

California Democratic Party  
Black Caucus Bylaws



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## Article I: Name

The name of this Caucus is the Black Caucus of the California Democratic Party (hereinafter “the Caucus”).

## Article II: Purpose and Definition:

### A. The purposes of the Caucus are:

1. to work within the California Democratic Party (hereinafter “CDP” or “the Party”) to encourage participation of the Caucus’ community of interest in the outreach programs of the Party, including, but not limited to, the Party’s Voter Registration and Get Out the Vote efforts, but any such participation shall be limited to activities conducted by or in partnership with the Party; any other such voter outreach or campaign activities are inconsistent with the Caucus’ purpose and, thus, are prohibited..
2. to make the Party more welcoming and more relevant to the members of the public, of the electorate and of the constituent bodies within the Party who identify with the goals of the Caucus.
3. to participate in the policy decisions of the Party by, among other things, proposing:
  - a. Resolutions to the Resolutions Committee
  - b. Legislation to the Legislation Committee
  - c. Bylaws amendments to the Rules Committee, or,
  - d. Such other such proposals to other Standing Committees or to the Chair of this Committee as may be necessary to carry out the Purposes of the Caucus in this Article II and in Article XI, Section 2 of the CDP Bylaws and are consistent with the Caucus’ role as a constituent part of the Party.
4. to promulgate and implement a statement of Purpose and Intended Activity on a regular basis as set forth in the applicable CDP guideline, which:
  - a. is to be aimed at expanding and strengthening the Party, which
  - b. includes the means of effectuating the goals in Article 2 Section 3 the statement and also includes measurable objective standards by which the Caucus shall evaluate its success in effectuating those goals.
  - c. is subject to approval by the CDP Rules Committee, and
  - d. includes a requirement to regularly report to the Caucus membership and the CDP, including its Rules Committee, on the Caucus’ progress toward achieving the goals set forth in this

5. to conduct all of its affairs with an eye toward full and proactive compliance with:
  - a. the expectations and intent set forth in Article VIII, Section 1.c of the CDP Bylaws,
  - b. the “one voice” rule in Article VIII, Section 1.d of the CDP Bylaws, and
  - c. the prohibitions on endorsements in Article VIII, Sections 1.h, 1.i and 2.a of the CDP Bylaws.
6. not take independent positions on matters which are contrary to the positions of the Party, provided, however, that the Caucus may call on the Party to take any action consistent with its status as a constituent part of The Party.

B. The common interest represented by the Caucus includes:

1. To promote and encourage full participation of all registered Black Democrats in the Democratic State Central Committee (DSCC) of The CDP and its affairs at all levels.
2. To promote political, educational, social and economic equity and equality of Black people in the State of California;
3. To achieve equality of rights and eliminate race prejudice, and marginalization within the California Democratic Party (CDP) of the United States;
4. To inform the public of the adverse effects of racial discrimination against black people and to seek its elimination;
5. To encourage, promote and assist in, whenever possible, the election and appointment of Black Democrats to local, county, state and national leadership positions;
6. To identify those issues affecting Black people and Black communities, and work towards making the political and legislative system more responsive to their needs;
7. To advocate for the inclusion of Black issues within the CDP Platform, and
8. To initiate and support CDP policies and issues that reflect the interest and welfare of the Black community and to act as a vehicle for the implementation of these policies in the Black community and to give guidance and/or advice regarding the Black community’s concerns to the CDP structure.

Article III: Voting Membership:

A. Voting Members in Votes Other than Elections of Caucus Officers and Board Members:

1. A voting member shall be any person who:
  - a. is of voting registration/preregistration age (as defined in the Elections Code);

- b. believes in and supports the purpose of the Caucus;
  - c. has paid or had waived their dues by the close of credentialing at the meeting in question.
  - d. is either:
    - i. a registered Democrat; or
    - ii. ineligible to register as a Democrat but who has expressed an intent to register as a Democrat upon becoming eligible to do so; [and]
  - e. is given, and presents upon request, a voting credential issued by the Caucus before the close of credentialing for the meeting, where the agenda for the meeting specifies that obtaining and presentation upon request of a voting credential is required [; and]
- B. Voters in Elections of Caucus Officers and Board Members: A voting member shall be any person who:
- 1. meets the criteria for membership set forth in Article III.A; and
    - a. has been a Caucus member since on or before the later of:
      - i. 35 days before the gaveling into order of the first session of the CDP Convention and/or CDP Executive Board meeting in conjunction with which the Caucus election meeting is to be held, or
      - ii. the close of credentialing at the last regular meeting of the Caucus in conjunction with a CDP Convention or Executive Board meeting immediately preceding the Caucus election meeting; and
    - b. has maintained that membership through the date of the election.
- C. In Caucus elections (other than votes by acclamation), the Caucus shall use secret ballots.

#### Article IV: Revenues, Disbursements and Dues

- A. The Caucus shall neither raise funds other than nominal dues nor disburse funds other than nominal amounts to be used for standard or routine costs of regular and special

meetings (such as postage, and other costs associated with notice, as well as the cost of meeting rooms, electronic platforms) and authorized communications for purposes consistent with the Caucus' purpose. An "authorized communication" is a communication which (1) has been submitted to the Secretary of the CDP or their designee(s) for approval within the required approval/review period published to the Caucuses by the Secretary of the CDP and (2) has been so approved. The required approval extends to the inclusion in the communication of both: (1) appropriate disclaimers and (2) required edits to address objections as to content. No communication shall be deemed approved unless and until the Secretary of the CDP or their designee(s) has/have expressly approved the disclaimer and content.

B. All Caucus funds shall be promptly accounted for and processed according to the rules promulgated by the Finance Committee of the CDP.

C. Except for those individuals who have paid for lifetime Caucus memberships, dues shall be paid on an annual basis subject to the following:

1. The dues year shall be the calendar year (that is, dues are to be paid on a calendar-year basis).

2. Members who join during a due's year shall pay the same dues as those who join at/prior to the beginning of the due's year.

3. The Caucus Executive Board may vote to prorate dues paid in the last quarter of the year.

4. Standard Dues: Darren Parker \$30 (1 calendar year)

5. Additional dues levels:

- a. Yvonne Brathwaite- Burke (1 year) \$100

- b. Maxine Waters (1 Calendar Year) \$250

- c. Barack Obama (1 Calendar Year) \$500

6. Reduced Dues Level:

- a. Willie Brown (1 Calendar Year) \$15

7. Lifetime Membership Level:

- a. Shirley Chisolm \$800

#### D. Dues Waiver

1. The Caucus is committed to guaranteeing Caucus membership to those eligible for membership under these Bylaws and the CDP Bylaws on an equal and nondiscriminatory basis.
2. To that end, a waiver shall be granted to all persons who seek a dues waiver in writing by submitting a waiver request on the form designated by the Executive Board by no later than the close of credentialing at the Caucus meeting at which they seek to vote.
3. The form shall include a preprinted self-certification that the waiver applicant is unable to pay dues either due to economic hardship or an objective impediment to payment of dues.

No explanation and no proof of inability to pay shall be required.

4. The information required to be completed on any such form shall be no more than:
  - a. the self-identification of inability to pay,
  - b. sufficient information to determine the person meets the criteria for membership in Article II, Section A.1, 2 & 4,and
  - c. the identity of the person seeking membership.
5. Except for completion of the applicable form, there shall be no vetting of an application for waiver and any individual requesting a waiver shall have membership dues waived.
  - a. An application for a waiver shall be conclusively deemed approved unless the applicant has been notified in writing of a deficiency in the form by not later than the close of credentialing in the event of a membership application submitted on the date of an in-person Caucus meeting.
  - b. Because submission of a waiver application online requires substantial compliance, applications completed online shall be conclusively deemed approved as of the date of submission.
  - c. In all other circumstances, the application will be conclusively deemed approved 7 days after the date of receipt of the application unless the applicant has been notified in writing of a deficiency in the form.

#### Article V: Organization

This Caucus is constituted in accordance with the by-laws of the CDP as a "Special Group Caucus" and shall comply with all applicable certification requirements.

#### Article VI: Identification of Officers and Executive Board; Duties and Quorum Requirements of the Executive Board

- A. The officers of This Caucus shall be:

1. The Caucus Chair, who, except as otherwise provided herein in the event of an officer temporarily acting as interim Chair due to a vacancy, must be a member of the DSCC,

2. The Caucus [Principal or First] Vice-Chair. The Principal Vice-Chair shall be a member of DSCC,

3. The Caucus Secretaries

- a. The Caucus Corresponding Secretary
- b. The Caucus Recording Secretary

4. The Caucus Treasurer and

6. The Caucus shall have the following additional officers:

- a. Parliamentarian
- b. Three Regional (3) Vice Chairs
  - Northern (elected at-large)
  - Southern (elected at-large)
  - Central (elected at-large)

B. In addition to the Caucus Officers, the Caucus shall have 1 additional Executive Board Member.

1. Chairperson of the CYD Black Caucus

C. The duties of the Executive Board shall be:

- 1. to set the agenda of all regular meetings of itself and the Caucus and of any special meetings of itself and the Caucus called by the Executive Board.
- 2. to assure adequate notice of all meetings of the Caucus and its constituent parts.
- 3. to exercise between meetings of the Caucus all powers of the Caucus necessary to execute or implement the decisions of the Caucus and to perform any and all tasks set forth in these Bylaws as duties or responsibilities of the Executive Board; and
- 4. The powers of the Executive Board shall also include the resolution, in a manner consistent with these Bylaws and the Bylaws of the CDP, of any disputes between or among members of the Caucus or the Caucus' committees that are not allocated to a different body under these Bylaws and that, in the Executive Board's considered judgment, may be appropriate.

D. At the start of each Caucus meeting, the Executive Board shall inform the members in attendance of all decisions and

recommendations made by the Executive Board during the intervening period.

E. A quorum of any meeting of the Caucus Executive Board shall consist of a minimum of not less than forty percent of the Executive Board members in good standing, and at least three of whom must be officers. In the event due to vacancies there are insufficient officers or Executive Board members to constitute a quorum, any Executive Board may apply to the Chair of the CDP for a waiver or reduction of the quorum requirement, on such terms as the Chair of the CDP may deem warranted under the circumstances.

F. Vacancies Other than Caucus Chair.

1. A vacancy, other than in the office of Caucus Chair, shall be filled by appointment of the Caucus Chair and ratified by a majority vote of all Executive Board members present and voting at a meeting of the Executive Board at which a quorum is present.

2. If the office in question is elected, the appointee shall serve until a vote by the membership can be held to fill the vacancy, which shall be at the next regular or special Caucus Meeting at which the requirement for sufficient Notice has been met as set forth in these Bylaws.

3. If the office in question is appointed, the appointee shall serve until the end of the term of the person whose office was vacated.

G. Vacancy in the Office of Caucus Chair

1. A vacancy in the office of Caucus Chair shall be filled by the Principal Vice-Chair. In the event there is, at the time of the vacancy, no Principal Vice-Chair, the office of Caucus Chair shall be filled by the Caucus Treasurer. In the event of a vacancy in the office of Caucus Chair and there is no one in either of the foregoing offices who is able to serve, the following officers shall fill the vacancy in the office of Caucus Chair in the following order of succession listed: Principal Vice Chair, Treasurer, Recording Secretary, then Corresponding Secretary.

2. In the event there is no officer available to fill the vacancy, the Chair of the CDP shall designate a member of the Caucus, who is a DSCC member as well, to fill the vacancy.

3. An individual serving as Caucus Chair due to a vacancy shall serve until a vote by the membership can be held to fill the vacancy, which shall be at the next regular or special Caucus Meeting at which the requirement for sufficient Notice has been met as set forth in these Bylaws.



H. Interim Chair; Provision for Non-Membership in DSCC:

1. In the event the officer who is filling the office as Caucus Chair on an interim basis due to a vacancy is not a member of the DSCC and, thus, is ineligible to serve as the Caucus' representative on the Executive Board of the CDP, the next officer in the succession shall be the Caucus' representative on the Executive Board of the CDP.

2. In the event there is no such officer, the Chair of the CDP may appoint a Caucus member who is also a DSCC member to fill that Executive Board position until the vacancy is filled; provided that the Caucus Executive Board may make a recommendation for such an appointment, which, if timely made, shall be given due consideration by the Chair of the CDP.

Article VII: Committees

A. The Caucuses shall have the following standing committee(s) s), as well as such special or ad hoc committees as the Executive Board may choose to create.):

B. 1. Except for the Election the Caucus Chair shall appoint any committee chairs and members, subject to the ratification of the appointment by the Executive Board. The Caucus Chair shall also appoint the Chair of the Election Committee. The remaining members of the Election Committee shall be selected as set forth in Section B of this Article VIII of these Caucus Bylaws.

2. Except for the Election Committee, the Chair of the Caucus may suspend or remove a chair or member of a committee subject to the ratification of the suspension or removal by the Executive Board.

3. A chair or member of a committee suspended or removed by the Caucus Chair between meetings of the Executive Board shall be deemed suspended pending disposition of the matter by the Executive Board.

4. Except for the members of the Election Committee who are elected by the membership as set forth in Section B of this Article VII, the term of all Committee Chairs, including the Election Committee, and all Committee members, unless removed or suspended as provided herein, shall coincide with the term of the Chair who appointed them. For purposes of clarity, a mid-term vacancy in the office of Chair does not terminate the term of the Committee Chairs and members appointed by that Chair, although they remain subject to removal or suspension as provided herein.

B. Election Committee.

1. The Election Committee shall consist of five members, all of whom shall be members of the Caucus and none of whom shall be a candidate for office.

2. The Chair of the Election Committee shall be appointed by the Chair of the Caucus.

3. The other four members of the Election Committee shall be elected by the membership at the first regular meeting of the Caucus after the regular

biennial election of officers.

4. The term of members elected to the Election Committee shall be until their successors are elected at the first regular meeting of the Caucus after the next biennial election of officers, at which time the successors will immediately be seated.
5. In the event, the number of members of the Election Committee shall become less than three, the remaining members of the Election Committee shall nominate a Caucus member eligible for service for appointment by the Caucus Chair; the Caucus Chair shall fill the vacancy by appointment, but, in so doing, must not unreasonably reject such nomination.
6. The Caucus Chair shall use due diligence to assure that the Election Committee is in place, and has at least three members, at least 70 days prior to any election.
  - a. No more than two of the four members of the Election Committee, excluding the Chair of the Election Committee, may be of the same self-identified gender.
  - b. The Election Committee may itself select a member of the DSCC who is not a member of the Caucus to be its technical advisor and to assist it in the discharge of its duties. Nothing in this Section B.6.b of Article VII shall prohibit the use of designees of the CDP Secretary and/or additional volunteers in the ballot distribution, collection and counting/tallying process.

C. Standing Committees:

1. Education
2. Legislative
3. Elections
4. Resolutions
5. Outreach and Engagement
6. Communications
7. Bylaws

D. The Executive Board may disband or terminate any special or ad hoc committee at any time upon a vote of a majority of the members voting at a meeting of the Executive Board at which a quorum is present.

E. The members of the Caucus may also disband or terminate any special or ad hoc committee at any time upon a vote of a majority of the members voting at meeting of the Caucus at which such a vote was duly noticed and at which a quorum is present.

F. The Executive Board may suspend the operations of any standing committee, other than the Election Committee, for such time and on such terms as the Executive Board deems appropriate provided that:

1. the suspension shall be submitted to the next regular or special meetings of the Caucus at which it has been duly noticed for final review of the Executive Board's action;
2. the action of the Executive Board shall be sustained unless a majority of the members voting at a Caucus meeting at which the question is duly noticed and at which a quorum is present votes to overturn the action of the Executive Board; and,
3. any such suspension shall remain in place until and unless overturned as provided Article VIII: Officers and Executive Board Membership

B. Vice-Chairs: There will be 4 Vice-Chairs, one of whom shall be designated as Principal Vice-Chair. The Principal Vice-Chair shall succeed the Caucus Chair in the event of a vacancy as more fully set forth in Article VI. In addition, the following duties are allocated to the Vice-Chairs:

1. Principal Vice-Chair - (a) assist the Chair to fulfill the responsibilities with respect to the Caucus Executive Board and its Committees; (b) Maintain consistent contact with the Chairs and Vice Chairs of Committees as assigned by the Chair; (c) Have bi-monthly conference calls, and perform other duties as assigned by the Chair. In the absence of the Chair from a meeting or event, the Primary Vice Chair shall substitute as Chair.

2. Regional Vice-Chairs (3) - (a) Maintain consistent contact with the Chairs and Vice Chairs of Committees as assigned by the Chair; (b) Have bi-monthly conference calls, and perform other duties as assigned by the Chair. Regional Vice Chairs shall assist the Chair in carrying out the Chair's official duties in their respective region.

C. Secretaries

1. Recording Secretary: The Recording Secretary shall be responsible for taking and maintaining the minutes of all meetings and conference calls of the Caucus and the Executive Committee and disseminate minutes no later than five (5) days after aforementioned meetings. Other official duties shall be to: (a) maintain a current list of Caucus members; (b) be responsible for archiving documents and actions of the Caucus including, minutes and agendas of meetings, rules of order and standing resolutions, (c) keep records of the Black Caucus action items and maintain records in a Google Document; (e) Maintain and publish a copy of the Bylaws quarterly; (f) Maintain rosters of committee and standing committee membership; (g) perform other duties as the Executive Committee directs, and (h) shall perform any other duties requested by the Chair. The Recording Secretary and Treasurer shall be duly

responsible for member registration at Conventions and Executive Committee meetings as well as keeping a full membership roster and confirmation of current voting Caucus members.

2. Corresponding Secretary: The Corresponding Secretary shall be responsible for the general correspondence of the Caucus, including (a) official Caucus communications as directed by the Executive Committee, including compliance with notice requirements for email and postal service delivery of official Caucus communications, and: (b) write all correspondence requested by the Chair or Vice-Chair, (c) respond to letters and or emails to the Black Caucus; (d) send out meeting and event notices, (e) and post and update all social media information in conjunction with the Chair of Communications, if and when there is a Communications Chair, and (e) any other duties as requested by the Chair.

D. Treasurer: The Treasurer shall:

1. promptly account for all Caucus funds,
2. prepare financial reports as required by the DSCC
3. be responsible for maintaining the list of voting members, and
4. be responsible for all fiscal and membership records of the Caucus as well as for the safeguarding of all official Caucus records, including, in conjunction with the Election Committee, the records of any Caucus election.

E. The following additional officers and Executive Board members shall be members of the Executive Board.

1. Parliamentarian: The Parliamentarian shall be the authority for procedural issues except as otherwise provided in Article VII, Section F of these Bylaws, especially with respect to Robert's Rules of Order, Newly Revised and CDP code of conduct.
2. Chairperson of the CYD Black Caucus: Chairperson of the CYD Black Caucus shall be a representative of the CYD Black caucus and be a voting member.

Article IX: Officer/Board Member Removal; Membership Suspension

A. The removal process is as follows:

1. Any officer or Executive Board member of the Caucus may be removed prior to the expiration of term for:
  - a. malfeasance, misfeasance, and nonfeasance;

- b. actions which caused the Caucus to be subjected to conversion to provisional status and required remedial action(s) by the Rules Committee; or
  - c. any intentional or reckless conduct in violation of the CDP “one voice” rule.
- 2. Removal requires a two-thirds (2/3) vote of the filled positions on the Executive Board, not counting the officer or Board Member who is subject to the removal vote.
- 3. Such removal may be appealed in writing by submitting a signed and dated written notice of appeal to any officer of the Caucus (other than the person who is filing the appeal), but the appeal shall not stay or suspend the removal.
- 4. If appealed, the removal, to remain effective after the disposition of the appeal, must be upheld by a two-thirds (2/3) vote of the membership in attendance at any meeting of the Caucus at which such question is duly noticed and at which a quorum is present.
- 5. In any removal proceeding under Article IX.A, the officer, or Executive Board member whose removal is sought must be given not less than twenty-one days written notice of the proposed removal and shall be afforded the opportunity to be present at the Executive Board meeting at which removal is to be considered and shall be given a meaningful opportunity to contest the removal.
- 6. The opportunity to contest the removal shall include, at a minimum, the opportunity of the officer, or Executive Board member, whose removal is sought to speak and to submit witness statements and other documentary evidence and such other evidence as the presiding officer shall deem appropriate.
- 7. The Chair or, in the absence of the Chair or if the Chair is the person whose removal is the subject of the proceeding, the highest-ranking officer in the succession set forth in Article VI.G. shall preside at the removal proceeding and shall make all rulings on procedural or evidentiary matters.

B. The membership suspension process is as follows:

- 1. A member may be suspended for:

- a. repeatedly failing or refusing to conform their behavior to the decorum requirements for participants in a meeting;
  - b. for actions which caused the Caucus to be subjected to conversion to provisional status and required remedial action(s) by the Rules Committee; or
  - c. for any intentional or reckless conduct causing the Caucus to be in violation of the CDP “one voice” rule.
2. Any such suspension must be the result of a two-thirds vote of the Executive Board members in attendance at a duly noticed meeting at which a quorum is present.
3. The member whose suspension is sought must be given not less than twenty-one days written notice of the proposed suspension and shall be afforded the opportunity to be present at the Executive Board meeting at which suspension is to be considered and shall be given a meaningful opportunity to contest the suspension.
4. The opportunity to contest the suspension shall include, at a minimum, the opportunity of the member whose suspension is sought to speak and to submit witness statements and other documentary evidence and such other evidence as the presiding officer shall deem appropriate.
5. The Chair or, in the absence of the Chair or if the Chair is the member whose suspension is being sought, the highest-ranking officer in the succession set forth in Article VI.G. shall preside at the suspension proceeding and shall make all rulings on procedural or evidentiary matters.
6. The length of the suspension shall be at the discretion of the Executive Board, but in no event for longer than the current term of Caucus certification, provided that any suspension greater than one regular meeting of the Caucus may be appealed to the membership of the Caucus by submitting a signed and dated writing to the presiding officer at the suspension proceeding or, if that person is no longer in office, the next highest ranking officer in the succession set forth in Article VI.G.
7. If appealed, the suspension remains in place during the appeal, but to remain effective thereafter, must be upheld by a two-thirds (2/3) vote of the membership in attendance at any meeting of the Caucus at which such question is duly noticed and at which a quorum is present.

C. Proceedings to enforce the CDP Code of Conduct shall also be governed by these procedures except that any such procedures shall incorporate any additional procedures required under the then-applicable Code of Conduct, and the penalties shall be expanded to the extent required to comply with the enforcement requirements of the then-applicable Code of Conduct.

#### Article X: Elections

A. The regular election of officers and Executive Board members (that is, the election other than the election for filling of mid-term vacancies) shall occur as the first item of business, after approval of the credentials report at the close of credentialing, at the Caucus meeting held in conjunction with the first Convention of the CDP during odd numbered years.

B. All officers and Board members must be voting members of the Caucus eligible to vote for Caucus officers and Board members at the time of the close of nominations by mail (that is, 28 days before the meeting at which the election is to take place) without regard to whether the individual is nominated by mail or from the floor; the Chair and Principal Vice Chair, and Treasurer must be DSCC members at the time:

1. of the close of nominations by mail,
2. they stand for election,
3. at the time they assume office, as well as
4. at all times thereafter except for interim filling of the office of Chair due to vacancy as provided for in these Bylaws.

C. Regional Vice Chairs shall be required to be voters in one of the following counties in their respective regions as listed below.:

- Northern: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Glenn, Butte, Lake, Colusa, Yuba, Sierra, Nevada, Placer, El Dorado, Amador, Alpine, Sutter, Sacramento, Yolo, Napa, Solano, Sonoma, Marin, San Francisco, Contra Costa, Alameda, San Mateo, Santa Clara, and Santa Cruz.
- Central: San Joaquin, Calaveras, Stanislaus, Merced, San Benito, Monterey, San Luis Obispo, Santa Barbara, Kern, Inyo, Tulare, Kings, Fresno, Madera, Mariposa, Mono, and Tuolumne.
- Southern: Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial.

D. To facilitate the use of previously prepared election ballots, officers and Board members shall be nominated by mail on a form for this purpose approved by the Election Committee.

E. Any nomination by mail must be received by Corresponding Secretary by twenty-eight (28) days prior to the meeting at which the election is to be conducted.

F. In the event there are fewer candidates for an office or Executive Board membership than the number to be elected to that office or Executive Board membership, candidates may be nominated from the floor.

G. Newly elected officers and Executive Board members shall assume their role immediately upon the adjournment of the Meeting at which the officer/Executive Board member is elected.

H. The rules for filling of vacancies by election shall be the same as those for the election of officers set forth herein except that the election meeting shall be as noticed in accordance with the requirements in these Bylaws.

#### Article XI: Voting Procedures in General

A. Except as otherwise provided in these Bylaws, all decisions shall be made by a majority vote of those present and voting. The Chair or in the absence of the Chair, the presiding officer, shall not vote unless there is a written ballot. Where the Chair or in the absence of the Chair, the presiding officer, has not voted, the Chair, or in the absence of the Chair, the presiding officer, shall cast the deciding vote in case of tie.

B. Except where voting by mail is permitted by these Bylaws, a voting Member must be present to cast a vote, no proxies are permitted.

C. Except with respect to officer and Executive Board member elections, all voting eligibility decisions shall be made in the first instance by the Treasurer and such decisions shall be deemed adopted in, and conclusively resolved upon, the adoption of the credentials report after the close of credentialing. As such, any contest must be made at the time of the adoption of such report or shall be deemed waived.

D. The casting by a credentialed member attending a meeting on a virtual meeting platform of electronic ballot(s) via the electronic voting process identified in the agenda (for the meeting) sent out with the notice of the meeting shall constitute a written ballot.



## XII. Election Balloting and Procedures

A. Voters eligible to vote are those specified in Article III.B.

B.

1. The Caucus Treasurer shall compile a list of eligible voters as soon as practicable after:

a. the last regular meeting of the Caucus in conjunction with a CDP Executive Board meeting or Convention immediately preceding the election in the event of the regular election; or

b. as soon as practicable after the ascertainment of the vacancy in the event of an election to fill a vacancy; provided that the date of compilation in the event of a vacancy must be after the close of credentialing at the last regular meeting of the Caucus in conjunction with a CDP Executive Board meeting or Convention immediately preceding the election.

2. In any event, the list shall be compiled and made available to all candidates as of the last day for nominations by mail (that is, 28 days before the election meeting).

C. This list of eligible voters shall be the source data for all membership determinations in connection with voter eligibility; provided that any corrected list may be used in lieu of the original list if detailed notice of the correction is provided in writing to the Executive Board and all candidates for office as soon as practicable after the correction and that no corrections can be made on the date of, or in the 72 hours prior to, the election.

D. To the maximum extent practicable under the circumstances, a voting member's date of membership shall be indicated on this list.

E. The nomination process is as follows:

1. The period for nominations by mail shall be not less than twenty-one (21) days and shall close as of 28 days before the date of the meeting at which the election is to be conducted. Where the exact date and time of the election meeting cannot be determined because the Caucus meeting at which the election is to be conducted is being held in conjunction with a regular meeting of the CDP Executive Board or 12 Convention and the scheduling of Caucus meetings has not yet been published by the CDP, the

date set for gaveling to order of the CDP Executive Board or Convention in conjunction with which the election meeting is to be conducted is the date to be used as the election meeting date in calculating the close of the nomination period.

2. Written notice of the nomination period for nominations by mail and of the right to make nominations from the floor in the event there are insufficient candidates (as defined in Article X) shall be given not less than ten (10) days before the commencement of the nomination period.

3. Said notice shall include:

a. notice of the date and time of the election; provided that if the election is in conjunction with a regular meeting of the CDP Executive Board or Convention and the precise day and time of the election meeting is unknown, the notice may indicate that the election is to be conducted at the meeting of the Caucus in conjunction with the regular meeting of the CDP Executive Board or Convention and shall specify the time period of such regular CDP Executive Board meeting or Convention; and

b. notice of the process for obtaining an accommodation under Section H of this Article XII.

4. The notice shall specify, and the Treasurer and and] Election Committee shall ensure, that a supplemental written notice of the exact date and time of the election will be/is provided within a reasonable period of time after the precise date and time are ascertained, which is presumptively 7 days or less.

5. The written notice concerning nominations shall also specify

a. the offices to be filled;

b. the term;

c. any applicable deadlines;

d. the availability of the list of eligible voters to the candidates and the process for obtaining a copy of such list;

e. an assurance that access to the list shall be equally available to incumbent and non-incumbent candidates (except to the degree

that is an inescapable consequence of the Treasurer's responsibility for compilation of the list); and,

f. the balloting process, including that provision will be made for provisional ballots and any accommodations available to persons with disabilities.

g. that there will be equal treatment for purposes of voting and seeking of office for members who pay dues and those who obtain/seek membership by means of a due waiver; and

h. notice of the process for obtaining an accommodation under Section K of this Article XII, including, where applicable, the process for accessing mail/electronic ballots when such balloting is offered as an accommodation.

F. The Election Committee shall:

1. provide for sufficient written ballots to be cast in the event of any contested races, and for sufficient provisional ballots to be available at the election meeting to allow any person whose ballot is contested to cast a provisional ballot.

2. Provide for provisional ballots which shall:

a. be of a different color than non-provisional ballots (except for electronic ballots, where applicable);

b. be placed in an envelope on which the voter's name and circumstances surrounding the casting of a provisional ballot shall be legibly printed;

c. once cast and placed in an envelope shall be cast by placing them in the ballot box; and

d. be segregated and shall be opened and counted only when the issue forming the basis for requiring the ballot to be cast provisionally is resolved and only if potentially outcome determinative.

3. The sole basis for a ballot to be cast provisionally shall be because:

a. the voter or another member of the Caucus contends that the voter

should have been eligible to cast a ballot, but that voter's name is not on the roster of members of the Caucus whose dues had been paid or waived as of the applicable cutoff date/time,

b. a member of the Caucus contends that the voter:

- i. is not a registered Democrat, or,
- ii. is not a person ineligible to register as a Democrat, but who has expressed an intent to register as a Democrat upon becoming eligible, or,
- iii. should not have been eligible to cast a ballot because even though that voter's name is on the roster of members of the Caucus whose dues had been paid or waived as of the applicable cutoff date/time, the voter should not have been so listed.

#### 4. Casting Electronic Ballots:

a. The casting by a credentialed member attending a meeting on a virtual meeting platform of electronic ballot(s) via the electronic voting process identified in the agenda (for the meeting) sent out with the notice of the meeting shall constitute a written ballot.

b. Where there are provisional ballots being cast electronically, all such ballots shall be cast separately from the ballots of voters whose voting status is not disputed. Care must be taken so that each provisional ballot indicates the information required under Section F.2.b of this Article XII. For this reason, the electronic voting process identified in the agenda for the meeting at which the election is to take place must separately and clearly indicate the electronic voting process to be used by any voters casting a provisional ballot. As with in-person provisional ballots, provisional ballots cast electronically shall be opened and counted only when the issue forming the basis for requiring the ballot to be cast provisionally is resolved and only if potentially outcome determinative.

G. Elections for at-large Executive Board members, and any elections in which more than one person is to be elected to the body, by the casting of ballots for more than one candidate for that office shall be selected by plurality vote, subject to any rules regarding demographic or geographic requirements or gender balance.

H. Officer elections in which ballots are cast for only one candidate for that office[

shall also be decided by plurality OR shall be decided by a runoff of the top two candidates to be conducted at the same meeting unless such conduct is prevented by a failure of the Election Committee to resolve a dispute outcome determinative provisional ballots, in which case the runoff of the top two candidates shall be conducted at the next regular meeting or at a special meeting called for that purpose as the body may, by a majority vote, determine is appropriate.] [NOTE: The Caucus may decide that the race for Chair is to be by majority vote. In that event, in the event there is no one elected on the first ballot, the race may be subjected to a runoff of the top two candidates in the same manner as set forth above or that it shall be decided by instant runoff voting.]

I. Dispute Resolution.

1. Any disputes over voter or candidate eligibility, election procedures and ballot counting, including disposition of outcome determinative provisional ballots, shall be resolved by the Election Committee.
2. The Election Committee shall resolve any such issues at the Meeting at which balloting occurred unless they, by majority vote, determine that it is impossible to do so within that time frame. In such event, the Election Committee shall resolve any such issues within ten (10) days of the date of the Meeting at which balloting occurred.
3. Once the Election Committee has ruled, its decision is a final determination within the Caucus and any appeal must be made through means outside the Caucus.

J. Preservation of Ballots: The Treasurer, in conjunction with the Election Committee, shall be responsible for securing the roster of eligible voters, nomination documents (if any), ballots and any tallies until 10 days after the next CDP Executive Board meeting next succeeding the meeting at which balloting took place or the resolution of any challenge or appeal, whichever is later.

K. Accommodations.

1. Persons with disabilities who request accommodation by contacting the Election Committee in the manner prescribed in the notice of nominations shall be afforded such accommodations as are appropriate under the circumstances, which may include the opportunity to cast a ballot by mail or the opportunity to be assisted by a person of their own choosing in the reading/reviewing and casting of a ballot. In making a determination of what is reasonable under the circumstances, the cost to the Caucus is a relevant factor.

2. Persons whose first language is not English and who request accommodation by contacting the Election Committee in the manner prescribed in the notice of nominations shall be afforded such accommodations as are appropriate under the circumstances and result in no additional cost to the Caucus.
3. To that end, the time for casting a written ballot must be set so as to afford persons needing accommodations a reasonable opportunity to review and cast their ballots.

### Article XIII: Meetings

- A. Regular meetings of the membership shall coincide with the annual CDP Convention and the meetings of the Executive Board of the CDP.
- B. All meetings except for executive sessions of the Executive Board authorized by the CDP Open Meetings rule and CDP Rules Committee's Policy Statement on the Open Meetings Rule are open to all Democrats.
- C. Quorum. Fifteen percent (15%) or twenty-five (25) members, whichever is less, at Caucus meetings held in conjunction with all scheduled CDP Convention meetings and five percent (5%) or fifteen (15) members, whichever is less, at all other special or regular meetings shall be considered a quorum to do business.  
Notwithstanding the foregoing, in no event shall fewer than five members be necessary to constitute a quorum. While the Caucus may convene and hear informational items without a Quorum, it may not do official business or take a vote.
- D. All meetings shall be conducted in accordance with these Bylaws and the Bylaws of the CDP. Where the Caucus and applicable CDP Bylaws are silent, the most recent version of Roberts Rules of Order, Newly Revised shall provide the rules of order.
- E. All members shall be provided written notice of the date, time, and agenda for each Caucus meeting at least seven (7) days written notice by first class mail or email.
- F. Email delivery shall be considered sufficient notice for all purposes except in the case of members without email or members who have chosen not to receive notice by email by so indicating on their membership application, who shall receive notice by U.S. Postal Service first-class mail. For the purposes of these Bylaws, notice will be deemed given immediately when posted or mailed.
- G. All meetings shall be fully accessible to people with disabilities in compliance with the applicable State and Federal laws as well as the rules of the CDP.

H. Except as may be otherwise provided herein, and regarding amendments of these bylaws, at least seven (7) days written Notice shall be given of all matters that the Caucus will consider at a regular or special meeting.

#### Article XIV: Endorsements

A. Because the Caucus is a constituent part of the CDP and subject to the CDP Bylaws, the CDP's endorsements of ballot measures and candidates are the endorsements of the Caucus; the legislative action items of the CDP are the legislative action items of the Caucus.

B. The decisions of the CDP not to endorse or take a position on a ballot measure or in a race are the decisions of the Caucus not to endorse on such matters.

C. Moreover, the Caucus' purpose includes proactively conducting its affairs to ensure full compliance with the expectations and intent of Article VIII, Sections 1.c, 1.3, 2.h, 1.i and 2.a of the CDP Bylaws and to affirmatively decline to take independent positions on matters which are contrary to the positions of the CDP.

1. As a result, the Caucus shall make no independent endorsement of any candidate for public office or ballot measure unless that candidate or initiative has previously been endorsed by the Party through its formal endorsement process.

2. Participation in any campaign or outreach efforts shall be limited to activities conducted by, or in partnership with, the Party.

3. Any other voter outreach or campaign activities are prohibited.

D. Furthermore, unless a candidate or public initiative has received the official endorsement of the CDP, all motions of support are deemed to be out of order. This shall not, however, preclude any member of the Caucus from taking any action consistent with the rules otherwise applicable to them.

E. The Caucus may call on the Party to take actions to the extent consistent with the CDP's endorsement processes and rules, including, but not limited to, the one voice rule, and the Caucus' role as a constituent part of the Party.

#### Article XV: Non-Discrimination

The Caucus is prohibited from discrimination on the grounds of race, color, creed, national origin, sex, age, religion, caste, ethnic identity, sexual orientation, gender identity, persons

with disabilities as defined by the Americans with Disabilities Act of 1990 or economic status.

To that end, the scheduling and location of public meetings and other public affairs of the Caucus 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.

#### Article XVI: Code of Conduct

- A. Adoption of the Code of Conduct of the California Democratic Party. The Black Caucus hereby adopts the Code of Conduct of the California Democratic Party (hereinafter “CDP Code”) and incorporates the CDP Code, as it now exists or as it may hereafter be amended, as a part of these bylaws. A copy of the current CDP Code is appended to these bylaws and if hereafter amended by the CDP, the amended CDP Code shall be considered to have superseded the version appended hereto and be operative as if appended hereto.
- B. Appending of Amended CDP Codes. At the earliest possible convenience, the current CDP Code shall be appended to these bylaws, without need for further action by This Caucus.
- C. Violations. Any violation of the Code shall be considered a violation of the Caucus Bylaws and shall subject the officer/member to discipline under these Bylaws. Such discipline shall be in addition to any disciplinary actions by the California Democratic Party or any of its constituent parts.
- D. Availability. Copies of the Code shall be made a part of the notices of any and all meetings of this Caucus by inclusion of an appropriate link, and made available to members attending any such meeting by the officer responsible for check in.
- E. Filing. In addition to the process for the filing of any disciplinary charges under these bylaws, or under the bylaws of the CDP, the Chair of this Caucus or, in their absence or when the conduct in issue involves the Chair, any officer of this Caucus is responsible for and charged with receiving and ensuring the prompt processing of any complaint of violation of the Code. These two (2) tracks for processing such a complaint are not mutually exclusive and the failure to process a complaint under the Caucus’ bylaws shall not constitute a failure to exhaust administrative remedies barring initiation of any process under the auspices of the CDP Conduct Commission.

#### Article XVII: CDP By-Laws



Any issues not specifically covered by these By-laws shall be governed by the by-laws of the CDP. In case of conflict in the By-laws, the CDP By-laws will control. The Caucus specifically recognizes its obligations to adhere to the General Policies in Article XIII of the CDP Bylaws and the Rules Committee's Policy Statement on the Open Meetings Rule.

#### Article XVIII: Amendments to the By-Laws

- A. Any proposal to change or amend these Bylaws may originate from the Executive Board, or a petition by twenty percent (20%) of the members of the Caucus eligible to vote on the date the petition is submitted.
- B. Any proposed Bylaws change (except for one originating from a petition by twenty percent of the Caucus membership) must first be approved by a majority of the Executive Board of the Caucus at a meeting at which consideration of the Bylaws Amendment is duly noticed and a quorum is present.
- C. Upon such approval or upon the Executive Board taking cognizance of a petition by twenty percent of the membership and verifying that the showing of support is as required, the Executive Board shall direct the Caucus Chair to forward the proposed amendment to the Rules Committee for review and approval. The approval sought is a finding by the Rules Committee that the proposed amendment is consistent with the terms of certification/recertification, including the maintenance of required Bylaws provisions and not that the proposed amendment is desirable or appropriate or should be adopted.
- D. Upon receipt of approval of the Rules Committee of proposed changes/amendments to these Bylaws, notice of such proposed changes/amendments must be given in writing and must be sent to all current voting members of the Caucus at least fifteen (15) days before any vote can be taken on such amendments.
- E. Amendments to these Bylaws must be approved by the affirmative vote of two-thirds (2/3) of those members who are present and voting at a meeting at which proper notice of consideration of the proposed amendments has been given and at which a quorum is present.

## Appendix: CDP Code of Conduct

### CODE OF CONDUCT

#### **Expected Behavior**

The California Democratic Party (CDP or Party) 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 everyone. The CDP also expects all such individuals to alert Party leaders and/or the Party Ombudsperson of a perceived violation of this Code and to cooperate in an investigation of a potential violation.

The CDP's expectations are not limited to CDP conventions and other meetings. Conduct in violation of this Code will not be tolerated at any and all events sponsored by or having an official connection with the CDP, as well as in any CDP office and in any call, text, or email, or on any digital communication platform or social media, that occurs in the context of conducting CDP business.

**Harassment Prohibited** All individuals should feel welcome and safe within the CDP, regardless of their sex, gender, gender identity, gender expression, sexual orientation, pregnancy/reproductive status, race, color, ethnicity, national origin, ancestry, religion, caste, creed, age, disability, health status, marital status, military or veteran status, body size, physical appearance, domestic violence victim status, social or economic status, or any legally protected classification or characteristic.

The CDP will not tolerate harassment and prohibits the creation of hostile conditions — that is, disrespectful or unprofessional conduct — based on any of the aforementioned categories. The manner of any such prohibited behavior includes verbal conduct, whether spoken or written (such as slurs, jokes, insults, remarks, epithets, teasing, yelling, foul or profane language, emails, posters, leaflets, internet posting, slander, etc.), visual conduct (such as the wearing, posting, or distributing of offensive symbols, pictures, cartoons, drawings, and computer displays, leering, gestures, libel, etc.), and physical conduct (such as gestures, blocking someone's way, assault, invading someone's space, unwelcome touching, etc.).

The CDP emphasizes that it will not tolerate sexual harassment, that is, conduct based on sex or of a sexual nature. Prohibited sexual harassment may include the actions described above, as well as other unwelcome sex-based conduct, such as unsolicited sexual advances or unwanted contact (such as kissing, hugging, neck-rubbing, an overlong handshake, etc.), requests for sexual favors, conversations regarding sexual activities, or other verbal, visual, or physical conduct or contact of a sexual or sexually suggestive nature.

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 CDP or an appointment to a CDP committee, to CDP leadership, or to another 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 examples above are just that—examples. In general, any conduct that is based on one or more of the protected classifications listed above that could interfere with an individual's participation in the CDP or could create an offensive, unsafe 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 are sensitive to the feelings of others.

#### **Retaliation Prohibited**

Retaliation for good faith reporting of behavior that may violate this Code of Conduct, or for participating in an investigation into a potential violation, is prohibited.

Retaliation may include, but is not limited to, exclusion from meetings, committees, or opportunities for advancement and full participation, ostracism, bad mouthing, or other conduct that may discourage engagement with the CDP, or that would be reasonably likely to deter a reasonable person from reporting a violation of this Code or participating in an investigation of a potential violation.

#### **Reporting Procedure**

Anyone who experiences, witnesses, or learns of a perceived violation of this Code should promptly report it either to a Party leader or to the Party Ombudsperson. A Party leader who receives such a report must promptly report it to the Party Ombudsperson. The Ombudsperson will decide whether to initiate an investigation and remains available to the reporter throughout the investigation process and will oversee any investigation that ensues.

#### **Consequences for a Violation**

A violation of this Code of Conduct may result in sanctions including but not limited to private censure, public censure, being prohibited from attending Party events, and removal from a CDP office and/or delegate status.

#### **CDP-Affiliated Clubs and Organizations**

Party-affiliated clubs and organizations are encouraged to adopt this Code of Conduct or a code similar to it. However, the procedure for reporting a violation of such a code, the responsibility for investigating and enforcing it, and the consequences for violating it must be established by the club or organization independently of the CDP and its procedures and ombudsperson

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