

Passed Oct 5 2019

STATE DEMOCRATIC EXECUTIVE COMMITTEE  
OF ALABAMA

AMENDED & RESTATED BYLAWS

TABLE OF CONTENTS

**Article I. Statement of Principles** ..... 4

**Article II. Name, Emblem, Powers, and Definitions**..... 6

Section 1. Name ..... 6

Section 2. Emblem ..... 6

Section 3. Powers ..... 6

Section 4: Full and Equal Opportunities ..... 6

Section 5: Definitions and Abbreviations ..... 7

**Article III. Party Organization** ..... 10

Section 1. State Committee ..... 10

Section 2. Diversity Caucuses ..... 13

Section 3. District Committees ..... 17

Section 4. County Committees ..... 17

Section 5. Municipal Committees ..... 20

Section 6: General Provisions Applicable to All Committees ..... 20

Section 7: Affirmative Action Committee & Plan ..... 21

Appendix A: AA Goals

**Article IV. State Committee** ..... 22

Section 1. Officers and Terms ..... 22

Section 2. Duties ..... 22

Section 3. National Convention Delegates ..... 22

Section 4. Executive Board ..... 23

Section 5. Staff ..... 24

Section 6. Special Committees .....	24
Section 7. Delegates to Other National Conferences .....	25
<b>Article V. Party Finances .....</b>	<b>25</b>
Section 1. Authority .....	25
Section 2. Fiscal Year .....	25
Section 3. Budget .....	25
Section 4. Expenses .....	26
Section 5. Accounts and Audits .....	26
Section 6. County Committee Funds - Restrictions and Audits .....	26
Section 7. Finance Committee .....	27
Section 8. Duties and Responsibilities.....	27
<b>Article VI. Procedure.....</b>	<b>27</b>
Section 1. Meetings.....	27
Section 2. Quorum .....	28
Section 3. Order of Business.....	28
Section 4: Credentials and Seating .....	29
Section 5. Rules of Procedure .....	29
Section 6. Parliamentarian, Minutes and Verbatim Transcripts .....	30
Section 7. Voting .....	31
Section 8. Certain Procedures for Special 2019 Election Meeting.....	33
<b>Article VII. Nomination Of Candidates For Public Office .....</b>	<b>34</b>
Section 1. Regular Elections .....	34
Section 2. Special Elections, Vacancies .....	37
Section 3. Write-In Candidates .....	38
Section 4. Certification of Candidates .....	38
Section 5. Certification of Results .....	39
Section 6. Qualification Fees .....	39
Section 7. Subcommittee .....	40

Section 8. Conflicting Action Prohibited.....	40
Section 9. Challenges.....	40
<b>Article VIII. Contests.....</b>	<b>42</b>
Section 1. Alabama Statutes Applicable.....	43
Section 2. Contests Concerning Offices Triable by the State Committee.....	43
Section 3. Contests Concerning Offices Triable by County Committees.....	45
Section 4. Implementation of Rules.....	45
<b>Article IX. Disqualification And Withdrawal Of Nomination .....</b>	<b>45</b>
<b>Article X. Bond or Fees for Contests and Challenges .....</b>	<b>46</b>
<b>Article XI. Status, Effect and Amendment Of Rules.....</b>	<b>46</b>
Section 1. Status and Effect.....	46
Section 2. Amendments.....	46
Section 3. Other Rules.....	46
Section 4. Effective Date.....	46

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

**THE ALABAMA 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 to 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 and women. We condemn any resolution of men's and women'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 her or his religion or race or how humble or exalted her or 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, and our 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, Powers, and Definitions**

#### **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 three quarters ( $\frac{3}{4}$ ) of a vote of the total membership of the State Democratic Executive Committee (SDEC). (Amended June 1, 2013) The State Committee (in full) shall meet no less than twice each calendar year.

#### **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.

#### **Section 4: Full and Equal Opportunities**

With these Amended and Restated Bylaws, the Democratic Party of Alabama establishes standards and rules of procedure to afford all members of the Democratic Party, and individuals who wish to join Democrats, full, timely and equal opportunities to participate in decisions concerning the nomination of candidates, the formulation of policy, and the conduct of all other Party affairs, without prejudice on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity, ethnic identity or disability, and further to promote fair campaign practices and the fair adjudication of disputes.

## **Section 5: Definitions**

**AA:** Affirmative Action.

**Affirmative Action Committee:** A standing committee of no less than 7 members of the SDEC appointed by the Chair of the SDEC. The Affirmative Action Committee shall proactively look for and implement ways to expand the Democratic Party throughout the state and make recommendations to the Chair on the continual updating and refinement of the Affirmative Action Plan and Affirmative Action Outreach.

**Affirmative Action Goals or AA Goals:** Numerical goals determined from time to time for Diversity Constituencies pursuant to the AA Plan set forth in Appendix A to the AA Plan, such target goals not to be considered quotas.

**Affirmative Action Outreach:** Implementation of the AA outreach program in the applicable AA Plan to inform Democrats, and those who wish to participate with Democrats, with particular focus on Diversity Constituencies. Outreach is a proactive effort to disseminate information on how to participate in the processes, activities and programs and activities of the Party, including dates, agendas, and timelines. Affirmative Action Outreach shall be a duty of every Party Committees and the officers or leaders thereof. Sometimes referred to as “**Diversity Outreach.**”

**AA Plan:** The Affirmative Action Plan and Outreach Program of the SDEC.

**All Party Affairs:** Sometimes “**Party Affairs.**” Activities of any Party Committee commencing at the lowest level and continuing up to and including the State Committee. Such activities include, but are not limited to, (A) the processes by which delegates are nominated to a Democratic National Convention or other Party conventions, (B) the process by which Party officials are nominated, designated, appointed, or elected, or by which candidates for public office are nominated or to be officially supported by the Party, (C) the process by which Party policy, positions, platforms, or rules are formulated or adopted, and (D) where programs such as voter registration, public education and public relations are to be discussed or adopted.

**At-Large Member(s):** Individuals nominated by a Diversity Caucus to stand for election by the SDEC to the SDEC and the Executive Board. Also applicable to District, County, and Municipal Parties as herein detailed.

**Declaration of Candidacy** (sometimes “**Qualifying Form**”): To be filed by individuals who wish to be nominated and/or elected as (A) an officer of the State Committee, (B) Diversity Constituency At-Large Member to the State Committee or Executive Board (C) to fill any vacancy on the SDEC. The form will be on the website of the SDEC and can be downloaded to be filed with the SDEC in a manner and at a time disclosed on such form.

**Democratic Electorate:** Composed of those in any applicable geographic or political jurisdiction who voted for the Democratic nominee for president in the immediately preceding General Election.

**Diversity Caucus(es):** The existing (A) **Minority Caucus** and, in addition, the six (6) caucuses organized and operated in the same manner as the Minority Caucus to address the Full Participation goals of the DNC and the Affirmative Action Plan. Specifically, these are the (B) **Youth Caucus**, (C) **Hispanic Caucus**, (D) **LGBTQ+ Caucus**, (E) **Asian/ Pacific Islander Caucus**, (F) **Native American Caucus** and (G) **Disabled Persons Caucus**. Unless expressly stated otherwise, reference to a “Diversity Caucus” or “Diversity Caucusin these Bylaws shall include the Minority Caucus, unless otherwise indicated.

**Diversity Constituencies:** (A) African Americans/Blacks, (B) Asian American & Pacific Islanders, (C) Hispanics, (E) LGBTQ + individuals, (F) Native Americans, (G) Youth and (H) Disable Persons, collectively “**Targeted Constituencies**” or “**Diversity Groups.**” Any single group may be referred to as a “**Diversity Constituency.**”

**Diversity Goals:** For the SDEC, the percentage, set forth in the AA Plan of each Diversity Constituency which is not less than the higher of (A) the percentage the specific Diversity Constituency was of the vote for the Democratic presidential nominee in the most recent general election or (B) the percentage that such specific Diversity Constituency is of the State’s population as reflected in the most recent data (e.g., American Community Survey) published by the U.S. Census Bureau (said percentages sometimes referred to herein as “the two percentages.”). The higher of the two (2) percentages for a particular Diversity Constituency is to be applied to the 210 base membership of the State Committee to determine the number of members of that Diversity Group that should be included in the SDEC. If the number produced by the percentage applied to the 210 is greater than the number of Diversity Constituency among the members elected from the legislative districts, then the difference between the two (2) numbers is the target number of At-Large to be nominated and elected to the State Committee for that Diversity Constituency. The same methodology and calculations are to be applied to the 25 base membership Executive Board, as well as to District, County and Municipal Committees.

**DNC:** Democratic National Committee.

**DNC’s Order or Order of DNC:** The order of the DNC, dated February 17, 2019, requiring the State Committee to amend the SDEC’s Bylaws and hold new elections for Chair and First Vice-Chair, based on the Resolution of the Credentials Committee, February 14, 2019, which was based on the Report of the Credentials Committee to the Democratic National Committee, February 14, 2019.

**Equal Division:** The membership of every Party committee and Diversity Caucuses’ nominees for membership on the SDEC or Executive Board shall be equally divided between men and women (determined by gender self-identification), meaning that the variance between men and women in a Party committee cannot exceed one (1). Gender non-binary individuals shall not be counted as either male or female, but the remaining membership of each Party committee shall be equally divided.



**Expert Advice:** Third Party computation or confirmation of computations of the appropriate Diversity Goals. These Diversity Goals shall be provided by or confirmed by quantitative research from the DNC.

**Gender Non-binary Candidates Elected to State Committee:** As with female and male candidates who are listed separately on primary ballots for election to the State Committee, self-identified non-binary candidates also are to be listed together on the primary ballot. If a gender non-binary candidate receives the most votes, they will be elected to the State Committee and the second position will go to the male or female candidate who received the next highest vote. If a gender non-binary candidate receives fewer votes than the female but more votes than the male, then the female and the gender non-binary candidates are elected to the State Committee. If the gender non-binary candidate has fewer votes than the male candidate but more votes than the female candidate, the male candidate and the gender nonbinary candidate are elected to the State Committee.

**Minority Caucus:** The Diversity Caucus of the SDEC existing prior to and continuing after the formation of the six (6) additional Diversity Caucuses. The Minority Caucus is composed of Black/African American members of the State Committee elected from the legislative districts (“Popularly Elected Members”) and those Diversity At-Large Members nominated by such Caucus and elected by the State Committee. The Minority Caucus At-Large Members selected in August 2018 Organizational meeting shall continue to serve until their current terms expire, notwithstanding the requirement of these Bylaws that all “At Large” members must be elected by the State Committee.

**Organizational Meeting of the State Committee.** The every four (4) year meeting of the State Committee held between the June gubernatorial primary and August 15 following the gubernatorial primary.

**Party Committee:** This term includes, without limitation, committees, standing committees, groups, subcommittees, standing caucuses, conventions, boards, commissions, and any other body of the Alabama Democratic Party or the DNC.

**Popularly Elected Members:** Sometimes “**District-Elected Members**”. The two hundred ten (210) members of the State Committee elected from the one hundred five (105) House of Representative districts in the Democratic Primary of each gubernatorial election year.

**Representation Goals:** *See "Diversity Goals" herein.*

**Special 2019 Meeting or Special 2019 Election Meeting:** The meetings of the State Committee in 2019 to take actions bringing it in full compliance with the Order of the DNC, dated February 17, 2019.

**State Chair:** The person elected by the State Committee to Chair the State Party.

**State Democratic Executive Committee:** The governing body of the Democratic Party in the State of Alabama. Synonymous with “SDEC”, “State Committee” or “State Party”

**Two percentages:** Refers to the percentages that a specific Diversity Constituency is of the Democratic Electorate and also of Alabama’s population.

**Youth:** 18-35 years of age unless otherwise specifically defined.

## **Article III. Party Organization**

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

**It is the policy of the SDEC that full participation is to be achieved in the membership of the State Committee, Executive Board and other Party committees by ensuring that the number of members of each Diversity Constituency among the membership of each of those bodies is at least equal to the Diversity Goals for each Diversity Constituency as contained in the most recent Affirmative Action Plan. All terms to have the meaning defined herein.**

**Recognizing the critical role that Black Alabamians continue to play in the Democratic Party, including the very high percentage of votes for Democratic candidate at all levels, the Youth Caucus, LGBTQ+ Caucus and Disabled Persons Caucus (the latter starting 2022) shall make every reasonable effort to ensure that the At-Large candidates each caucus nominates for membership on the State Committee and the Executive Board is in the range of the Diversity Goals established for Black participation on the State Committee.**

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

(i) National Committee persons;

(ii) the State Chair, Vice-Chairs currently numbering five (5), Secretary, and Treasurer of the State Committee (if any one or more of such officers are not otherwise members of the State Committee).

(iii) Any other member(s) of the Democratic National Committee who is a citizen of the State of Alabama.

(iv) 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 the SDEC.

(b) 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 (1) man, one (1) woman, or, depending on the total vote for each individual, one (1) non-binary candidate and either one (1) male or (1) female candidate, shall be elected from each district; 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 of the member of the State Committee affected by the change, 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 two hundred and ten (210) members: all male candidates shall be listed on the primary ballot together; all female candidates shall be listed on the primary ballot together; and all gender non-binary candidates, shall be listed on the primary ballot together. The voters may vote for only two (2) individuals, and these individuals must be of different genders. If a gender non-binary candidate receives the highest vote, they will be elected to the State Committee and the second position will go to the male or female candidate who received the next highest vote. If the highest gender non-binary candidate receives fewer votes than the female but more votes than the male, then the female and gender non-binary candidates are elected to the State Committee. If the gender non-binary candidate receives fewer votes than the male candidate but more votes than the female candidate, the male candidate and the gender non-binary candidates are elected. If both a male identifying candidate and a female identifying candidate receive more votes than any gender non-binary candidate, then the male with the highest vote and the female with the highest vote are elected to the SDEC. Equal division of positions shall apply.

As soon as practicable after each Presidential election, but no later than forty five (45) days prior to the first day persons may submit paperwork to the State Party to declare candidacy for a **District-Elected** position to the SDEC (i.e., the opening of qualifying), the State Chair, relying upon Expert Advice, and in consultation with the Chair(s) of the Affirmative Action Committee and the DNC, shall update and publish the Diversity Goals for the SDEC and for each Diversity Constituency.

Following the certification of **District-Elected Members** to the SDEC, the State Chair, relying upon Expert Advice, and in consultation with the Chair(s) of the Affirmative Action Committee and the DNC, shall compare the target Diversity Goals with the actual composition of the newly elected SDEC prior to the Organizational Meeting.

For any Diversity Constituency, if the target Diversity Goal is not met by the number of Popularly Elected Members from such Diversity Constituency, then the State Chair shall (after consultation with the Chairs of the Affirmative Action Committee) determine the minimum number of At-Large members to be added to the State Committee to reach such Diversity Goal for each constituency.

The State Chair shall make available as part of the Affirmative Action Plan, the methodology and Expert Advice utilized in computing the target Diversity Goals. If any member of the State Committee disagrees with the target Diversity Goals, then he, she or they may request a review of the decision by the Executive Board.

In each case (for each Diversity Constituency) where the number of members of a specific Diversity Constituency among the Popularly Elected Members of the SDEC prior to the

Organizational Meeting is less than the target Diversity Goals, the relevant Diversity Caucus (composed only of the Popularly Elected Members meeting the definition of or identifying with such Diversity Group) shall nominate a number of candidates for At-Large positions on the State Committee not less than the difference between the number of such Diversity Group who are District Elected members of the SDEC and the target goal for such group. The State Committee shall then elect (subject to provisions governing nomination and election of Diversity At-Large members) from the candidates nominated by a Diversity Caucus to fill an At-Large position allocated to such diversity constituency, the At-Large members of the SDEC. The same methodology and calculations shall be applied for the Executive Board, as well as for District, County and Municipal Committees.

Although the SDEC may elect more At-Large members from a particular group than the target Diversity goal identified in the AA plan for such group, each Diversity Caucus should strive to keep the number of its nominees within a very close range of the target Diversity goal for the group so as to not create an imbalance in the representation of the various constituencies making up the State Committee and Executive Board.

After those At-Large members are nominated and elected (as provided under these Bylaws) by the State Committee, each Diversity Caucus of the State Committee shall be composed of the Diversity Constituency members elected from the legislative districts, the Caucus's At-Large members and those among the officers of the State Committee meeting the definition of or self-identifying with such Diversity Constituency.

(c) 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 certified. The term of office for At-Large Members shall commence upon their election to the State Committee and continue until the next statewide election for State Committee Members. 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 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.

(d) 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. A vacancy in any At-Large position shall be filled by a majority vote of the SDEC from a list of qualified candidates nominated by the Diversity Caucus that the person causing the vacancy was a member of; the nominees for a vacancy put forth by a Diversity Caucus must be the same gender (including gender non-binary) as the person vacating the At-Large position. The filling of a vacancy in a popularly elected position may not reduce the representation of a Diversity group on the SDEC and the Executive Board or the equal division of positions on the SDEC or Executive Board.

(e) Subject to the provisions pertaining to non-binary members, equal division of positions between men and women will apply in all cases where possible and shall always apply to the State Committee and Executive Board.

(f) Any person wishing to qualify to run for the SDEC in the Democratic Primary, be considered for nomination by one or more Diversity Caucus(es) for an At-Large position, serve as an officer on the SDEC, or fill a vacancy in a District level position must file with the SDEC at a time established and publicized a Declaration of Candidacy as defined herein.

## **Section 2. Diversity Caucuses**

(a) In addition to the existing Minority Caucus, there shall be a Youth Caucus, a Hispanic Caucus, a LGBTQ+ Caucus, an Asian/Pacific Islander Caucus, a Native American Caucus and a Disabled Persons Caucus (the latter beginning in 2022). Collectively these Caucuses shall be referred to as the Diversity Caucuses unless otherwise specified. The Executive Board and the Affirmative Action Committee may from time to time establish additional Caucuses in order to give underrepresented constituencies appropriate representation on the SDEC and/or Executive Board.

(b) The membership of a Diversity Caucus shall be those individuals from, or who in good faith self-identify as belonging to, the Diversity Constituency represented by the Caucus (hereinafter the “diversity criteria.”) Each Diversity Caucus shall be composed of the Popularly Elected Members who satisfy the diversity criteria for the Caucus and Caucus nominated At-Large members elected to the State Committee and the Executive Board. If there are no Popularly Elected Members from the Diversity Constituency represented by a Caucus and the Diversity Constituency is entitled to representation on the SDEC pursuant to Diversity Goals identified in the Affirmative Action Plan, the State Chair and the Affirmative Action Committee (with the consent of the Executive Board) shall elect at least (1) person who satisfies the diversity criteria for the Caucus to act as the interim Chair of the Caucus. The person(s) elected to act as interim Chair will act in such capacity until the SDEC elects At-Large members who satisfy the diversity criteria for the Caucus.

(c) **Minority Caucus:** At each organizational meeting after the Special 2019 election, the Minority Caucus shall begin its meeting to nominate the At-Large members for the positions allocated to the Minority Caucus pursuant to the Affirmative Action Plan not less than three (3) hours before the Organizational meeting of the State Committee at or near the same location of the Organizational meeting. As the first order of business, the Popularly Elected Members of the Minority Caucus shall elect a temporary chair of the meeting who shall not include any candidates for the office of Vice-Chair for Minority Affairs. The next order of business is for the Popularly Elected Members of the Minority Caucus to take up the business of nominating qualified candidates for the At-Large positions on the SDEC allocated to the Minority Caucus by the Affirmative Action Plan, followed by nominations of candidates to fill vacancies, all nominees subject to election by the State Committee. The Minority Caucus may then conduct such other business it deems appropriate. After the Minority Caucus has completed nominations, the temporary Chair of the Minority Caucus shall certify to the Chair of the State Committee those persons nominated for the At-Large positions on the State Committee and to fill vacancies, if any. After the At-Large members have been elected (as provided under subsection (m) of this section) and seated by the SDEC, the Minority Caucus may then elect a Vice Chair of Minority Affairs and a Caucus Chair. The Chair of the

Minority Caucus shall certify to the Chair of the State Committee the person elected to serve as the Vice Chair of Minority Affairs.

(d) **Youth Caucus:** At each Organizational meeting after the Special 2019 election, the Youth Caucus shall begin its meeting to nominate the At-Large members for the positions allocated to the Youth Caucus pursuant to the Affirmative Action Plan not less than three (3) hours before the Organizational meeting of the State Committee at or near the same location of the Organizational meeting. As the first order of business, the Popularly Elected Members of the Youth Caucus shall elect a temporary chair of the meeting who shall not include any candidates for the office of Vice-Chair for Youth Affairs. The next order of business is for the Popularly Elected Members of the Youth Caucus to take up the business of nominating qualified candidates for the At-Large positions on the SDEC allocated to the Youth Caucus by the Affirmative Action Plan, followed by nominations of candidates to fill vacancies, all nominees subject to election by the State Committee. The Youth Caucus may then conduct such other business it deems appropriate. After the Youth Caucus has completed nominations, the temporary Chair of the Youth Caucus shall certify to the Chair of the State Committee those persons nominated for the At-Large positions on the State Committee and to fill vacancies, if any. After the At-Large members have been elected (as provided under subsection (m) of this section) and seated by the SDEC, the Youth Caucus may then elect a Vice Chair of Youth Affairs and a Caucus Chair. The Chair of the Youth Caucus shall certify to the Chair of the State Committee the person elected to serve as the Vice Chair of Youth Affairs.

(e) **Hispanic Caucus:** At each Organizational meeting after the Special 2019 election, the Hispanic Caucus shall begin its meeting to nominate the At-Large members for the positions allocated to the Hispanic Caucus pursuant to the Affirmative Action Plan not less than three (3) hours before the Organizational meeting of the State Committee, at or near the same location of the Organizational meeting. As the first order of business, the Popularly Elected Members of the Hispanic Caucus shall elect a temporary chair of the meeting. The next order of business is for the Popularly Elected Members of the Hispanic Caucus to take up the business of nominating qualified candidates for the At-Large positions on the SDEC allocated to the Hispanic Caucus, followed by nominations of candidates to fill vacancies, all nominees subject to election by the State Committee. The Hispanic Caucus may then conduct such other business it deems appropriate. After the Hispanic Caucus has completed nominations, the temporary Chair of the Hispanic Caucus shall certify to the Chair of the State Committee those persons nominated for the At-Large positions on the State Committee and to fill vacancies, if any. Subsequent to the election (as provided under subsection (m) of this section) and seating of the At-Large Members by the SDEC, the District Level and At-Large Members of the Hispanic Caucus shall reconvene to elect a permanent Chair.

(f) **LGBTQ+ Caucus:** At each Organizational meeting after the Special 2019 election, the LGBTQ+ Caucus shall begin its meeting to nominate the At-Large members for the positions allocated to the LGBTQ+ Caucus pursuant to the Affirmative Action Plan not less than three (3) hours before the Organizational meeting of the State Committee, at or near the same location of the Organizational meeting. As the first order of business, the Popularly Elected Members of the LGBTQ+ Caucus shall elect a temporary chair of the meeting. The

next order of business is for the Popularly Elected Members of the LGBTQ+ Caucus to take up the business of nominating qualified candidates for the At-Large positions on the SDEC allocated to the LGBTQ+ Caucus, followed by nominations of candidates to fill vacancies, all nominees subject to election by the State Committee. The LGBTQ+ Caucus may then conduct such other business it deems appropriate. After the LGBTQ+ Caucus has completed nominations, the temporary Chair of the LGBTQ+ Caucus shall certify to the Chair of the State Committee those persons nominated for the At-Large positions on the State Committee and to fill vacancies, if any. Subsequent to the election (as provided under subsection (m) of this section) and seating of the At-Large Members by the SDEC, the District Level and At-Large Members of the LGBTQ+ Caucus shall reconvene to elect a permanent Chair.

(g) **Asian/Pacific Islander Caucus:** At each Organizational meeting after the Special 2019 election, the Asian/Pacific Islander Caucus shall begin its meeting to nominate the At-Large members for the positions allocated to the Asian/Pacific Islander Caucus pursuant to the Affirmative Action Plan not less than three (3) hours before the Organizational meeting of the State Committee, at or near the same location of the Organizational meeting. As the first order of business, the Popularly Elected Members of the Asian/Pacific Islander Caucus shall elect a temporary chair of the meeting. The next order of business is for the Popularly Elected Members of the Asian/Pacific Islander Caucus to take up the business of nominating qualified candidates for the At-Large positions on the SDEC allocated to the Asian/Pacific Islander Caucus, followed by nominations of candidates to fill vacancies, all nominees subject to election by the State Committee. The Asian/Pacific Islander Caucus may then conduct such other business it deems appropriate. After the Asian/Pacific Islander Caucus has completed nominations, the temporary Chair of the Asian/Pacific Islander Caucus shall certify to the Chair of the State Committee those persons nominated for the At-Large positions on the State Committee and to fill vacancies, if any. Subsequent to the election (as provided under subsection (m) of this section) and seating of the At-Large Members by the SDEC, the District Level and At-Large Members of the Asian/Pacific Islander Caucus shall reconvene to elect a permanent Chair.

(h) **Native American Caucus:** At each Organizational meeting after the Special 2019 election, the Native American Caucus shall begin its meeting to nominate the At-Large members for the positions allocated to the Native American Caucus pursuant to the Affirmative Action Plan not less than three (3) hours before the Organizational meeting of the State Committee, at or near the same location of the Organizational meeting. As the first order of business, the Popularly Elected Members of the Native American Caucus shall elect a temporary chair of the meeting. The next order of business is for the Popularly Elected Members of the Native American Caucus to take up the business of nominating qualified candidates for the At-Large positions on the SDEC allocated to the Native American Caucus, followed by nominations of candidates to fill vacancies, all nominees subject to election by the State Committee. The Native American Caucus may then conduct such other business it deems appropriate. After the Native American Caucus has completed nominations, the temporary Chair of the Native American Caucus shall certify to the Chair of the State Committee those persons nominated for the At-Large positions on the State Committee and to fill vacancies, if any. Subsequent to the election (as provided under subsection (m) of this section) and seating of the At-Large Members by the SDEC, the District Level and At-Large Members of the Native American Caucus shall reconvene to elect a permanent Chair.

(i) **Disabled Persons Caucus:** At each organizational meeting beginning in 2022, the Disabled Persons Caucus (as known as the Disabilities Caucus) shall begin its meeting to nominate the At-Large members for the positions allocated to the Disabilities Caucus pursuant to the Affirmative Action Plan not less than three (3) hours before the Organizational meeting of the State Committee, at or near the same location of the Organizational meeting. As the first order of business, the Popularly Elected Members of the Disabled Persons Caucus shall elect a temporary chair of the meeting. The next order of business is for the Popularly Elected Members of the Disabled Persons Caucus to take up the business of nominating qualified candidates for the At-Large positions on the SDEC allocated to the Disabled Persons Caucus, followed by nominations of candidates to fill vacancies, all nominees subject to election by the State Committee. The Disabled Persons Caucus may then conduct such other business it deems appropriate. After the Disabled Persons Caucus has completed nominations, the temporary Chair of the Disabled Persons Caucus shall certify to the State Chair of the State Committee those persons nominated for the At-Large positions on the State Committee and to fill vacancies, in any. Subsequent to the election (as provided under subsection (m) of this section) and seating of the At-Large Members by the SDEC, the District Level and At-Large Members of the Disabled Persons Caucus shall reconvene to elect a permanent Chair.

(j) Subject to the provisions pertaining to gender non-binary, the total At-Large nominees certified by each Caucus for an At-Large position shall be equally divided for the State Committee and, separately for the Executive Board.

(k) The Diversity Caucus meetings shall be open to the public and reasonable notice calculated to reach all persons who considered themselves Democrats shall be provided in advance of the Caucus meeting. Reasonable notice shall consist of social media postings, postings on the Alabama Democratic Party's website and publicity through other traditional news and media outlets, with particular emphasis on media outlets serving the communities of the various Diversity Constituencies. All persons satisfying the diversity criteria for a particular Caucus and otherwise qualified to hold a position on the State Committee may seek nomination for an At-Large position allocated to the Caucus and shall have not more than two (2) minutes speak before the Diversity Caucus prior to the opening of nominations.

(l) Each Diversity Caucus shall have the exclusive right to nominate candidates and/or a slate of candidates for the At-Large positions on the State Committee and the Executive Board allocated under the Affirmative Action Plan to such Caucus (e.g., only the Minority Caucus may nominate candidates for the Minority Caucus At-Large positions, etc.) and to nominate candidates to fill vacancies caused by person identifying with a particular Diversity Caucus.

(m) A nominee or slate of nominees of each Diversity Caucus shall be elected to the SDEC and the Executive Board, as the case may be, unless a motion to reject an individual nominee and/or a slate of nominees is adopted by two-thirds (2/3) of the SDEC members voting. Recognizing the importance of balance with respect to membership of each Diversity Group on the SDEC and Executive Board, the number of nominees made by a Diversity Caucus should not unreasonably exceed the target number allocated to it by the Affirmative Action Plan to meet the target goal for that Diversity constituency for the State Committee and the Executive Board, as the case may be, and if the number of nominees by a Diversity Caucus is



unreasonable, the SDEC may reject, by a majority present and voting, the number in excess of what is reasonable in alphabetical order beginning with "A".

(n) If the AA Plan does not allocate At-Large Members to a Diversity Caucus because popularly elected members of a Diversity Constituency are sufficient to satisfy the Diversity Goals, then the Diversity Caucus should meet prior to the Organizational meeting to elect a Vice Chair (if applicable) and a Chair of the Caucus.

### **Section 3. 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 a county extends into more than one (1) Congressional District, the County Chair shall serve on the District Committee of each such Congressional District Committee) 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, (2) the overall coordination of Democratic Party affairs within the Congressional 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,(3) adopt and implement an affirmative action plan and outreach program, and (4) the membership of each such Committee shall reflect the Diversity Constituencies in the geographic area of the Committee and shall be determined using the same methodology and calculations as applicable to the SDEC. The State Chair and Affirmative Action Committee of the SDEC shall provide assistance to the District Committees in developing and implementing an AA plan.

### **Section 4. 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 reasonable direction of the State Committee.

(c) Each CDEC shall be charged with the following specific duties:

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

2) 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.

- 3) Adopt and implement an affirmative action plan and outreach program. The Chair and Affirmative Action Committee of the SDEC shall, upon request, provide assistance to the County Committees in developing and implementing an AA plan and outreach program.
  - 4) The membership of each such Committee shall reflect the Diversity Constituencies in the geographic area of the Committee and shall be determined using the same methods and formula used by the SDEC to determine Diversity Goals for the State Committee. The State Chair and Affirmative Action Committee of the SDEC shall, upon request, provide assistance to the County Committees in developing and implementing an AA plan and outreach program.
- (d) 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 County 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.
  - 6) All State Democratic Executive Committee (SDEC) who are registered voters in the county as ex officio voting members. (Amended February 4, 2017).

- 7) Diversity Constituencies 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.
- (e) 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. Vacancies will be filled to reflect representation of Diversity Constituencies.
- (f) 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. The ballot shall state the maximum number of persons for which votes are to be cast.
- (g) 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.
- (h) 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).
- (i) Equal division of positions between men and women will apply in all cases where possible. In the event a gender non-binary candidate seeks election or is elected to the CDEC, the procedure for compliance with the equal division requirement shall be the same as provided for in Article III, Section 1, subsection (b), if applicable.
- (j) 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.
- (k) 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.

(l) 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, unless they provide proof a serious illness.

(m) 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 5: 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 Committee. The membership of each such Committee shall reflect the Diversity Constituencies in the geographic area of the Committee and shall be determined using the same methodology and calculations as applicable to the SDEC. Such Committees shall adopt and implement an affirmative action plan and outreach program.

### **Section 6: General Provisions Applicable to All Party Committees**

Unless otherwise specifically provided in these Bylaws, the following provisions shall apply to every Party committee, including any standing committee, subcommittee, caucus, standing caucus, convention, board, commission, and any other Democratic body (collectively “Party committee”), at all levels.

(a) **Equal division:** The membership of every Party committee, including officers, Diversity Constituency At-Large members and also the nominees for an At-Large position, shall be equally divided between men and women (determined by gender self-identification), meaning that, not including non-binary individuals, the variance between men and women (not including gender non-binary individuals) in a Party committee cannot exceed one (1). If necessary, the State Committee shall take provable positive steps to achieve legislative changes to bring state and local laws into compliance with this provision where this provision conflicts with state or local statutes. In the case of gender non-binary individuals, they should not be counted as either male or female, but the remaining membership of the Party committee shall be equally divided between male and female.

(b) **Party meetings to be open to the public; affirmative action outreach:** Each meeting of every Party committee shall be open to the public, shall be preceded by broad, effective affirmative action outreach and notice to begin not less than five (5) days before the convening of the meeting (unless longer periods of times are specified elsewhere in the Bylaws) to inform Democrats, and other individuals who wish to participate as Democrats, of the date, time, address of the meeting and name of the convener and of the purpose and

agenda thereof, and to encourage participation. Such notice includes posting on Party Committee websites, press releases particularly to press outlets that serve Diversity Communities, social media, and which also may appear as legal notice, paid advertisement, news item, direct mail, radio or television announcement, or in such other form as may reasonably be designed to notify Democrats of the meeting, provided no Party committee is required to purchase paid advertising.

(c) **No secret ballot:** No vote shall be taken by secret ballot or use of the unit rule.

(d) **Standards and rules for full participation:** Each Party committee shall establish standards and rules of procedure to afford affected Democrats, and other individuals who wish to participate as Democrats, full, timely and equal opportunities to participate in all Party affairs, including, but not limited to, decisions concerning the nomination, designation, appointment or election of candidates for Party or public office, formulation of policy, and in the conduct of all other Party affairs, without prejudice or discrimination on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity and expression, ethnic identity or disability. The scheduling of Party affairs shall consider the presence of any religious minorities of significant numbers of concentration whose level of participation would be affected.

(e) **Membership of Party committees to reflect affirmative action goals:** The membership of the SDEC, its Executive Committee, and District, County and Municipal Committees shall reflect the affirmative action goals for each specific diversity group established by these Bylaws for the geographic jurisdiction of the particular Party committee.

**Section 7. Affirmative Action Committee and affirmative action plan and outreach program:**

(a) **Affirmative Action Committee; membership; composition; terms; equal division; Vice Chair:** Within two (2) months of the adoption of this section 7, the Executive Board shall establish an Affirmative Action Committee (“AA Committee”), the composition of which shall reflect the diversity goals of the State Committee; the terms of the members of which shall be four (4) years, to terminate upon the appointment of their successors at the every four (4) year organizational meeting of the SDEC, and the membership of which shall be equally divided. The AA Committee shall have two (2) Co-Chairs who shall not be from the same Diversity Caucus, and, beginning in August 2022, one (1) of the Co-Chairs shall be a Vice-Chair of the SDEC for Affirmative Action on an annual rotation basis. Promptly after it is established, the AA Committee shall draft, adopt and implement a comprehensive Affirmative Action Plan and Outreach Program, which also shall serve as a model for other Party committees.

(b) **Other Party committees - affirmative action plans:** The SDEC shall encourage every Congressional District, County and Municipal Party committee to adopt and implement an AA plan.

## **Article IV**

### **State Committee**

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

The officers of the State Committee are the State 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, the National Committee Members and any other member of the DNC who is a citizen and registered to vote in Alabama. Beginning 2022, there shall be a Vice Chair for Affirmative Action (to be one of the Co-Chairs of the Affirmative Action Committee on an annual rotating basis). The Vice-Chair of Labor shall be a member of the organization which represents the largest number of private sector workers in Alabama. The Minority Caucus shall elect the Vice Chair of Minority Affairs as described herein and likewise, the Youth Caucus shall elect the Vice Chair of Youth Affairs. Each officer except the Treasurer shall be elected at the Organizational meeting of the State Committee. To be elected, a candidate for State Chair, First Vice-Chair, Vice-Chair for County Affairs, Vice Chair for Labor and Secretary must win a majority of the votes cast by SDEC members present and eligible to vote. If there are more than two (2) candidates for any of these offices and no candidate receives a majority of the votes cast by SDEC members present and voting on the first ballot, then there will be a runoff between the two (2) candidates with the most votes and the person receiving a majority of the votes cast in the runoff shall be elected to the Executive Board office. Any other officer shall be elected or appointed to the Executive Board as provided under these Bylaws and/or the DNC's Charter and Bylaws.

#### **Section 2. Duties**

The State 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 State Chair and shall have the duties and authority implied by their respective titles, and those assigned to them by the State 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-Temp is selected. In the event of a vacancy in the State Chair, the First Vice-Chair shall forthwith call a meeting of the SDEC 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 State 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 State 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). The method for selecting the chair of the delegation shall be contained in the approved Delegate Selection Plan.

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

(a) There shall be an Executive Board composed of: (1) two (2) State Committee members from each Congressional District who shall not be of the same gender to be elected by the members of the SDEC from that district, (2) the State Chair, (3) the National Committee members, (4) five (5) Vice-Chairs,<sup>1</sup> (5) the Secretary, (6) the Treasurer and (7) any member of the DNC who is a citizen of and registered to vote in the State of Alabama.

(b) The Executive Board shall reflect the same percentage of representation of Diversity Constituencies as on the State Committee. At each Organizational meeting, after members of the Executive Board have been elected by the State Committee, the State Chair and Affirmative Action Committee Co-Chairs shall determine whether the composition of the Executive Board reflects the Diversity target goals set forth in the Affirmative Action Plan. If representation of Diversity Constituencies on the Executive Board does not (as nearly as practicable) meet the Diversity goals, the State Chair and the Affirmative Action Committee Co-Chairs shall determine the number of “At-Large” positions for each Diversity Constituencies that should be added to the Executive Board to meet the Diversity goals for each group.

(c) After the Chair and the Affirmative Action Committee Co-Chairs have determined the number of “At Large” Executive Board members that should be added, each Diversity Caucus shall reconvene for the purpose of nominating persons to fill the At-Large positions of the Executive Board allocated to their Caucus. The names of the nominees for the At-Large positions on the Executive Board shall be certified to the State Chair by each Diversity Caucus. The State Committee members shall elect the persons to fill the Executive Board At-Large positions from the nominees certified by the Chair.

(d) The State 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 Diversity caucus, as applicable. The Treasurer shall be appointed by the State Chair with the concurrence of the Executive Board. The State Chair and First Vice-Chair shall be of different genders.

(e) In the case of a vacancy in the position of Vice Chair of Minority Affairs or Vice Chair of Youth Affairs, the Chair shall notify the members of the Minority Caucus or

<sup>1</sup> Beginning 2022, the number of Vice-Chairs shall increase to six (6) to include the Vice-Chair for Affirmative Action.

members of the Youth Caucus (as the case may be) of the vacancy and request that the Caucus elect a replacement Vice Chair to serve out remainder of the term.

(f) Vacancies in any other Executive Board office shall be filled by the State Chair until the next meeting of the State Committee. In selecting persons to fill Executive Board vacancies, the Chair shall comply with Diversity goals of the Affirmative Action Plan and subject to the provisions for gender non-binary, equal division. At the next meeting of the State Committee following the vacancy on the Executive Board, if the vacancy involves an At-Large position, identified with a particular Diversity Caucus, that Diversity Caucus shall meet to make nominations to fill the vacancy and shall certify to the Chair, the nominees selected to fill such vacancies. The State Committee shall then elect from the certified list of nominees, a person of the same gender as the person creating the vacancy to fill the At-Large vacancy. The person elected to fill an At-Large Executive Board vacancy shall serve for the remaining term.

(g) The Executive Board shall meet on the last Friday of each calendar quarter and at other times as necessary at the call of the State Chair or on the written request of any eight (8) members thereof. Eight (8) 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)

Notwithstanding the above, in the event of a vacancy in the office of the Democratic National Committee Member, the Executive Board shall fill the vacancy on a temporary basis until the next meeting of the SDEC.

### **Section 5. Staff**

Job descriptions shall be approved by the Executive Board based upon the recommendation of the State Chair. The Executive Board shall adopt all job descriptions prior to the hiring of personnel by the Chair. The State Chair may fill temporary positions as needed. A report shall be made to the Executive Board should these temporary positions extend beyond sixty (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 State 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 designated by her, him or they; provided, however, that the same shall not exercise any right or power vested by these rules in any standing committee or standing caucus created hereby,



nor shall they supplant or supersede any of the jurisdiction of standing committees or standing caucuses created by these rules and such shall be subject to equal division and the provisions pertaining to gender non-binary.

### **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 Democratic national conventions called to nominate Democratic candidates for President and Vice President, shall be nominated in accordance with a delegate nomination 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 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, and, (e) 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 State 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 State Chair shall submit by December 15th 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 State 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, 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 Democratic 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 the member for travel within the State or in the discharge of the 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 State 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 State Chair may appoint a committee of qualified examiners or certified public accountant thereof at any time at his, her or their 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 (2) 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 the Chair in auditing and determining and allowing or rejecting claims and in expending funds or in other financial matters as desired 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 her or 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 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.

## **Article VI. Procedure**

### **Section 1. Meetings**

- (a) **Applicability:** The procedural provisions of these Bylaws shall apply to the State Committee, Executive Board, and each standing committee, committee, subcommittee, standing caucus, such as the Diversity Caucuses and other bodies of the State Committee.
- (b) **Organizational meeting; terms of office:** The term of offices 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 the gubernatorial primary and August 15 following the gubernatorial primary; said organizational meeting shall be held on the call of the State Chair of the preceding State Committee. At such meeting, such other business as may properly come before the Committee may be considered.
- (c) **Meetings of SDEC; 10-day meeting notice:** A notice in writing of a meeting of the SDEC shall be given to the members at least ten (10) days in advance. Organizational meetings shall continue in session until (A) vacancies of popularly elected members of the SDEC have been filled, (B) At-Large members have been elected and seated as provided under these Bylaws, (C) the elective officers of this Committee are chosen, and (D) members to the Executive Board have been elected. 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 call of a majority of the whole membership of State Committee, including at-large members and officers as evidenced by petition signed by the members calling for the meeting.

(d) **Presiding officer:** Candidates for the nomination and election of State Chair and First Vice-Chair shall not preside at the organizational or other meeting of State Committee when the nominations and elections for those officers are being entertained and voted on by the State Committee.

## **Section 2. Quorum**

(a) **Requirements:** A quorum of the State Committee shall be forty percent (40%) of the total membership thereof (including officers and all At-Large members).

(b) **Quorums for Diversity Caucuses:** The quorum for meetings of the Diversity Caucuses shall be forty (40%) percent of the respective total membership of each.

(c) **Establishment of quorum:** The presence of a quorum of the SDEC and the Diversity Caucuses may be established by use of a paper sign-in sheet or other means. Should the Secretary inform the State Chair of the particular meeting that a quorum has indicated its presence by their signature, the State Chair may take notice of such and may dispense with the calling of the roll; in the event, however, of motion to call the roll to establish a quorum, if supported by twenty-five (25%) of those present and voting, a roll call shall be had and non business of the SDEC, other than establishing a quorum, shall take place until all members, including At-Large members, have has a reasonable amount of time to take their seats.

## **Section 3. Order of business**

The order of business of the State Committee shall be as follows: (A) call to order and roll call to establish quorum, etc., (B) adoption of the minutes of prior meetings, unless dispensed with, and if dispensed with, such minutes shall be deemed to have been adopted, (C) nominations and elections to fill vacancies in State Committee membership elected from the legislative districts, (D) election of At-Large members to the State Committee as provided under Article III, Section 2, (E) seating of At-Large members to the State Committee, (F) presentation and discussion of reports from officers and other business, (G) nomination and election of officers of the SDEC, (H) caucusing by Congressional Districts to elect members to the Executive Board, (I) caucusing by the Minority and Youth Caucuses to elect Vice-Chair of Minority Affairs and Vice-Chair of Youth Affairs, respectively, (J) determination by Chair and Affirmative Action Committee Co-Chairs of any Diversity Constituency At-Large positions on the Executive Board and (K) if need, caucusing by Diversity Caucuses for the purpose of nominating Executive Board At-Large Members allocated to such caucus as provided under Article III, Section 2, (L) election by the SDEC of At-Large members to the Executive Board (M) new business as set forth in the notice for the meeting or otherwise, (N) old business, (O) adjournment. The order of business may be changed at any time by the Chair in the absence of objection, except the election of officers of the State Committee shall not precede the filling of vacancies and the election of at-large members to the SDEC.

## **Section 4: Credentials and Seating**

(a) **Designated area:** The area on the floor of the meetings of the State Committee where members are to assemble shall be clearly demarcated by stanchions and rope or other highly visible means. During a vote, only members of the State Committee shall be permitted in that area, other than for those designated to count and tally votes.

(b) **Sign-in:** Each member of the State Committee shall sign in (and print their name) on a paper sign-in sheet before receiving her, his or they credentials that permits access to the floor of the meeting, copies of which sign-in sheet shall be made conveniently available to members throughout the meeting of the SDEC.

(c) **Sign-in and credentials of at-large nominees:** After being called to order and establishing presence of a quorum, the State Committee shall not proceed with any business until all members of the State Committee shall have had a reasonable time to proceed to the area on the floor designated for them, and, in addition, shall not proceed with any business until at-large nominees shall have signed in (and printed their names) on a paper sign-in sheet and received their credentials/lanyards, which, from a reasonable distance, shall be visibly different from credentials/lanyards for members of the State Committee, and shall have had time to proceed to the room of the meeting. At-Large nominees shall not enter the area on the floor designated for members of the State Committee until they have been elected by the State Committee as provided under Article III, Section 2, subsection (m) and shall have received the same credentials/lanyards as other members of the State Committee (which will occur only after the State Committee has taken up all At-Large nominations from each of the Diversity Caucus.) Upon At-Large nominees being elected by the State Committee, they shall be given the same credentials/lanyards as the other members of the State Committee, and the presiding officer shall provide sufficient time for those new credentials/lanyards to be distributed and the elected At-Large members to convene with the other members before proceeding with any business of the meeting, other than to establish presence of a quorum. At-Large sign in sheets shall be made conveniently available to SDEC members and at-large nominees throughout the meeting.

(d) **Only members elected from legislative districts may vote on at-large members:** At each Organizational meeting, only the Popularly Elected members of the State Committee may vote on the election of At-Large members to the SDEC. Once all the At-Large members from each of Diversity Caucuses are seated, the At-Large Members may vote on any matter before the State Committee.

(e) **Microphones:** There shall be at least two (2) microphones for use by members from the floor.

### **Section 5. Rules of Procedure**

(a) **Robert's Rules; majority of those present and voting:** Unless otherwise provided by these Bylaws, Robert's Rules of Order, Newly Revised, most recent edition, shall be of force and govern in all meetings of the SDEC or any standing committee, standing caucus, committees, subcommittee, special committee, or commission thereof. At all meetings, a majority of those present and voting shall prevail, except as otherwise specifically provided in these Bylaws.

(b) **Order of motions:** The order of precedence of motions 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.

- (c) **Previous question:** An affirmative two thirds (2/3) of those present and voting is needed to adopt a motion to call the previous question (to cut off debate).
- (d) **Suspension of rules:** Suspension of rules may be had by an affirmative two-thirds (2/3) of those present and voting, provided a quorum is present.
- (e) **Roll call vote to settle disagreement:** A disagreement about the number of supporters for a roll call vote or for a paper ballot vote, shall be settled by roll call vote by a majority of those present and voting.
- (f) **Motion for roll call or paper ballot:** Adoption of a motion to require a roll call vote requires support of twenty five percent (25%) of those present and voting; and forty (40%) percent of those present and voting to require a paper ballot. [DNC Bylaws, article 2, section 8, subsection(d)(ii).]
- (g) **Tie vote:** The State Chair votes, and if a tie occurs, the proposition is lost and/or, the candidate does not win.
- (h) **Appeal of ruling of presiding officer:** An appeal of the ruling of the presiding officer to the full body shall be had upon motion of one member, seconded by another member, and, if supported by twenty-five percent (25%) of those present and voting, shall be conducted by roll call. (DNC Bylaws, article VI, section 6(h).)

#### **Section 6. Parliamentarian; minutes and video or audio recording of meetings**

- (a) **Parliamentarian:** Each meeting of the State Committee and Executive Board shall include a certified parliamentarian who shall be present on the podium throughout the meeting to advise the presiding officer about parliamentary issues and other questions of procedure. Members of the State Committee may request that the Parliamentarian provide an advisory opinion on any parliamentary issue or question of procedure. The Parliamentarian's opinion shall not be binding on the State Chair or presiding officer.
- (b) **Minutes and video/audio recordings:** The secretary of each meeting of the State Committee, Executive Board, and Diversity Caucuses shall take minutes, which shall include a brief description of each proposition voted on (including votes on procedural issues) and the results of each vote, and where the vote is by division (show of hands or standing), roll call or paper ballot, the numerical results for: Yes, No, and Abstentions, shall be recorded. A video or audio recording shall be made of each meeting of the SDEC and of the Executive Board and, where reasonably possible, such meetings shall be streamed. Audio or video recording of every meeting of a Diversity Caucus to nominate candidates to fill vacancies or for at-large positions on the SDEC and the Executive Board shall be made, such recording to be made available to any member of said Caucuses and members of the SDEC, upon request.
- (c) **Publication of minutes:** The minutes shall be transcribed and duplicated within three (3) business days following the date of adjournment of the meeting, and the minutes shall be posted in a prominent, easy to locate place on the websites of the State Committee and all other Party committees no later than four (4) days following the adjournment of the meeting, to remain posted until the adjournment of the next respective meeting, and shall be provided

to each member of the State Committee by email or by first class mail promptly after first being posted. (DNC Bylaws, article VI, section 5.)

### **Section 7. Voting**

(a) **Order:** Order of voting shall be: (A) voice vote (ayes, nays, abstention/present) -- not a roll call, (B) division (show of hands or standing) if called for by least one member of the body, (C) roll call if supported by twenty-five (25%) percent of those present and voting, (D) paper ballot if supported by forty (40%) percent of those present and voting. Voting at all elections for officers of the SDEC shall be by roll call unless forty (40%) percent of those present and voting support voting by paper ballot. (DNC Bylaws, article VI, section 6 (i).)

(b) **Counters/talliers:** In addition to those designated by the presiding officer to count/tally votes, those favoring the proposition or candidate to be voted on shall be permitted to designate up to three (3) counters/talliers, and those opposing the proposition shall be permitted to designate up to three (3) counters/talliers, such counters/talliers do not have to be members of the State Committee, with all counters/talliers to have the same access to the floor and wherever else for the purposes of counting votes. The final tally of votes shall not be announced by the presiding officer until there is an agreement among the counters/talliers, and if no agreement can be reached, the vote shall be retaken.

(c) **No electronic voting:** Unless otherwise specified in these Bylaws, voting using electronic means, including email and the Internet, shall not be permitted.

(d) **No secret ballot:** No vote shall be taken by secret ballot or use of the unit rule. (DNC Bylaws, article VI, section 6 (d))

(e) **Mail ballot:** Other than filling of vacancies on the State Committee, electing at-large members, and electing officers of the State Committee, the State Chair, at his, her or they discretion, may order a vote of the membership by regular USPS mail ("mail") or electronic mail ("email") on amendments to Bylaws, delegate selection plans, affirmative action plans or any other substantive resolution requiring a vote by the SDEC, unless a vote by mail or e-mail is prohibited by Federal, State or Local law or these Bylaws. The State Chair shall fix the time for conducting such votes, but in no event shall the State Chair provide for less than ten (10) days from the date ballots are mailed for an eligible State Committee member to return a marked ballot (as used in this Section 7, "return" means the date the return envelope is post-marked; or for email, the date the return email was actually sent back to the initial sender). In no event shall any matter put to vote by mail or email also be subject to a vote of members present at a meeting. Mail or email ballots shall not be open or cast in a meeting of the State Committee. Voting by mail shall be conducted by paper ballot to be signed (and also print her, his or they name) by the voter and returned to the SDEC offices. Each mail ballot sent by the SDEC shall be accompanied with full instructions for marking, signing and returning by the required date. Additionally, each mail ballot shall also include a specially recognizable, postage prepaid, self-addressed return envelope with the address of the headquarters of the State Committee and the name of the person designated to receive the marked ballots. All ballots shall be opened and counted on the same day at the headquarters of the State Committee in the presence of a committee appointed by the State Chair that includes not less than two (2) persons in favor of the proposition being voted on and not less than two (2) persons against the proposition, such persons to be designated by those who

support and those who oppose the proposition to be voted on and such persons need not be members of the State Committee. If the State Chair, or forty (40%) percent of the whole SDEC, decides to conduct a vote by mail, the Chair must promptly confirm in writing, to be available at the office of the SDEC and also available by mail or email upon request of any member of the SDEC, that the State Committee has a complete, up to date, accurate address by mail for each State Committee member eligible to vote and the State Chair shall make that list available promptly at no cost to the organizers of the vote by mail initiative.

Forty (40%) percent of the whole State Committee, by means of a signed petition, may call for a vote by mail or by email.

(f) **Special Rules for Electronic Mail Balloting:** If the State Chair or forty (40%) percent of the whole of the SDEC decides to order a vote on the matters referenced in subparagraph (e) of this section by email, prior to ordering such vote, the State Chair must confirm in writing (to be available at the offices of the SDEC and also available by mail or email upon request of any member of the SDEC) that the State Committee has a valid email address for all State Committee members eligible to vote. The email shall include (1) a ballot with a signature line for a member to sign; (2) full instructions for marking, signing and returning the ballot via email by the required date, (3) the name of the person designated to receive an email ballot and (4) the email address of the designated person. The person at the SDEC headquarters designated to receive email ballots shall not open any electronic mail or print out an email ballot until after the time for voting expires. After the deadline for casting an email ballot has expired, the person designated at the SDEC headquarters shall in the presence of the committee referenced in subsection (e) of this section, open each email and count the ballot. A printout of the ballot and the electronic mail message accompanying the ballot shall be retained by the State Chair. The State Chair shall fix the time for conducting a vote by electronic mail but in no event shall the time for returning a ballot be less than seven (7) days from the date the email ballots are sent to SDEC members eligible to vote on the matter. In the event forty (40%) percent of the whole of the SDEC calls for a vote by mail or email, the State Chair shall promptly make available, at no cost, to the organizers of such balloting the complete, up to date, accurate list of the names and addresses of the entire membership of the SDEC for mail delivery or email addresses, as the case may be.

(g) **Telephonic Meetings:** The Executive Board, a standing committee and/or a caucus of the SDEC may conduct a meeting telephonically. The Chair of the Executive Board, standing committee and/or caucus, or forty (40%) of the whole membership of the particular body by a signed petition, may call a meeting of their respective bodies but must provide reasonable notice to their respective members of the date, time, agenda and conference call number for such meeting. The State Chair, or presiding officer, shall take a roll call at the beginning of each meeting to determine whether a quorum is present. Minutes of the meeting shall be made and retained at the SDEC and made available upon request. Telephonic meetings must comply with the record keeping requirements of these Bylaws.



(h) **No proxies:** Proxies are never allowed in the State Democratic Executive Committee or any County, District, or Municipal Democratic Executive Committees.

(i) **Membership Requests for Vote:** The State Chair shall put to vote by mail or email any matter allowed under these Bylaws to be voted by mail or email upon receipt of a petition signed by forty (40%) percent of the whole SDEC membership. The State Chair shall also call a special meeting of the SDEC upon receipt of a petition signed by fifty (50%) percent of the whole SDEC membership.

### **Section 8. Certain Procedures for the Special 2019 Meeting**

Provisions in this section 8 shall be applicable only to the special 2019 meeting of the SDEC to elect the State Chair and First Vice Chair, and any other business properly before the meeting, and to the extent any provision in this section 8 contravenes any provision in these Bylaws, these section 8 provisions shall prevail.

All activities involving the 2019 meeting to elect a State Chair and First Vice Chair shall be governed by amended and restated Bylaws previously adopted by the SDEC and will be supervised by the DNC consistent with the Orders of the DNC. This will include, but not be limited to, the process by which amended and restated Bylaws are adopted, qualifying for At-Large Members, the organization of the Diversity Caucuses (other than the Minority Caucus), the selection of nominees for At-Large member positions by each Diversity Caucus, the election of At-Large members by the current SDEC (using a method prescribed by the DNC for the special 2019 election meeting), and the election of officers as set forth in the DNC Order.

(a) The thirty five (35) individuals selected to serve as At-Large members on the SDEC by the Minority Caucus in August 2018 are determined to be have been elected At-Large members of the SDEC and are permitted to vote on all matters before the SDEC.

(b) Not less than ten (10) days before the convening of SDEC for the Special 2019 Meeting to elect the State Chair and First Vice Chair, members of the SDEC elected from the legislative districts shall notify the SDEC if they are duly qualified to participate in one (1) or more Diversity Caucus, other than the Minority Caucus, and, if necessary, shall update their information on file with the SDEC by completing a Qualifying Form, which forms, or copies thereof, shall be subject to inspection by any member of the SDEC promptly after being filed. After receiving this information, the State Chair shall not less than seventy-two (72) hours prior the date of the Special 2019 meeting publish for each Diversity Caucus the names of all members belonging to the Caucus. The list shall also be emailed to members of each Diversity Caucus.

(c) Each Diversity Caucus, other than the Minority Caucus, shall convene not less than three (3) hours prior to the Special 2019 Meeting for the purpose of nominating no less than the number of candidates identified as the target goals for each Diversity Group in the Affirmative Action Plan. These “At-Large” nominees shall be elected by the SDEC to “At-Large” positions pursuant to Article III, Section 2 (m) of these Bylaws. The addition of “At-

Large” members for Diversity Constituencies other than the Minority Caucus is to ensure that the total number of members of each Diversity Constituency elected to the SDEC and the Executive Board meet the targeted goals established by the Affirmative Action Plan and that the SDEC electing a State Chair and First Vice-Chair represents the diversity of the Alabama Democratic Party.

## **Article VII Selection of Nominees for Public Office**

### **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.

When a vacancy occurs in an office for which the Governor issues a Proclamation to hold a Special Election to fill the vacancy, the Executive Board shall have the authority to set the opening of qualifying date. (Amended February 4, 2017)

(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. (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 Amended and Restated 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, her or they direction for such purpose, shall endorse on the statement of challenge the date it is filled with the State Committee's 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, her or they place of residence, his, her or they address for the receipt of mail, and the county, precinct, beat or box, where he, she or they is registered to vote.

2. Promptly after the receipt of the statement of challenge, the State Chair, or a person acting under his, her or they 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, her, or they 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, her or they 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, her or they 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, her or they 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 contested 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, her or they place of residence, his, her or they address for the receipt of mail, and the county, precinct, beat or box where he/she/they 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, her or they 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/she/they 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 delivered to 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 from the time it was proposed; and if the twelfth (12<sup>th</sup>) hour occurs after the adjournment of the State Committee, such proposed amendment shall be taken up at the next meeting of the SDEC as new business (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**

The effective date of these articles shall be the date of their passage in 2019 or any future date when properly amended. Any amendments to these bylaws shall be promptly forwarded to the appropriate office within the DNC.

# Proposed Affirmative Action Plan and Outreach Program for the Alabama Democratic Party

## A) Statement of Purpose and Organization

### 1) Purpose and Objectives

- a) To ensure that the Democratic Party of Alabama (“SDEC,” or “ADP,” or “State Committee” or “Democratic Party,” or “Party”) at all levels is an open Party which includes rather than excludes people from participation, this Affirmative Action Plan and Outreach and Inclusion Program (“AA Plan”) has been adopted by the SDEC and is included in the SDEC Bylaws.
- b) The SDEC is committed to help achieve full participation of those groups of Americans historically who have been explicitly denied the right to vote or who have been subjected to discriminatory and exclusionary practices that have denied them voting rights and full participation in Party meetings, events and elections, along with other groups of Americans who are also underrepresented in Party affairs.

Toward these ends, the SDEC has established a broadly representative Affirmative Action Committee to assist both the SDEC and Democratic Party committees and bodies at all levels in the State of Alabama. In developing and fully implementing this Plan, the SDEC and the Affirmative Action Committee will work to ensure that all persons who wish to participate as Democrats understand they are welcome and encouraged to be involved in and participate in the Party at all levels.

- c) All public meetings at all levels of the Democratic Party are to be open to all members of the Democratic Party and all who wish to participate in Democratic Party affairs regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity and expression, economic status or disability (hereinafter collectively referred to as “status”).
- d) Discrimination on the basis of “status” in the conduct of the affairs of the Democratic Party of Alabama at all levels is prohibited. In addition, the SDEC and the Democratic Party at all levels will make accommodations to facilitate greater participation by people with disabilities and by veterans.
- e) Participation in Democratic Party affairs at all levels shall be open to all voters who wish to participate as Democrats.
- f) The SDEC shall take all feasible steps to encourage non-affiliated voters and new voters to register or enroll, to provide simple procedures through which they may do so and to eliminate excessively long waiting periods for voters wish to register or to update their registration.

- g) To encourage full participation by groups historically under-represented in the Democratic Party's affairs, by virtue of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity and expression, or disability, in all Party affairs, the SDEC has adopted and will implement programs with specific goals and timetables for African Americans, Hispanics, Native Americans, Asian Americans and Pacific Islanders, women and youth, for other underrepresented groups, including the LGBTQ+ community and persons with disabilities, and veterans.
- (1) The goal of the programs shall be to encourage participation in all Party affairs and in Party organizations at all levels by the aforementioned groups as well as all persons who wish to participate as Democrats.
  - (2) The rules, procedures and processes of the Party are often difficult to understand particularly for newcomers and the uninitiated. The SDEC is committed to complete transparency, and part of the AA Plan is to ensure dissemination of information explaining in understandable terms, the rules, processes and procedures of the Party, and how to obtain additional information. The Affirmative Action Committee shall provide education programs directly to voters who continue to experience confusing timelines for registration, changing party affiliation deadlines, or lack of awareness of the process for running for public or Party offices, so as to ensure that all Democratic voters understand the rules and timelines and their impact on voter participation.
  - (3) "Youth" is defined within the Bylaws of the SDEC, as amended.
  - (4) Individuals identifying as Native Americans should provide their tribal affiliation and indicate if they are enrolled in a tribe.
  - (5) These goals shall not be accomplished either directly or indirectly by the Party's imposition of mandatory quotas at any level of any Party affairs.
  - (6) As an early task after its formation, the Affirmative Action Committee shall assess the current breadth and needs of the disabilities community(ies) and specifically recommend a course of action and affiliated group contacts to best accomplish the meaningful participation of this important and diverse constituencies to all levels of the Democratic Party.

## **2) Organizational Structure**

- a) The organizational structure of the Affirmative Action Committee is described in Article III, Section 7 of the ADP Bylaws, as amended.
- b) The SDEC Chair shall certify in writing to the Rules and Bylaws Committee of the Democratic National Committee ("DNC") the establishment of the AA Committee, and submit the names, demographic data and contact information of the members no later than 10 days after their appointment.



- c) Financial and staff support for the Affirmative Action Committee shall be provided by the SDEC to the greatest extent feasible, including, but not limited to, making available on a priority basis, the SDEC staff and volunteers, and covering all reasonable costs incurred in carrying out the AA Plan.
- d) The Affirmative Action Committee shall keep contemporaneous records of the implementation of the specific programs and actions undertaken during the course of each year, which shall include the specific nature of each activity/action, the targeted group(s), and the inclusive dates thereof, which shall be posted and updated on a regular basis on the SDEC's website and on the websites of local Democratic Party committees and bodies at all levels. The Affirmative Action Committee also shall cause to be made a permanent, continuously updated paper record of such information to be accessible to members of the SDEC.

## **B) Representation Goals**

1. In cooperation with the DNC, the SDEC has determined the demographic composition of African Americans, Hispanics, Native Americans, Asian/Pacifics, Youth, LGBTQ+ individuals, and individuals with disabilities and veterans in Alabama's Democratic electorate or in Alabama's population, whichever is higher.
2. The method used for determining the demographic composition of Alabama's Democratic electorate and of Alabama's population will be attached in **Exhibit A** attached hereto, as is the results of the analysis, showing the constituency percentages and the numeric goals for each constituency for the SDEC and its Executive Board.

## **C) Outreach and Inclusion Program**

1. The Affirmative Action Committee shall develop, design, and implement communication programs and outreach programs to carry out and fulfill the purposes and achieve the goals of this AA Plan. Such programs, which may be amended from time to time as changing conditions warrant, shall be detailed in written form, shall be included as an appendix to this AA Plan, and shall be displayed on the SDEC's website and appropriate social media.
2. Article VI, Section 8 of the SDEC Bylaws, as amended, includes special procedures that apply to the Special 2019 Meeting for the purpose nominating and electing Diversity Caucus Members and holding elections for certain offices.
3. For meetings after the Special 2019 Meeting and subsequent to its formation, the Affirmative Action Committee shall conduct public inclusion outreach actions and programs as prescribed in this AA Plan on a regular, ongoing basis throughout the year. Before each meeting of any Democratic Party committee, caucus or body, the Affirmative

Action Committee shall cause AA outreach and inclusion actions to Democrats and constituency groups of the jurisdiction of the Democratic Party committee, caucus or body convening the meeting. Notice and outreach shall include the time, date and location of the meeting, the purpose and nature of the meeting and encourage Democrats and members of consistency groups to attend and participate in the meeting. Such outreach and inclusion actions should begin as early as practicable, but no later than the timeframes detailed within the Bylaws for such meetings.

#### **D) Efforts to Publicize**

1. The Affirmative Action Committee (working with SDEC Officers, Members, and Staff) shall direct special attention to publicizing Democratic Party meetings and events at all levels, convened (i) to nominate candidates for public office, (ii) to nominate or elect members of the SDEC, its Executive Board and Minority Caucus, and for any other Democratic Committee or body at all levels. Such publicity shall include information on eligibility to vote and how to become a candidate, and where to get additional information. The foregoing information shall also be published in the SDEC's communications – including its website and any social media. Where appropriate and available, this shall also include the websites (and / or social media channels) of County Democratic committees. The Party organization, official, candidate, or member calling a meeting or scheduling an event, also shall effectively publicize the role that such meeting or event.
2. The Affirmative Action Committee shall develop a model media plan for using all available and appropriate resources, such as press releases, newsletters, social media, websites, newspapers, radio and television, and by way of communications by Party leaders, to Democrats, activists and leaders of targeted constituencies, to ensure broad and timely coverage and awareness on the part of all interested persons and to inform the general public how, when, and where to participate in specific Party convened meetings.

## Appendix A

	TOTAL	Asian / Pacific Islander	Black / African-American	Hispanic (of any race)	LGBTQ+	Native Americans	Youth
<b>Percent in Democratic Electorate</b> (provided by DNC Data and Analytics Team)		1.0%	60.0%	2.0%	7.0%	0.0%	34.0%
<b>Percent in Population</b>		1.7%	27.4%	4.4%		1.2%	31.5%
<b>Greater Percent</b>		1.7%	60.0%	4.4%	7.0%	1.2%	34.0%
<b>Regarding the SDEC Body</b>							
<b>Total in 210 - Estimate from Available Data</b> (District Elected + District Vacancies Filled Aug 2018)	1	122	2				19
<b>Required to Meet Affirmative Action Goal</b>	4	126	9	15	3		71
<b>At-Large Added 2018</b>		35					1
<b>Current Total Membership</b> (estimates and may be counted in more than one category)	1	157	2				20
<b>Estimate At-Large Members to Add 2019</b> (some may self-identify from current 210 SDEC)	3		7	15	3		51
<b>Regarding the SDEC Executive Board</b>							

*Data Needed to Complete this Portion*

### Notes -

Elected and 2018 Data are best known from available source / some categories are not mutually exclusive