

HENDERSON COUNTY DEMOCRATIC PARTY

Constitution and By-Laws

As adopted at the HCDP County Convention – 4/8/2017

Constitution

Article I Name

A. The name of this organization shall be the Henderson County Democratic Party, herein referred to as "the Party" or (where appropriate) "Party".

B. The Party shall be organized and operated in accordance with the laws of the state of North Carolina, the Rules of the North Carolina Democratic Party, and other applicable laws and regulations.

Article II Purpose

The purpose of the Party, throughout Henderson County and its municipalities, is "Building HCDP to Get Out the Democratic Vote"

Toward that end, the Party will continue to strive to do the following:

- A. Attract new members to the Democratic Party
- B. Field qualified Democratic candidates for local positions
- C. Elect Democratic candidates
- D. Support Democratic elected officials and causes
- E. Perpetuate the ideals and principles of the Democratic Party
- F. Strengthen the Democratic Party
- G. Maintain an active and visible presence in Henderson County
- H. Educate, encourage, and inform voters regarding the electoral process, significant ballot issues, and Democratic candidates

Article III Party Officers

A. Section 1 Officers: The officers of the Party shall consist of:

- 1) County Chair
- 2) First Vice Chair
- 3) Second Vice Chair
- 4) Third Vice Chair
- 5) Secretary
- 6) Treasurer

B. Section 2 Duties and Responsibilities

The duties and responsibilities of the officers of the Party shall be defined in the Party's By-Laws.

Article IV State/Area Executive Committee Members

The Party shall be represented in the state party and area committees by the County Chair and additional committee members, the number of which shall be determined by the appropriate authority, including but not limited to:

- A. State Democratic Party - State Executive Committee.
- B. NC House District Executive Committees.

- C. NC Senate District Executive Committees.
- D. NC Prosecutorial District Executive Committees.

Article V County Executive Committee

The County Executive Committee shall be the governing body of the Party and is responsible for all Party operations.

- A. Members
- B. The members of the County Executive Committee shall be:
 - 1) Party officers
 - 2) Precinct Chair and Vice-Chair of each voting precinct
 - 3) State Executive Committee members
 - 4) HC House and Senate District Executive Committee members
 - 5) All Democratic elected officials residing in the County
 - 6) An appointed parliamentarian shall serve as a non-voting member
 - 7) Such additional members identified in the Party's By-Laws
- C. Meetings
 - 1) The County Executive Committee shall meet regularly and for special purposes as defined in the By-Laws.
 - 2) Meetings shall be conducted in accordance with Robert's Rules of Order Revised.

Article VI County Board of Directors

Under the auspices of the Executive Committee, the County Board of Directors shall be responsible for the day to day operations of the Party.

- A. Members

The members of the Board of Directors shall be:

 - 1) The elected Party officers.
 - 2) The elected Presidents of Auxiliary groups accepted by the Party's Executive Committee
 - 3) Such additional members identified in the By-Laws.
- B. Meetings

The Board of Directors shall meet regularly and for special purposes as defined in the By-Laws.
- C. Committees, Committee Chairs, and Special Appointments

Special appointments may be made and committees formed for the betterment of the Party as provided for in the By-Laws.

Article VII – Precinct Officers

Precinct officers shall consist of:

- A. Precinct Chair
- B. Precinct Vice Chair(s) – listed as; "First, Second, Third..."
- C. Secretary/Treasurer

Article VIII Party Membership

Any person registered as a Democrat in Henderson County is a member of the Party.

Article IX Public Statements and Endorsements

Public statements in the name of the Party shall be made only by, or at the direction of:

- A. The County Chair in conjunction with the Executive Committee
- B. The Executive Committee
- C. Other person(s) or committee(s) charged by the Executive Committee with that authority by The Party's By-Laws.
- D. The Party shall not endorse one Democratic Party Candidate over another.
- E. An endorsement of a referendum or initiative shall require a 60% majority vote of the County Executive Committee in attendance at a regular or special meeting.

Article X Expenditure Approvals

The Executive Committee shall establish Party expenditure limits and methods of approval. Authorized spending limits/approvals shall be included in the Party's By-Laws.

Article XI Amendments

- A. Amendments to this Constitution shall be the sole responsibility of the Party at the annual County Convention and shall require a two-thirds (2/3) majority vote by precinct.
- B. Proposed amendments may be forwarded to the County Convention by:
 - 1. The Party's Executive Committee by majority vote.
 - 2. A petition forwarded to the County Convention by a majority of the precincts.
 - 3. A petition signed by a minimum of one hundred (100) members of the Party
- C. Proposed amendments may be presented to The Party's Executive Committee by:
 - 1. The Party's Board of Directors by majority vote.
 - 2. A petition signed by a minimum of five (5) voting members of the Executive Committee
 - 3. A petition signed by a minimum of twenty-five (25) members of the Party.
 - a) The County Chair shall make every effort to assure all members of the Executive Committee are provided a copy of the proposed amendment by e-mail and by hardcopy available at the Party's office.
 - b) No fewer than five (5) days shall be given to all members of the Executive Committee to review the proposed amendment.
 - c) The amendment may be discussed and voted upon at a regular or special meeting.
 - d) A 60% majority vote of those present and eligible to vote shall be required to forward the amendment to the County Convention for adoption.
- D. The County Chair shall make every effort to assure all delegates to the County Convention are provided a copy of the proposed amendment by e-mail and by hardcopy available at the Party's office no less than seven days in advance of the Convention.
- E. Between Conventions, changes to the Constitution may be accepted by two-thirds (2/3) majority vote at a regularly scheduled Executive Committee meeting. A minimum five (5) day advance notice of the changes shall be provided in writing to all Executive Committee members. All changes shall be brought to the floor of the next County Convention and the decision at that convention shall be final.

Article XII. Severability

If a provision of this Constitution is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect either:

- A. the validity or enforceability in that jurisdiction of any other provision of this Constitution; or
- B. the validity or enforceability in other jurisdictions of that or any other provision of this Constitution.

By-Laws

Article I Party Officers – Duties, Succession, Absences, Vacancies

- A. Duties of Party officers shall be of a traditional nature.
- B. No Party Officer shall become a candidate for public office while serving.
- C. Party Officers shall be elected at the County Convention in odd-numbered years and serve a two-year term.
- D. The County Chair
 - 1) The County Chair shall be the executive officer of the Party
 - 2) The duties of the County Chair shall include (but not limited to) the following:
 - a) Oversee the day-to-day operation of the Party
 - b) Preside at the Board of Directors, Executive Committee, Annual Convention and other meetings.
 - c) Appoint an Acting Precinct Chair for any unorganized Precinct.
 - d) Oversee Vice Chairs & their committees.
 - e) Encourage county chapters of state Auxiliary Organizations.
 - f) Represent the Party at functions.
 - g) Attend District & State Executive Committee meetings.
 - h) Assign an Office Manager.
 - i) Appoint an Attorney in conjunction with the Board of Directors.
 - j) Appoint a Parliamentarian.
 - 3) In the absence or vacancy of the chair, duties shall fall in succession to:
 - a) The First Vice-Chair
 - b) The Second Vice-Chair
 - c) The Third Vice-Chair
 - d) Secretary
 - e) Treasurer
- E. Responsibilities of the Vice Chairs shall be as specified in The North Carolina State Democratic Party's Plan of Organization.
- F. The Secretary
 - 1) The Secretary shall take minutes of the Board of Directors, Executive Committee and special meetings and shall submit them for approval by both hardcopy in the Party's office and by e-mail no later than one week before the next meeting.
 - 2) Minutes of the Annual Meeting/Convention shall be submitted to the County Officers and the Executive Committee for review. Submission shall be by e-mail and a hardcopy filed in the Party's office no later than three weeks following the Annual Meeting/Convention. The Executive Committee, at its next regular meeting following the submission of the draft minutes, shall make any necessary corrections or additions, and accept them. The accepted minutes shall be presented to the next Convention for formal approval.
 - 3) Attached to the hardcopy of those minutes shall also be hardcopies of all resolutions and appropriate papers.
 - 4) In the absence of the Secretary, a recording Secretary shall be appointed.

G. The Treasurer

- 1) The Treasurer shall provide a current financial report to the Board of Directors and to the Executive Committee at all regular meetings.
- 2) The Treasurer is responsible for making all money deposits and maintaining accurate records of all financial transactions.
- 3) In December of each year, the Treasurer shall chair a committee responsible for developing a budget for the following year and will submit the budget for approval to the Board of Directors and to the Executive Committee.

H. In the event of a vacancy of a Party officer, excluding the County Chair:

- 1) The County Chair shall call a committee of the remaining Party Officers to consider and recruit a candidate for the position.
- 2) The candidate shall be vetted by the Board of Directors and a recommendation made to the Executive Committee.
- 3) The Executive Committee shall appoint the replacement member by majority vote.

Article II State and District Executive Committee Members – Duties and Vacancies

- A. Members shall be elected at the County Convention in odd-numbered years and serve a two-year term.
- B. State and District Executive Committee members shall attend and represent the Party at their respective meetings. A meeting activity report shall be presented at the next immediate meeting of the County Executive Committee.
- C. Members shall be held responsible for the execution of their responsibilities by the Executive Committee.
- D. Members may be removed by the Party's Executive Committee by majority vote for failure to satisfy the responsibilities of their position.
- E. In the event of a vacancy:
 - 1) The County Chair shall call a committee of the remaining Party Officers to consider and recruit a candidate for the position.
 - 2) The candidate shall be vetted by the Board of Directors and a recommendation made to the Executive Committee.
 - 3) The Executive Committee shall appoint the replacement member by majority vote.

Article III County Executive Committee

- A. The County Executive Committee shall be responsible for general Party operations.
 - 1) They shall encourage Precinct operations and development.
 - 2) They shall approve the annual budget.
 - 3) At the January meeting, in odd-numbered years, the Executive Committee shall appoint a nominating committee for the purpose of proposing a slate of officers to be elected at the County Convention.
 - 4) At the beginning of each fiscal year, the Executive Committee shall appoint three of its members to act as an Audit Committee to perform a review of the County Party's financial records. The results of their review shall be reported to the Executive Committee no later than the March meeting of that year.

B. Members and Voting Status

- 1) County Chair – tie-breaking vote only – is responsible for meeting notifications and agenda preparation/distribution.
- 2) Vice-Chairs (first, second and third) – voting
- 3) Treasurer –voting
- 4) Secretary –voting
- 5) Precinct Chairs and Vice-Chairs – voting (each precinct is entitled to one vote)
- 6) State Executive Committee members – voting
- 7) Presidents of recognized auxiliary organizations - voting
- 8) All Democratic elected officials residing in the County – non-voting

C. Meetings

- 1) The County Executive Committee shall meet no less often than quarterly in odd-numbered years and monthly in even-numbered years.
 - a) Regular meeting dates shall be determined by majority vote of the Executive Committee.
 - b) Special meetings shall be set by the County Chair.
- 2) A special meeting of the Executive Committee may be called by request of a minimum of fifteen (15) members of the Executive Committee for a specific stated purpose – the meeting shall be scheduled by the County Chair within five (5) days of the request and shall be restricted to the stated purpose.
- 3) A quorum of the Executive Committee shall be defined as a combined total of 40% of:
 - i) the organized Precincts.
 - ii) the voting members of the Board of Directors.
- 4) The County Chair shall report quarterly to the Executive Committee on what precincts are organized and what positions are vacant.

D. Voting at meetings of the Executive Committee.

- 1) Voting during the meetings of the Executive Committee may be by voice or show-of-hands, except when a vote by precinct is called for by 25% of those in attendance.
- 2) During a vote by precinct, votes shall be tallied according to the North Carolina Democratic Party's Plan Of Organization.

E. Proxies

When a Precinct Chair and/or Vice Chair cannot attend a County Executive committee meeting, the precinct can maintain its voting status by the use of a proxy.

- 1) If a Party Officer is also a Precinct Chair or Vice Chair, or is the President of an authorized Auxiliary Group, they may assign a proxy to represent that Precinct or Auxiliary Group.
- 2) The proxy must be in writing. The person holding the proxy must be a registered Democrat from that precinct or Auxiliary Group.

F. Removal of Officers

- 1) The Executive Committee shall have the power to remove any officer for cause at a regular Executive Committee meeting or at a special meeting called for that purpose.
- 2) A minimum of seven (7) days advance notice shall be provided. A two-thirds (2/3) majority of the voting members in attendance shall be required to remove any officer from office.
- 3) Should the Board of Directors feel that immediate action is necessary, it may temporarily suspend the officer pending resolution by the Executive Committee.

Article IV Board of Directors – Responsibilities, Membership, Meetings, and Committees

- A. The Board of Directors shall be responsible for the day-to-day operations of the Party in accordance with policies and procedures established by the County Convention and Executive Committee.
- B. The Board of Directors shall be responsible for fund raising, internal and external Party communications, events, Democratic clubs and organizations coordination, and operation of the Party's office.
- C. Additionally, the Board of Directors shall provide guidance and leadership for Party operations.
- D. Members and Advisors – Voting Status
 - 1) County Chair – tie-breaking vote only – shall be responsible for meeting notifications and agenda preparation/distribution.
 - 2) Vice-Chairs – voting
 - 3) Secretary – voting
 - 4) Treasurer – voting
 - 5) Presidents of recognized auxiliary organizations – voting
 - 6) Temporary and advisory members who may be assigned by the Party's Executive Committee – non-voting
- E. Meetings
 - 1) The Board of Directors should meet no less often than every other month in odd-numbered years and monthly in even-numbered years.
 - a) The meetings shall precede each County Executive Committee meeting.
 - b) A quorum is defined as 40% of the voting members.
 - 2) Special meetings may be called as necessary by the County Chair
 - 3) Special meetings may be called by request of a minimum of four (4) members for a specific stated purpose – the meeting shall be scheduled by the County Chair within five days of the request.
 - 4) The agenda for special meetings shall be restricted to the stated purpose.
- F. Committees, Committee Chairs, and Special Appointments
 - 1) Standing committee chairs shall be appointed by the County Chair, accepted by the Board of Directors and approved by the County Executive Committee.
 - 2) Temporary committee chairs and appointees shall be appointed by the County Chair and accepted by the Board of Directors.
 - 3) Committee chairs report to the Board of Directors.
 - 4) Committee report summaries shall be presented to the Executive Committee.
 - a) Standing committees of the Executive Committee include but are not limited to:
 - Fund Raising
 - Communications: emails, public relations, website, newsletter, letters to the editor.
 - Budget and Expense
 - Booths and Parades
 - Phone Banking
 - Volunteer coordination
 - b) Temporary Committees include, but are not limited to:
 - Special Events

Candidate search
County Convention
Meeting and hospitality
Campaign
Training
Resolutions
Audit

- c) Special appointments include but are not limited to:
Parliamentarian
Program/Workshop director
Historian

G. Committee Organization

- 1) The Fund Raising committee shall be chaired by a member of the Board of Directors and include at least three additional members, approved by the Board of Directors. Fundraising plans shall be presented to the Board of Directors for approval and implementation.
- 2) The Communication committee shall be chaired by a member of the Board of Directors and shall include one person each responsible for e-mails, web site, newsletters, letters to the editor, and public relations.
- 3) The Party Office committee shall be chaired by a member of the Board of Directors.
- 4) The Budget and Expense committee shall be chaired by the Treasurer and shall include the County Chair and at least three additional members nominated by the Treasurer and approved by the Board of Directors.
 - a) The committee shall submit an annual budget before the beginning of each calendar year.
 - b) The committee shall review the budget and expenses and suggest changes:
 - Semi-annually in odd-numbered years
 - Quarterly in even-numbered years.
- 5) Chairs for the Booth and Parade, Phone Banking, and Volunteer Coordination committees may be any interested persons supporting the Party.

Article V Nominating Committee

- A. A Nominating Committee shall be appointed no later than January of odd-numbered years.
- 1) The committee shall have a minimum of three members at least one of whom is not seeking election or re-election as a Party Officer
 - 2) The committee shall be appointed by the Executive Committee on recommendation of Board of Directors.
 - 3) The committee shall generate a slate of Party officers and State and District Executive Committee members. The slate may consist of one or more persons for each position.
- B. The slate shall be presented to the Executive Committee at their meeting prior to the convention.

Article VI Dues and Contributions

- A. There are no dues required to be a member of the Party.
- B. All contributors shall be recognized once a year in a Party publication unless the contributor wishes to remain anonymous.
- C. All contributions:
 - 1) Shall be within limits established by lawful authority.
 - 2) Must be accompanied by the specific "Contributor" information when required by the North Carolina Board of Elections.
 - 3) Are not tax deductible (by law).
 - 4) May not be from a business account (by law).
 - 5) By single cash payment shall not exceed \$50.

Article VII Expenditure Approvals

- A. Expenditure authorizations and limits for specific purposes may be established by the Executive Committee
- B. Expenditures approved in the budget or by the County Executive Committee require no other approval
- C. Non-budgeted expenditures shall be approved as follows:
 - 1) Expenditures less than \$100 require the approval of the County Chair.
 - 2) Expenditures of \$100, or more, but less than \$250 require the approval of a majority of the Board of Directors.
 - 3) Expenditures of \$250 or more require the approval of a majority of the Executive Committee.
 - 4) Between meetings of either the Board of Directors or the Executive Committee, authorization of expenditures may be obtained by polling via telephone or e-mail. A list of those members authorizing the expenditure shall be submitted in writing to that committee's next meeting and included in the minutes.

Article VIII Amendments

- A. Amendments to these By-Laws shall be the sole responsibility of the Party at the annual County Convention and shall require a majority vote.
- B. Proposed amendments may be forwarded to the County Convention by:
 - 1) The Party's Executive Committee by majority vote.
 - 2) A petition forwarded to the County Convention by a majority of the precincts.
 - 3) A petition signed by a minimum of one hundred (100) members of the Party.
- C. Proposed amendments may be presented to The Party's Executive Committee by:
 - 1) The Party's Board of Directors by a majority vote.
 - 2) A petition signed by a minimum of five (5) voting members of the Executive Committee.
 - 3) A petition signed by a minimum of ten (10) members of the Party.
 - a) The County Chair shall make every effort to assure all members of the Executive Committee are provided a copy of the proposed amendment by e-mail and by hardcopy to be made available at the Party's office.

- b) No fewer than five (5) days shall be given to all members of the Executive Committee to review the proposed amendment.
 - c) The amendment may be discussed and voted upon at a regular or special meeting.
 - d) A majority vote shall be required to forward the amendment to the County Convention for adoption.
- D. The County Chair shall make every effort to assure all delegates to the County Convention are provided a copy of the proposed amendment by e-mail and by hardcopy available at the Party's office no less than seven days in advance of the Convention.
- E. Between Conventions, changes to these By Laws may be accepted by a majority vote at a regularly scheduled Executive Committee meeting. A minimum five (5) day advance notice of the proposed changes shall be provided in writing to all Executive Committee members. All changes shall be brought to the floor of the next County Convention and the decision at that convention shall be final.

Article IX. Severability

If a provision of these By-Laws is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect either:

- the validity or enforceability in that jurisdiction of any other provision of these By-Laws; or
- the validity or enforceability in other jurisdictions of that or any other provision of these By-Laws.

*Reposted 6/1/19 (via Peri David) with format corrections.
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