

**Proposed Amended and Restated Bylaws of the  
STATE DEMOCRATIC EXECUTIVE COMMITTEE OF ALABAMA**

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## Statement of Principles

### THE DEMOCRATIC PARTY HOLDS TO THESE PRINCIPLES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Section 1. Name**

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

### **Section 2. Emblem**

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

### **Section 3. Powers**

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

### **Section 4. Definitions and Abbreviations**

(a) AA: Affirmative Action.

(b) Affirmative Action Goals: The minimum number of SDEC members from a given Diversity Constituency that is necessary in order for that Constituency's presence on the SDEC to reflect, as nearly as practicable, its presence in the Democratic Electorate of Alabama. The percentages of the various Diversity Constituencies in the Democratic Electorate that are used to determine the Affirmative Action Goals are sometimes referred to as the "target percentages." Target percentages and Affirmative Action Goals are determined by the Chair as provided in Article III.

(c) All Party Affairs: Activities of any Party Committee commencing at the lowest level and continuing up to and including the SDEC. Such activities shall include, but need not be limited to, the processes in which delegates are selected to the National Democratic Convention; the processes in which Party officials are nominated or selected; the processes in which Party policy, platforms, and rules are formulated; and regular programs of voter registration, public education, and public relations.

(d) At-large: Those members of the Diversity Constituencies who are elected to be at-large members of the SDEC or of the Executive Board to provide for representation as nearly as practicable of the Diversity Constituencies as indicated by their presence in the Democratic Electorate of Alabama. Individuals elected through the at-large process shall be full and equal members of the SDEC for all purposes, shall have equal status with popularly elected members, and shall participate equally with popularly elected members in all SDEC affairs.

(e) CDEC: County Democratic Executive Committee.

(f) Chair: Unless otherwise specifically noted, refers to the Chair of the SDEC.

(g) Democratic Electorate: Composed of those in any applicable geographic or political jurisdiction who voted for the Democratic nominee for president in the most recent General election.

- (h) District Committee: Congressional District Committee.
- (i) Diversity Constituencies: Includes persons from and who self-identify as (A) Black/African American, (B) Hispanic, (C) Asian American or Pacific Islander, (D) Native American, (E) Lesbian, Gay, Bisexual, Transgender, or Queer ("LGBTQ+"), (F) Alabamians with disabilities, (G) youth (18 through 35 years of age), and such other underrepresented constituencies of the Democratic Party as the Executive Board, taking into consideration any recommendation of the Affirmative Action Committee, shall determine from time to time.
- (j) Diversity Constituency Caucuses: Refers collectively to the Prevailing Racial Minority Caucus, Ethnic Minority Committee, LGBTQ+ Caucus, Veterans Committee and Young Adult Committee.
- (k) DNC: Democratic National Committee.
- (l) Legislative Districts: The one hundred five (105) districts of the Alabama State House of Representatives.
- (m) LGBTQ+ Committee: The committee of the SDEC composed of members of the SDEC who self-identify as lesbian, gay, bisexual, transgender, queer, or otherwise self-identify as LGBTQ+.
- (n) Organizational Meeting: The quadrennial meeting of the SDEC held between August 1 and August 15 following the Democratic Gubernatorial Primary.
- (o) Party Committee: Includes, without limitation, committees, standing committees, subcommittees, conventions, boards, commissions, and any other body of the SDEC.
- (p) Popularly Elected Members: The two hundred ten (210) members of the SDEC elected from the Legislative Districts, subject to equal division by district, in the quadrennial Democratic Gubernatorial Primary.
- (q) Prevailing Racial Minority: Black members or the racial minority which comprises the largest percentage of the Democratic Electorate in a particular geographic or political jurisdiction.
- (r) Prevailing Racial Minority Caucus: The standing caucus of the SDEC composed of the Black members of the SDEC.
- (s) Ethnic Minority Committee: The standing committee of the SDEC composed of members of the SDEC who self-identify as Asian American or Pacific Islander, as Hispanic, as Native American, or as members of such other underrepresented racial and ethnic group as the Executive Board shall determine from time to time.
- (t) SDEC: State Democratic Executive Committee of Alabama.
- (u) Status: Sex, race, age (if of voting age), color, creed, national origin, religion, economic

status, sexual orientation, gender identity, ethnic identity, or disability.

(v) Young Adults: Refers to individuals eighteen (18) to thirty-five (35) years of age unless otherwise specifically defined.

(w) Young Adult Committee: The standing committee of the SDEC composed of members of the SDEC between eighteen (18) and thirty-five (35) years of age as of the date of their most recent election to the SDEC.

### **Section 5. Policies**

Unless otherwise specifically provided in these Bylaws, the following provisions shall apply to every Party Committee, at all levels:

(a) Policy: The Democratic Party of Alabama shall be open to all who desire to support the Party and who wish to be known as Democrats. Discrimination in the conduct of Democratic Party affairs on the basis of status, as defined in Section 4 of this Article, is prohibited, to the end that the Democratic Party at all levels be an open party.

(b) Full Participation: These Bylaws are intended to afford affected Democrats, and other individuals who wish to participate as Democrats, full, timely, and equal opportunities to participate in all Party affairs, without prejudice or discrimination.

(c) Meetings open to the public; notice and effective publicity; emphasis on underrepresented constituencies. Each meeting of every Party committee shall be open to the public, and votes shall not be taken by secret ballot or use of the unit rule. Each meeting of every Party committee shall be preceded, to the extent reasonably practicable, by notice to Democrats, and other individuals who wish to participate as Democrats, with particular emphasis on underrepresented constituencies of the Democratic Party, such 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) and to publicize effectively and in a timely fashion the dates, times, and places of all such meetings, and the name or names of the person responsible for such meetings, and to encourage participation. Such notice 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.

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.

(d) Membership of Party committees to reflect affirmative action goals and Bylaws requirements. The membership of the SDEC, its Executive Board, and its District, County, and Municipal Committees shall reflect as nearly as practicable the affirmative action goals for each specific diversity group established by these Bylaws for the geographic jurisdiction of the particular Party committee.

(e) Virtual Meetings: In cases of natural, state, or organizational emergency, for the health and safety of the members, the Chair may hold a meeting by Zoom or other electronic means.



## **Article II. Governance and Party Organization**

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

The officers of the State Committee are the Chair, the First Vice-Chair, the Vice-Chair for Minority Affairs, the Vice-Chair for County Affairs, the Vice-Chair for Young Adults, the Vice-Chair for Labor, the Secretary, the Treasurer, and the National Committee Members. The Vice-Chair of Labor shall be a member of an organization which represents private sector workers in Alabama. Each officer except the Treasurer shall be elected at the organizational meeting of the State Committee.

The Chair shall be the principal and presiding officer of the State Committee and shall have all of the authority and duties to enforce these rules implied by such title and expressed or implied by these rules. The various Vice-Chairs, Secretary and Treasurer shall assist the Chair and shall have the duties and authority, implied by their respective titles, assigned to them by the Chair or specified by these rules. The First Vice-Chair shall preside over the meetings of the State Committee in the absence of the Chair, provided no Chair Pro-Tem is elected or appointed by the Chair. In the event of a vacancy in the Chair, the First Vice-Chair shall forthwith call a meeting within 30 days for the election of a new Chair. If the First Vice-Chair fails to call a meeting in 30 days, the Secretary of the SDEC shall convene the Executive Committee for the limited purpose of electing a new Chair. If the Secretary fails or refuses to convene the Executive Committee within 30 days, beginning with the most senior Constituency vice-chair to the most junior member each shall within 20 days convene the Executive Committee of the SDEC for the limited purpose of electing a new Chair. In the event of a vacancy in any other executive office, the same shall be temporarily filled by the Executive Board until the next meeting of the State Committee when the unexpired term is filled. In the event of a vacancy in the office of the Chair and prior to the election of a successor, the First Vice-Chair shall assume the duties and preside over all meetings until a Chair is elected. (Amended June 1, 2013).

### **Section 2. State Democratic Executive Committee**

The State Democratic Executive Committee (SDEC) shall consist of two hundred ten (210) members popularly elected from the legislative districts hereinafter provided, together with the following additional members: the Chair; the First Vice-Chair; the Vice-Chair for Minority Affairs; the Vice-Chair for Labor; the Vice-Chair for County Affairs; the Vice-Chair for Young Adults; Secretary; and Treasurer of the State Committee, if any one or more of such officers are not otherwise members of the State Committee; National Committee persons; and any other member(s) of the National Committee who is a citizen of the State of Alabama.

All SDEC members shall be known as Delegates.

The Democratic Governor and all Democrats from Alabama in the United States Senate and House of Representatives shall be ex officio, non-voting members of said State Committee.

(a) The term for all popularly elected members of the State Committee shall be four years. Said term shall begin upon the certification of each member as provided by law and shall continue

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

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

(c) The popularly elected members of the State Committee shall be elected from the one hundred five (105) districts used for the election of the State House of Representatives. One man and one woman shall be elected from said districts. However, that if said State House districts are hereafter changed by court decree or legislative act, such change shall not be effective with respect to such State Committee districts until the expiration of the term during which such change is made.

Each State Committee district shall be the same number as the corresponding State House district. With regard to these 210 members, all male candidates shall be listed on the ballot together. All female candidates shall be listed on the ballot together. The voters shall have one vote for male candidates and one vote for female candidates. The male candidate and female candidate receiving the largest number of votes shall be elected.

All members of the State Committee shall be ex officio voting members of the CDEC where they vote during their terms on the SDEC.

All Members of the SDEC shall be registered voters in Alabama.

### **Prevailing Racial Minority**

It is the policy of the SDEC that minority members should be represented on the SDEC in proportion to their presence in the Democratic Electorate of Alabama or in proportion to their presence in the voting age population of Alabama, whichever is greater. The term "Democratic Electorate" of Alabama is defined as being composed of those persons who voted for the Democratic nominee for President in the immediate preceding general election and each succeeding general election for the Democratic nominee for President every four (4) years thereafter.

Prior to the organizational meeting to be held in 1990, and at each Organizational meeting

thereafter, the Chair shall, utilizing whatever expert advice and assistance is necessary, and with the advice and consultation of the Vice-Chair for Minority Affairs, determine the percentage of Prevailing Racial minority voters in the Democratic Electorate and compare that percentage to the percentage of minority members found in the population of Alabama, according to the most recent federal decennial census. The higher percentage shall be selected as the percentage of minority members of the State Committee. If the higher of the two percentages is not met by the number of minority members elected, then the Chair shall determine the number of Prevailing Racial minority members to be added to the State Committee to bring the number of minority members on the State Committee up to the level of the higher of the two percentages. The Chair shall make available to any member of the State Committee the methodology and expert advice utilized by him. If any member of the State Committee disagrees with the number established by the Chair, then he or she may request a review of the decision by the Executive Board. This number of persons, if any, to be added onto the State Committee shall be selected by a caucus of the elected minority members of the State Committee prior to the 1990 organizational meeting, and every four years thereafter. The additional members shall be selected in such a manner as to ensure that no Congressional District will be without minority representation on the State Committee. In the event there is a Congressional District where no minority person qualified to run for the State Committee, then the caucus shall select a minority member from the Congressional District even if that person did not qualify to run for the State Committee. An equal division between men and women shall be maintained among those persons selected. After those additional members are selected, the minority caucus of the State Committee shall be composed of the elected and selected minority members of the State Committee. (Amended August 14, 2010).

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

The Chair and First Vice-Chair shall be of different genders. (Amended August 14, 2010).

The Treasurer shall be appointed by the Chair with the concurrence of the Executive Board.

### **Identifiable Ethnic Minority**

In addition to the representative(s) of the prevailing racial minority provided for in these By-laws on the SDEC, other identifiable ethnic minorities recognized in the U.S. Census such as Native Americans, Asian Americans, and Hispanics shall be represented on the SDEC based on their numbers in the Democratic Electorate, using the same method used to calculate the prevailing racial ethnic minority membership on the Committee. Upon any identifiable ethnic minority electing 15 percent or more seats on the SDEC in the Democratic Primary immediately preceding the Organizational Meeting, such minority may organize a caucus in the same manner as the prevailing racial minority caucus provided above. Until that time, any additional identifiable ethnic minority members necessary to be added to the SDEC shall be added by the Executive Board. If no member of a particular ethnic minority recognized by these By-laws is elected to the SDEC or qualifies to run for a seat on the SDEC, the Chair shall notify the Executive Board at its next meeting and the Executive Board shall take affirmative steps to recruit such members. Filling of such positions shall be a priority at each succeeding SDEC meeting and, if no person is selected, the Chair shall, through the Vice Chair for Minority Affairs, request assistance from the Affirmative Action Committee. The equal division of gender rule shall apply when filling these positions. (Amended February 4, 2017).

### **Status Minorities**

Discrimination on the basis of “status” in the conduct of the affairs of the Democratic Party of Alabama at any levels is prohibited. To encourage full participation by groups historically underrepresented in the Democratic Party’s affairs, by virtue of sexual orientation, LGBTQ+ and Youth 18-35, the Executive Board will implement goals to be achieved. The goal of the programs shall be to encourage participation at all levels indicated by their presence in the Democratic Electorate in Alabama.

The Vice-Chair for Minority Affairs shall oversee the equitable and fair representation of racial, ethnic, and status minorities covered under these By-laws in all Party affairs. He or she shall also implement the affirmative action and outreach policy of the Alabama Democratic Party.

All At-large Members authorized to serve on the SDEC pursuant to the Democratic Primary Election Vote shall be assigned to the appropriate ethnic or racial group prior to the opening session of the organizational meeting. Members must vote in the meeting where his/her ethnic groups convene. No member of the SDEC may vote in/or with another group. Dual voting is prohibited.

### **Section 3. Executive Board**

There shall be an Executive Board composed of: (a) one male and one female State Committee member from each Congressional District who shall be elected to said Executive Board by the members of the State Democratic Executive Committee from that district, (b) the State Chair, (c) the National Committee members, (d) the five Vice-Chairs, (e) the Secretary, and (f) the Treasurer. In terms of minority representation, the Executive Board shall reflect the same percentage of minority representation as on the State Committee after the procedures outlined in Article III, Section 1 have been effected. Any additional members of the Executive Board needed to bring the minority percentage of the Executive Board up to the required level shall be selected by the caucus of minority members at the quadrennial organizational meeting. Any vacancies in minority members of the Executive Board that occur during any quadrennium shall be filled by the minority

caucus.

The Executive Board shall meet quarterly and at other times as necessary at the call of the Chair or on the written petition of forty percent (40%) of the members thereof. Any meeting called by petition shall first be submitted to the Secretary showing the names of the members petitioning. Forty percent of its members shall constitute a quorum.

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 the By-laws, fill vacancies for Chair or First Vice-Chair on the State Committee, and elect permanent officers. (Amended June 1, 2013).

DNC Vacancy: Notwithstanding the above, in the event of a vacancy in the office of the Democratic National Committee Member, Secretary, or Treasurer, the Executive Board may fill the vacancy on a temporary basis until the next meeting of the SDEC. No female shall be required to compete against a male for National Committeewoman or vice versa.

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 occurs. Every effort should be made to have equal division of positions between men and women, and any exception to this rule must be justified.

### **Article III. State Committee Operation**

#### **Section 1. Operating Committees**

The following operating committees are hereby created to monitor the affairs of the groups listed in this section: Affirmative Action; Asian Pacific Islanders; Hispanics; and Native Americans.

#### **Section 2. Special Committees**

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

#### **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 delegation shall elect the delegation's chair and other officers.

#### **Section 4. Delegates to Other National Conferences**

Delegates to all other special conferences, meetings, and conventions, other than the regular quadrennial national convention called to nominate Democratic candidates for President and Vice-President, shall be selected in accordance with a delegate selection plan which (1) conforms to the

rules established by the Democratic National Committee, and (2) is adopted by resolution of the State Committee, any provision of these rules in conflict therewith notwithstanding. (Added by Amendment February 2, 1974).

### **Section 5. Affirmative Action Committee and Outreach Policy**

(a) It is the policy of the Alabama Democratic Party, through the SDEC, that underrepresented racial and ethnic groups recognized in the U.S. Census, such as Blacks, African Americans, Hispanics, and Native Americans, shall be represented on every participating committee at the State, District, County, Municipal, or other levels based on their numbers in the democratic electorate in the jurisdiction where such is elected, appointed, or otherwise.

(b) Within two (2) months of the adoption of this section, the Executive Board shall establish an Affirmative Action Committee (“AA Committee”), the composition of which shall reflect the diversity goals of the SDEC. The terms of its members shall be two (2) years, with each term to terminate upon the appointment of its successor. Membership on the AA Committee shall be equally divided by gender. The Vice-Chair for Minority Affairs shall serve as Chair of the Affirmative Action Committee.

(c) For the purpose of election and transacting business, all members of racial and ethnic groups shall meet with their respective group. If there be only one member of a group or a group is otherwise too small to convene, the Chair shall assign them to the appropriate group.

## **Article IV. Party Finances**

### **Section 1. Authority**

The State Committee shall have the authority to raise, receive, accept, solicit, maintain, and expend such funds as may be provided from any source not prohibited by law. Assessments payable by candidates shall be required in such amount as is provided by resolution of the State Committee provided that the same does not exceed the limitation provided by law. Assessments are fixed by the State Committee and are payable to the State Committee for all public and Party offices filled by the vote: (a) of the State-at-large; (b) of a circuit; (c) of a congressional district; (d) of a legislative district; (e) of a State Executive Committee district; and, (f) of any other office, except for those offices, that with respect to these rules, provide that assessments are specifically fixed by and payable to County Committees. Assessments are fixed by and payable to County Committees for all county offices, membership on the County Executive Committee and beat or precinct offices, including constables and justices of the peace. The Chair and any other officer or employee may not borrow, commit, or obligate financially the Alabama Democratic Party without prior specific approval of the Executive Board. (Amended June 1, 2013).

### **Section 2. District Funds**

Money raised and collected to assist in campaigns or otherwise shall be placed in a special account at the state level earmarked for a particular district. The District Chair or the District Committee shall submit a voucher to the Treasurer of the Alabama Democratic Party for any authorized payment from District funds. The Treasurer shall be the custodian of all District accounts and

deposits at the state level. The state organization may not use District funds for any purpose without authorization from the District's executive committee, verified by a voucher, and signed by the SDEC Chair.

### **Section 3. Fiscal Year**

The fiscal year of the Democratic Party shall begin on January 1<sup>st</sup> and end December 31<sup>st</sup> of each calendar year.

### **Section 4. Budget**

The Chair shall submit to the Executive Board the Annual operating budget for the coming fiscal year by November 1<sup>st</sup>. The budget shall be reviewed and approved by the Executive Board no later than December 15<sup>th</sup>. The operating budget shall include salaries and other operating costs projected for the coming year. In order to maintain the Party, funding for Party office operations and staff shall take precedence over all other funding. The Treasurer (or his or her designee) shall make quarterly financial reports to the Executive Board.

### **Section 5. Expenses**

Operating expenses of the State Committee shall be paid or reimbursed from the committee's general funds only if it has been prior approved by the Chair. Operating expenses include the following: postage and shipping; office supplies and furnishings; rent; telephone and other utilities; transportation; entertainment, travel, and other expenses incurred in the course of performing duties related to the Democratic Party; office help; advertising; campaign expenses; and any Party meeting or activity expenses authorized by the State Chair.

With prior approval of the Chair, the First Vice-Chair, the Vice-Chair for Minority Affairs, the Vice-Chair for Labor, the Vice-Chair for County Affairs, the Vice-Chair for Young Adults, the Secretary, and the Treasurer may be reimbursed for travel and other reasonable expenses incurred in the transaction of Party business. 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 for travel within the State or otherwise in the discharge of his duty as such member may be paid out of the State Committee's general funds but shall not be taxed as any part of the costs of a contest or appeal on contest.

### **Section 6. Accounts and Audits**

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

Obligations of the State Committee or any of its subcommittees may be paid out of committee funds without waiting for the meeting of the State Committee. Accounts of officers, subcommittees, and agents shall be audited at least bi-annually, and the Chair may appoint a

committee or certified public accountant thereof at any time at his discretion for this purpose. 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 and upon seven (7) days' notice to the Chair.

### **Section 7. County Committee Funds – Restrictions and Audits**

The distribution of County Committee funds among members of the County Committees is prohibited. However, 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 said committee, every two years. 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 8. 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 State Chair in auditing and reviewing claims, in expending funds, and for any other financial matters as desired by the State Chair from time to time.

### **Section 9. 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 the State Party in raising campaign funds for the support of straight ticket campaign efforts. The State, District, and County Committees, are the agencies at their respective levels charged with the responsibility and possessing authority for management, allocation, and expenditures of such campaign funds. Each such committee, and the chair thereof, has full discretion and authority to establish subcommittees, campaign finance committees, and any other agencies deemed by it or him or her to be expedient to the discharge of such function. Overall direction of and final authority over the Party's campaign finances is in the State Committee.

Each CDEC shall (1) meet a minimum of quarterly during non-election years, and monthly during election years; and (2) establish, maintain, and staff a party headquarters at least 60 days prior to each general election. Failure of the CDEC to adequately fulfill the duties and responsibilities contained herein can result in penalties or dissolution by a majority vote of the Executive Board of the SDEC.



## **Article V. Procedure**

### **Section 1. Meetings**

The term of office of members of the State Committee shall begin upon the certification of their election. The Organizational Meeting of the State Committee shall be held in Montgomery, Alabama during the period between August 1<sup>st</sup> and August 15<sup>th</sup> following a gubernatorial primary; said Organizational Meeting shall be held on the call of the Chair of the preceding State Committee. At such meeting, such other business as may properly come before the Committee may be considered. A notice in writing of such meeting shall be given to the members at least ten (10) days in advance. Such organizational meetings shall continue in session until the elected officers of the Committee are chosen. Thereafter the State Committee shall meet at such time and place as the Committee may determine or upon the call of the Chair, or upon the call of a quorum of the Executive Board of the State Committee. (Amended August 14, 2010).

### **Section 2. Quorum**

A quorum of the SDEC and all other bodies and all other committees shall be 40 percent of its members. Quorum for committees hearing contests or challenges shall be 60 percent of said committee's members. Quorum may be established by roll call, by use of a paper sign-in sheet, or by other reasonable means as determined by the Secretary. Should the Secretary inform the Chair that a quorum has indicated its presence by signature, the Chair may take notice of such and dispense with the calling of the roll.

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

The order of business shall be as follows: (a) call to order and establishment of a quorum; (b) adoption of the minutes of prior meetings, unless dispensed with; (c) officer reports and announcement of certified at-large members; (d) filling of vacancies caused by popularly elected members of the SDEC; (e) nomination and election of officers of the SDEC (only for Organizational Meetings); (f) unfinished business, old or new; (g) new business in the call or otherwise; and, (h) adjournment. The order of business may be changed at any time by the Chair, in the absence of objection, at any meeting. No votes shall be taken prior to filling of vacancies, except to establish a quorum or adopt minutes. Subsequent to filling of vacancies, the body may annul or amend the agenda.

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

Unless otherwise provided for in these rules, Robert's Rules of Order, Newly Revised, most recent edition, shall be of force and govern in all meetings of this Committee, and any subcommittee, special committee, or commission thereof. Suspension of rules may be had by two-thirds concurring vote of those voting so long as a quorum is present. The order of precedence of motions and the like shall be as follows: (a) Adjournment; (b) Adjourn to fixed time; (c) Referring to committees; (d) Postpone indefinitely; (e) Previous question; (f) Lay on the table; (g) Postpone to fixed time; and (h) Amend. (Amended December 3, 2012).

### **Section 5. Minutes**

The secretary of each meeting of the SDEC, Executive Board, Minority Caucus, or other body shall take meeting minutes. The chair of each body is authorized to appoint a stenographer or reporter to assist the secretary in taking minutes and is also authorized to appoint any other agents

or assistants as may be necessary for that purpose. Either the minutes or a transcript of each meeting shall be transcribed and printed or otherwise duplicated and a copy thereof posted to the website of the SDEC and furnished to each member within sixty (60) days after each meeting.

## **Section 6. Votes**

**Majority of those present and voting:** At all meeting a majority of those present and voting shall prevail, except as otherwise specifically provided in these By-laws.

**Counters/talliers:** Subject to this Section, in addition to those designated by the presiding officer to count/tally votes, each candidate in an election shall be permitted to designate one person to serve as a counter/tallier, with all counters/talliers to have the same access to the floor and any other location for the purpose of counting votes.

**Standing to vote to settle disagreement:** A disagreement about the number of supporters for a roll call vote shall be settled by standing vote by a majority of those present and voting.

**Motion for roll call:** Adoption of a motion to require a roll call vote requires support of forty percent (40%) of those present and voting.

**Tie vote:** Following the vote of the Chair of the meeting, if a tie occurs, the proposition is lost or the candidate does not win.

**Mail Ballot:** Other than to fill vacancies on the SDEC or to elect officers of the SDEC, the Chair, at his or her discretion, may take a vote of the membership by mail or any matter except as prohibited by law or these By-laws. The Chair shall fix the time to vote and other details pertaining to such a vote. In a case where time is of the essence (such as where qualifying must be opened as soon as possible in the event of a vacancy), the State Chair, in consultation with the Secretary and First Vice-Chair, may take a vote by electronic mail or other electronic means. Electronic vote shall not be taken to fill vacancies, to elect officers of the SDEC, to amend these By-laws, or to decide any substantive issue before the SDEC.

**No proxies:** Proxy voting is not allowed in the State Committee or in any County, District, or Municipal Democratic Executive Committees.

**Appeal of ruling of Chair:** An appeal of a ruling of the Chair to the full body shall be determined by Robert's Rules of Order.

## **Section 7. 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, together with all of the members of the State Committee who reside within such Congressional District. If a county is part of more than one Congressional District, the County Chair shall serve on the District Committee of each Congressional District.

(b) The duties and purposes of a District Committee shall include monitoring the conduct of district-wide campaigns and other campaigns in which any part of the county is involved and coordinating Democratic Party affairs within the District. District Committees shall be authorized to raise funds and expend same on behalf of Democratic campaigns or for other Democratic Party activities, subject to these By-laws, but shall not be authorized to nominate or certify candidates subject to approval of the State Executive Board. District Committees may elect such officers and create such committees as necessary to carry out their purpose. The appropriate number of at-large members should be placed on a District Committee to ensure that the District's representation reflects the racial and ethnic minority in the democratic electorate.

### **Section 8. County Committees**

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

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

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

1. A Chair, Vice-Chair, Secretary, Treasurer, and 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. At least twenty-eight (28) to thirty-six (36) members who are popularly elected from the County Commission districts shall compose the CDEC. 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).

3. The term of office of the members of the County Committee shall be for four years beginning upon the certification of each such member elected. Each term shall continue for four years from the time of certification and until their successors are elected and certified. Elected officers of a County Committee shall always serve at the pleasure of the County Committee. During the period of August 16 to September 15 following the Democratic Party Runoff, a meeting of the County Committee shall be called by the Chair of the existing Committee for the purposes of reorganizing the new committee and to consider any business which may properly come before said County Committee. (Amended August 14, 2010).

4. At-large members shall be elected to ensure that the membership of each county committee, and each district therein, is representative of the county's, and each district's, Democratic Electorate.

All members of the State Democratic Executive Committee shall be registered voters in the county in which they reside.

It is the policy of the CDEC that minority members shall be represented on the CDEC at least in proportion to their presence in the Democratic Electorate of the county or in proportion to their presence in the population of the county, whichever is greater. The term "Democratic Electorate"

of Alabama is defined herein as being composed of those persons who voted for the Democratic nominee for President in the preceding general election and each succeeding general election for the Democratic nominee for governor every four years thereafter. (Amended March 15, 2003).

The term “minority” is defined as the prevailing racial minority in a county.

(d) The order of business at each CDEC meeting shall be the same procedure for electing state officers and At-large Members as provided in Article V. Section 3 of these Bylaws.

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 remainder of the term by the CDEC at the next meeting following the occurrence of such vacancy. In the event of a vacancy in any position held by a minority member, that vacancy shall be nominated and filled by the minority members at the next meeting of the CDEC.

The popularly elected members of the CDEC shall be elected from the districts used for the election of the County Commission. The State Party shall designate election districts for those counties with single member districts. Each CDEC district shall be identified by the same number as the corresponding County Commission district. There shall be an equal number of male and female candidates elected from each district. Male candidates shall be listed on the ballot separately from female candidates. The ballot shall state the number of persons for which votes are to be cast. The male candidates and female candidates receiving the largest number of votes in the respective category shall be elected.

The At-large members provided for herein shall be allocated to the districts on a pro rata basis, based on the district’s vote of the Democratic Electorate in the last presidential general election preceding the election to which they qualify.

Prior to the Organizational Meeting, the State Chair of the Democratic Party shall calculate and notify each County Chair of the number of at-large seats allocated to each CDEC district 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).

To the extent that they are not otherwise elected or re-elected, each CDEC will add members to reflect the pro rata makeup of the committee by race and ethnicity based on numbers in the Democratic Electorate.

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

(f) Within 15 days following the county's organizational meeting, 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 addresses, phone numbers, gender, race, and the number of members under 36 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).

A CDEC shall be considered established, organized, and operational if it has officers, properly elected members, and holds meetings.

Each CDEC shall set up a headquarters at least sixty days (60) prior to a general election during a presidential or gubernatorial election year.

In any county where a CDEC does not exist or is not functioning, the State Chair shall be responsible for establishing and organizing a CDEC. Any CDEC organized or reorganized by the State Chair shall meet the same requirements as all other counties.

### **Section 9. 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 herein above prescribed for County Committees. City council districts shall substitute for county commission districts for the purpose of electing members.

### **Section 10. Staff**

The SDEC may require hiring staff based on its needs and demands. The recruiting and hiring of staff is subject to affirmative action requirements. Job descriptions for staff shall be developed and be approved by the Executive Board based upon the recommendation of the Chair. The Executive Board shall adopt all job descriptions prior to the hiring of anyone by the Chair. The Chair as needed may fill temporary positions. A report shall be made to the Executive Board should these temporary positions extend beyond 60 days. No staff employee, full-time or part-time, may serve as a member of the SDEC, the Executive Board, or any other committee. (Amended June 1, 2013).

## **Article VI. Selection of Nominees**

### **Section 1. Regular Elections**

(a) Under the authority and subject to the terms and provisions of the primary election laws of Alabama as contained in Code of Alabama (1975), Section 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 April 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 election 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 Alabama (1975), Section 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: 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 Alabama (1975), Section 17-13-7, and Section 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).

Candidates for nomination for all offices, except Delegate, shall before 5:00 p.m., sixty (60) days prior to the date of the Primary Election, and 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 April 20 \_\_\_\_, and on Tuesday, the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_, for the office of \_\_\_\_\_ (District, Circuit, or County, if applicable), place number: \_\_\_\_\_ (if applicable).

**Diversity and Vital Data**

Racial or Ethnic: \_\_\_\_\_ Black \_\_\_\_\_ White \_\_\_\_\_ Hispanic \_\_\_\_\_ Native American  
\_\_\_\_\_ Asian Pacific Islander

Age: \_\_\_\_\_ 18-35 \_\_\_\_\_ 36 or above

Gender: \_\_\_\_\_ Male \_\_\_\_\_ Female

"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 of 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).

(g) 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.

(h) Candidates for election as popularly elected Delegate shall, before 5:00 p.m., sixty (60) days prior to 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.

(i) 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 shall refund the qualifying fee.

All candidates shall pay the appropriate qualifying fee at the time that they qualify which shall be prior to the election unless otherwise waived consistent with the rules listed herein.

(j) In accordance with Code of Alabama (1975), Section 17-13-42, should this Committee desire not to enter the primary elections, as provided for under Alabama law, proper notice thereof shall be given by filing with the Secretary of State, at least sixty (60) days before the date of the



primary election, a statement of the action of this Committee, certified by the Chair of this Committee and by its Secretary, which statement shall contain a copy of the resolution or motion adopted declining to accept and come under the Primary Election Law. (Amended December 3, 1977).

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

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

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

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

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

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

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

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

Only those candidates who have qualified as required by law and who have also complied with the rules and regulations fixed by this Committee shall be voted for in any primary election. It shall not be permissible to write or stamp in any name not officially printed on the primary ballot in any primary election. The Chair of the State Committee is authorized and empowered to reject declarations of candidates with or without a trial before the Committee notwithstanding the

affidavit, if he believes the affidavit to be untrue or the candidate to be otherwise unqualified to run in the primary of this with a right of appeal on the part of the candidate to the Executive Committee for review.

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

Certification of names of candidates shall be made by the Chair of the State Committee and the Chair of the respective County Committees in accordance with Code of Alabama (1975), Section 17-13-5, the State Democratic Executive Committee Chair shall, no later than 5:00 p.m., fifty-five (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 Alabama (1975), Section 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, two percent (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: five-hundred dollars (\$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. All candidate(s) for the State Democratic Executive Committee shall pay a qualifying fee of fifty dollars (\$50.00) prior to nomination and complete the ADP Qualification Form. (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 one percent (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 signatory's residence address. Upon the filing and approval of such petition, the payment of the entrance or qualifying fee or assessment shall be waived.

### **Section 7. Subcommittee**

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

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

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

### **Section 9. Challenges**

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

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

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

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

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

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

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

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

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

8. The decision of any challenge by a majority of the members of the challenge subcommittee shall be final, and no appeal shall lie to the State Committee as a whole, unless the decision was not supported by any substantial evidence or was void as a matter of law. Any such appeal must be filed with the State Chair within five (5) days after the subcommittee's decision is rendered and shall state with particularity the facts and circumstances on which the appeal is based. No appeal shall be considered on the ground that the decision of the subcommittee is not supported by any substantial evidence unless a transcript of all the evidence proceedings before the challenge

subcommittee, provided at the expense of the party taking the appeal, shall be filed with the State Chair within ten (10) days after the appeal is filed; provided that the State Chair, or the Chair of any subcommittee appointed by him to hear the appeal, may extend the time for filing such transcript. The party taking the appeal shall make copies of his appeal to all other parties to the challenge or their attorneys and shall certify on his appeal filed with the State Chair that he has done so. Responses to the appeal shall be filed with the State Chair within five (5) days after the date shown on the certificate of mail service appearing on the appeal. Thereafter, the State Chair may appoint a subcommittee to consider the appeal and to recommend appropriate action in the premises to the State Committee as a whole. No member of the challenge subcommittee may serve on any committee appointed by the State Chair to consider an appeal from the decision of such challenge subcommittee.

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

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

## **Article VII. Contests**

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

Contests of primary election results and certification are the subject matter of statutes appearing in Code of Alabama (1975), Section 17-13-70, et seq. The provisions of this Article are prescribed pursuant to the authority of Code of Alabama (1975), Section 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 exists, 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, or the person acting under his direction for such purpose, shall endorse on the statement of contest the date it is filed with him or in his office. Filing of a statement of contest shall be deemed complete when personally delivered to the State Chair or left with a responsible adult person in his employ at the office of the State Committee. The elector filing the contest for service or delivery of at least one copy each on the contestee and every other party affected by or having any interest in the contest and whose names and mailing addresses shall be set out in the statement of contest. The elector filing the contest shall set out in the statement of contest his place of residence, his address for the receipt of mail, and the county, precinct, beat, or box where he is registered to vote and did vote in the contested primary election.

(b) Promptly after the receipt of the statement of contest, the State Chair, or a person acting

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

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

(d) The State Chair is authorized, empowered, and directed to appoint, from time to time, a subcommittee or subcommittees from the membership of the State Committee, to hear, consider, and decide any contest or contest appeal or any election or of the nomination of any candidate in any primary election. Each such subcommittee so appointed shall have and is hereby given all the right, power, and authority to do or perform any act or thing which the State Committee could do or perform in the premises; and the chair of each such subcommittee shall have the authority 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 for 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 Alabama (1975), Section 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 VIII.**

### **Disqualification And Withdrawal of Nomination**

Should any verified declaration of candidacy as required by Article VI of these Rules 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 of these Rules why said candidate should not be disqualified or his nomination or election withdrawn, as the case may be. All interested parties should be reasonably notified of the referral to the subcommittee, and a hearing shall be held. If the subcommittee is reasonably satisfied 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 the subcommittee shall be empowered to disqualify such candidate or withdraw his nomination or election, as the case may be.

Should a nominee be found, after his nomination and before the general election, to be disqualified to hold the office for which he has been nominated, the State Committee shall declare the nomination void and withdrawn and shall proceed to fill the vacancy as provided for in these rules. The nominee against whom such action is proposed shall be afforded notice and of the grounds in support thereof in such manner and form as the State Chair shall direct. The nominee 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.

**Article IX.**  
**Bond or Fees for Contests and Challenges**

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

**Article X.**  
**Status, Effect and Amendment of Rules**

**Section 1. Status and Effect**

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

**Section 2. Amendments**

Any member of the State Committee may propose in writing to amend or repeal any of these rules. Such proposal must be accompanied by a written statement of the reasons for proposing such amendment or repeal. The proposal and reasons shall be actually received by the Chair of the State Committee who will acknowledge receipt of the same in writing and forthwith mail copies to all members of the State Committee at the State Committee's expense. Any such proposal received by the State Chair at least ten (10) days (excluding the day of receipt) before any regular or special meeting of the State Committee shall be considered at such meeting as a matter of new business and may be adopted by the concurring vote of a 3/5 majority of the members voting if a quorum votes. Amendments in writing may also be proposed at any meeting of the State Committee and need not be accompanied by any written statement of reasons, but no such proposed amendment may be voted on until it shall lie over at least twelve (12) hours. (Amended April 21, 1979).

**Section 3. Other Rules**

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



**Section 4. Severability**

The provisions of these Bylaws, resolution, and amendments are severable. If any article, section, 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.

**Section 5. Effective Date**

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