

# STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA

## BYLAWS

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## **Article I. Statement of Principles**

### **THE DEMOCRATIC PARTY HOLDS TO THESE PRINCIPLES:**

That government functions best when it is closest to the people.

That Democrats are determined to provide economic opportunity for all Alabamians. It is our purpose to take maximum advantage of the bountiful natural resources with which we are blessed. We work for the day when no young Alabamian must go beyond the confines of our State to find opportunity. We are committed to the creation of a climate, which will foster a greater growth of industry and agriculture.

That a quality system of public education is the cornerstone of all our attainments and the foundation of our hopes for the future; that we must relentlessly strive to attain such a system so that every child is afforded full opportunity to realize his or her God-given potential.

That in recognition of our dependence on modern links of transportation, the Democratic Party seeks not only major expressways, but also airways, railways, waterways, and local roadways extending to even our most remote areas. We are determined to develop transportation facilities that are second to none and we acknowledge that we must bear a significant financial responsibility in this undertaking.

That the Democratic Party is committed to clean air and water. We recognize that the complex problems of our era necessitate governmental action, control of which must be in the hands of the people and not those whose regulation has become unavoidable.

That the Democratic Party holds it to be a significant public trust to provide for the needs of Alabama's people in the fields of public health, both physical and mental. We must give a helping hand to every Alabamian who can be rehabilitated and restored to self-sustaining citizenship and such services must be administered with compassion and competence.

That the distribution of our state's tax burden should be without discrimination either for or against any region. Those who benefit most from our free enterprise system should bear a proportionate cost of its maintenance. We condemn all schemes of taxation, which shift a disproportionate burden of government onto the shoulders of those who are least able to pay.

That the Democratic Party recognizes the importance of full and free collective bargaining in a free society.

That the people are entitled to honest and ethical government; that it is demanded of all public servants that they make complete, current, public disclosure of all potential conflicts of interest; that in carrying out their public trusts they serve no master save only the people; and that they fairly make and administer the laws without fear or favor. It is the duty of all public servants to relentlessly support and enforce the highest ethical standards without any regard to political exigencies of affiliations.

That the preservation and protection of our natural resources is a sacred obligation to unborn generations of Alabamians; that the development of our parks, recreational facilities, historical sites and wildlife is among the highest duties of our state.

That it is the duty of our State government to provide imaginative leadership and to strengthen the capacities of our free enterprise system in meeting the challenge of providing decent housing for all Alabama citizens.

That a fundamental duty of public service is to provide an honest dollar's worth of service for every public dollar spent. The continuing and pressing needs of our State make discharge of this high duty even more compelling.

That it is the inalienable right of every Alabamian to face the future with dignity and without fear. We must assist the sick, poor, the aged and others in need with compassion and with realistic awareness of today's needs.

That the government is of laws and not of men. We condemn any resolution of men's conflicts save through the legal processes. The Democratic Party stands for law and order and for a total and increasing war against crime, for the strengthening of our law enforcement agencies, and for justice under the law.

That every citizen no matter what his religion or race or how humble or exalted his origin or station owes the duty to participate fully at every level of government and is entitled to an equal voice and to equal treatment at its hand; that all Democrats are bound to defend, protect and honor our Nation, our state, or Party, that when they are right, it is our privilege to sustain them, that when they err, it is our duty to correct them.

That as Democrats, we are proud and upright citizens of the United States; that we are determined not only to serve here, but also to stand shoulder to shoulder with citizens of our sister states in giving meaningful, responsible and constructive leadership such as befits a great Nation.

## **Article II. Name, Emblem, And Powers**

### **Section 1. Name**

The name of the governing body of the Democratic Party in the State of Alabama is the State Democratic Executive Committee of Alabama, which may also be called the State Committee. The headquarters of the Alabama Democratic Party shall be located in Montgomery, Alabama and none other. This provision may be repealed only by  $\frac{3}{4}$  vote of the total membership of the State Democratic Executive Committee (SDEC). (Amended June 1, 2013)

### **Section 2. Emblem**

The official emblem of the Democratic Party shall be a medallion with a Donkey encircled by the words "Alabama Democratic Party".

### **Section 3. Powers**

The State Committee, except as otherwise provided by law, has sovereign, original, appellate, and supervisory power and jurisdiction of all Democratic Party matters throughout the State, and each district, county, and other subdivisions thereof. It is empowered and authorized to prescribe and enforce penalties against the violation of Party fealty including removing or disbaring from Party office, Party nomination, Party privilege or Committee Membership, anyone within its jurisdiction who violates such fealty or its rules or other lawful mandate. The State Committee shall review, on appeal, the decision of the County Committees in all cases concerning the nomination of County officers and all matters relating to party rules and policies. The State Committee has supervisory power over County Committees and is authorized on its own motion to set aside any action of a County, District, or Municipal Committee.

## **Article III. Party Organization**

### **Section 1. State Committee**

(a) The State Committee shall consist of two hundred ten (210) members popularly elected from the districts hereinafter provided, together with the following additional members:

National Committee persons; The Chair, five Vice-Chairs, Secretary, and Treasurer of the State Committee if any one or more of such officers are not otherwise members of the State Committee; Any other member(s) of the National Committee who is a citizen of the State of Alabama; The Democratic Governor and all Democrats from Alabama in the United States Senate and House of Representatives; shall be ex officio, non-voting members of said committee;

It is the policy of the SDEC that minority members should be represented on the SDEC in proportion to their presence in the Democratic Electorate of Alabama or in proportion to their presence in the population of Alabama, whichever is greater. The term "Democratic Electorate" of Alabama is defined as being composed of those persons who voted for the Democratic nominee for president in the immediate preceding general election and each succeeding general election for the Democratic nominee for president every four (4) years thereafter. Prior to the organizational meeting to be held in 1990, and at each organizational meeting thereafter, the Chair shall, utilizing whatever expert advice and assistance is necessary, and with the advice and consultation of the Vice-Chair for Minority Affairs, determine the percentage of minority voters in the Democratic Electorate and compare that percentage to the percentage of minority members found in the population of Alabama, according to the most recent federal decennial census. The higher percentage shall be selected as the percentage of minority members of the State Committee. If the higher of the two percentages is not met by the number of minority members elected, then the Chair shall determine the number of minority members to be added to the State Committee to bring the number of minority members on the State Committee up to the level of the higher of the two percentages. The Chair shall make available to any member of the State Committee the methodology and expert advice utilized by him. If any member of the State Committee disagrees with the number established by the Chair, then he or she may request a review of the decision by the Executive Board. This number of persons, if any, to be added onto the State Committee shall be selected by a caucus of the elected minority members of the State

Committee prior to the 1990 organizational meeting, and every four years thereafter. The additional members shall be selected in such a manner as to insure that no Congressional District will be without minority representation on the State Committee. In the event there is a Congressional District where no minority person qualified to run for the State Committee, then the caucus shall select a minority member from the Congressional District even if that person did not qualify to run for the State Committee. An equal division between men and women shall be maintained among those persons selected. After those additional members are selected, the minority caucus of the State Committee shall be composed of the elected and selected minority members of the State Committee. (Amended August 14, 2010).

(b) The term for all popularly elected members of the State Committee shall be four years. Said term shall begin upon the certification of each member as provided by law, and shall continue until their successors are elected and qualified. The term of office of the members of the National Committee shall be as provided by Article IV hereof. Members of the State Democratic Executive Committee apportioned pursuant to the provisions of this Article who miss more than three consecutive meetings of the SDEC have failed to meet the minimum level of attendance and shall be deemed to have resigned from the SDEC, unless they show proof of a serious illness. Vacancies created by members for failing to meet the minimum level of attendance shall be filled in accordance with the provisions of paragraph (c) of this article. (Amended March 15, 2003).

(c) Each of the popularly elected members of the State Committee must be a qualified elector and have and retain citizenship, residence and right to vote in the geographical unit from which he or she is chosen and serves. Should one lose such citizenship or residence or the right to vote by permanently moving from said geographical unit or otherwise, the same shall constitute a vacancy in such membership. Vacancy in membership for any reason shall be filled for the unexpired term by the State Committee at the next meeting following the occurrence of such vacancy, except that a vacancy in any position held by a minority member shall be filled by the minority caucus prior to the next meeting of the State Committee.

(d) The popularly elected members of the State Committee shall be elected from the one hundred five (105) districts used for the election of the State House of Representatives. One man and one woman shall be elected from said districts; except, however, that if said State House districts are hereafter changed by court decree or legislative act, such change shall not be effective with respect to such State Committee districts until the expiration of the term during which such change is made. Each State Committee district shall be the same number as the corresponding State House district. With regard to these 210 members, all male candidates shall be listed on the ballot together. All female candidates shall be listed on the ballot together. The voters shall have one vote for male candidates and one vote for female candidates. The male candidate and female candidate receiving the largest number of votes shall be elected.

(e) Equal division of positions between men and women will apply in all cases where possible.

## **Section 2. District Committees**

(a) There shall be a District Committee in each of the Congressional Districts within the State. Said District Committee shall consist of the Chair of each County Committee within said Congressional District (in case county extends into more than one Congressional District

the County Chair shall serve on the District Committee of each such Congressional District) together with all of the members of the State Committee who reside within such Congressional District.

(b) The duties and purposes of the District Committee shall be (1) the conduct of district-wide campaigns or other campaigns for offices to be elected from areas larger than a single county and (2) the overall coordination of Democratic Party affairs within the District. District Committees shall be authorized to raise funds and expend same on behalf of Democratic campaigns or for other Democratic Party activities, but shall not be authorized to nominate or certify candidates. The District Committee may elect such officers and create such committees as from time to time it sees fit. In the event the District Chair is a member of the State Committee, he shall automatically serve as a member of the Executive Board of the State Democratic Executive Committee. In the event the District Chair is not a member of the State Committee, the District Committee shall elect from among its members, a State Committee member to represent that District on the Executive Board of the State Committee.

### **Section 3. County Committees**

(a) There shall be a County Democratic Executive Committee (CDEC) within each county of the State.

(b) Said County Committee shall have the responsibility of discharging Democratic Party affairs within the County subject to the direction of the State Committee.

(c) The CDEC shall consist of the following members:

1. A Chair, Vice Chair, Secretary, Treasurer, three Coordinating Vice Chairs (one for Minority Affairs, one for young adults 18-35 years old, and one for Senior citizens 60 years old and above). All officers shall be elected by the CDEC. The chair and Vice Chair of the CDEC shall be of opposite gender.
2. The term of office of the members of the County Committee shall begin upon the certification of each such member elected, and said term shall continue for four years from the time of certification and until their successors are elected and certified. During the period of August 15-31 following the Democratic Party Runoff, a meeting of the County Committee shall be called by the Chair of the preceding Committee for the purposes of organization and to consider any business which may properly come before said County Committee. (Amended August 14, 2010).
3. A County Committee shall elect all officers. The term of office of said officers shall be four years and until their successors are elected, but all elected officers of a County Committee shall always serve at the pleasure of the County Committee.
4. At least thirty (30) to thirty-six (36) members who are popularly elected from the County Commission districts. Notwithstanding the number of members that are popularly elected, each County Commission district shall have the same number of popularly elected members within that particular county. (Amended March 15, 2003).
5. At-large members, which shall be equal to twenty-five percent (25%) of the popularly elected CDEC members.

All State Democratic Executive Committee members who are registered voters into the county:

It is the policy of the CDEC that minority<sup>1</sup> members shall be represented on the CDEC at least in proportion to their presence into the Democratic Electorate of the county or in proportion to their presence in the population of the county, whichever is greater. The term "Democratic Electorate" of Alabama is defined herein as being composed of those persons who voted for the Democratic nominee for president in the preceding general election and each succeeding general election for the Democratic nominee for governor every four years thereafter. (Amended March 15, 2003).

Each of the popularly elected members of the CDEC must be a qualified elector. Each member of the CDEC shall have citizenship as well as residency as a voter in the district from which he or she is chosen to serve. Should one lose his citizenship or change voting residency by permanently moving from said district or otherwise, the same shall constitute a vacancy on the CDEC. A vacancy in membership for any reason shall be filled for the unexpired term by the CDEC at the next meeting following the occurrence of such vacancy, except that a vacancy in any position held by a minority member shall be nominated by the minority members at the next meeting of the CDEC.

The popularly elected members of the CDEC shall be elected from the districts used for the election of the County Commission. The State Party shall designate election districts for those counties without single member districts. Each CDEC district shall be the same number as the corresponding County Commission district. With regard to these popularly elected members, there shall be an equal number of male and female candidates elected from said districts. All male candidates shall be listed on the ballot together and all female candidates shall be listed on the ballot together. The ballot shall state the maximum number of persons for which votes are to be cast. The male candidates and female candidates receiving the largest number of votes in the district shall be ranked and elected by plurality.

The at-large members provided for herein shall be allocated to the districts on a pro rata basis, based on the districts which received at last forty percent (40%) of the Democratic vote in the last presidential general election preceding the election to which they qualify.

Prior to the organizational meeting, the State Chair of the Democratic Party shall calculate and notify each County Chair of the number of at-large seats assigned to each CDEC district in which forty percent (40%) or more votes were cast for the Democratic nominee for president during the immediate past general election. The popularly elected members from each of the respective districts, together with other members who vote in the district will nominate the person(s) for each at-large district seat to be filled. All nominees for the at-large district seats shall be voted on by the membership of the entire CDEC. (Amended March 15, 2003).

Equal division of positions between men and women will apply in all cases where possible.

To the extent that they are not otherwise elected or re-elected, CDEC will add members to equal at least 30% of the total membership between the ages of 18 and 40. These members shall reflect the pro rata makeup of the committee by race, gender, and districts.

<sup>1</sup> The term "minority" is defined as the prevailing racial minority in a county.

(d) The first order of business at each CDEC meeting shall be given to the filling of all at large positions and other vacancies prior to the transaction of any other business.

(e) Minutes shall be kept of all meetings and shall be presented at the next subsequent meeting for approval and forwarded to the SDEC within 15 calendar days. CDEC members who have missed more than three consecutive regular meetings shall be formally removed from the CDEC.

(f) Within 15 days following the Democratic Primary, the County Chair shall provide the Chair of the SDEC, on a form to be provided by the Chair of the SDEC, the names of newly elected County Executive Committee members, their address, phone number, gender, race, and number of members under 40 years of age. Following receipt of the list, the State Chair shall have 20 days in which to notify the County Chair of the number of at-large members by category to which the county must elect. (Amended March 15, 2003).

#### **Section 4. Municipal Committees**

Municipal or other committees allowed by law may be formed from time to time. All such committees must be popularly elected in accordance with the standards hereinabove prescribed for County Committees

### **Article IV. State Committee**

#### **Section 1. Officers and Terms**

The officers of the State Committee are the Chair, the First Vice-Chair, the Vice-Chair for Minority Affairs, the Vice-Chair for County Affairs, the Vice-Chair for Youth Affairs, the Vice-Chair for Labor, the Secretary, the Treasurer, and the National Committee Members. The Vice-Chair of Labor shall be a member of the organization which represents the largest number of private sector workers in Alabama. Each officer except the Treasurer shall be elected at the organizational meeting of the State Committee. At the organizational meeting in 1990, and at each organizational meeting thereafter, the minority caucus shall meet two hours before the organizational meeting of the State Committee at the same location of the organizational meeting. The Chair of the State Committee shall convene the meeting and as the first order of business the caucus shall elect a temporary chair of the meeting. The Chair of the State Committee, upon the election of the temporary Chair of the minority caucus, shall leave the caucus meeting. The next order of business of the caucus shall be the selection of any additional minority members of the State Committee as provided for within these rules. The caucus shall then elect the Vice-Chair for Minority Affairs of the State Committee. The caucus shall also select its nominee for the Executive Board and shall conduct whatever additional business is deemed appropriate. After the caucus meeting is concluded, the Vice-Chair for Minority Affairs shall certify to the Chair of the State Committee those persons selected as additional minority members of the State Committee so that those persons may be seated as members of the State Committee. After members of the Executive Board have been elected at the organizational meeting in 1990, the minority caucus shall reconvene for the purpose of selecting additional minority members of the Executive Board. The names of these persons selected to serve on the Executive Board shall be certified to the Chair by the Vice-Chair for Minority Affairs. The Chair and each Vice-Chair shall be elected to a term of four (4) years and shall serve until their respective successors are elected, except however, that in all events, they shall serve at the pleasure of the State Committee or of the minority

caucus, as applicable. The Treasurer shall be appointed by the Chair with the concurrence of the Executive Board. The Chair and First Vice-Chair shall be of different sexes. (Amended August 14, 2010).

### **Section 2. Duties**

The Chair shall be the principal and presiding officer of the State Committee and shall have all of the authority and duties implied by such title and expressed or implied by these rules. The various Vice-Chairs, Secretary and Treasurer shall assist the Chair and shall have the duties and authority implied by their respective titles, assigned to them by the Chair or specified by these rules. The First Vice-Chair shall preside over the meetings of the State Committee in the absence of the Chair provided no Chair Pro-Tem is selected. In the event of a vacancy in the Chair, the First Vice-Chair shall forthwith call a meeting for the election of a New Chair. In the event of a vacancy in any other elected office, the same shall be filled by election at the next meeting of the State Committee. In the event of a vacancy in the office of the Chair and prior to the election of a successor, the First Vice-Chair shall assume all of the duties and have all of the authority of the Chair. (Amended June 1, 2013)

### **Section 3. National Convention Delegates**

Delegates to the National Convention of the Democratic Party called to nominate Presidential and Vice Presidential Candidates shall be selected in accordance with the Alabama Delegate Selection Plan, which is approved by the Democratic National Committee Rules and Bylaws Committee. (Amended March 6, 2004). Beginning in 2008 and at succeeding Conventions the delegation Chair shall rotate between a white and a black delegate at each Convention. (Amended August 27, 2005).

### **Section 4. Executive Board**

There shall be an Executive Board composed of: (a) one male and one female State Committee member from each Congressional District who shall be elected to said Executive Board by the members of the State Democratic Executive Committee from that district provided, however, that no minority member shall be elected unless he or she has been nominated by the minority caucus, (b) the State Chair, (c) the National Committee members, (d) the five Vice-Chairs, (e) the Secretary, and (f) the Treasurer. In terms of minority representation, the Executive Board shall reflect the same percentage of minority representation as on the State Committee after the procedures outlined in Article III Section 1 have been affected. Any additional members of the Executive Board needed to bring the minority percentage of the Executive Board up to the required level shall be selected by the caucus of minority members at the 1990 organizational meeting and each four years thereafter. Any vacancies in minority members of the Executive Board that occur during any quadrennium shall be filled by the minority caucus. The Executive Board shall meet on the last Friday of each calendar quarter and at other times as necessary at the call of the Chair or on the written request of any eight members thereof. Eight of its members shall constitute a Quorum. In the event that no Executive Board member shall have been elected by the District Committee of any Congressional district, such member shall be appointed by the Executive Board to represent said district until such election. Between meetings of the State Committee, the Executive Board shall possess all of the authorities of the State Committee except for the authority to amend rules, nominate candidates, fill vacancies on the State Committee and elect officers. (Amended June 1, 2013)

### **Section 5. Staff**

Job descriptions shall be approved by the Executive Board based upon the recommendation of the Chair. The Executive Board shall adopt all job descriptions prior to the hiring of personnel by the Chair. The Chair as needed may fill temporary positions. A report shall be made to the Executive Board should these temporary positions extend beyond 60 days. No staff employee, full-time or part-time, may serve as a member of the SDEC, the Executive Board, or any other committee. (Amended June 1, 2013)

### **Section 6. Special Committees**

The Chair is authorized and empowered to create and appoint special committees or commissions or subcommittees to perform such functions and to have such powers as shall be designed by him; provided, however, that the same shall not exercise any right or power vested by these rules in any standing committee created hereby nor shall they supplant or supersede any of the regular standing committees created by these rules.

### **Section 7. Delegates to Other National Conferences**

Delegates to the 1974 Charter Conference and all other special conferences, meetings, and conventions, other than the regular quadrennial national convention called to nominate Democratic candidates for President and Vice President, shall be selected in accordance with a delegate selection plan which (1) conforms to the rules established by the Democratic National Committee and (2) is adopted by resolution of the State Committee, any provision of these rules in conflict therewith notwithstanding. (Added by Amendment February 2, 1974).

## **Article V. Party Finances**

### **Section 1. Authority**

The State Committee shall have the authority to raise, receive, accept, solicit, maintain and expend such funds as may be provided from any source not prohibited by law. Assessments payable by candidates shall be required in such amount as is provided by resolution of the State Committee provided that the same does not exceed the limitation provided by law. Assessments are fixed by the State Committee and are payable to the State Committee for all public and Party offices filled by the vote: (a) of the State-at-large, (b) of a circuit, (c) of a congressional district, (d) of a legislative district, (e) of a State Executive Committee district, and, (f) of any other office except for those offices with respect to which these rules provide that assessments are specifically fixed by and payable to County Committees. Assessments are fixed by and payable to County Committees for all county offices, membership on the County Executive Committee and beat or precinct offices including constables and justices of the peace. The Chair, nor any other officer or employee may borrow, commit, or obligate financially the Alabama Democratic Party without prior specific approval of the Executive Board. (Amended June 1, 2013)

### **Section 2. Fiscal Year**

The fiscal year of the Democratic Party shall begin on January 1 and end December 31 of each calendar year.

### **Section 3. Budget**

The Chair shall submit by December 15<sup>th</sup> an operating budget, for the ensuing fiscal year for approval by the Executive Board not later than January 15<sup>th</sup> of the new fiscal year which shall include salaries and other operating costs projected for the succeeding fiscal year. With respect to the operating budget, funding for Party office operation and staff shall take precedence over all other funding. The Chair (or designee) shall make quarterly financial reports to the Executive Board. (Amended June 1, 2013)

### **Section 4. Expenses**

Expenses of the State Committee, whether for postage, supplies, stationery, rent, telephone, telegraph, freight, office furnishings, parcel post, transportation, staff expenses, office help, advertising, entertainment, campaign expenses, the State Chair's travel expenses, the National Committee member's expenses while attending National Committee meetings and other travel, Party meeting expenses or Party activity expenses as authorized by the State Chair, shall be paid or reimbursed from the committee's general funds. Subcommittees may incur the reasonable and necessary expenses of carrying out their purposes and shall report their receipts, disbursements and expenses. With approval of the State Chair, the actual and necessary expenses of a member of a subcommittee or special commission or committee incurred by him for travel within the State or in the discharge of his duty as such member, may be paid out of the State Committee's general funds, but shall not be taxed as any-part of the costs of a contest or appeal on contest.

### **Section 5. Accounts and Audits**

Funds of the State Committee shall be kept on deposit in the State Committee's name or in the name of a subcommittee or campaign or special fund as the case may be. The State Chair may place funds to the bank credit of a subcommittee or special fund from time to time as convenience may suggest. Funds may be disbursed by bank draft or check drawn by the Treasurer and countersigned by the Chair or when more convenient drawn by either.

Obligations of the State Committee or any of its subcommittees may be paid out of committee funds without waiting for the meeting of the State Committee. Accounts of officers, subcommittees and agents shall be audited at least bi-annually, and the Chair may appoint a committee or certified public accountant thereof at any time at his discretion. Audits shall be conducted in substantial compliance with standard accounting practices, but need not be opinion or certified audits. Audit reports shall be maintained for a period of five years. Such reports are not public documents, but shall be made available for inspection (but not copying) by any member of the State Committee at reasonable times.

### **Section 6. County Committee Funds - Restrictions and Audits**

The distribution of County Committee funds among members of the County Committees is forbidden, but a County Executive Committee may in its discretion reimburse its members for actual expenses incurred. There shall be an audit of the financial condition of every County Executive Committee by qualified examiners who shall not be members of the said committee for the two-year period ending December 31, 1971, and every two years thereafter on the anniversary date. Said audit shall not be a public document, but a copy shall be retained by the Chair of each County Executive Committee for the examination of any member thereof and a copy shall be furnished the Chair of the State Committee promptly upon request. Not less than quarterly, the County Committee Treasurer shall prepare a financial report, showing all contributions and expenditures for the quarter, and the balance

of the Committee's account. The financial report shall be distributed to the members of the County Executive Committee at its next meeting and a copy shall be mailed to the State Chair. (Amended August 14, 2010)

### **Section 7. Finance Committee**

A Finance Committee consisting of the State Chair and not less than two nor more than six other members, a majority of whom shall constitute a quorum, may be named, changed, discharged, wholly or in part, from time to time as deemed best by the Chair for the purposes and with the power of aiding him in auditing and determining and allowing or rejecting claims and in expending funds or in other financial matters as desired by him from time to time. (moved from Article IV).

### **Section 8. Duties and Responsibilities**

The Party at every level owes the duty of undertaking to provide a basic level of campaign support for its nominees. Every nominee owes a corresponding duty of actively assisting his Party in raising campaign funds for the support of straight ticket campaign efforts. The State, District and County Committees, are the agencies at their respective levels charged with the responsibility and possessing authority for management, allocation and expenditures of such campaign funds. Each such committee and the Chair thereof has full discretion and authority to establish subcommittees, campaign finance committees, and any other agencies deemed by it or him to be expedient to the discharge of such function. Overall direction of and final authority over the Party's campaign finances is in the State Committee.

Each CDEC shall be charged with the following specific duties:

(a) Meeting times: Each CDEC must meet a minimum of quarterly during non-election years, and monthly during election years.

Each CDEC shall establish, maintain, and staff a party headquarters at least 90 days prior to each general election. Failure of the CDEC to adequately fulfill the duties and responsibilities of this section can result in penalties or dissolution by a majority vote of the Executive Board of the SDEC.

## **Article VI. Procedure**

### **Section 1. Meetings**

The term of office of members of the State Committee shall begin upon the certification of their election. The organizational meeting of the State Committee shall be held during the period between August 1 and August 15 following a gubernatorial primary; said organizational meeting shall be held on the call of the Chair of the preceding committee. At such meeting, such other business as may properly come before the Committee may be considered. A notice in writing of such meeting shall be given to the members at least ten [10] days in advance. Such organizational meetings shall continue in session until the elective officers of this Committee are chosen. Thereafter the State Committee shall meet at such time and place as the Committee may determine or upon the call of the Chair or upon the call of the majority of the State Committee. (Amended August 14, 2010)

## **Section 2. Quorum**

At any meeting at which action is to be taken with respect to the selection of delegates to a National Convention or with respect to rules and regulations concerning the selection of such delegates, a quorum of the State Committee shall be 40 percent (40%) of the total membership thereof. At all other meetings of the State Committee, thirty [30] members or such number as may be required by law shall constitute a quorum.

## **Section 3. Order of Business**

The order of business shall be as follows: (a) Assembly and roll call, (b) Minutes, unless dispensed with, (c) The filling of vacancies in State Committee membership, (d) New business in the call or otherwise, (e) Unfinished business, old or new, and, (f) Adjournment. The order of business may be changed at any time by the Chair in the absence of objection.

## **Section 4. Rules of Procedure**

Unless otherwise provided for in these rules, Robert's Rules of Order, Newly Revised, most recent edition, shall be of force and govern in all meetings of this committee or any subcommittee, special committee, or commission thereof. Suspension of rules may be had by two-thirds concurring vote of those voting provided at least a quorum votes, but shall not be had by referendum or mail. The order of precedence of motions and the like shall be as follows: (a) Adjournment, (b) Adjourn to fixed time, (c) Referring to Committees, (d) Postpone indefinitely, (e) Previous question, (f) Lay on the table, (g) Postpone to fixed time, and (h) Amend. (Amended December 3, 2012).

## **Section 5. Minutes**

The Chair is authorized to appoint a stenographer or reporter to take the minutes of the meetings and is also authorized to appoint any other agents or assistants as may be necessary for that purpose. Either the minutes or a transcript of each meeting shall be transcribed and printed or otherwise duplicated and a copy thereof furnished each member within sixty (60) days after each meeting.

## **Section 6. Votes**

The Chair, at his discretion, may take a vote of the membership by mail or referendum on any matter except as prohibited by law or the rules of this Committee, he fixing the time to vote, but a vote so taken shall not be opened or cast at a meeting. Proxies are never allowed in the State Democratic Executive Committee or in the County, District, or Municipal Democratic Executive Committees. The State Chair votes and if a tie occurs, the proposition is lost. On all questions at meetings of the State Committee a majority vote shall prevail except on motions to suspend the rules.

# **Article VII. Selection of Nominees**

## **Section 1. Regular Elections**

(a) Under the authority and subject to the terms and provisions of the primary election laws of Alabama as contained in Code of Ala. 1975, Sec. 17-13-3, a Democratic Primary is called and ordered to be held throughout the State on the first Tuesday after the first Monday in June of each even numbered year, and if necessary, as provided by law, on the sixth Tuesday following said primary, or on such other dates as may hereafter be provided by amendment to

applicable Alabama law. Such primary elections shall be the Primary Election of the Democratic Party in the State of Alabama, and shall be held and conducted in all respects in accordance with the primary elections laws of Alabama. (Amended December 3, 1977).

(b) Nominees of the Democratic Party for all public offices to be filled in the regular election, except for (1) nominees for the office of presidential elector and (2) such county officers as are subject to the exception created by subsection (c) of this Section, shall be nominated in said primary. Nominees for the office of Presidential elector shall be nominated by the State Committee from among Democrats pledged to cast their electoral votes, if elected, for the presidential and vice-presidential nominees of the Democratic Party. All popularly elected members of the State Committee and all members of the 67 County Democratic Executive Committees shall be elected in said primary years when the governor of the State is to be elected. Popularly elected national convention delegates in the number and from the district as established by resolution of the State Committee, shall be elected in said primary in years when the President of the United States is to be elected. Such other Party officers or delegates as may from time to time be designated by resolution of the State Committee shall be elected in said primary.

(c) With the approval of the State Committee, a County Democratic Executive Committee may by resolution provide for the nomination of one or more county officers by some means as provided by law other than in a primary. Any such resolution by the County Democratic Executive Committee shall be filed with the Secretary of State in conformity with the Code of Ala. 1975, Sec. 17-13-5, and with the Probate Judge of the affected County. In the absence of such resolution by a County Democratic Executive Committee and approval thereof by the State Committee, however, nominees of the Democratic Party for all public offices in a county or subdivision thereof shall be selected in the primary. (Amended December 3, 1977).

(d) If a legally qualified candidate for nomination to any public office or for election to any public office or for election to any Democratic Party office is unopposed when the last date for qualification of candidates has passed, his name shall not be printed on the ballots to be used in said Primary Elections, and he shall be declared as duly nominated or elected, as the case may be, to the office for which he is qualified.

(e) The following persons and none other shall be entitled to vote in said Primary Elections, namely: Democratic voters who have been Democrats for at least thirty-six (36) days in advance of the primary, who are qualified electors in this State, who believe - in the principles of the Democratic Party and who, by participating in said Primary Elections, pledge to abide by the results thereof and to aid and support all the nominees thereof in the ensuing general elections. The ballot (including voting machines) for said Primary Election shall be prepared in the form and with the words required in Code of Ala. 1975, Sec. 17-13-7 and Sec. 17-13-8.

Any person who (1) votes in any primary election of another political party, (2) participates in the nominating process of another party's candidates, or (3) promotes the candidacy of an independent candidate, shall not be entitled to vote in the Primary Elections of the Democratic Party held in the calendar year in which such person does any of the said prohibited act(s). Without limiting the foregoing, any person who votes in the first primary of another political party shall not be entitled to vote in the Democratic Party's run-off Primary Election which follows such first primary election. (Amended April 21, 1979).

(f) Any elected public official who attained office as a nominee of the Democratic Party in Alabama, and any person who is a member of the State Democratic Executive Committee shall not be permitted to qualify as a candidate for public or Party office as a Democrat in any elections if, while holding such public or Party office, he or she did not support the nominees of the Democratic Party in all Special or General Elections during the past four years, or who can be shown to have campaigned for endorsed, or contributed financially to any candidate opposing the Democratic nominee.

No person shall be permitted to qualify as a candidate for nomination or election to public or Party office as a Democrat in any elections who did not support the nominees of the Democratic Party in all Special or General Elections during the past four years. (Amended September 15, 1983).

Provided, however, any person holding a party office in another party, or holding a public elected office as the nominee of another party, or who has supported the candidacy of someone other than a Democrat through financial contributions, campaigning, or other public support during the past four years, and who desires to switch parties and seek office under the Democratic Party, may do so by renouncing his or her previous party allegiance, and the reasons therefore, to that party and pledging loyalty and allegiance to the Democratic Party for admission. The Democratic Party Chair shall refer the matter to the Executive Board and allow said person to show cause, if any, why his or her acceptance into the Democratic Party as a candidate would be beneficial to the Democratic Party if he or she is allowed to seek a public office under the party's emblem. If, after such a hearing, the Executive Board is convinced by a preponderance of the evidence that such a person would be an asset to the Democratic Party, the Executive Board may, by a vote of two-thirds of those present and voting, allow that person to seek office as a Democrat. (Amended October 9, 1985).

(g) Candidates for nomination for all offices except Delegate shall before 5:00 p.m., sixty (60) days next preceding the date of the primary election, in addition to paying the prescribed assessments file with the Chair of the State Democratic Executive Committee, a verified declaration of candidacy as follows:

"I hereby declare myself to be a candidate for the Democratic nomination in the Primary elections to be held on Tuesday the \_\_\_\_\_ day of June 20\_\_\_\_\_, and on Tuesday the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, for the office of \_\_\_\_\_  
for \_\_\_\_\_

(District, Circuit or County, if applicable)

\_\_\_\_\_  
(Place number, if applicable)

"I hereby certify that I am a Democrat; that I am a qualified elector of the State of Alabama; that I subscribe to the principles of the Democratic Party of Alabama and I possess the qualifications fixed by law the office which I am a candidate.

"If I am a candidate for the Democratic nomination for Judge of a Court of Record, I do further certify that at the time of filing this Declaration of Candidacy I am not under disbarment or suspension." (Amended December 3, 1977).

(h) Candidates for the nomination for either house of the Legislature of the State of Alabama shall file with the Chair of the State Democratic Executive Committee of Alabama at the time of the filing of their verified declaration of candidacy the following statement (Amended January 16, 2010):

Democratic Caucus Pledge  
Alabama Legislature

I, \_\_\_\_\_ (candidate name printed or typed), pledge to the Democratic voters of Senate/House District \_\_\_\_\_ (number) of the Legislature of the State of Alabama and to all Democratic voters of this state that I will vote for the Democratic Caucus choices for the leadership positions of the legislative body to which I seek to be elected. I further pledge to these voters that I will vote for the Democratic Caucus choices for the operating rules of the legislative body to which I seek to be elected. This pledge shall remain in force and effect during the entire term to which I seek to be elected.

Failure to adhere to this pledge shall render me ineligible to be called a "Democrat in Good Standing" and as such I will not be allowed to qualify as a Democratic Candidate in the next election cycle, unless or until approved by the Executive Board of the State Democratic Executive Committee.

(i) Candidates for election as popularly elected Delegate shall before 5:00 p.m., sixty (60) days next preceding the date of the primary election file with the Chair of the State Democratic Executive Committee a verified declaration of candidacy as follows:

"I hereby declare myself to be a candidate for election in the Primary Elections to be held on Tuesday, the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, for the office of Delegate to the Democratic National Convention from Delegate District No. \_\_\_\_\_.

"I hereby certify that I am a Democrat; that I am a qualified elector of the State of Alabama; that I subscribe to the principles of the Democratic Party of Alabama; and I possess the qualifications fixed by law for the office for which I am a candidate.

(j) After a candidate pays his entrance or assessment fee, if such a candidate in writing withdraws from the race on or before the qualification deadline, the Chair of the State Democratic Executive

Committee of Alabama or the Chair of the County Democratic Executive Committee concerned is authorized to refund such assessment or entrance fees to such candidate.

(k) In accordance with Code of Ala. 1975, Sec. 17-13-42, should this committee desire not to enter the primary elections, as provided for under Alabama law, proper notice thereof shall be given by filing with the Secretary of State, at least sixty (60) days before the date of the primary election, a statement of the action of this committee, certified by the Chair of this committee and by its secretary, which statement shall contain a copy of the resolution or motion adopted declining to accept and come under the Primary Election Law. (Amended December 3, 1977).

(Section pertaining to candidate filing of campaign disclosures with the Party was deleted by amendment of bylaws on August 14, 2010)

## **Section 2. Special Elections, Vacancies, etc.**

(a) Whenever a special election is called to fill any public office, the State Committee may at its discretion nominate a candidate of the Party therefore or provide for a nomination by primary election or convention or other method in vogue in the party at the time. When there is ample time and it is legally possible to do so, a primary should ordinarily be used. Notwithstanding any provision of these rules to the contrary, whenever by reason of reapportionment or redistricting by legislative act or by court action; (i) a Party nomination has not been made for any office (other than a county office) to be filled in any general election or (ii) there is a conflict in nomination as a result of more than one nomination having been made prior to a reduction in similar offices or (iii) there is a change in the area(s) from which any nominee(s) is to be selected, then in any such event the nominations and nominee(s) in question which shall be made, fixed and determined by the State Committee or by such method as the State Committee shall determine.

(b) When said election is for county office, the County Executive Committee shall act in the same way and with like power and duty regarding said offices as above provided for the State Committee.

(c) When a nomination has been made and becomes vacant before the election, the vacancy may be filled by use of any of the above stated plans for special elections that may be applicable or adaptable to use, in the judgment of the Chair, who shall advise or direct action as occasions may suggest or require.

(d) With respect to any actions taken or nominations made pursuant to this Section, certificates of nomination shall be promptly made by the same presiding officer or other officers as in cases of nominations for primary elections or conventions.

(e) Within the meaning of these rules, State office includes any that is statewide or filled by a vote of the whole state and any office of which the whole or greater part of the emolument is paid by the State. Member of the State Committee is a State Party officer. A district, circuit or division office is one filled by the vote of a district, circuit or division. A County office includes any other office than those previously stated that may be filled by a vote of a single county or less territory.

## **Section 3. Write-In Candidates**

Only those candidates who have qualified as required by law and who have also complied with the rules and regulations fixed by this Committee shall be voted for in any primary election. It shall not be permissible to write or stamp in any name not officially printed on the primary ballot in any primary election. The Chair of the State Committee is authorized and empowered to reject declarations of candidates with or without a trial before the Committee notwithstanding the affidavit if he believes the affidavit to be untrue or the candidate to be otherwise unqualified to run in the primary of this with a right of appeal on the part of the candidate to the Executive Committee for review.

## **Section 4. Certification of Candidates**

Certification of names of candidates shall be made by the Chair of the State Committee and the Chair of the respective County Committees in accordance with Code of Ala. 1975, Sec. 17-13-5, the State Democratic Executive Committee Chair shall, no later than 5:00 p.m., fifty (55) days before the Primary, certify the names of all Primary candidates except candidates

for county office, to the Secretary of State, and all County Democratic Executive Chairs shall, not later than 5:00 p.m., fifty (55) days prior to the date of the Primary Election, certify to the Probate Judge of such county the names of all candidates for the nomination to county offices. (Amended December 3, 1977).

#### **Section 5. Certification of Results**

The results of any primary election shall be certified by the State Chair or by the respective County Chair as the case may be in accordance with provisions of law.

#### **Section 6. Qualification Fees**

(a) In accordance with the Code of Ala. 1975, Sec. 17-13-47, the entrance or qualifying fees or assessments against all candidates for nomination or election in a primary election; except as to county offices, shall be as follows: Against all candidates for any remunerative office - 2% of the salary of such office for the first year of the new term from every lawful source, including all supplements, but not including expense allowances; against each candidate for State Board of Education or for any other non remunerative public office--\$500.00; in cases of candidates for any remunerative office for an initial short term of two years or less, the amount to be paid shall be one-half the amount which would apply if said candidate were running for a full term; against each candidate for State Democratic Executive Committee--\$50.00. (Amended March 15, 2003).

(b) Within the limits provided by law, the authority of the State Committee to fix entrance and qualifying fees or assessments of candidates for Democratic nomination for county offices or for election to the County Democratic Executive Committee is hereby vested in the several County Democratic Executive Committees of this State.

(c) Notwithstanding the foregoing, the entrance or qualifying fees or assessments shall be waived with respect to any candidate who is unable to pay the prescribed amount under the following procedure: (1) any such person who desires to qualify shall file with the State Chair a written declaration that he is unable to pay the Prescribed fee or assessment and an application that he be allowed to qualify by the filing of the herein prescribed petition to demonstrate the seriousness of this candidacy. Such declaration and application in any understandable form shall be sufficient; (2) The State, or with respect to County offices, the County Chair, shall examine the prospective candidate and if he be reasonably satisfied as to the truth of such declaration shall approve the declaration; (3) After the approval of such declaration the prospective candidate shall be eligible to file a petition supporting his candidacy and signed by one-fourth of 1% of the voters registered in the state, district, county, circuit or other political subdivision from which the office sought is to be elected. Such signatures shall be legible and accompanied by each signator's residence address. Upon the filing and approval of such petition, the payment of the entrance or qualifying fee or assessment shall be waived.

#### **Section 7. Subcommittee**

The Chair of this Committee is hereby authorized, empowered, and directed to appoint a subcommittee of five, consisting of the Chair of this committee, who will be the Chair of the subcommittee, and four members of this committee to supervise the holding of the Primary Elections herein ordered, including the canvassing of the declaration of result and the certification of those nominated, and/or elected, and such subcommittee shall have final authority in respect to contests. The said subcommittee shall perform all the duties required

by law of this committee in said Primary Elections, except the duties reposed by law or the rules of this Party on the Chair.

### **Section 8. Conflicting Action Prohibited**

No County Democratic Executive Committee of any county of the state shall pass any resolution in the premises in conflict herewith. (Added by Amendment February 2, 1974).

### **Section 9. Challenges**

(a) Challenge of Candidacy. A qualified elector may wish to challenge the qualifications of a candidate for a Democratic nomination prior to the primary election. A qualified elector wishing to challenge the candidacy of an individual on the basis of the reasons set forth in the Article VII Section 1. (b) of the Bylaws of the Alabama Democratic Party shall file a challenge with the State Chair of the Democratic Executive Committee of Alabama within five (5) days after the date the challenged candidate has qualified. A challenge hearing shall commence no less than five (5) days and no longer than ten (10) days after the challenge has been received by the State Chair.

#### **(b) Challenges Concerning Offices Triable by the State Committee**

1. The State Chair, or a person acting under his direction for such purpose, shall endorse on the statement of challenge the date it is filled with him or in his office. Filing a statement of challenge shall be deemed complete when personally delivered to the State Chair or left with a responsible adult person in his employ at the office of the State Committee. The elector filing the contest for service or delivery of at least one copy each on the challenged candidate and every other party affected by or having any interest in the contest whose names and mailing addresses shall be set out in the statement of challenge. The elector filing the challenge shall set out in the statement of challenge his place of residence, his address for the receipt of mail, and the county, precinct, beat or box, where he is registered to vote.

2. Promptly after the receipt of the statement of challenge, the State Chair, or a person acting under his direction, shall mail a copy thereof by ordinary mail, postage prepaid, to the challenged candidate and to each other party affected by or having an interest in the challenge. In the absence of convincing evidence to the contrary, it shall be presumed that the challenged candidate and each such other person so addressed received the copy of the statement of the challenge mailed to him, on the third day after it was mailed.

3. In absence of written notification to the State Chair to the contrary, the address appearing on the written declaration of qualification filed by the candidate shall be his address for all purposes of mailing and communication related to any challenge in which such candidate is involved.

4. The State Chair is authorized, empowered and directed to appoint, from time to time, a subcommittee or subcommittees from the membership of the State Committee, to hear, consider, and decide any challenge or challenge appeal in any primary election. Each such subcommittee so appointed shall have and is hereby given all the right, power and authority to do or perform any act or thing in which the State Committee could do or perform in the premises; and the chair of each such subcommittee shall have and is authorized to perform any act, and exercise any power or authority which the State Chair has or could exercise in the premises.

5. The State Chair is empowered to make any order other than a final order of decision in any challenge where limitations of time make it impractical for challenge subcommittee appointed or to be appointed to do so; provided, however, that any such order made by the State Chair shall not foreclose the reconsiderations of the subject matter of the order by the challenge subcommittee.

6. The elector filing a statement of challenge shall post with the State Chair, within such time that the State Chair shall designate, such reasonable security for the cost for the challenge as the State Chair may require. The State Chair shall have no duty to perform any act in connection with such challenge, other than mailing a copy of the statement of challenge to the challenged candidate, and other interested parties, until such security for cost has actually been received by him. Additional security for cost may be required by the State Chair in the course of the challenge with the approval of the majority of the subcommittee appointed to hear the challenge, if it shall appear that the costs originally posted with the State Chair is inadequate. In fixing the amount of security for costs, it shall be proper to consider and include expenses reasonably expected to accrue for the travel and subsistence expense of the subcommittee members, reasonable fees for other persons engaged, reasonable fees or legal counsel to serve and advise the subcommittee hearings and considering the challenge, and any and all other items of cost which, from the nature of the challenge appearing in the statement of challenge and in response thereto, appear likely to occur and reasonable in scope and amount. The failure of the challenging elector to post all required security for costs within such time as the State Chair designates shall be sufficient grounds for the dismissal of the challenge by the subcommittee or by the State Chair if no subcommittee shall have been appointed.

7. A copy of the challenge subcommittee's final decision on the challenge shall be mailed by the chair of the challenge subcommittee, or by a person acting at his direction, to each party to the challenge or his attorney and to the State Chair.

8. The decision of any challenge by a majority of the members of the challenge subcommittee shall be final, and no appeal shall lie to the State Committee as a whole unless the decision was not supported by any substantial evidence or was void as a matter of law. Any such appeal must be filed with the State Chair within five (5) days after the subcommittee's decision is rendered, and shall state with particularity the facts and circumstances on which the appeal is based. No appeal shall be considered on the ground that the decision of the subcommittee is not supported by any substantial evidence unless a transcript of all the evidence proceedings before the challenge subcommittee, provided at the expense of the party taking the appeal, shall be filed with the State Chair within ten (10) days after the appeal is filed; provided that the State Chair, or the Chair of any subcommittee appointed by him to hear the appeal, may extend the time for filing such transcript. The party taking the appeal shall make copies of his appeal to all other parties to the challenge or their attorneys, and shall certify on his appeal filed with the State Chair that he has done so. Responses to the appeal shall be filed with the State Chair within five (5) days after the date shown on the certificate of mail service appearing on the appeal. Thereafter, the State Chair may appoint a subcommittee to consider the appeal and to recommend appropriate action in the premises to the State Committee as a whole. No member of the challenge subcommittee may serve on any committee appointed by the State Chair to consider an appeal from the decision of such challenge subcommittee.

(c) Challenges Concerning Offices Triable by County Executive Committee. County Executive Committees may adopt rules governing the conduct of challenges triable by them, respectively; provided all such rules shall conform to the requirements of the statutes governing such cases. In the absence of any rules adopted by a county executive committee, the rules governing the conduct of challenges triable by the State Committee shall be applicable, so far as they are adaptable, to challenge triable by such county executive committee.

These rules shall be interpreted and applied when in doubt, so as to permit substance to prevail over form; to avoid technicalities of pleading and procedure; and to expedite the decision of challenges in as economical a matter as may be consistent with full consideration of the challenge. (Amended August 27, 2005)

## **Article VIII. Contests**

### **Section 1. Alabama Statutes Applicable**

Contests of primary election results and certification are the subject matter of statutes appearing in Code of Ala. 1975, Sec. 17-13-70, et seq. The provisions of this Article are prescribed pursuant to the authority of Code of Ala. 1975, Sec. 17-13-88, and are intended to supplement and complement said statutory provisions. No conflict between this Article and said statutory provisions is intended or perceived, but should conflict exist either now or by virtue of any amendment of or addition to said statutes, the statutes shall prevail.

### **Section 2. Contests Concerning Offices Triable by the State Committee**

(a) The State Chair, person acting under his direction for such purpose, shall endorse on the statement of contest the date it is filled with him or in his office. Filing of a statement of contest shall be deemed complete when personally delivered to the State Chair or left with a responsible adult person in his employ at the office of the State Committee. The elector filing the contest for service or delivery of at least one copy each on the contestee and every other party affected by or having any interest in the contest whose names and mailing addresses shall be set out in the statement of contest. The elector filing the contest shall set out in the statement of contest his place of residence, his address for the receipt of mail, and the county, precinct, beat or box where he is registered to vote and did vote in the contested primary election.

(b) Promptly after the receipt of the statement of contest, the State Chair, or a person acting under his direction, shall mail a copy thereof by ordinary mail, postage prepaid, to the contestee and to each other party affected by or having an interest in the contest. In the absence of convincing evidence to the contrary, it shall be presumed that the contestee and each such other person so addressed received the copy of the statement of contest mailed to him, on the third day after it was mailed.

(c) In the absence of written notification to the State Chair to the contrary, the address appearing on the written declaration of qualification filed by each candidate shall be his address for all purposes of mailing and communication relating to any contest in which such candidate is involved.

(d) The State Chair is authorized, empowered and directed to appoint, from time to time, a subcommittee or subcommittees from the membership of the State Committee, to hear, consider, and decide any contest or contest appeal or any election or of the nomination of any candidate in any primary election. Each such subcommittee so appointed shall have and is hereby given all the right, power and authority to do or perform any act or thing which the State Committee could do or perform in the premises; and the Chair of each such subcommittee shall have and is authorized to perform any act, and exercise any power or authority which the State Chair has or could exercise in the premises.

(e) The State Chair is empowered to make any order other than a final order of decision in any contest where limitations of time make it impracticable for contest subcommittee appointed or to be appointed to do so; provided, however, that any such order made by the State Chair shall not foreclose the reconsideration of the subject matter of the order by the contest subcommittee.

(f) The elector filing a statement of contest shall post with the State Chair, within such time that the State Chair shall designate, such reasonable security for the costs for the contest as the State Chair may require. The State Chair shall have no duty to perform any act in connection with such contest, other than the mailing of a copy of the statement of contest to the contestee and other interested parties, until such security for costs has actually been received by him. Additional security for costs may be required by the State Chair in the course of the contest with the approval of the majority of the subcommittee appointed to hear the contest, if it shall appear that the costs originally posted with the State Chair is inadequate. In fixing the amount of security for costs, it shall be proper to consider and include expenses reasonably expected to accrue for the travel and subsistence expense of subcommittee members, reasonable fees for accountants and other persons engaged to make any recount or tabulation, reasonable fees or legal counsel to serve and advise the subcommittee hearings and considering the contest, and any and all other items of cost which, from the nature of the contest appearing in the statement of contest and in the responses thereto, appear likely to occur and reasonable in scope and amount. The failure of the contesting elector to post all required security for costs within such time as the State Chair designates shall be sufficient grounds for the dismissal of the contest by the subcommittee or by the State Chair if no subcommittee shall have then been appointed.

(g) A copy of the contest subcommittee's final decision on the contest shall be mailed by the Chair of the contest subcommittee, or by a person acting at his direction, to each party to the contest or his attorney, to the Secretary of State of the State of Alabama, to the State Chair, and to the Circuit clerk of the Judicial Circuit in which the statement required by Code of Ala. 1975, Sec. 17-13-84, was or should have been filed.

(h) The decision of any contest by a majority of the members of the contest subcommittee shall be final, and no appeal shall lie to the State Committee as a whole unless the decision was not supported by any substantial evidence or was void as a matter of law. Any such appeal must be filed with the State Chair within ten (10) days after the subcommittee's decision is rendered, and shall state with particularity the facts and circumstances on which the appeal is based. No appeal shall be considered on the ground that the decision of the subcommittee is not supported by any substantial evidence unless a transcript of all the evidence proceedings before the contest subcommittee, provided at the expense of the party taking the appeal, shall be filed with the State Chair within twenty (20) days after the appeal

is filed; provided that the State Chair, or the Chair of any subcommittee appointed by him to consider the appeal, may extend the time for filing such transcript. The party taking the appeal shall make copies of his appeal to all other parties to the contest or their attorneys, and shall certify on his appeal filed with the State Chair that he has done so. Responses to the appeal shall be filed with the State Chair within ten (10) days after the date shown on the certificate of mail service appearing on the appeal. Thereafter, the State Chair may appoint a subcommittee to consider the appeal and to recommend appropriate action in the premises to the State Committee as a whole. No member of the contest subcommittee may serve on any committee appointed by the State Chair to consider an appeal from the decision of such contest subcommittee.

### **Section 3. Contests Concerning Offices Triable by County Executive Committees**

County Executive Committees may adopt rules governing the conduct of contests triable by them, respectively, provided that all such rules shall conform to the requirements of the statutes governing such cases. In the absence of any rules adopted by a county executive committee, the rules governing the conduct of contests triable by the State Committee shall be applicable, so far as they are adaptable, to contests triable by such county executive committee.

### **Section 4. Implementation of Rules**

These rules shall be interpreted and applied when in doubt, so as to permit substance to prevail over form; to avoid technicalities of pleading and procedure; and to expedite the decision of contests in as economical a manner as may be consistent with full consideration of the matter contested. (Added by Amendment July 24, 1970).

## **Article IX. Disqualification And Withdrawal Of Nomination**

Should any verified declaration of candidacy as required by Article VII of these Rules, as amended, appear to have been made in error or other than in good faith, or if the conduct of any candidate, either before or subsequent to the Primary, shall be incompatible with such declaration, then the Chair of the State Committee is authorized and directed to order that said candidate show cause before the subcommittee provided for by Article VII, Section VII of these Rules, as amended, why said candidate should not be disqualified or his nomination or election withdrawn as the case may be; and if after a hearing thereon following reasonable notice to interested parties, said subcommittee shall be reasonably satisfied and shall find that such declaration was in error or was not made in good faith or that the conduct of such candidate has been incompatible with such declaration, then and in that event said subcommittee shall be empowered to disqualify such candidate or withdraw his nomination or election as the case may be.

Should a nominee be found, after his nomination and before the general election, to be disqualified to hold the office for which he has been nominated, the State Committee shall declare the nomination void and withdrawn and shall proceed to fill the vacancy as provided for in these rules. The nominee against whom such action is proposed shall be afforded notice and of the grounds in support thereof in such manner and form as the State Chair shall direct, and he shall be afforded an opportunity to show cause before the State Committee as a whole or before a committee of its public, why his nomination should not be voided and withdrawn.

The provisions of this resolution and amendment to the Rules are severable. If any part, subpart, sentence, or word hereof be declared or held unconstitutional or invalid by any court or other agency having authority to make such declaration or holding, the same shall not affect the validity of the remaining portions hereof. (Amended February 2, 1974).

## **Article X. Bond or Fees for Contests and Challenges**

Whether it is a contested, challenged or otherwise, bond, fees or other payments shall be the same as a qualifying fee for the office being challenged, contested, or otherwise. (Amended June 1, 2013)

## **Article XI. Status, Effect and Amendment Of Rules**

### **Section 1. Status and Effect**

The foregoing rules are ordained and established by the State Democratic Executive Committee of Alabama as its permanent and continuing Constitution, By-Laws and Rules, wholly superseding and amending all previously adopted Constitution, By-Laws, Rules, Resolutions, and Regulations of whatever type and kind. The foregoing rules shall continue in force until rescinded or changed.

### **Section 2. Amendments**

Any member of the State Committee may propose in writing to amend or repeal any of these rules. Such proposal must be accompanied by a written statement of the reasons for proposing such amendment or repeal. The proposal and reasons shall be actually received by the Chair of the State Committee who will acknowledge receipt of the same in writing and forthwith mail copies to all members of the State Committee at the State Committee's expense. Any such proposal received by the State Chair at least ten (10) days (excluding the day of receipt) before any regular or special meeting of the State Committee shall be considered at such meeting as a matter of new business and may be adopted by the concurring vote of a majority of the members voting if a quorum votes. Amendments in writing may also be proposed at any meeting of the State Committee and need not be accompanied by any written statement of reasons, but no such proposed amendment may be voted on until it shall lie over at least twelve (12) hours. (Amended April 21, 1979).

### **Section 3. Other Rules**

For the purpose of enforcing these rules, the State Committee may make any rules or regulations not inconsistent herewith.

### **Section 4. Effective Date**

These rules shall be effective upon their adoption except with respect to Article III and Article IV, Section 4. The effective date of Article III and Article IV, Section 4 shall be upon the organization of the committees elected in 1970 and said Article III shall govern the election of committees to be elected during 1970. (Renumbered by Amendment July 24, 1970).