Board may convene in special meetings in the following manner:
  - (1) At the call of the State Chair and at such time and in such place as they may designate; or,
  - (2) Upon written request, designating the time and place of such special meeting, submitted to the State Chair signed by fifty (50) or more members of the Executive Board.
- c. Notice of the regular and special meetings shall be given by the Secretary. The Secretary shall cause to be sent individual notice to each member of the Executive Board at least ten days prior to the meeting. If, upon good cause, the time is shortened by the Chair of This Committee, upon advice and consent of the remaining Statewide Officers of This Committee, individualized notice must be given at least three days prior to the meeting. Notice of any vote on endorsements of candidates or endorsements of, or opposition to, propositions, initiatives, referendum, or recall, shall be sent at least thirty days prior to the meeting, unless, upon good cause, the Chair of This Committee, upon advice and consent of the remaining Statewide Officers of This Committee, shortens notice to no less than ten days.

**Section 5. EXECUTIVE BOARD VOTING**

- a. Members of the Executive Board may vote in person or by proxy. A person holding the proxy must be a member of This Committee but not a member of the Executive Board; no person may hold more than one proxy. A member of the Executive Board may give their proxy to another member of This Committee who is not already a member of the Executive Board subject to the following limitations:
  - (1) If the member is a representative of a County Central Committee, such member may designate in writing as their proxyholder only a person who is a member or alternate of the same County Committee.
  - (2) If the member is an Assembly District Representative, such member may designate in writing as their proxyholder only a person who is a member of This Committee resident in the same Assembly District.
- b. Proxies shall be filed in writing with the Secretary of This Committee.
- c. Voting by proxy shall not be permitted with respect to any Standing or Special Committee.

**Section 6. EXECUTIVE BOARD QUORUM**

One hundred (100) members of the Executive Board shall constitute a quorum for the transaction of business.

**Section 7. EXECUTIVE BOARD RESOLUTIONS**

Submission of resolutions to the Executive Board shall be in accordance with the following procedures:

- a. Resolutions must be received thirty (30) calendar days prior to a meeting of the Executive Board by the State Chair of the Party, except as provided for in subdivision (d) below.
- b. All resolutions must be signed by the author and sponsored by a member of This Committee.
- c. Copies of resolutions submitted according to the above procedures shall be mailed by the State Chair to all members of the Resolutions Committee prior to an Executive Board meeting.
- d. All resolutions must be presented for consideration at the Resolutions Committee meeting preceding the Executive Board general session. Twenty-five (25) copies of any late resolutions must be delivered by the sponsor(s) of the resolution to one of the Co-Chairs of the Resolutions Committee. In order to be considered by the Executive Board, a timely resolution must be approved by the Resolutions Committee and a late resolution must have the unanimous consent of the Resolutions Committee members

present to be considered for approval. Any resolution heard by the Committee failing to obtain approval may be considered by the Executive Board with the signatures of one hundred thirty-five (135) credentialed Executive Board members or forty percent (40%) of the entire Executive Board, whichever is fewer. The signatures must be turned in by 9:00 a.m. on the morning of the general session to Party Officers, Resolutions Co-Chairs or staff.

- e. If the resolution is presented from the floor, the sponsor(s) must submit to the Secretary sufficient copies for each member of the Executive Board present.

## **ARTICLE VIII:      ENDORSEMENT OF CANDIDATES FOR PARTISAN AND NONPARTISAN OFFICE, AND ENDORSEMENT AND OPPOSITION TO STATE BALLOT PROPOSITIONS, INITIATIVES, REFERENDUM, AND RECALL**

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### **Section 1.              GENERAL PROCEDURES**

The following general procedures shall govern all endorsement recommendations and endorsement proceedings of This Committee:

**a.      *Only One Form of Endorsement:***

The only form of endorsement of a candidate for partisan public office, or position on a State Ballot Proposition, Initiative, Referendum, or Recall, is an "official endorsement" as provided for under these By-Laws. Unless a candidate, or position on a State Ballot Proposition, Initiative, Referendum, or Recall, has received an "official endorsement" all motions of support, recommendation, or other expressions of approval, or disapproval, whether express or implied as pertains to a candidacy for public office, or position on a State Ballot Proposition, Initiative, Referendum, or Recall, no matter how denominated, shall be out of order at any meeting of This Committee, its Executive Board, its Regions, its Assembly District Committees or its Caucuses; provided, however, that nothing herein shall prevent This Committee's Regions, or its Caucuses, from calling on the California Democratic Party to take any action.

**b.      *Designation of Official Candidates:***

Only Democratic candidates for a voter-nominated office who have been endorsed in accordance with the foregoing provisions shall be deemed official candidates of the California Democratic Party and be entitled to the privileges and benefits associated therewith.

**c.      *Expectations and Intent:***

To assure the effectiveness of the Democratic Party's endorsing process, This Committee:

- (1) hopes and expects that all of its members will make every reasonable effort to recruit and encourage persons of the highest quality to seek the Party's nomination and endorsement in races for partisan public office;

- (2) hopes and expects that all of its members will make every reasonable effort to see that endorsed candidates receive the Party's nomination and, in due course, are victorious in the general election;
- (3) hopes and expects that all of its members will make every reasonable effort to see that those aspirants for the Party's endorsement who fail to receive that endorsement withdraw as candidates in the Democratic primary and encourage a unified effort on behalf of the endorsed candidates; and
- (4) intends to protect the integrity of its endorsing power by precluding -- including through the use of legal process -- other entities from representing themselves as purveyors of an official Democratic Party endorsement.

**d. *One Voice:***

To assure the effectiveness of the Democratic Party's endorsing process, This Committee is committed to the principle that the Democratic Party as an organization shall speak with one voice with respect to the endorsement of candidates for nomination to partisan public office and non-partisan candidates whose endorsements become the endorsement of This Committee. It is also committed to the principle that This Committee's endorsement process shall be broadly and fairly representative of the various components of the Party.

**e. *Penalty for Independent, Unauthorized Endorsement:***

Any official unit of the California Democratic Party or any County Central Committee which renders an independent, unauthorized endorsement or opposition of a candidate for partisan public office or non-partisan candidates whose endorsements become the endorsement of This Committee, shall forfeit its right to representation on This Committee and the privileges and benefits which may be attached thereto for a period of 12 months from the time it renders such an endorsement, or the remainder of the term of the current State Central Committee, whichever is longer.

**f. *Caucuses Not Independent:***

This Committee's Regions and Caucuses are constituent parts of This Committee under campaign finance law and have no independent powers of endorsement of candidates for Public Office, nor positions on State Ballot Propositions, Initiatives, Referendum, or Recall.

**g. *Chartered Organizations Independent:***

This Article does not apply to Chartered Organizations as they are specifically intended to be independent of the California Democratic Party and not "affiliated" therewith, as that term is defined by the Bipartisan Campaign Reform Act and other applicable Local, State and Federal laws, rules and regulations.

**h. *Prohibition on Endorsement of Non-Democrats:***

This Committee shall not in any way support or endorse a candidate who is not a registered Democrat.

*i. Prohibition on Endorsement of More Candidates than to be Elected:*

This Committee shall not endorse more candidates for an office that the number to be elected for that office.

*j. Prohibitions on Endorsing County Central Committee Candidates:*

This Committee shall not endorse candidates for County Central Committee.

*k. Prohibition on Endorsing in Reapportionment Years:*

This Committee shall not endorse in partisan primary races in districts subject to redistricting unless redistricting has been implemented within ninety (90) days of a duly noticed "endorsing convention" of This Committee.

**Section 2. PRESIDENT OF THE UNITED STATES**

*a. Prohibition on Endorsing for President of the United States:*

This Committee is responsible for the fair and just administration of the Delegate Selection Plan for the Democratic National Convention and, accordingly, neither This Committee, Democratic County Central Committees, nor any official unit of the California Democratic Party, including This Committee, its Executive Board, its regions or its Caucuses shall endorse, support or oppose candidates for the President of the United States until the Democratic National Convention has been held.

*b. Individual Endorsements of Candidates for National Convention Delegate:*

Individual members of the organizational units identified in subsection (a) of this section are in no way precluded from endorsing delegates to the Democratic National Convention nor a candidate for the Democratic Presidential nomination. The Party office of members making such an endorsement may be indicated in that endorsement for identification purposes only.

*c. Neutral Provision of Benefits to Presidential Candidates:*

Nothing in this Section shall prohibit the neutral provision of benefits, including, but not limited to such things as meeting rooms and table space, to serious and qualified candidates for President or Independent Committees or groups supporting or opposing such a candidate; nor shall it prohibit providing any benefit or support for public policy positions or non-campaign activities of serious and qualified candidates for President, or their administration as may be determined by the Chair of This Committee.

*d. Endorsement Post-Democratic National Convention:*

The nominees of the Democratic Party of the United States, for President and Vice President of the United States, shall be the endorsed candidates of the California Democratic Party for said offices.

**Section 3. PARTISAN PUBLIC OFFICES OTHER THAN PRESIDENT**

*a. Time and Place for Endorsement:*

Endorsement of candidates for any partisan office other than President shall take place during a duly noticed "endorsing convention" of This Committee. (See subsection e. below for an exception to this provision.)

b. ***Reasonable Effort to Assure a Candidate Files:***

This Committee shall make every reasonable effort to assure that with respect to each and every office embraced by the provisions of subsection (a) above there shall be at least one candidate who has filed, who wishes the Party's endorsement, and who is worthy of consideration for that endorsement.

c. ***Composition of Endorsing Caucuses, Timing, Qualifications for Candidate Consideration, Provision of Platform Link, Code of Conduct, Quorum, Written Ballot, No Endorsement Option, Number Endorsed, Vote Required:***

Endorsing caucuses of This Committee shall be comprised of all members of This Committee resident and registered to vote in the relevant district except that those members appointed by the appointing authorities for the offices described in Article II, sections 2a(10) and 2a(12) and not appointed pursuant to Article II, section 3c shall not be eligible to participate (or be counted in any calculation of percentages needed for endorsement under this Article) unless the appointee is registered to vote in the same electoral district as the one that the appointing authority represents. Endorsement caucuses in any given primary race shall be chaired by persons designated by the Chair of This Committee. The Chair of This Committee may also appoint a Parliamentarian who is a member of either the Rules or Credentials Committee of This Committee, and a Secretary for each Endorsing Caucus.

- (1) Endorsing caucuses shall be held at places and times during the endorsing convention which are designated by the Chair of This Committee consistent with achieving an orderly, convenient and fair process.
- (2) Each candidate entered in a forthcoming Democratic primary, in which a candidate received over fifty percent (50%) of the vote at the pre-endorsing conference, or the pre-endorsing conference was unable to make a recommendation due to the lack of a quorum, and who is subject to the provisions of this section may request to be considered for the Democratic Party endorsement, and may request to appear before the relevant endorsing caucus, with the proviso that no candidate may seek endorsement for two different offices which would be elected on the same date.
- (3) Each candidate seeking the endorsement of the California Democratic Party shall be mailed, or provided via email, a link to a copy of This Committee's most recently adopted Platform, at least ten (10) days prior to the pre-endorsing conference, or in the case of a Special Election the endorsing conference, in the relevant district and shall submit to This Committee a non-reimbursable filing fee in advance of the first level of the process in which the candidate's name is considered. The filing fee shall be set by the Finance Committee and duly adopted by the Executive Board at least six months prior to the ratification date for endorsement. All candidates seeking the endorsement of This Committee under Article VIII, Section 3 shall affirm in writing that they have read the most current

Party Platform before they are eligible for consideration to be endorsed.

- (4) Each candidate seeking the endorsement of the California Democratic Party shall be mailed or provided via email, a copy of the Code of Conduct. All candidates seeking the endorsement of This Committee under Article VIII, Section 3, shall affirm in writing that they have read and agreed to abide by, the Code of Conduct.
- (5) Fifty percent plus one of the credentialed members of an endorsing caucus shall constitute a quorum.
- (6) Voting at all the endorsing caucuses shall be by signed written ballot, the results of which shall be read off as though it were a roll call vote. Once received by the person chairing the caucus, a ballot, vote-by-mail or otherwise, may not be retracted, rescinded, or otherwise changed and shall be counted in the totals.
- (7) Members of an endorsing caucus shall be presented with a "no endorsement" option on all endorsement votes.
- (8) No endorsing caucus may endorse more candidates than there are seats for the office in question.
- (9) Any endorsement shall require sixty percent (60%) vote of those caucus members present and voting. In the event This Committee fails to endorse on the first ballot, no further votes shall be taken and the position of This Committee in that race shall be "NO CONSENSUS."

d. ***Consent Calendar, Ratification, Objection to Ratification, Process for Consideration of Objection:***

Decisions of endorsing caucuses and the recommendations of pre-endorsing conferences which appear on the consent calendar as provided under Article VIII, Section 3.g.(12), shall be subject to ratification by the full membership of This Committee at a time certain noticed in the printed convention agenda, except with respect to candidates for statewide public office.

- (1) In the case of a statewide public office, This Committee's ratification of the endorsing caucus' decision shall be assumed, since the endorsing caucus is comprised of all members of This Committee. The office of State Board of Equalization shall be considered as a statewide office and shall be voted upon by all members of This Committee.
- (2) Ratification of endorsing caucus decisions on which no objection has been filed under the provisions of (3) below may be achieved by a vote of acclamation on a consent calendar which embraces as many such decisions as deemed appropriate by the Chair of This Committee.
- (3) Formal objection to the ratification of an endorsing caucus decision may only be made after the recommendation of the Endorsing Caucus has been made, as follows:

- (a) If the endorsed candidate received less than two-thirds of the vote at the Endorsing Caucus, formal objection must be signed by at least 300 credentialed members of This Committee on a form prescribed by the Secretary issued after the decision of the Endorsing Caucus has been made and filed with the State Chair no later than a time set by the State Chair that is no earlier than 4 hours after the form was issued the evening before the period set aside for ratification votes. In the event a formal objection is filed, each candidate shall be entitled to designate one observer who may be present during the signature verification process.
- (b) If the endorsed candidate received at least two-thirds of the vote at the endorsing caucus, formal objection must be either:
  - 1. upon written motion by at least ten (10) members of the relevant caucus in the case of an Assembly District or at least twenty (20) members of the relevant caucus in the case of a State Senate or Congressional District, except that those members appointed by the appointing authorities for the offices described in Article II, sections 2a(10) and 2a(12) and not appointed pursuant to Article II, section 3c shall not be eligible to participate in such motions or petitions unless the appointee is registered to vote in the same electoral district as the one that the appointing authority represents, or
  - 2. upon written motion and second by members of a Pre-Primary Endorsement Review Committee.

In either case, this written motion must be filed with the Secretary of This Committee by 8 PM on the day that the endorsing caucuses are held at the endorsing convention. The Pre-Primary Endorsement Review Committee shall be comprised of all members of the Executive Board registered in the relevant district, the Statewide Officers; the Regional Director(s) of the relevant district, and two (2) Executive Board members, appointed by the Chair of This Committee prior to the start of the Convention, from each of the following committees: Rules, Credentials and Voter Services. If such a motion for formal objection to the ratification of an endorsing caucus decision is so filed with the Secretary by 8 PM the evening before the period set aside for ratification vote, then the relevant Pre-Primary Endorsement Review Committee shall meet at 8 AM the morning prior to the ratification vote. Presentations for the motion by the filer and against the motion by the endorsed candidate shall be no more than five (5) minutes each. Such a motion for formal objection to the ratification of an endorsing caucus decision may be adopted by the relevant committee by a majority of the committee present and voting.

- (4) Consideration by This Committee of endorsing caucus decisions to which

objection has been filed under (3) above shall occur prior to voting on the ratification of other caucus decisions and shall include the presentation of arguments for and against ratification.

- (5) In the event a majority of the members of This Committee present and voting fail to vote to ratify an endorsing caucus decision to which formal objection has been filed, the endorsing caucus decision shall be considered “vacated”.
- (6) The California Democratic Party shall be considered to have made "no endorsement" where a caucus decision has been vacated unless the members of This Committee decide to endorse a substitute candidate.
  - (a) Substitute candidates may be nominated from the floor immediately following the vacating of the relevant endorsing caucus.
  - (b) Substitute candidates must have been considered for endorsement by the relevant endorsing caucus.
  - (c) To become the endorsed candidate of the California Democratic Party, a substitute candidate must receive seventy-five percent (75%) of the vote of the members of This Committee present and voting.
- (7) An incumbent who has been automatically placed on the consent calendar of This Committee’s endorsing convention by operation of Section 3g(12) of this Article shall be removed from the consent calendar for separate vote by the convention if by 8 PM on the day prior to the date of the vote on the consent calendar by the endorsing convention there is filed a petition with the Secretary of This Committee that provides that it is in the best interest of the California Democratic Party that such removal from the consent calendar occur, and that the petition be signed by two-thirds of the following: the Statewide Officers of This Committee plus the Regional Director(s) whose region(s) include(s) all or part of the district represented by the incumbent. Vacancies shall not be counted in the percentages but proxies may vote in place of their principal according to rules otherwise provided in these bylaws.

e. ***Special Elections Process and Appeals Committee:***

- (1) In the case of a special election where an endorsement cannot be made at the biennial endorsing convention of the California Democratic Party, for the primary special election, the Chair of This Committee shall cause to be convened a Special Election Endorsing Caucus of the members of This Committee resident in the relevant district, shall designate a convenor and shall appoint a Special Elections Appeals Committee. The endorsing caucus shall be comprised of all members of This Committee resident in the district at 5 PM of the day of the Governor’s Proclamation of the election, except that:
  - (a) those members appointed by the appointing authorities for the offices described in Article II, sections 2a(10) and 2a(12) and not appointed

pursuant to Article II, section 3c shall not be eligible to participate (or be counted in any calculation of percentages needed for endorsement under this section) unless the appointee is registered to vote in the same electoral district as the one that the appointing authority represents, and

- (b) members who were eligible but have since the appointing deadline died, moved, changed their registration to a district other than the district the Special Election is occurring, or resigned may be replaced by the appropriate authority. Such Special Election Endorsing Caucus shall otherwise proceed in accordance with the relevant procedures provided for in subsection (c) above and its decision shall become the endorsement of This Committee unless, within two (2) days a majority of the Statewide Officers of This Committee or 20 percent of the members of the Special Election Endorsing Caucus object in writing to the State Chair. No proxy voting shall be allowed - each eligible member shall be sent a vote-by-mail ballot, which shall be read off as though it were a roll call vote. Once received by the designated convenor of the caucus, a ballot may not be retracted, rescinded, or otherwise changed and shall be counted in the totals. Lost ballots may be replaced at the caucus prior to the close of balloting.

- (2) A Special Elections Appeals Committee will make the final determination at a meeting no later than five (5) days after an objection has been filed. This Special Elections Appeal Committee shall be comprised of the Statewide Officers; the Regional Director(s) of the relevant district, two (2) Executive Board members, appointed by the Chair of This Committee, from each of the following committees: Rules, Credentials and Voter Services.

- (3) The Special Elections Appeals Committee shall allow persons in teleconference meetings to constitute a quorum for any action.

- (4) Special election post-primary provisions

- (a) If a candidate was endorsed pursuant to subsection e.(1), (2), and (3) of this section above, that endorsement shall remain in effect for the special election run-off. Otherwise:

- (b) The procedure shall be substantially similar to the post-primary process provided in section 3h. of this article except that the timeline for this procedure shall be compressed to conform to the process in subsection e.(1), (2), and (3) above.

f. ***Failure to File as “Party Preference: Democratic”:***

Endorsement is contingent on such candidate successfully filing for their office as “Party Preference: Democratic” and any such failure to do so shall nullify any endorsement. In the event of such nullification, the Chair of This Committee may utilize the process in subsection e. above, causing to be convened an endorsing caucus of the members of This Committee resident in the relevant district as of the close of Candidacy filing for this

race.

- g. ***“Pre-endorsing Conferences” Time, Place, Absentee Voting, Notice, Convenor, Participants, Certification of Roster, No Proxy Voting, Address by Candidate, Offering of Name, Single Roll Call Vote, Prohibition on Vote Retraction, Participant’s Residency, Transmission of Results, Incumbent Consent Calendar Placement and Removal Process, Process for Endorsement in General Election:***

"Pre-endorsing Conferences" are a public meeting of the Democratic Party and shall be held at the regional level prior to the State endorsing convention, and shall be open to all registered Democrats.

- (1) The time and place of each pre-endorsing conference shall be determined by the State Chair in consultation with the Party's Regional Directors.
- (2) Absentee ballot voting shall be allowed for each office to be voted upon at the pre-endorsing conference provided that the participation of at least five of the eligible members of This Committee as delegates to the pre- endorsing conference, either in person, or by vote-by-mail ballot, shall constitute a quorum. In the absence of such quorum no recommendation for endorsement shall take place; however, the relevant convention endorsing caucus shall consider the race “de novo”. The ballot shall consist of a written, signed statement from the eligible voter and shall be recorded as part of the roll call vote if received by the designated Regional Director prior to the beginning of the roll call vote in the designated district. In the event that any Senate District or Congressional District falls into more than one Region, the State Chair shall assign those districts to a single regional pre-endorsement conference for the purposes of making the recommendation set forth in this section, due consideration being given to conflicting conference dates so as to allow for full participation.
- (3) The State Chair shall be responsible for providing each voting participant with notification of the time and place of the relevant pre-endorsing conference. Regional Directors shall be responsible, upon the advice and assistance of the State Chair, for generally publicizing pre-endorsement conferences.
- (4) Each pre-endorsing conference shall be convened by the relevant Regional Director or, in the event that there is no Regional Director available for this purpose or the Regional Director is a candidate for nomination to a partisan public office, by a person designated by the State Chair. The State Chair shall designate a Chair and a Secretary for each Regional pre-endorsing conference.
- (5) Voting participants at each pre-endorsing conference shall be:
  - (a) All members of This Committee resident in the district, except that those members appointed by the appointing authorities for the offices described in Article II, sections 2a(10) and 2a(12) and not appointed pursuant to Article II, section 3c shall not be eligible to participate (or be counted in any calculation of percentages needed for endorsement under this section) unless the appointee is registered to vote in the same electoral district as

the one that the appointing authority represents;

- (b) All regular County Committee members resident in the district;
  - (c) Designated Assembly District representatives from chartered clubs and organizations.
1. Representatives from each Democratic Club or other Democratic organization chartered by This Committee or by a County Central Committee in the year prior to the pre- endorsing conferences shall be eligible to participate, as follows:
    - (a) The Chair of the Chartering Organization shall have certified the validity of the Charter, and that the Club was chartered and has submitted a roster of members in good standing duly registered as a member of the Democratic Party of California to both the Chair of the Chartering Organization and to the appropriate Regional Director of This Committee no later than a date that is announced by the state chair and is between 300 and 310 days prior to the following statewide primary election of the year immediately prior to the endorsing process, and that:
      - i. The rules of by-laws of the Club contain a provision that only members in good standing as of a date that is announced by the State Chair and is between 315 and 325 days prior to the following statewide primary election and is 14 days prior to the date specified in Section 3(g)(5)(c)(1)(a) above shall be included on the roster;
      - ii. The rules or by-laws of the Club define the phrase “member in good standing”;
      - iii. The status of such members be certified by the Club’s President, Secretary, or Treasurer;
      - iv. The Club’s representatives to any particular pre- endorsing conference be from the list described above and that the overall list of representatives to all conferences adhere to the Equal Division Rule, to the extent possible.
      - v. Either (1) the rules or by-laws of the Club shall outline the process by which representatives to the pre- endorsing conference shall be selected, ensuring that only members in good standing participate in the process or (2) the representatives shall be selected at a duly- noticed meeting of the Club, affirmed by a vote of those members

in good standing in attendance and voting.

- (b) Club representatives shall be allocated as follows: one representative, resident in the Assembly District and duly registered as a member of the Democratic Party of California, for each full (not a fraction thereof) 20 members in good standing registered to vote in the Assembly District who were listed on the roster referred to above.
    - (c) Club members who hold dual club memberships may only be counted for representation once. Such representatives must be registered Democrats. In the event a name is listed on two or more rosters, only one name shall be counted and the Regional Director shall first count the name on the roster of the organization which does not deprive another organization of representation, if possible; provided, however, if that is not possible, the name on the roster which was first turned in will be counted unless the individual is listed as a Representative from another organization, in which case the individual shall be counted only on the roster of the organization sought to be represented.
  - 2. The certifying authority for the representatives referred to in this paragraph shall be the Chair of the chartered organization.
  - 3. These A.D. representatives may vote only in the districts in which they reside.
- (6) No proxy voting shall be allowed at pre-endorsing conferences. In order to effectuate notice to all potential voters, and to determine and certify eligibility to vote, it shall be the responsibility of each Regional Director, with the assistance of the relevant County Committee Chair(s) and the Executive Board representative from each Assembly District to identify by name all persons who will be eligible voters at their regional pre-endorsing conference and to transmit the names of all such voters to the State Chair, along with the Assembly District, Senate District and Congressional District in which each resides by a date selected by the Chair of This Committee and publicized on the Party's website that is between sixty (60) and ninety (90) days prior to the State Endorsing Convention. A roster of the certified eligible voters shall be maintained by that Regional Director and shall be provided to the Chair of This Committee and to each candidate who has requested consideration. In order to be a voting member of a pre-endorsing conference, an individual's membership must have been certified as indicated herein and their name must appear, or have had the right to appear, on the certified roster as described above. Nothing in this section relieves a Democratic Club of its obligation to submit its roster to the Regional Director by the date selected pursuant to Section 3(g)(5)(c)(1)(a) above.
- (7) Each candidate for partisan, non-statewide public office whose jurisdiction extends into, or is included in a given Region, and who commits to filing as "Party Preference: Democratic," shall be permitted to address the relevant pre-endorsing conference or

to designate a representative to address said conference, provided that such candidate is not seeking the endorsement of This Committee for another office which will be elected on the same date.

- (8) Any voting participant may offer for conference consideration the name of a candidate for partisan, non-statewide public office whose jurisdiction extends into, or is included within the given Region, provided the fee referred to in Section 3.c.(3) above has been paid and that such candidate is not seeking the endorsement of This Committee for another office which will be elected on the same date.
- (9) Once the names of candidates for a given office have been thus offered, a single roll call vote, via signed written ballot, in the same form as the vote-by-mail ballot, shall be taken as to the preferences of the eligible voting participants. Once received by the designated Regional Director, a ballot may not be retracted, rescinded, or otherwise changed and shall be counted in the totals. A "no preference" option shall be available at the time of each vote.
- (10) Eligibility to vote with respect to a given office shall be limited to those conference participants resident in the election district in question.
- (11) The Chair of the pre-endorsing conference is responsible for transmitting to the State Chair, in writing, the results of all votes taken within three days of the pre-endorsing conference.
- (12) An incumbent seeking election to the same office currently held shall be automatically placed on the consent calendar of This Committee's endorsing convention unless:
  - (a) There is more than one incumbent seeking the same office, or
  - (b) By a date that is between:
    - 1. the date that the pre-endorsing conference roster of eligible participants has been determined by the Chair of This Committee, and
    - 2. ten (10) days prior to the pre-endorsing conference, twenty percent (20%) of the eligible participants or two-thirds of a body composed of the Statewide Officers of This Committee plus the Regional Director(s) whose region(s) include(s) all or part of the district represented by the incumbent file a petition to include the incumbent in the endorsement process otherwise indicated in this Section.
- (13) The name of a non-incumbent or of an incumbent subject to Section 3.g.(12)(a) or Section 3.g.(12)(b) may be placed on the consent calendar of This Committee's endorsing convention upon receiving at least seventy percent (70%) vote, of those valid votes cast, at a pre-endorsing conference. The consent calendar shall be approved by a simple majority vote of This Committee. Upon approval of the consent calendar the candidate shall become the endorsed candidate of the Democratic Party. A name may be removed from the consent calendar by at least twenty percent

(20%) of the members of This Committee resident and qualified by a date selected by the Chair of This Committee and publicized on the Party's website that is between sixty (60) and ninety (90) days prior to the State Endorsing Convention in the District in question or by at least twenty percent (20%) of the members of This Committee by filing a letter of objection with the State Chair no later than ten (10) days prior to the State Endorsing Convention. If a name is removed from the consent calendar, the By-Laws of This Committee regarding endorsements shall apply.

h. ***Post-Primary Endorsement Process:***

If a candidate was endorsed in the Primary, that endorsement shall remain in effect for the General Election. Otherwise:

- (1) If there are two Democratic candidates
  - (a) In the case of a statewide race, the endorsement will be put before the next Executive Board.
  - (b) For all other races, the State Chair shall call to be convened a district endorsing caucus comprised of all members of This Committee resident in the district as of the date of eligibility for the immediately preceding Meeting of this Committee, except that:
    1. those members appointed by the appointing authorities for the offices described in Article II, sections 2a(10) and 2a(12) and not appointed pursuant to Article II, section 3c shall not be eligible to participate (or be counted in any calculation of percentages needed for endorsement under this section) unless the appointee is registered to vote in the same electoral District as the one that the appointing authority represents, and
    2. members who were eligible as of the date of eligibility for the immediate preceding Meeting of This Committee but have since the appointing deadline died, moved, changed their registration to a district other than the district the election is occurring, or resigned may be replaced by the appropriate authority. Such endorsement proceedings shall otherwise be conducted similar to a Special Election as provided under Article VIII, Section 3.e.
- (2) If there is only one Democrat who advances from the primary, and that candidate had previously (but unsuccessfully) sought the endorsement of the California Democratic Party and complied with the procedures set out in Article VIII, section 3.c.(3) of these By-Laws, that candidate will become the endorsed candidate. Twenty percent (20%) of the members of This Committee resident in the district in question may file a Letter of Objection to cause the endorsement to be considered by the Election Appeals Committee via the process below.
- (3) If there is only one Democrat who advances from the primary, but said candidate had not previously sought the endorsement of the California Democratic Party for this office in this election cycle, said candidate, upon timely petition with the Secretary of the Party and accompanied by the appropriate filing fee, shall become the endorsed candidate fifteen (15) days after Secretary of State certification of the Primary Election

unless a Letter of Objection is filed with the Secretary of This Committee and sustained by majority vote of the Election Appeals Committee. The deadline for filing the petition and paying the filing fee is within two days of the Secretary of State's certification of the primary results. Once the filing period for submission of a Letter of Objections has passed without the submitted Letter of Objection, or if such Letter is received but the Election Appeals Committee fails to sustain the Letter of Objection, then such candidate shall become the endorsed candidate.

i. ***Objections to Endorsements, Process for Review by the Election Appeals Committee:***

For those races subject to review by the Election Appeals Committee via the filing of a Letter of Objection, within fifteen (15) days after Secretary of State certification of the Primary Election, twenty percent (20%) of the members of This Committee resident in the district in question except that those members appointed by the appointing authorities for the offices described in Article II, sections 2a(10) and 2a(12) and not appointed pursuant to Article II, section 3c shall not be eligible to participate (or be counted in any calculation of percentages needed for endorsement under this section) unless the appointee is registered to vote in the same electoral District as the one that the appointing authority represents, must sign and file with the Secretary of This Committee a Letter of Objection objecting to the endorsement of a particular candidate.

Said Letter of Objection shall also be served on the candidate in question by the objecting parties by first class mail at the time the Letter of Objection is filed with the Secretary of This Committee. A certificate of service with the Letter of Objection shall be filed with the Secretary of This Committee along with the filing of the Letter of Objection. The Secretary of This Committee shall, upon receipt of said documents, serve a copy of them on the candidate and the members of the Election Appeals Committee within ten (10) days of filing of said objection.

In the event a majority of the Election Appeals Committee objects to the endorsement of that particular candidate, such candidate shall not be the endorsed candidate of the Democratic Party.

- (1) The Elections Appeals Committee will make the final determination at a meeting no later than five (5) days after an objection has been filed. This committee shall be comprised of the Statewide Officers; the Regional Director(s) of the relevant district (or all Regional Directors in the case of a statewide election), two (2) Executive Board members, appointed by the Chair of This Committee, from each of the following committees: Rules, Credentials and Voter Services.
- (2) A quorum shall be a majority of those persons
- (3) The Elections Appeals Committee may meet by telephone or other means of electronic communication for any action.

j. ***Process When No Convention Scheduled At least Forty-Nine (49) Days Prior to the Partisan Primary:***

In the event a duly noticed "endorsing convention" is not scheduled at least forty- nine (49)

days prior to the partisan primary:

- (1) For districted races, the Chair of This Committee shall cause to be convened an endorsing caucus of the members of This Committee resident in the each relevant district, except that those members appointed by the appointing authorities for the offices described in Article II, sections 2a(10) and 2a(12) and not appointed pursuant to Article II, section 3c shall not be eligible to participate (or be counted in any calculation of percentages needed for endorsement under this section) unless the appointee is registered to vote in the same electoral District as the one that the appointing authority represents\_may group such districts on a regional basis as necessary and shall designate a convenor. No proxy voting shall be allowed - each member shall be sent a vote-by-mail ballot which shall be read off as though it were a roll call vote. Once received by the designated convenor of the caucus, a ballot may not be retracted, rescinded, or otherwise changed and shall be counted in the totals. Lost ballots may replaced at the caucus prior to the close of balloting. Each caucus may place on a consent calendar of the Executive Board of This Committee
  - (a) by a majority vote of those present and voting, the name of an incumbent Democratic Party Candidate for partisan public office, or
  - (b) by a sixty (60) percent vote of those present and voting, the name of a non-incumbent Democratic Party candidate for partisan public office.

Such consent calendar shall be voted upon by the Executive Board of This Committee in a single motion which may be approved by a majority vote of those present and voting.

- (2) The name of any candidate may be removed from the consent calendar by a majority of the members of the Executive Board resident in the district involved, or by any thirty (30) members of the Executive Board, by filing a letter of objection with the State Chair no later than ten (10) days before the Executive Board meeting at which the consent calendar is to be considered.
- (3) For each name removed from the consent calendar, a separate vote shall be taken by the Executive Board, which may, by a majority vote of those present and voting, ratify the pre-endorsing conference recommendation for endorsement. In the event of ratification, the recommendation shall become the endorsement of This Committee. Failure to ratify a recommendation shall result in no endorsement in that race.
- (4) The Executive Board may also vote upon endorsement of a candidate for Statewide office; with a majority vote of those present and voting required for the endorsement of an incumbent Democratic candidate, or with sixty (60) percent vote of those present and voting, for the endorsement of non-incumbent Democratic candidate.

#### **Section 4. NONPARTISAN OFFICES**

a. ***County Party Exclusively Responsible:***

Endorsement of candidates for all local nonpartisan offices (defined here as all nonpartisan

offices whose jurisdictions do not extend across county lines) shall be the exclusive responsibility of the relevant Democratic County Central Committee.

b. ***Process for California Democratic Party Endorsement, Objection Process:***

A Democratic candidate for nonpartisan office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the California Democratic Party and shall be entitled to such privileges and benefits as may be attached thereto provided that: (1) The endorsing provisions of the relevant County Central Committee by-laws have been reviewed and approved by This Committee as consistent with its own By-Laws and with the fundamental rules of fairness to which the California Democratic Party is committed; and (2) A Democratic candidate who has been denied endorsement does not successfully argue before This Committee that there has been a significant violation of the endorsing provisions of the relevant County Central Committee when it rendered its endorsement. Any claim of by-laws violation must be filed with the State Party Chair within seven (7) days of County Committee endorsement. A 2/3 vote shall be necessary to uphold the violation claim.

c. ***Requirements of County Bylaws for Approval of Endorsement Process:***

In order for the endorsement of the County Central Committees to become the official endorsements of the California Democratic Party, the following must be met:

- (1) A Democratic County Central Committee endorsement shall be extended only to registered Democrats.
- (2) Endorsement shall not be given to more candidates than there are seats open for the office in question.
- (3) All endorsements shall be made in accordance with the County Committee's duly adopted By-Laws provisions.
- (4) No vote on endorsement shall be taken by secret ballot.

d. ***Prohibition on Endorsement Permissible:***

A County Central Committee's by-law may provide that the Committee shall not endorse candidates for any or all offices embraced by subsection (a) above, and/or may provide for a "No Endorsement" decision with respect to any or all such offices.

e. ***Voting Rights:***

A County Central Committee's by-law may provide that voting rights with respect to its endorsements shall extend to Associate/Alternate Members and/or to all members of This Committee resident in the county.

f. ***California Democratic Party Non-Partisan Endorsement Responsibility and Process:***

This Committee shall be responsible for endorsing candidates in any race for nonpartisan office not identified in subsection a. above. In the event an endorsed candidate of This Committee for any such race is not in any runoff which may occur, the Executive Board of This Committee, at its next regularly scheduled meeting after the Primary Election, may endorse any registered Democrat by a sixty percent (60%) vote of those present and voting. In the case

of nonpartisan offices which are not statewide but embrace all or part of two or more counties, This Committee shall delegate its endorsing power to a specially organized body including Democratic County Central Committee members resident in the election district. It shall be the responsibility of the State Chair, in consultation with the relevant County Committee Chairs to determine the manner in which that delegated power is to be implemented (e.g., to determine the voting rights of Associate members of the relevant County Committees, whether and how endorsing votes may be weighted to take into account the distribution of the district population among the affected counties, etc.)

g. ***Communication of Positions on Local Propositions:***

To the extent permissible, the position of a Democratic County Central Committee on a local proposition being put before the voters within its jurisdiction may be communicated in informational material distributed with the California Democratic Party's mailing permit so long as the following conditions obtain:

- (1) the County Committee position has been duly adopted in accordance with the Committee by-laws reviewed and approved by This Committee;
- (2) the material does not express the endorsement of a candidate for local nonpartisan office who is not also an endorsed candidate of the California Democratic Party under subsection (b) above.

h. ***Objection Process:***

The County Committee position shall be the position of This Committee unless an objection is filed with the State Party Chair which:

- (1) is signed by at least one-half of the members of This Committee resident in the relevant county, and
- (2) is submitted within five days of the adoption of the County Central Committee position.

i. ***Expectations and Intentions:***

This Committee hopes and expects that every County Central Committee shall make every reasonable effort:

- (1) to see that at least one qualified, registered Democrat is a candidate for each local nonpartisan office within its endorsing jurisdiction;
- (2) to raise funds sufficient to provide significant support to endorsed candidates needing and wishing support;
- (3) to persuade Democrats running against endorsed candidates to withdraw from their races and to extend their support to those carrying the endorsement;
- (4) to protect the integrity of its endorsement power by precluding -- including through the use of legal process -- other entries from representing themselves as purveyors of an official Democratic Party endorsement.

**Section 5. STATE BALLOT PROPOSITIONS, INITIATIVES, REFERENDUM, OR RECALL**

**a. *Endorsement Vote Threshold:***

Resolutions to endorse or oppose any state ballot proposition, initiative, or referendum and resolutions to support or remain neutral in a recall election, shall require sixty percent (60%) majority for approval by the Executive Board.

**b. *Timing of Endorsement Consideration:***

The vote on such resolutions concerning state ballot propositions, initiative, or referendum and resolutions to support or remain neutral in a recall election may be taken up at a regularly scheduled meeting of This Committee or its Executive Board upon qualification in the same year of the recall or statewide election involved.

**c. *Automatic Opposition to Recall, Process to Support or Remain Neutral:***

This Committee shall oppose the recall of any public office member registered as a Democrat mentioned in Article II, Section 3 of these By-Laws unless, within ten (10) days from the date of qualification of the recall petition, a resolution is presented to the Secretary of This Committee proposing that This Committee either support or remain neutral on the recall signed by either:

- (1) a majority of the members of This Committee resident in the district effected, or
- (2) a majority of the State Officers of This Committee.

**d. *Process if No Timely Meeting Scheduled:***

In the event such a resolution proposing that This Committee either support or remain neutral on a recall petition of any public office member registered as a Democrat mentioned in Article II, Section 3 of these By-Laws is presented to the Secretary of This Committee, and no meeting of This Committee or its Executive Board is scheduled within thirty (30) days prior to the recall election, the Chair of This Committee shall call a special meeting of the Executive Board of This Committee no later than thirty (30) days prior to the recall election to consider the resolution. Failure to adopt the proposed resolution shall result in opposition to the recall.

## **ARTICLE IX: ELECTION OF DEMOCRATIC NATIONAL COMMITTEE MEMBERS**

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### **Section 1. ELECTION BY EXECUTIVE BOARD**

The members of the California Delegation to the Democratic National Committee shall be elected by the Executive Board of This Committee.

### **Section 2. NOTICE**

Notice of such election shall be given to all members of This Committee at least thirty days prior to the meeting at which the election is to take place and as provided in Article XIII of the By-Laws and Rules of the California Democratic Party.

### **Section 3. NUMBER**

The number of members elected shall correspond to the number of votes apportioned to California by the Democratic National Committee.

### **Section 4. ELIGIBILITY AND NOMINATION**

The name of any individual registered to vote as Party Preference: Democratic in the State of California who has agreed to abide by the Code of Conduct may be placed in nomination by a member of the Executive Board. The delegation shall adhere to the Equal Division Rule, unless an odd number of members is to be elected, in which case a variation of one shall be permitted. In the event of a tie vote, the winner shall be determined by lot.

### **Section 5. DETERMINING ELECTION**

Except as may be required by Section 4 above, the candidate(s) with the most votes shall be elected.

### **Section 6. VACANCIES**

Vacancies in the delegation shall be filled by election in the same manner as specified herein above. Only persons of the same gender as the person whose vacancy is being filled may be a candidate for membership of the Democratic National Committee. In the filling of vacancies, it is the intent of these By-Laws to maintain equal division of the delegation by gender except as allowed by Section 4 above.

### **Section 7. TERM OF OFFICE**

The term of office of a member of the Democratic National Committee shall be four (4) years. Persons elected to fill a vacancy shall complete the term of the person whose vacancy has been filled.

## **ARTICLE X: CHARTERS**

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### **Section 1. AUTHORITY**

This Committee shall have the authority to charter organizations, as specifically set forth herein, which include in any part of their name the name of the Democratic Party, and, directly or indirectly solicit funds in the State of California for any purpose whatsoever under the representation, either express or implied, that the funds are being solicited for the use of the Democratic Party.

### **Section 2. GRANTING**

- a. This Committee may only charter organizations having as their objective the advancement of the Democratic Party.
- b. Chartered Organizations are intended to be independent of the California Democratic Party and not “affiliated” therewith, as that term is defined by the Bipartisan Campaign Reform Act and other applicable Local, State and Federal laws, rules and regulations. This Committee shall not engage in any activities that directly or indirectly establish, finance, maintain, or control any organization chartered under this Article.
- c. Any Charter which has been granted by This Committee shall be effective from the date said charter was granted until the second meeting of the Executive Board held following the regular election of Statewide Officers of This Committee in the year immediately following the conclusion of a Presidential election year, or, until revoked for cause as set forth herein.
- d. Charter shall only be granted upon recommendation of the Organizational Development Committee pursuant to guidelines adopted by the Rules Committee, which recommendation must contain a finding that the organization has adopted the Code of Conduct as part of its own bylaws, and that each member is bound by its terms.

### **Section 3. DENIAL AND REVOCATION**

- a. This Committee shall have the power and authority to deny or revoke a charter of any organization, for cause by majority vote. Cause for denial or revocation shall include:
  - (1) Having less than thirty (30) members in the geographical area from which the organization draws its membership,
  - (2) Failing to grant membership to any registered Democrats resident in the geographical area from which the organization draws its membership who seeks to join,
  - (3) The knowing enrollment of a person registered as anything other than a member of the Democratic Party as a voting member of the organization,
  - (4) The endorsement of a non-Democrat for elective office,

- (5) The endorsement of any candidate for public office running against an endorsed candidate of This Committee, by any organization granted a Charter by This Committee after the adoption of this Article X on July 31, 2005, (NOTE: This Committee previously granted a Charter to the California Young Democrats in 1932 and to the California Democratic Council in 1952, prior to This Committee's authority to endorse candidates and prior to the adoption of the Chartering rules contained herein, and the California Young Democrats and the California Democratic Council are specifically exempted from this possible grounds for revocation of Charter),
- (5) Transferring of organization's assets, including funds, from the organization's accounts to a non-Democrat running for elective office or his/her controlled committee(s),
- (6) Acting in violation of Local, State or Federal laws or regulations, and/or,
- (7) A finding of fact having been made by the Organizational Development Committee and concurred in by the Executive Board of This Committee that the organization has failed to act in, and/or has acted in a manner adverse or detrimental to, the best interests of the Democratic Party, including but not limited to:
  - (a) A failure to adopt or maintain the Code of Conduct as part of its own bylaws with a provision that each member is bound by it terms, and/or
  - (b) A willful, intentional, or repeated failure to address violations of the Code of Conduct within the organization.
- b. No organization's charter may be revoked for cause without sixty (60) days written notice of grounds of revocation having been mailed to the Chair of the organization in question, and the rights of response before This Committee having been granted to said organization's designated representative. For purposes of this section the Chair shall mean the last person designated in writing to This Committee as Chair.
- c. The Charters of geographically based organizations shall be automatically revoked on December 31 of the calendar year that the passage of any reapportionment law altering the boundaries of that organization's defined district boundary becomes final.

#### **Section 4. APPLICATION REQUIREMENTS**

All organizations desiring to be chartered by This Committee shall make application for such charter in writing. The application shall be on a form provided by the Secretary of This Committee and shall contain such information as may be required by the Rules Committee.

## **ARTICLE XI: SPECIAL GROUP CAUCUSES**

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### **Section 1. DEFINITION**

A caucus is a statewide organization:

- a. Which is a constituent part of This Committee, governed by its decisions, and may not take official positions on legislation, resolutions, or other matters, which are contrary to positions taken by This Committee, but may call on This Committee to take action.
- b. Consisting of Caucus Sponsors, who are members of the Caucus and of This Committee, constituting at least one percent (1%) of the full membership of This Committee,
- c. Which extends membership to persons of voting registration/preregistration age (as defined in the Elections Code), who meet the eligibility requirements for Caucus membership, and who are either (i) registered Democrats or (ii) ineligible to register as Democrats, but who have expressed an intent to register as a Democrat upon becoming eligible. And which extends full voting rights to all such persons who meet the voting requirements of that Caucus.
- d. Which has been found to be in compliance with the requirements noted herein and has also been found to meet the Guidelines for Certification or Re-Certification of Caucuses referred to below, based on a review of the application and investigation by the Rules Committee, whose findings shall be conclusive unless reversed by a majority of the Executive Board,
- e. Which has been considered for certification by the Rules Committee and has been certified by the Executive Board of This Committee in order to carry out the Purposes noted herein,
- f. Whose Chair is a member of This Committee, and by virtue of the Caucus being certified, shall be a member of the Executive Board of This Committee, and
- g. If not initially certified prior to 1/1/10, the Caucus' Sponsors are DSCC members, who represent a common identity, demographic or interest which is historically or currently under-represented in Democratic Party affairs and cannot adequately be represented in Democratic Party affairs by a current caucus or chartered organization, and which has provided a reasonable explanation, determined to have been supported by clear and convincing evidence, as to why Chartering as a Statewide Organization under Article X of these Bylaws, would not be a more appropriate course of action

### **Section 2. PURPOSE**

The purpose of a caucus is to:

- a. Participate in the policy decisions of the Party, by, among other things, proposing Resolutions to the Resolutions Committee, Legislation to the Legislation Committee, bylaw amendments to the Rules Committee, or other such proposals to other Standing Committees, or to the Chair of This Committee, as may be necessary to carry out its goals and objectives. No Caucus may take independent positions on such matters which are contrary to the positions of This Committee, provided, however, that nothing herein shall prevent This Committee's Regions, or its Caucuses from calling on the California Democratic Party to take any action;
- b. Encourage participation, within the Caucus' community of interest, in the outreach programs of the Party, including such things as This Committee's Voter Registration and Get Out the Vote activities;
- c. Promulgate and implement a Statement of Purpose and Intended Activity, aimed at expanding and strengthening the Party, subject to approval by the Rules Committee; and,
- d. Make the Party more welcoming and more relevant to members of the public, the electorate, and This Committee, who identify with the goals of the Caucus.

**Section 3. GUIDELINES FOR CERTIFICATION, RE-CERTIFICATION, AND DECERTIFICATION OF CAUCUSES**

The Rules Committee shall promulgate Guidelines for Certification, Re-Certification, and Decertification of Caucuses, which shall include the process and conditions necessary to certify, re-certify, or decertify a caucus. These Guidelines shall include, as a condition of Certification and Re-Certification, a requirement that Caucuses adopt the Code of Conduct and make information about reporting process for violations of the Code of Conduct readily available to members.

**Section 4. CERTIFICATION / RE-CERTIFICATION**

Certification, and re-certification, shall be subject to the following provisions:

- a. Form of Application – All organizations desiring to be certified, or re-certified, by This Committee as a caucus shall make application for such certification in writing on a form obtained from the Secretary of This Committee.
- b. Submission of Application – Application for Caucus Certification, or Re-certification must be submitted to the Secretary of This Committee, and to the Chair(s) of the Rules Committee of This Committee, at the email addresses designated for this purpose, within forty-five (45) days after the first meeting of the Convention of This Committee in the year in which the Caucus is intended to be re-certified or initially certified. No application submitted outside that time-frame shall be considered.
- c. Acknowledgment of Receipt of Application – The Secretary of This Committee shall acknowledge receipt of the application within five (5) business days of determination of receipt, and send confirmation thereof, to the Chair of the Caucus, or proposed Caucus, to the email address designated for this purpose. This acknowledgment shall also list the

documents received and identify any missing, or obviously deficient, documents or information necessary for the Rules Committee to determine certification or re-certification, other than bylaws provisions. Such deficiencies in documentation or information may be corrected via amended application within sixty (60) days after the first meeting of the Convention of This Committee in the year in which the Caucus is intended to be re-certified or initially certified.

- d. Time-line for Consideration of Application; Notice of Deficiencies – No later than forty-five (45) days prior to the expiration of the term of Official Certification, or in the case of a proposed new caucus the second meeting of the Executive Board of This Committee held after submission of the application, a Chair of the Rules Committee of This Committee designated for this purpose, shall notify the Chair of the Caucus, or proposed Caucus, in detail, of any deficiencies in documentation or information, including the substance of any amendments to Caucus Bylaws necessary to bring the Application into compliance along with the proposed recommendation regarding certification or re-certification.
- e. Failure to Provide Timely Notice of Deficiencies by the Rules Committee – Absent agreement to the contrary by the Rules Committee, failure to give timely Notice of Deficiencies shall be considered as a recommendation for Certification by the Rules Committee and allow the Chair of the Caucus, to make a motion for a specific finding of compliance with the Guidelines for Certification, Re-Certification, and Decertification of Caucuses by the Executive Board of This Committee and Certification of the Caucus, provided fifteen (15) days notice of intent to make such motion is first given to the Secretary of This Committee, and to the Chair(s) of the Rules Committee of This Committee, at the email addresses designated for this purpose.
- f. Recommended Action on Application – The Rules Committee of This Committee, shall make a recommendation regarding action on the application to the Executive Board of This Committee, prior to the expiration of the term of Official Certification, or in the case of a proposed new caucus the second meeting of the Executive Board of This Committee held after submission of the application.
- g. Contents of Application – The application shall contain such information as may be required by the Rules Committee.

## **Section 5. TERM OF CERTIFICATION**

Beginning 1/1/15, official Certification of a Caucus shall extend through the second meeting of the Executive Board of This Committee held following the:

- a. Next regular general election, or until revoked for cause as set forth herein, for all initial certifications, and
- b. Next regular meeting of This Committee at which endorsements for Governor may be considered, or until revoked for cause as set forth herein, for all re- certifications.

## **Section 6. DECERTIFICATION**

After notice and an opportunity to be heard, and upon a finding by the Rules Committee that a certified caucus has failed to:

- a. maintain compliance with the above,
- b. adopt or maintain the Code of Conduct as part of its own bylaws with a provision that each member is bound by its terms, and/or
- c. has willfully, intentionally, or repeatedly failed to address violations of the Code of Conduct within the caucus,

the Executive Board of This Committee may decertify a Caucus by majority vote. In the event the Rules Committee should make a finding of non-compliance with the Guidelines, it shall report a recommendation to de-certify the Caucus specifically noting the grounds and basis for its decision. Such recommendation may only be overturned by the Executive Board of This Committee, by majority vote, but only if the Executive Board makes specific findings that the Rules Committee was incorrect in each of its findings that formed the basis of the Rules Committee's recommendation to decertify, or that all such defects have been remedied.

## **Section 7.                    RECOGNITION OF HISTORICAL IMPORTANCE**

This Committee recognizes that the African American, Asian Pacific Islander, Chicano Latino, Labor, LGBT, and Women's Caucuses were the original six caucuses certified pursuant to the definition contained in the 1985-7, or prior, Bylaws, defining a caucus as "ethnic minority members or other broad elements of the membership" and as such recognizes the historical significance in maintaining their existence.

## **ARTICLE XII: COMPLIANCE REVIEW COMMISSION AND CONDUCT**

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### **COMMISSION**

#### **Section 1. COMMISSIONS**

This Committee shall have the following Commissions, which shall exercise quasi-judicial authority, with the duties set forth herein below:

#### **Section 2. COMPLIANCE REVIEW COMMISSION**

The Compliance Review Commission shall be composed of three (3) members of the Standing Committee on Credentials and three (3) members of the Standing Committee on Rules, as designated by the Chair of This Committee. A quorum shall be a majority of those persons. The Compliance Review Commission may meet by telephone or other means of electronic communication.

##### **a. JURISDICTION**

- (1) The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws, except as pertains to Removal or discipline of a Member or Removal or discipline of an Officer of This Committee.
- (2) Challenges to the credentials of members initiated after the 42nd day prior to any meeting of This Committee or its Executive Board shall be processed by the Credentials Committee.
- (3) All other challenges initiated after the 42nd day prior to any meeting of This Committee or its Executive Board may either be heard and decided by the Compliance Review Commission or referred to either the Standing Committee on Credentials or the Standing Committee on Rules in the discretion of the Compliance Review Commission.
- (4) Challenges arising under Article VIII shall only be heard by the Compliance Review Commission if the challenge was made when the plenary session of This Committee was not in session.
- (5) During the period 120 days prior to any Primary or General Partisan Election, the Compliance Review Commission may, upon written request by the Chair of This Committee, issue an Order of Temporary Suspension of Charter, for a period of thirty days, of any charter issued by This Committee, for alleged violation of any of the above provisions, provided the request of the Chair of This Committee for suspension sets forth in writing the reasons therefore, and said request is served on the Chair of the Organization in question at their last known address of record on file with This Committee, the Secretary of This Committee, and the Chairs of the Rules, Credentials, and Organizational Development Committees of This Committee. In the event of the issuance of an Order of Temporary Suspension of Charter, the Compliance Review Commission shall also issue an Order to Show Cause why the suspension should not become permanent and request written argument thereon be submitted to the Secretary of This Committee within ten days, after which the Compliance Review Commission may take action under

Section 5 herein, including the issuance of an Order of Revocation of Charter or rescission of the Order of Temporary Suspension of Charter.

**b.                   STANDING**

Any party to a challenge must be adversely affected to bring the challenge.

**c.                   CHALLENGES**

All challenges must be commenced by the filing of a written challenge with the Secretary of This Committee, with copies served on the Chair of This Committee, as well as the appointing person, and the chair of the relevant organization, where applicable no later than seven (7) calendar days after the alleged violation occurred. Upon a showing of good cause, sustained by unanimous vote, the Compliance Review Commission may waive this requirement.

**d.                   POWERS**

The Compliance Review Commission shall have the power and authority to take such actions as are necessary to provide a fair and just remedy including, but not limited to, the holding of new elections.

**e.                   APPEAL**

- (1) All appeals of decisions of the Compliance Review Commission subject to appeal must be received by the Secretary of This Committee, with copies to the Chair of This Committee, within twelve (12) days of the decision of the Compliance Review Commission. Upon receipt of an appeal, the Secretary shall notify the members of the Compliance Review Commission, the Chair of This Committee, and the prevailing parties of the receipt of an appeal. All responses shall be filed with the Secretary of This Committee with copies to the Chair of This Committee, the members of the Compliance Review Commission and the appellants, within 12 days of receipt of the appeal by the Secretary of This Committee.
- (2) The filing of an appeal shall not stay any decision of the Compliance Review Commission.
- (3) With respect to challenges to the credentials of a member of This Committee or its Executive Board, appeal of an order of the Compliance Review Commission shall be to the Credentials Committee of This Committee.
- (4) Appeals of all orders not affecting the credentials of a member of This Committee or its Executive Board shall be to the Rules Committee of This Committee.

**Section 3.       CONDUCT COMMISSION**

**a.                   COMPOSITION**

The Conduct Commission shall consist of five (5) individuals, who need not be members of This Committee, but must be registered Democrats. Members shall include at least two (2) members

who are experts in the prevention of sexual harassment and at least one (1) member who has substantial experience in representing complainants. The Conduct Commission may meet by telephone or other means of electronic communication.

**b. NOMINATION**

The Chair of This Committee, in consultation with the Statewide Officers, shall nominate the members of the Conduct Commission.

**c. RATIFICATION AND RETENTION**

Persons nominated by the Chair shall be submitted to the Executive Board of This Committee for consideration for ratification by a majority vote of those members of the Executive Board, present and voting, a quorum being present. At the conclusion of the Term of Office, if a member desires to maintain their position, and every two years thereafter, the Executive Board shall conduct a vote as to whether to retain that member on the Commission, and that member shall continue to remain on the Commission only upon receiving a majority of all votes cast.

**d. TERM OF OFFICE**

The Term of Office of the Members of the Conduct Commission shall be two (2) years, beginning, and ending, at the first meeting of the Executive Board in odd numbered years.

**e. VACANCIES**

Any vacancy in the Commission shall be immediately filled by the same process and shall be for the remainder of the term.

**f. DUTIES**

It shall be the duty of the Conduct Commission to:

- (1) Work with the Independent Ombudsperson selected by the Chair of This Committee in consultation with the Statewide Officers of This Committee and approved by a majority vote of those members of the Executive Board, present and voting,
- (2) Receive reports regarding completed investigations of alleged violations of the Code of Conduct from an Investigator selected by the Independent Ombudsperson from a list prepared by the Chair in consultation with the Statewide Officers of This Committee and approved by a majority vote of those members of the Executive Board, present and voting,
- (3) Review such reports, including those that are relied upon for the denial or revocation of a Charter under Article X upon recommendation of the Organizational Development Committee, and
- (4) Recommend discipline to the Chair and Officers. on the basis of such reports and recommendations of the Investigator(s), within thirty (30) days of the Commission's receipt of a written report by an Independent Investigator. Discipline recommendations may include, but are not limited to:

- a. Private Admonishment;
  - b. Public Admonishment;
  - c. Suspension of Rights for a time period not to exceed 180 days;
  - d. Removal from Office; and/or
  - e. Removal from Membership,
- (5) Discipline: The Chair and Officers shall implement any recommendations as to discipline made by the Conduct Commission unless the Chair and Officers vote to depart from a recommendation by a two-thirds (2/3) majority vote and provide a written explanation for the departure,
- (6) When the Chair or an Officer is alleged to have violated the Code of Conduct, the Conduct Commission shall prepare a report with disciplinary recommendations and provide it to the Executive Board, which shall implement those recommendations unless the Executive Board votes to depart from a recommendation by a two-thirds (2/3) majority vote, of those present and voting.

## **ARTICLE XIII: GENERAL POLICIES**

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### **Section 1. PUBLIC MEETINGS**

All public meetings at all levels of the Democratic Party shall be open to all members of the Democratic Party regardless of race, color, creed, national origin, sex, age, religion, ethnic identity, sexual orientation, gender identity, persons with disabilities as defined by the Americans with Disabilities Act of 1990 or economic status. Further, the scheduling and location of public meetings and other public affairs of the Democratic Party at all levels must take into account the ability to fully and fairly participate with reasonable accommodations, where appropriate, of persons with disabilities as defined in the Americans with Disabilities Act of 1990. The scheduling and location of such public meetings and other public affairs must also take into account the ability to fully and fairly participate with reasonable accommodations, where appropriate, of any religious minorities of significant numbers of concentration whose level of participation would be affected.

### **Section 2. TESTS AND OATHS**

No test for membership in, nor any oaths of loyalty to, the Democratic Party shall be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination on the grounds of race, color, creed, national origin, sex, age, religion, ethnic identity, sexual orientation, gender identity, persons with disabilities as defined by the Americans with Disabilities Act of 1990 or economic status.

### **Section 3. NOTICE OF AGENDAS AND MEETINGS**

The time, place and agendas of all public meetings of the Democratic Party on all levels shall be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.

### **Section 4. REGISTRATION**

The Democratic Party, on all levels, should support the broadest possible registration without discrimination on grounds of race, color, creed, national origin, sex, age, religion, ethnic identity, sexual orientation, gender identity, persons with disabilities as defined by the Americans with Disabilities Act of 1990 or economic status.

### **Section 5. FULL PUBLICATION OF SELECTION PROCEDURES**

The Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels.

### **Section 6. TIMELY PUBLICATION OF SELECTION PROCEDURES**

Publication of these procedures shall be done in such fashion that all prospective and current members of the State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party Organization.

### **Section 7. TIMELY PUBLICATION OF SELECTION QUALIFICATIONS**

The Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical qualifications of all officers and representatives of the State Democratic Party. Such publication shall be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within the State Democratic Party will have full and adequate opportunity to compete for office.

**Section 8. QUALIFICATIONS FOR RIGHT TO VOTE IN PRIMARY**

No person shall be entitled to vote for a Democratic candidate at a partisan primary election unless they are: 1) a registered Democrat, or 2) registered as a Decline-to-State who requests a Democratic ballot, and is recorded as having done so.

**Section 9. SECRET BALLOT AND VOTER'S RIGHT TO KNOW**

- a. The Democratic Party is committed to:
  - (1) the preservation of the right of the voter to a secret, secure, and counted ballot at the first determining step of the national delegate selection process,
  - (2) the voter's right to know how their representatives have voted.
- b. Based upon Resolution of the DNC Rules Committee adopted on June 23, 1994 no vote by secret ballot may be taken at any meeting of any official Democratic Party body beyond the first determining step at which an individual Democrat expresses their personal and individual preference on an action that constitutes part of the delegate selection process for the Democratic National Convention.
- c. Based upon Article Nine, Section 12 of the Charter of the Democratic Party of the United States of America, which prohibits secret ballots as an infringement of the voter's right to know how their representatives have voted, except as noted herein above, no vote by secret ballot shall be taken at any meeting of the California Democratic Party, its Assembly District Election Meetings, or its Caucuses.
- d. Any person who has been determined to have been elected on a secret ballot after 12/31/01, beyond the first determining step in the delegate selection process, or first level of participation in violation of these rules, shall be denied credentials by the Credentials Committee of This Committee and shall not be recognized or seated by This Committee at any meeting of This Committee, its Executive Board, its Assembly District Election Meetings, or its Caucuses."

**Section 10. E-MAIL NOTICE**

- a. Publication of any Democratic Party notice via email will be considered valid if:
  - (1) The sender and receiver have both consented, in writing, to sending and receiving notice in this manner,
  - (2) The notice was sent to or from the email address specified when giving consent, or most recent email address specified on a subsequent notice of change of address by sender or receiver,

- (3) The obligation to inform and procedure for informing of any change in email address has been specified in writing, and
- (4) There is an opportunity to opt out of such consent at an appropriate time.

**Section 11. NOTICE BY WEB POSTING**

Publication of any Democratic Party notice via web posting will be considered valid if written notice (of the type specified in the applicable rule or By-Law) provides a link to such posting and the person(s) entitled to individualized notice of the information in question is/are afforded the opportunity to request that a copy of the text thereof be mailed to him/her via U.S. Postal Service mail. The opportunity to make such a request must be explicitly referenced in any individualized notice provided to such person.

## **ARTICLE XIV: ELECTRONIC NOTICE**

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### **Section 1. CONSENT TO EMAIL NOTICE AND PROCEDURES FOR OPTING OUT**

- a. If they have provided This Committee in writing with an email address at which they can be contacted, the following persons shall be considered to have consented to send and receive all notices via electronic means, including email:
- (1) anyone who seeks, or accepts, election or appointment to any position on or with or on behalf of This Committee;
  - (2) the organization applying for a charter by This Committee and its officers;
  - (3) anyone who files a challenge to or under any procedure set forth in these Bylaws and Rules or who participates as a challenger in such a challenge; and
  - (4) anyone who seeks the endorsement of This Committee to any office; to send and receive notices from This Committee by electronic means, including email.

Any person described in the previous sentence who has provided This Committee with an email address shall, by so doing, be deemed to have consented to send and receive email notices to or from This Committee at such email address as of the latter of (i) the date they affirmatively terminate such consent or (ii) the conclusion of the process which triggered this consent; provided that any such person may, upon This Committee's actual receipt of a completed version of a form approved by the Secretary of This Committee, change the email address on file for use by This Committee.

Any other person may provide This Committee with written consent (on a form approved by the Secretary of This Committee) to send and receive emails notices to or from This Committee.

Such written consent shall continue in effect until and unless the person affirmatively terminates the consent or changes the email address on file with This Committee.

- b. All forms and notices of This Committee which initiate (or respond in the first instance to the initiation of) any process described in Section 1.a(1), above, shall set forth clearly and legibly that such consent is provided by participation in that process that it is the obligation of the person to inform This Committee of any change in their email address and the procedure for terminating ("opting out") of the consent to send and receive notices via electronic means, including email. Notwithstanding the provisions of this paragraph b, any failure by This Committee to include such a notice in a communication shall not invalidate any ongoing process giving rise, or otherwise related, to the communication.
- c. By consenting to receive notice by electronic means, a person agrees to hold This Committee harmless should the consenting person fail to open, receive, view or read their incoming emails regularly or allow others to delete their incoming emails and, therefore, not receive actual knowledge of the material contained in the email notice in a timely manner.

If two or more consenting persons provide This Committee with the same email address, notice to that email address shall be deemed individual notice to each person who provided that email address.

- d. This Committee hereby consents to receive email notice from any person who has provided consent to receive email notice in the manner set forth in Section 1, above., during any time period that such person 's consent to receive email notice remains in full force and effect.
- e. Email addresses are considered part of the membership roster of members of This Committee made available to the public as long as members of This Committee are given the option, in writing, at the time they initially register their email address with This Committee of maintaining the confidentiality of their email address, or making their email address public. Thereafter, members of This Committee may, at the time they register any change of email address request their new email address be kept confidential.
- f. To be effective, notice to This Committee of change of email address must be provided to the Secretary of This Committee, in writing.
- g. This Committee will provide all persons who have consented to receive notice via electronic means, including email, with reasonable advance written notice, via U.S. Postal Service mail, of any change of sender domain (currently "@cadem.org") used by This Committee.

## **Section 2. NOTICE VIA WEB POSTING**

The posting on the website of This Committee of any notice, text, agenda, rule or proposal shall presumptively be considered sufficient notice thereof to the members of This Committee (or any body or subdivision of This Committee) if the written notice (which is of the type specified in the applicable rule or By-Law) provides a link to such posting and the persons entitled to individualized notice of the information in question are afforded the opportunity to request that a copy of the text thereof be mailed to them via U.S. Postal Service mail. The opportunity to make such a request must be explicitly referenced in any individualized notice provided to such person.

## **Section 3. Other than In-Person Meetings:**

- a. It is the express preference of This Committee that meetings should, when possible, be held in person; however, notwithstanding any other provisions of these bylaws, the Chair of This Committee may, in the event of:
  - (1) the existence of official government orders prohibiting or limiting the gathering of persons, or,
  - (2) a finding of similarly extraordinary circumstances by the Chair of This Committee with the concurrence of 2/3rds of the State Officers of This Committee, as defined in Article III, Section 4, a,

allow for any meeting of This Committee or its constituent parts to be conducted, by appropriate remote communications technologies provided that the Chair of This Committee shall assure full and fair access to the meeting by the members of This Committee and all members of the Democratic Party consistent with the provisions of Article XIII of these bylaws and the Policy Statement By the Rules Committee of the California Democratic Party on the Open Meeting Rule. Any such determination shall be final.

- b. Nothing herein shall preclude the individual chairing/presiding at the meeting from using technology restricting the opportunity to speak to those recognized to speak.
- c. This Section is in addition to other sections of these bylaws allowing for Other Than In-Person Meetings.

## **ARTICLE XV: AMENDMENT OF THE BY-LAWS**

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### **Section 1. AMENDMENT**

These By-Laws may be amended at any meeting of This Committee by a majority vote of the entire membership, whether present at a meeting or not, or a two-thirds vote of the credentialed members of This Committee, whichever is less, provided 10 days notice of the text of the amendment has been given to the membership in writing, or by the Executive Board, provided that the Executive Board amends these By-Laws in the following manner:

The amendment must be submitted to the Rules Committee and filed with the Secretary at a meeting held no less than thirty days prior to the meeting at which the amendment is to be voted on.

- a. A copy of the amendment shall be sent with the meeting notice to each member of the Executive Board at least ten days in advance of the meeting at which the amendment is to be voted on.
- b. If the Rules Committee fails to approve a proposed amendment, such amendment may be presented from the floor with the consent of a majority of those present.
- c. These By-Laws shall not be amended by the vote of less than a majority of the total number of members of the Executive Board, or two-thirds (2/3) of those members of the Executive Board present and voting at any meeting thereof, whichever is smaller.

### **Section 2. SPECIAL RULE FOR USE OF AN ELECTRONIC LINK NOTICE OF TEXT OF AMENDMENT**

A writing with a link or instructions on how to access an electronic link to the text of the amendment shall meet this requirement so long as any member of the body noticed to vote on the amendment may request a copy of the text be mailed to him/her via U.S. Postal Service mail.

### **Section 3. EFFECTIVE DATE**

By-Laws or any amendments thereto shall become effective immediately upon their adoption.

# Appendix A:

## CODE OF CONDUCT

### **Expected Behavior**

The California Democratic Party (CDP) is committed to providing a welcoming, respectful, friendly, safe, supportive, and harassment-free environment for members, employees, and all others associated with the CDP. The CDP expects all leaders, members, employees, and others associated with the CDP to act professionally, respecting the personal rights and dignities of all individuals involved with the party so as to create a productive, inclusive environment for all. All individuals should feel welcome and safe within the CDP, regardless of their sex, gender, gender identity, gender expression, sexual orientation, pregnancy, race, color, ethnicity, national origin, ancestry, religion, creed, age, physical or mental disability, medical condition, genetic information, marital status, military or veteran status, body size, domestic violence victim status, or any other legally protected classifications.

The CDP's behavior standards are not limited to CDP conventions and other meetings. Harassment will not be tolerated at any and all events sponsored by or affiliated with the CDP, as well as in CDP-related calls, texts, emails, and social media like Facebook, Instagram, and SnapChat.

### **Unacceptable Harassment**

The CDP will not tolerate harassment—that is, disrespectful or unprofessional conduct based on any of the protected categories listed above. Prohibited harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing based on the protected categories listed above), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails based on the protected categories listed above), or physical (such as physically threatening another person, blocking someone's way, touching private parts, making physical contact in an unwelcome manner, etc.).

The CDP will not tolerate sexual harassment, that is, harassment based on sex or conduct of a sexual nature, which includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity or gender expression. Prohibited sexual harassment may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

The CDP prohibits quid pro quo sexual harassment, such as when submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's membership in the party, appointment to committee, leadership, or other role within the CDP; or submission to or rejection of sexual conduct by an individual is used as the basis for decisions affecting that individual.

The CDP prohibits the creation of a hostile environment, that is, conduct that creates an intimidating, hostile or otherwise offensive environment, including but not limited to: unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts;

sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets; leering, obscene or vulgar gestures or making sexual gestures; displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items; impeding or blocking movement, unwelcome touching or assaulting others; any abusive yelling or screaming, other verbal threats, or disrespectful language (in any form) directed at a person; any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances; and conduct or comments consistently targeted at one gender, even if the content is not sexual.

The examples above are just that—examples. In general, any conduct listed above or that is based on the protected classifications listed above that could interfere with an individual's participation in the CDP or could create an offensive environment will be considered harassment in violation of this code of conduct. This is the case even if the offending individual did not mean to be offensive. It is essential that we all be sensitive to the feelings of others.

### **Retaliation Prohibited**

The CDP takes very seriously its responsibility to provide all members with a welcoming, respectful, and safe environment and urges any member who feels uncomfortable, unwelcome, or unsafe to report harassment (of themselves or observed with respect to others) as soon as possible. Retaliation for reporting harassment or discrimination, or participating in an investigation with respect to harassment or discrimination, is prohibited.

Retaliation may include, but is not limited to, exclusion from meetings or committees, ostracism, bad-mouthing, or other conduct that may limit engagement with the CDP, or that would be reasonably likely to deter a reasonable CDP member from reporting harassment or participating in a harassment investigation.

## Appendix B:

# PROCESS FOR REPORTING MISCONDUCT & HARASSMENT

CALIFORNIA DEMOCRATIC PARTY

