

# **The North Carolina Democratic Party**

## **Plan of Organization**



**As Amended February 6, 2016**

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# North Carolina Democratic Party Plan of Organization

As Amended February 6, 2016

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## PREAMBLE

We, the members of the North Carolina Democratic Party, in order to make more effective the principles of our Party, to embrace and serve all peoples of our Party without regard to race, age, gender, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity, economic status, or physical disability (hereinafter referred to as "status"), to insure the blessings of liberty and equal opportunity, and to work together for the welfare and happiness of all citizens, do hereby adopt and establish this Plan of Organization.

## 0.00 STATEMENT OF PRINCIPLES FOR ALL LEVELS OF THE DEMOCRATIC PARTY

### 0.01 OPEN PARTY

Except as provided specifically within the Plan of Organization, all public meetings of the North Carolina Democratic Party at the precinct, county, district and state levels shall be open to all registered Democrats inclusive of race, sex, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity, economic status, philosophical persuasion or physical disability. Meetings are defined as a meeting of all committees and bodies created herein in which a quorum is present.

A meeting may be held in closed executive session to discuss litigation, potential litigation, or other legal issues when legal counsel is present. However final actions resulting from such meeting shall be considered in open session.

Within a reasonable time of its request by any active Democrat in the state, a list of the names and addresses of the members of any county or congressional district executive committee, or of the state executive committee, of any committee or subcommittee of the county, congressional district, or state executive committee, or of the delegates to any county, congressional district, or state convention, shall be made available for inspection, examination, or duplication. Each committee constituted by the state party shall establish a means to maintain the official list of that committee's membership and this list shall be published in a manner so that this

information is available to all registered Democrats upon request. For the purposes of this section, a "reasonable time" is presumptively thirty (30) days or fewer.

### 0.02 ENCOURAGE PARTICIPATION

Special efforts shall be made to encourage traditionally under-represented groups to participate in delegate selection processes and in party organizations at all levels to the end that all elected or appointed Democrats to any positions reasonably reflect the Democratic electorate of the unit with regard to status.

### 0.03 NON-DISCRIMINATION

No test for membership in, or any oath of loyalty to, the North Carolina Democratic Party shall be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination based on status.

### 0.04 PUBLICIZE MEETINGS

The time and place of all meetings of the North Carolina Democratic Party at all levels shall be publicized fully and in such a manner as to assure timely notice to all interested persons.

Such meetings must be held in places accessible to all party members and large enough to accommodate all interested persons.

### 0.05 BROAD REGISTRATION

The North Carolina Democratic Party, at all levels, shall actively support the broadest possible

registration without discrimination based on status.

## **0.06 NOTICE OF SELECTION OF PARTY OFFICIALS**

The North Carolina Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures of selection of Democratic Party officers and representatives on all levels. Publication of these procedures should be done in such fashion that all prospective and current members of the Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization.

### **1.00 PRECINCT ORGANIZATION**

#### **1.01 UNIT OF ORGANIZATION**

The unit of organization of the North Carolina Democratic Party shall be the voting precinct.

#### **1.02 ORGANIZED PRECINCT**

A Precinct is organized and remains organized provided that, at a minimum, an annual or organizing precinct meeting is held each year at which: 1) There is in attendance a quorum of registered Democrats who reside in the precinct; 2) The meeting was convened according to notice, access and other requirement of this Plan; 3) The required order of business for election of officers and delegates and for other business is completed at this meeting. And 4) The precinct chair certifies to the county chair in writing the names of those in attendance, the names of officers and delegates elected, and the names, address, occupation and employer of the contributors. Funds collected are turned in to the County Treasurer.

#### **1.03 COMPOSITION OF PRECINCT COMMITTEE**

**Precinct Committee.** In each precinct, there shall be a precinct committee consisting of at least five registered Democrats who reside in the precinct and

who are elected at an organizational meeting of the precinct. The purpose of the precinct committee is to elect officers and delegates who represent the precinct at county party meetings and coordinate the grassroots work of the precinct, including political education, get-out-the vote and campaign activities.

The composition of the precinct should resemble the make-up of the registered Democrats in the precinct as to gender, age, race, ethnic background and, where practical, geography. Participation and the opportunity to be elected to office or representation is open to any registered Democrat who resides in the precinct. All Democratic county and city elected officials and Democratic members of the North Carolina General Assembly residing in the precinct and in attendance, shall be ex-officio, voting members of the precinct committee.

**Precinct Officers.** The precinct committee shall have as officers a chair, a vice chair, a secretary/treasurer, no less than two (2) committee members and any others as the body might desire. The vice chair should where possible be of the opposite gender of the chair and should, where possible, be of a race other than that of the chair. No officers of the precinct committee shall be from the same immediate family residing in the same household.

**Term of Office.** The terms of office for precinct officers and precinct committee members elected at an annual meeting in an odd numbered year shall be for two (2) years. If elected at another time, the term of the office shall begin upon election. Terms shall end on the date on which the next annual precinct meeting is held in an odd-numbered year or when their successors are elected, whichever occurs first. Should a vacancy occur prior to the end of a term, the officer or committee member elected shall serve the unexpired portion of term.

**Vacancy and Succession for Precinct Officers and Committee Members.** Vacancies occurring among the officers or members of the precinct committee shall be filled within thirty (30) days following creation of the vacancy. If a member of the precinct committee moves their voting residence outside the precinct, they shall be deemed to have vacated their

position. The precinct chair shall call a meeting of the remaining members of the precinct committee to fill that vacancy and any other vacancies that might be caused by the action of such committee in filling the vacancy. If there is a vacancy of the precinct chair, the vice chair or the secretary/treasurer, in that order, shall become acting chair, assume duties and responsibilities of the precinct chair, and shall call a meeting to fill the office of chair, and any other vacancies. If a meeting is not held within thirty (30) days, the county chair or their designee shall call the precinct meeting to be held for this purpose. The precinct chair or presider shall certify in writing the results of such elections within five (5) days of this meeting to the county chair.

**Resignation.** Resignation of any precinct officer shall be in writing and given to the precinct chair and county chair. In the event that resignation is that of the precinct chair, the precinct chair shall give their written resignation to the precinct vice chair and to the county chair.

**Removals.** Officers and members of the precinct committee may be removed in accordance with Section 10.00.

#### 1.04 DUTIES OF PRECINCT OFFICERS

**Chair.** The duties of the precinct chair shall include:

1. Preside at precinct meetings;
2. Certify annual precinct meetings, organizational meetings and meetings to fill vacancies and precinct reports to the county chair within five (5) days of the meeting pursuant to section 1.05 "Order of Business";
3. Establish reasonable political goals for the precinct;
4. Organize and execute a voter organizing plan;
5. Attend meetings of the county executive committee;
6. Recommend to the county chair names of persons to serve as precinct elections officials and on the County Board of Elections;
7. Keep precinct officers and members informed of all Democratic Party events and activities;
8. Carry out other duties as may be assigned by the precinct or county executive committees;
9. Transmit all records pertaining to the office to

successor within ten (10) days of vacating office.

10. Read the NCDP Plan of Organization.

**Vice Chair.** The duties of the precinct vice chair shall include:

1. Preside at precinct meeting in the absence of the chair;
2. Serve as the publicity chair for the precinct utilizing local newspapers, door-to-door leaflets, etc. to announce political activities and/or accomplishments to voters in the precinct;
3. Attend meetings of the County Executive Committee;
4. Carry out other duties as may be assigned by the county executive committee;
5. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.
6. Read the NCDP Plan of Organization.

**Secretary/Treasurer.** The duties of the precinct secretary/treasurer shall include:

1. Keep all records, including minutes of the precinct committee;
2. Issue all meeting notices within the timeframe outlined in this Plan of Organization;
3. Certify to the county chair precinct reports within five (5) days as prescribed in Section 1.05 "Order of Business";
4. Provide assistance to the county party treasurer in fundraising efforts;
5. Prepare and present reports as may be requested by the county executive committee;
6. When there is a precinct treasury;
  - a. maintain the treasury at an insured commercial bank;
  - b. newly elected treasurer shall file *Certification of Treasurer and Statement of Organization* with the NC State Board of Elections within ten (10) days of elected office;
  - c. Complete Mandatory Treasurer Training required by law from the NC State Board of Elections within thirty (30) days of elected office;
  - d. Prepare and file reports as required by law within a timely manner.
7. Preside at precinct meetings in the absence of the chair and vice chair;
8. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.



9. Read the NCDP Plan of Organization.

**Committee Members.** The duties of the precinct committee members shall include:

1. Participate in activities and events of the Democratic Party;
2. Carry out the duties as assigned by the precinct chair;
3. Carry out duties as may be assigned by the County Executive Committee.

### 1.05 PRECINCT MEETINGS

**Presiding Officer.** If the precinct has been and is still organized at the time of a designated annual meeting or called meetings, the precinct chair shall organize the meeting. Should a precinct be unorganized at the time of the annual meeting, any registered Democrat residing in the precinct may, by appointment as an acting chair by the county chair, organize and preside over the election of officers. The organizer must communicate his/her intent in the same way as precinct chairs who must provide precinct meeting dates, times and locations to the county chair.

**Documentation.** Documentation (precinct packets, including the agenda, rules for holding a successful meeting, and official reporting forms) regarding annual precinct meetings shall be distributed at an instructional training meeting or distributed at the discretion of the county chair or designee by hand delivery, mail, or email to all precinct chairs, acting chairs, or their representatives at least thirty (30) days prior to the first day of annual precinct meetings. Printed precinct packets must be given to acting chairs upon appointment by the county chair.

**Notice Required.** Public notice shall be given for all precinct meetings at least seven (7) days in advance of said precinct meetings in accordance with the guidelines set by the County Executive Committee and consistent with 0.04 "Publicize Meetings."

**When Held.** Annual precinct meetings shall be held on a date designated by the county chair that is within the two (2) week period designated by the state chair pursuant to Section 4.08. In presidential election years, there shall be no two (2) week period allowed and the precinct meeting shall be held on the exact

date designated by the state chair pursuant to Section 4.08. The county chair shall designate the time for the precinct meetings. Weekday precinct meetings shall begin no earlier than 6:00 PM and no later than 7:30 PM. Weekend meetings shall be held between the hours of 10:00 AM and 7:00 PM.

In the event that the originally scheduled meeting could not be held successfully due to a lack of a quorum or any other reason, there shall be a second meeting called within two (2) weeks of the original meeting date. The county chair, in consultation with the precinct chair or organizer, shall set the date, time and location for the second meeting. The county chair shall offer the precinct chair or organizer whatever reasonable assistance is needed to organize the precinct.

In the event that a quorum is not present for the second scheduled precinct meeting, that precinct shall be considered an unorganized precinct.

**Location.** The annual precinct meetings shall be held at the polling place of each precinct or other facility within the precinct or nearby that is deemed appropriate by the precinct chair and/or the county chair. In the event that a precinct polling place should prove unsuitable, for whatever reason, an alternate meeting location may be used. Any alternate meeting facility must be approved in advance by the county chair and publicly announced seven (7) calendar days in advance of the meeting. In the event the precinct will be meeting at a location other than the precinct's polling location, the precinct chair or acting precinct chair shall post notice of the alternate meeting location at the regular polling place. If the precinct's polling location will not allow the posting of a meeting notice, the precinct chair or acting chair will notify the County Party Chair so a remedy can be found in a timely manner. In any case, the precinct meeting must be held in a public facility accessible and open to all registered Democrats residing in the precinct, except that when the precinct chair or acting precinct chair, wishes to meet in their precinct, and the county chair certifies that no public facility is available in the precinct, the precinct meeting may be held in a non-public facility accessible and open to all registered Democrats residing in the precinct.

### **Multiple Precincts Meeting at One Location.**

Multiple precinct meetings at the same location and time are permissible under this Plan so long as such an arrangement is agreed to in advance by the county party Chair, and by the precinct chair or acting precinct chair of each of the affected precincts. Such meetings must be in a location within the boundaries of the precinct's county and at a location that can be reasonably accessed by all registered Democrats residing in the affected precincts. Public Notice shall be given for all precincts included in the meeting in accordance with the guidelines set by the County Executive Committee and consistent with 0.04 "Publicize Meetings". For all precincts which do not meet at their polling place, the precinct chair or acting precinct chair, shall post notice of the alternate meeting location at the regular polling place, and if postings are not allowed, they need to notify the County Party Chair. The group meeting may be structured so participating precincts share agenda items common to all precincts, but must allow the precincts to meet individually to elect officers and/or delegates to the county convention or conduct other business specific to an individual precinct. Each individual precinct meeting in this fashion must meet the quorum requirements as specified in section 1.06 Quorum. Each precinct chair elected at a multi-precinct meeting shall certify to the county chair, in writing, the names of members of their precinct in attendance, the names of officers and delegates elected, if applicable, and any contributions collected.

**Unorganized or Newly Created Precinct.** A precinct that did not meet on the originally scheduled meeting date or on the second meeting date set for an annual meeting or is newly created by the Board of Elections shall be considered unorganized and shall not be entitled to send delegates to the county convention or be represented on the county executive committee and shall not have voting privileges until organized. A meeting can be held for the purpose of organizing in either an odd or even numbered year. The county chair shall appoint a registered Democrat residing in the precinct to serve as an acting precinct chair for up to thirty (30) days for the sole purpose of organizing the precinct. The acting precinct chair shall organize and preside over

the special meeting called by the county chair for this purpose. A precinct organizing in this fashion may send delegates to the county convention if delegates were elected two (2) weeks prior to the convention or send members to a county executive committee meeting if the precinct is organized at least two (2) weeks prior to the scheduled meeting. The organizational meeting must be certified in writing to the county chair within five (5) days of the date of the meeting. Notice, access, and quorum requirements are the same for this meeting. If this meeting occurs in an even numbered year, the order of business adds the election of officers. If this meeting is held after the annual convention, delegates are not elected in that year.

**Order of Business – Odd-Numbered Years.** The order of business at the annual precinct meeting held in odd-numbered years shall be:

1. The election of three (3) registered Democrats of the precinct as precinct officers;
2. The election of at least two (2) other registered Democrats of the precinct as members of the precinct committee;
3. The election of registered Democrats of the precinct as delegates to the county convention;
4. The chair, or presiding officer, and the secretary/treasurer shall certify to the county chair the names, addresses, race, gender, telephone numbers and email addresses of the precinct officers, the members of the precinct committee, and the delegates to the county convention elected at the annual precinct meeting within five (5) days;
5. Proposing and adopting resolutions for consideration at the county convention.
6. Other business related to the affairs of the precinct.

**Order of Business – Even-Numbered Years.** The order of business at the annual precinct meeting held in even-numbered years shall be:

1. The election of officers or committee members to fill any vacancies.
2. The election of registered Democrats from the precinct as delegates to the county convention;
3. The chair, or presiding officer, and the secretary/treasurer shall certify to the county chair

the names, addresses, race, gender, telephone numbers and email addresses of the delegates elected to the county convention at the annual precinct meeting within five (5) days.

4. Proposing and adopting resolutions for consideration at the county convention.
5. Other business related to the affairs of the precinct.

**Called Meetings.** Additional meetings may be called in accordance with Section 11.01. Precinct committees are encouraged to meet throughout the year to conduct political education, get-out-the-vote and campaign activities, to instruct officers and to carry out the political planning of the precinct.

**Presiding Officers.** In the event that the chair, vice chair, secretary/treasurer or precinct committee member are not present at the precinct meeting, any registered Democrat residing in the precinct may preside.

#### **1.06 QUORUM REQUIRED TO ORGANIZE PRECINCT AND TO ELECT PRECINCT OFFICERS AND MEMBERS OF THE PRECINCT COMMITTEE**

The required quorum for a precinct meeting held for the purpose of organizing the precinct or electing precinct officers and committee members of the precinct committee, electing delegates to the county convention or the filling of vacancies on the precinct committee shall consist of five (5) registered Democrats residing in the precinct. In precincts having one hundred (100) or fewer registered Democrats, five percent (5%) of such registered Democrats shall be sufficient to comprise the precinct committee and to constitute a quorum.

By agreement of the county chair and either the precinct chair or the appointed chair for the meeting, as many as two designated, registered Democrats residing in such precinct may attend the precinct meeting by telephone or other telecommunications device and be considered as part of the quorum. The method of communications used to attend the meeting must provide a way to identify the participants as those who were authorized to attend the meeting by phone or telecommunications device.

#### **1.07 VOTING AT PRECINCT MEETINGS**

Each registered Democrat residing in the precinct and in attendance at any precinct meeting, shall be entitled to cast one vote at said meeting.

#### **1.08 REPRESENTATION AT COUNTY CONVENTION AND ON COUNTY EXECUTIVE COMMITTEE**

No precinct shall be entitled to send delegates to any county convention unless those delegates were elected at a precinct meeting at which a quorum was present and done so no less than two (2) weeks prior to said convention. No precinct shall be entitled to representation on the county executive committee unless a precinct committee and precinct committee officers were elected at a precinct meeting at which a quorum was present and done so no less than two (2) weeks prior to said meetings.

#### **1.09 VOTES AT COUNTY CONVENTION**

Each precinct shall be entitled to cast at any county convention one (1) vote for every one hundred (100) Democratic votes, or major fraction thereof, cast by the precinct for the Democratic nominee for Governor at the last gubernatorial election; provided that every precinct shall be entitled to cast at least one vote at the county convention.

#### **1.10 DELEGATES TO THE COUNTY CONVENTION**

Each precinct shall elect at least one (1) delegate for each vote to which said precinct is entitled at the county convention, and the precinct may elect no more than two (2) delegates for each vote. If the precinct elects less than one (1) delegate for each vote to which it is entitled, then the precinct vote at the county convention shall be limited to the number of delegates selected.

## 2.00 COUNTY ORGANIZATIONS

### 2.01 COMPOSITION OF COUNTY EXECUTIVE COMMITTEE

**Members.** There shall be a county executive committee in each county composed of:

1. The chair and vice chair of the several precinct committees in the county;
2. The elected officers of the county executive committee;
3. The presidents of the duly organized and chartered county chapters of state auxiliary organizations. The respective presidents of the state auxiliary organizations shall determine those duly organized auxiliary organizations within a county and certify the name of the county auxiliary organization president to the state chair. State Party Headquarters shall provide the county chair with the name of the presidents of duly organized county chapters of state auxiliary organizations within their county. Should a precinct chair or vice chair be elected as president of an auxiliary organization, some other member of said organization shall be certified as the representative of that organization on the county executive committee. In addition, the county Teen Dem advisor shall be a member of the county executive committee and equally share the vote of that organization with the county Teen Dem president unless the county executive committee authorizes an additional vote.
4. Any elected or appointed member of the state executive committee from that county, not a member of the county executive committee by virtue of holding some other office, shall be an ex-officio, voting member of the county executive committee.
5. All Democratic state, county, and city elected officials (whether elected in a partisan or non-partisan election) and Democratic members of the North Carolina General Assembly residing in the county shall be ex-officio, voting members of the county executive committee. Said ex-officio

members shall not be considered in computing the presence of a quorum. Any elected or appointed judge shall not be a member of the committee.

6. The county chair shall determine what shall constitute a duly organized Democratic Men's Club within a county and the president, or some other person designated by the Club shall be a member of the county executive committee.
7. Any elected or appointed officer of a district executive committee or the state executive committee residing in the county.
8. A county party Attorney, appointed by the county Chair and serving at the Chair's pleasure.

**Term of Office.** The term of office of the members of the county executive committee shall be for two (2) years and shall expire on the date set for the next succeeding precinct meeting held in an odd-numbered year, or when their successors shall be elected, whichever shall occur first. Newly elected members shall take office immediately upon their election.

### 2.02 VOTING ON THE COUNTY EXECUTIVE COMMITTEE

No individual members can vote in more than one capacity, nor shall any individual member be entitled to cast more than one (1) vote even though the individual may be serving in multiple capacities under the county executive committee structure.

**County Executive Committee Officers, Presidents of County Chapters of State Auxiliary Organizations, and Ex-Officio Members.** Members not provided for below shall be entitled to one vote each.

**Precinct Officers.** The several precinct chairs and vice chairs shall be entitled, as members of the county executive committee, to cast for their precinct one vote for each one hundred (100) votes, or major fraction thereof, cast by their precinct for the Democratic nominee for Governor at the last preceding gubernatorial election, provided that each precinct chair and vice chair together shall be entitled

to cast for their precinct a minimum of one vote.

In the event that the chair and vice chair should disagree on how their precinct's vote shall be cast, then each member shall cast exactly one-half (½) of the votes which their precinct is entitled to cast.

Under no circumstances shall either the chair or vice chair be able to cast more than one-half (½) of the votes to which a precinct is entitled, even though the other is absent.

### **2.03 OFFICERS OF THE COUNTY EXECUTIVE COMMITTEE**

**Elected Officers.** The county executive committee shall have as officers a chair, three (3) vice chairs, a secretary and a treasurer. The first vice chair must be of the opposite gender of the chair. Among the chair and three (3) vice chair offices, one (1) of these must be filled by a person of a racial or ethnic minority which constitutes at least twenty percent (20%) of the registered Democrats in that county and one of these offices must be filled by a person thirty-six (36) years of age or younger. Officers of a county executive committee shall be active Democrats residing within the county. No two (2) county officers may be from the same immediate family residing in the same household. Gender, racial or ethnic, and age requirements need not be followed if filling a vacancy for an unexpired term, but shall be adhered to when the office is filled for a full term.

**Municipal and County Precinct Vice Chairs.** In each county that contains two or more municipalities of a population of more than 60,000 persons each, officers in addition to the ones specified above shall be elected as follows: (a) a vice chair for each such municipality who shall be elected by the precinct chair and vice chair of the precincts with registered voters within that municipality; and (b) a vice chair for those precincts not contained in such municipalities – if those precincts have a total population of more than 60,000 persons – who must be a resident of one (1) of those precincts and who shall be elected by the precinct chair and vice chair of those precincts not contained in the said municipalities.

**Term of Office.** The term of office of the officers of the county executive committee shall be for two (2) years and shall expire on the date set for the next succeeding county convention meeting held in the odd-numbered year or when their successors shall be elected, whichever shall occur first. Newly elected officers shall take office immediately upon election.

**Vacancy and Succession for County Executive Committee Officers.** Vacancies occurring among the officers of the county executive committee shall be filled within thirty (30) days following creation of the vacancy. The county chair shall call a meeting of the county executive committee to fill the vacancy and any other vacancies that might be caused by the action of such committee in filling the vacancy. If, for any reason, there should occur a vacancy in the chair of the county executive committee, the first vice chair, the second vice chair, the third vice chair, the secretary or the treasurer, in that order, shall preside and in the absence of any of the foregoing officers, any member of the county executive committee may preside.

**Removals.** Officers and members of the County Executive Committee may be removed in accordance with Section 10.00.

**When County Committee is Not in Session.** When the county executive committee is not in session, the officers of the county executive committee shall act in the place of the county executive committee on all matters unless this Plan of Organization states that action is to be taken by the entire county executive committee. The chair of the county executive committee is encouraged to include the presidents of chartered auxiliary organizations in such sessions.

### **2.04 COUNTY EXECUTIVE COMMITTEE MEETINGS**

**When.** The county chair shall issue a call for a meeting of the county executive committee periodically but not less than three (3) times each year.

**Called Meetings.** Additional meetings may be called in accordance with Section 11.01.

**Business Permitted.** The county executive

committee may conduct any business as is required or necessary insofar as such business is consistent with the Plan of Organization.

## 2.05 DUTIES OF COUNTY OFFICERS

**Chair.** The duties of the county chair shall include:

1. Preside at county executive committee meetings and county conventions;
2. Draft, in consultation with the county executive committee, a strategic plan outlining reasonable political goals for the county;
3. Execute the strategic plan approved by the county executive committee;
4. Appoint an acting precinct chair for up to thirty (30) days – for any precinct that remains unorganized after the second scheduled precinct meeting – for the purpose of organizing the precinct in accordance with this Plan of Organization;
5. Appoint an acting precinct chair for any newly created precinct for the purpose of organizing that precinct in accordance with this Plan of Organization;
6. Designate the date and time, consistent with the parameters set by the state chair, at which precinct meetings will be held;
7. Designate the exact time and place, consistent with the date set by the state chair, at which the county convention is to be held, providing said designation to be given to the precinct chairs at least thirty (30) days prior to said county convention;
8. Appoint committees as may be required to assist in the execution of these duties;
9. Encourage and facilitate establishment and continuity of county chapters of state auxiliary organizations;
10. Attend meetings of the district and state executive committees;
11. Serve as the spokesperson for the county executive committee;
12. Serve as the liaison between the county executive committee and the district executive committee, the state party officers, and the state executive committee;
13. Represent the county executive committee at party and non-party meetings and functions;

14. Appoint a county party attorney, to serve at the Chair's pleasure;
15. Carry out other duties as may be assigned by this Plan of Organization or by the county or state executive committees;
16. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**First Vice Chair.** The duties of the county first vice chair shall be such as may be assigned by the county chair and shall include the following:

1. Preside at county executive committee meetings and county conventions in the absence of the chair;
2. Plan and organize county executive committee meetings and county conventions;
3. Notify precinct chairs as to the number of votes that each precinct is entitled to cast at the county executive committee and the county convention;
4. Serve as the coordinator for all precinct and party organizing efforts within the county, in consultation with the other officers and consistent with the strategic plan approved by the county executive committee;
5. Attend meetings of the district executive committee;
6. Carry out other duties as may be assigned by the county executive committee;
7. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Second Vice Chair.** The duties of the county second vice chair shall be such as may be assigned by the county chair and shall include the following:

1. Plan and organize training sessions for county executive committee members and other interested active Democrats;
2. Carry out other duties as may be assigned by the county executive committee;
3. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Third Vice Chair.** The duties of the county third vice chair shall be such as may be assigned by the county chair and shall include the following:

1. Serve as the publicity chair for the county executive committee utilizing local newspapers, newsletters, etc. to illuminate policy issues and announce political activities and/or

- accomplishments to voters in the county;
- 2. Carry out other duties as may be assigned by the county executive committee;
- 3. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Secretary.** The duties of the county secretary shall include:

- 1. Keep and maintain in good order all records of the county executive committee;
- 2. Issue all meeting notices in writing and consistent with the requirements of this Plan of Organization;
- 3. Carry out other duties as may be assigned by the county executive committee;
- 4. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Treasurer.** The duties of the county treasurer shall include:

- 1. Maintain the county executive committee treasury at an insured commercial bank;
- 2. Maintain all records required by law or by the county executive committee of contributions received and disbursements made;
- 3. Prepare and file any reports as may be required by law or by the county executive committee;
- 4. Coordinate the county executive committee's efforts to reach its sustaining fund goal for the state party;
- 5. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

## 2.06 COUNTY BOARDS OF ELECTIONS

**Method of Selection.** The county chair shall call a meeting of the county executive committee and, after consultation with the precinct chairs, submit three (3) names of active Democrats as his or her recommendations for confirmation by the county executive committee. Only when such recommendations shall be confirmed by a majority of the county executive committee members present and voting shall the recommendation be submitted to the state chair. If the county executive committee refuses to confirm a person recommended by the county chair, then the floor shall be open for nominations for that position. Only when a nominee has received a

majority vote of the county executive committee members present and voting shall the recommended name be submitted to the state chair. The time frame for the county executive committee to meet to act on these recommendations, the deadline for submitting recommendations to the state chair, and the manner by which such recommendations shall be submitted to the state chair shall be determined and set forth by the state chair.

In the event of a vacancy during the term of a member of the county board of elections, then the county executive committee shall use the same procedure as above, but shall only be required to submit two (2) names to the state chair.

In the event of a vacancy during the term of a member of the county board of elections, if it is determined, by a majority of the elected officers of the county executive committee, that sufficient time does not exist due to the next scheduled meeting of the state board of elections, an election, or pressing vital issues before the county board of elections, to give the required notice of a county executive committee meeting pursuant to the provisions of Section 11.01, the county chair may submit his or her recommendation to the state chair after obtaining confirmation of said recommendations from a majority of the county executive committee without holding a meeting. Attempts must be made to reach all members of the county executive committee and record of such attempts and the disposition of each attempt must be submitted to the secretary of the county executive committee within ten (10) days.

**Qualifications of Members.** No person may serve on the county board of elections who does not meet the requirements set forth for such office in the General Statutes of North Carolina.

## 2.07 PRECINCT JUDGES

The county chair, after consultation with the precinct chairs, shall recommend to the county board of elections the names of persons to serve as precinct judges. No person may serve as a precinct judge who does not meet the requirements for such office as set forth in the General Statutes of North Carolina.

## **2.08 RULES FOR PRECINCT MEETINGS**

The county executive committee shall have power to make any rules with regard to the holding of precinct meetings that it may deem proper, not inconsistent with this Plan of Organization.

## **2.09 MUNICIPAL EXECUTIVE COMMITTEE**

4.

There shall be a municipal executive committee when required by law to fill any vacancies in nomination to partisan municipal offices to be voted for in any town or city election. The municipal executive committee shall be composed of the precinct chair and vice chair of the precincts that comprise the city or town. Each member shall be entitled to vote as prescribed in Sections 2.02 and 11.03. The county chair shall be an ex-officio, non-voting member of the committee and preside at all meetings.

## **2.10 METHODS FOR CONSIDERATION AND ADOPTION OF RESOLUTIONS AT THE COUNTY LEVEL**

1. Resolutions may be proposed, considered, and adopted at the annual meeting of any precinct. All resolutions adopted at a precinct meeting shall be forwarded to the county secretary. The county convention shall in even-number years adopt the method for reviewing, editing, consolidating, adopting, and prioritizing resolutions most appropriate for the local party. Resolutions may be addressed either only at the county convention or initially by a special platform and resolution committee appointed by the district chair. Resolutions that are adopted and are of purely local interest shall be recommended for further action on the local level.

2. If the resolutions are considered by a committee before the county convention, that committee shall have the authority to edit and/or consolidate resolutions, in keeping with their intention and then prioritize state and national resolutions prior to forwarding them to the county convention.

3. Each county shall forward to the district convention from among the resolutions adopted at the

county convention state and national resolutions that the county convention prioritizes as reflecting the most vital and pressing issues put forward by the county party. The secretary shall forward these prioritized resolutions to the district secretary within ten days. The other adopted resolutions that are not prioritized will be recorded as reflecting local county party policy, and shall be forwarded to the state platforms and resolutions committee for constructing the state biennial platform.

4. The county secretary shall report all adopted resolutions to the county convention, if resolutions are considered by committee before the convention, this committee meeting shall take place at least 14 days before the county convention and shall be publicized to party members at least 14 days before it takes place. Any Democrat residing in the county may propose and speak on such resolutions at this meeting.

5. Resolutions shall be prioritized at the county convention using one of the following methods: 1) the county convention may approve the prioritization of resolutions as recommended by the committee addressing resolutions; or 2) the county convention may decide to amend prioritization recommended by the committee or 3) regardless of whether the prior committee method is used, the county convention may decide to first vote on which resolutions to approve and then prioritize resolutions by ballot. Each delegate may prioritize state and national resolutions, but may prioritize fewer than that number if he or she chooses. The county party secretary shall tabulate the ballots, weighted by precinct delegate vote, and report the state prioritized and the national prioritized resolutions to the convention. The secretary shall then forward these results to the District Party Secretary.

## **2.11 ALTERNATIVE PLAN OF COUNTY ORGANIZATION**

An Alternative Plan of County Organization may amend Plan of Organization Sections 1 Precinct Organization, and/or 2 County Organizations (including the quorum for a County Executive Committee meeting), and/or 5 County Conventions. An Alternative Plan of County Organization must be consistent with all the other sections of the Plan of Organization requirements of the Democratic National Committee, North Carolina statutes, and the statutes of the county. Consistent with the Plan



of Organization, an Alternative County Plan must provide for and encourage diversity and broad participation of active Democrats in the activities, governance, and leadership of the county at every level.

## **METHOD OF ADOPTION**

1. The county chair shall with the advice and approval of the County Executive Committee, submit an alternative plan to the Plan of Organization Review Committee constituted under section 8.04. Approval requires a majority in a weighted vote of the full County Executive Committee.
2. The county chair or the county chair's designee is encouraged to consult with the Plan of Organization Review Committee prior to submitting the alternative plan. The committee's representative(s) from the Congressional District(s) that include the county will be available for these consultations.
3. The Plan of Organization Review Committee may make non-binding recommendations regarding the alternative plan to the county chair or the chair's designee. Non-binding recommendations may include proposed amendments to the alternative plan for consideration by the county. Upon receiving the committee's recommendation, the County Chair or the chair's designee may ask that the alternative plan be submitted to the State Executive Committee for final approval without change.

For the county to consider recommended amendments, the amended plan must be submitted to the full County Executive Committee for approval before resubmission to the Plan of Organization

Review Committee. County Executive Committee approval requires a majority in a weighted vote of the full County Executive Committee.

The Plan of Organization Review Committee shall submit the final draft of the alternative plan to the State Executive Committee with its recommendations within the notification period for the next State Executive Committee meeting following the review committee's final review.

4. By majority vote, the State Executive Committee may approve, disapprove, or refer the proposed alternative plan back to the county with recommendations. In the event that the State Executive Committee is unable to act on the plan at the scheduled State Executive Committee meeting, the plan may be considered by the State Executive Council. The approving body may not amend the proposed plan.

## **DURATION**

An Alternative Plan of County Organization shall take effect on the date specified in that plan after approval by the State Executive Committee. The alternative plan will remain in effect for two years.

### **3.00 CONGRESSIONAL, PROSECUTORIAL, STATE SENATE AND STATE HOUSE OF REPRESENTATIVES DISTRICT ORGANIZATIONS**

#### **3.01 CONGRESSIONAL DISTRICT EXECUTIVE COMMITTEE**

**Members.** There shall be a congressional district executive committee in each congressional district in North Carolina that shall be composed of:

1. The chair and first vice chair (or elected designee, see Section 3.07) of each county in the congressional district shall serve as voting representatives of their county;
2. The officers of the congressional district executive committee as set forth in Section 3.04;
3. An elected congressional district representative of each state auxiliary organization whose by-laws have been approved by the state executive committee as an ex-officio voting member. The bylaws of each state auxiliary organization shall provide for a method of electing each such representative. State Party Headquarters shall provide the district chair with the names of the designated representative for each state auxiliary organization. Should a county chair or first vice chair be elected as a district representative of a state auxiliary organization, some other member of said state auxiliary organization shall be certified to the congressional district chair as the representative of that state auxiliary organization to the congressional district executive committee;
4. A congressional district chair for minority affairs who shall be appointed by the congressional district chair and who shall serve at the pleasure of the congressional district chair as an ex-officio voting member;
5. The Democratic member of Congress of the district as an ex-officio voting member, and
6. Any elected or appointed officer of the state executive committee residing in the congressional district.

**Term of Office.** The term of office of the members of the district executive committee shall be for two (2) years and shall expire on the date set for the next succeeding county convention held in an odd-numbered year, or when their successor shall be elected, whichever shall occur first. Newly elected members shall take office immediately upon their election.

**Vacancies for Congressional District Executive Committee Members.** Vacancies among members of the congressional district executive committee who represent their county on such committee shall be

filled at a meeting of the appropriate county executive committee held within thirty (30) days following the creation of the vacancy.

### **3.02 VOTING ON THE CONGRESSIONAL DISTRICT EXECUTIVE COMMITTEE**

**Committee Officers and Ex-Officio Members.** The congressional district executive committee officers elected pursuant to Section 6.01 and the ex-officio members of the congressional district executive committee shall be entitled to one vote each, except when voting for the nominating procedures under North Carolina General Statutes, when they shall be non-voting members.

**County Representatives.** The representatives of a county (or portion thereof) shall be entitled to cast one (1) vote for each three hundred (300) persons, or major fraction thereof, residing within the county and within the congressional district based upon the last decennial census for all purposes including when voting for the nominating procedures under North Carolina General Statutes.

In the event that the representatives of a county should disagree on how their county's votes will be cast, then each shall cast exactly one-half (½) of the votes that their county is entitled to cast.

If only one representative of a county is present at a meeting of the district executive committee and the other representative from that county on the district executive committee has not designated a proxy (see Section 11.05) or such proxy is not present, then such representative shall be entitled to cast all of the votes which the county is entitled to cast.

### **3.03 DUTIES OF THE CONGRESSIONAL DISTRICT EXECUTIVE COMMITTEE**

The congressional district executive committee shall perform the duties required by North Carolina General Statutes and such other duties as may be delegated to it by the state chair and/or the state executive committee.

In addition, the members from their respective

counties shall perform those duties imposed and specified by North Carolina General Statutes.

### **3.04 OFFICERS OF THE CONGRESSIONAL DISTRICT EXECUTIVE COMMITTEE**

**Elected Officers.** The congressional district executive committee shall have as officers a chair, three (3) vice chairs, a secretary and a treasurer elected pursuant to Section 6.01. The first vice chair must be of the opposite gender of the chair. Where there are sufficient counties in a district, no two (2) officers shall live within the same county except for the chair and secretary. Among the chair and three vice chair offices, one of these must be filled by a person of a racial or ethnic minority which constitutes at least twenty percent (20%) of the registered Democrats in that district and one of these offices must be filled by a person thirty-six (36) years of age or younger. Officers of a congressional district executive committee shall be active Democrats residing within the congressional district. Gender, racial or ethnic, and age requirements need not be followed if filling a vacancy for an unexpired term, but shall be adhered to when the office is filled for a full term.

**Election to District Executive Committee Office.** Should a representative of a county to the congressional district executive committee be elected an officer of the congressional district executive committee, he or she automatically vacates their position as a representative of their county to the district executive committee and the vacancy shall be filled pursuant to this Plan of Organization.

**Election to State Executive Committee Office.** Should any congressional district officer be elected as an officer of the state executive committee, he or she automatically vacates their congressional district office.

**Vacancy and Succession for Congressional District Executive Committee Officers.** Vacancies occurring among the officers of the congressional district executive committee shall be filled within thirty (30) days following the creation of the vacancy. The congressional district executive

committee chair shall call a meeting of the congressional district executive committee to fill that vacancy and any other vacancies which might be caused by the action of such committee in filling the vacancy. If, for any reason, there should occur a vacancy in the chair of the congressional district executive committee, the first vice chair, the second vice chair, the third vice chair, the secretary or the treasurer, in that order, shall preside and in the absence of all of the foregoing officers, any member of the congressional district executive committee may preside.

**Term of Office.** The term of office of the officers of the district executive committee shall be for two (2) years and shall expire on the date set for the next succeeding district convention held in an odd-numbered year, or when their successor shall be elected, whichever shall occur first. Newly elected officers shall take office immediately upon their election.

**Removal.** Officers and members of the district executive committee may be removed in accordance with Section 10.00.

### **3.05 DUTIES OF CONGRESSIONAL DISTRICT OFFICERS**

**Chair.** The duties of the congressional district chair shall include:

1. Preside at district executive committee meetings and district conventions;
2. Draft, in consultation with the district executive committee, a strategic plan outlining reasonable political goals for the district;
3. Execute the strategic plan approved by the district executive committee;
4. Designate the exact time and place, consistent with the date set by the state chair, at which the district convention is to be held. Said designation to be given to the state chair and county chairs within the district at least thirty (30) days prior to the said district convention;
5. Assist the state chair and state party staff in the dissemination of party information;
6. Serve as the delegate selection chair responsible for carrying out the duties specified in the

- Delegate Selection Plan adopted by the state executive committee relating to the election of delegates to the Democratic National Convention;
7. Appoint committees as may be required in the execution of these duties;
  8. Attend meetings of the state executive council and the state executive committee;
  9. Serve as the spokesperson for the district executive committee;
  10. Serve as the liaison between the district executive committee and the state party officers and staff;
  11. Represent the district at party and non-party meetings and functions;
  12. Carry out other duties as may be assigned by this Plan or Organization or by the district or state executive committees;
  13. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.
  14. Serve on Committee for Distribution of State Campaign NC Victory Fund as provided for in Section 8.03.

**First Vice Chair.** The duties of the congressional district first vice chair shall include:

1. Preside at district executive committee meetings and district conventions in the absence of the chair;
2. Plan and organize district executive committee meetings and district conventions;
3. Serve as the coordinator of all district-wide party organizing efforts, in consultation with other officers and consistent with the strategic plan approved by the district executive committee;
4. Carry out other duties as may be assigned by the district executive committee;
5. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Second Vice Chair.** The duties of the congressional district second vice chair shall include:

1. Plan and organize training sessions for district executive committee members and other interested active Democrats;
2. Carry out other duties as may be assigned by the district executive committee;
3. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Third Vice Chair.** The duties of the congressional

district third vice chair shall include:

1. Serve as the publicity chair for the district executive committee utilizing local newspapers, newsletters, etc. to illuminate policy issues and announce political activities and/or accomplishments to voters in the district;
2. Carry out other duties as may be assigned by the district executive committee;
3. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Secretary.** The duties of the congressional district secretary shall include:

1. Keep and maintain in good order all records of the district executive committee;
2. Issue all meeting notices in writing and consistent with the requirements of this Plan of Organization;
3. Carry out other duties as may be assigned by the district executive committee;
4. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Treasurer.** The duties of the congressional district treasurer shall include:

1. Maintain the district executive committee treasury at an insured commercial bank;
2. Maintain all records required by law or by the district executive committee of contributions received and disbursements made;
3. Prepare and file any reports as may be required by law or by the district executive committee;
4. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Congressional District Chair for Minority Affairs.** The congressional district chair for minority affairs shall serve as a liaison between the party and the minority communities in that district and shall encourage full participation and representation in all party affairs.

### 3.06 CONGRESSIONAL DISTRICT EXECUTIVE COMMITTEE MEETINGS

**When and Where Held.** An annual congressional district executive committee meeting shall be held

within the geographical boundaries of each congressional district each year. The state chair, after consulting with the congressional district chairs, shall designate the date on which such congressional district executive committee meetings shall be held. The exact location and time of the congressional district executive committee meetings shall be determined by the congressional district chair.

**Called Meetings.** The congressional district chair shall issue a call for a meeting of the congressional district executive committee periodically, but not less than once every six (6) months. Additional meetings may be called in accordance with Section 11.01.

**When Congressional District Executive Committee is not in Session.** When the congressional district executive committee is not in session, the officers of the congressional district executive committee shall act in the place of the congressional district executive committee on matters unless this Plan of Organization states that action is to be taken by the entire congressional district executive committee. The chair of the district executive committee is encouraged to include the presidents of chartered auxiliary organizations in such sessions.

### **3.07 SPLIT COUNTIES**

Should a county be divided between two or more congressional districts, the county shall be entitled to two (2) representatives on the congressional district executive committee of each district in which any portion of the county is located. The county chair and first vice chair shall represent the county on the district executive committee in the district in which they reside. The same county convention at which the county officers are elected shall elect the balance of their entire representation on each such district executive committee. However, such representation on the district executive committee must be by active Democrats from such county residing in the congressional district to which they shall be elected, ensuring equal division between men and women. In voting on the balance of such district executive committee representation, only those Democrats present at the county convention, who reside in the congressional district, shall be entitled to vote for and

elect their representatives from the county to the congressional district executive committee.

### **3.08 PROSECUTORIAL DISTRICT EXECUTIVE COMMITTEE**

**Composition.** There shall be a prosecutorial district executive committee for each prosecutorial district in the state. It shall be composed of two (2) members from each county in the district except that Section 3.12 shall apply to single county prosecutorial districts. These members shall be elected at their respective county conventions held in even-numbered years.

**Vacancies for Prosecutorial District Executive Committee Members.** Vacancies among members of the prosecutorial district executive committee who represent their county on such committee shall be filled within thirty (30) days following the creation of the vacancy by the county executive committee representing that portion of the county in the prosecutorial district executive committee.

**Voting.** The two (2) members shall be entitled to cast, for their county, one (1) vote for each three hundred (300) persons, or major fraction thereof, residing within the county, based upon the last decennial census. In the event that the two (2) members should disagree on how their county's votes shall be cast, then each member shall cast exactly one-half of the votes which their county is entitled to cast. If only one representative of a county is present at a meeting of the prosecutorial executive committee and the other member from that county has not designated a proxy, (see Section 11.05), or such proxy is not present, then such representative shall be entitled to cast all of the votes which the county is entitled to cast.

**Duties.** The prosecutorial district executive committee shall perform those duties imposed and specified by North Carolina General Statutes.

**Officers.** The congressional district chair and the congressional district secretary shall be ex-officio, non-voting members of the prosecutorial district executive committee. Where a prosecutorial district

lies in more than one (1) congressional district, the state chair shall designate one of the applicable congressional district chairs and secretaries as chair and secretary of the prosecutorial district executive committee.

The congressional district chair shall preside at all meetings of the prosecutorial district executive committee. In filling vacancies of persons nominated for District Attorney, the chair and secretary shall immediately certify the name of the appointee to the State Board of Elections and furnish a copy to the state chair.

### **3.09 STATE SENATORIAL DISTRICT EXECUTIVE COMMITTEE**

**Composition.** There shall be a state senatorial district executive committee for each state senatorial district in the state. It shall be composed of two (2) members from each county in that district except that Section 3.12 shall apply to single county state senatorial districts. These members shall be elected at their respective county conventions held in even-numbered years. In the case where only part of the county is included within a state senatorial district, then in electing the members of the state senatorial district executive committee, only the delegates to the county convention who reside in the state senatorial district may vote in electing the state senatorial district executive committee member, and only these delegates shall be considered as the membership of the convention in determining a quorum. If the county chair does not reside in the district, he or she may preside but shall have no vote.

**Vacancies for State Senatorial District Executive Committee Members.** Vacancies among members of the state senatorial district executive committee who represent their county on such committee shall be filled within thirty (30) days following the creation of the vacancy by the county executive committee representing that portion of the county in the state senatorial district.

**Voting.** The two (2) members shall be entitled to cast, for their county, one (1) vote for each three hundred (300) persons, or major fraction thereof,

residing in the county based upon the last decennial census, or in the case where less than the whole county is in the district, one (1) vote for each three hundred (300) persons, or major fraction thereof, residing in that part of the district within the county based upon the last decennial census. In the event that the two members should disagree on how their county's votes will be cast, then each member shall cast exactly one-half of the votes which their county is entitled to cast. If only one representative of a county is present at a meeting of this committee and the other member has not designated a proxy (see Section 11.05), or such proxy is not present, then such representative shall be entitled to cast all of the votes which the county is entitled to cast.

**Duties.** The state senatorial district executive committee shall perform those duties imposed and specified by North Carolina General Statutes.

**Officers.** The congressional district chair and the congressional district secretary shall be ex-officio, non-voting members of the state senatorial district executive committee. Where a state senatorial district lies in more than one congressional district, the state chair shall designate one of the applicable congressional district chairs and secretaries as chair and secretary of the state senatorial district executive committee.

The congressional district chair shall preside at all meetings of the state senatorial district executive committee. In filling vacancies of a Senator elected to the General Assembly, the congressional district chair and secretary shall immediately certify the name of the recommended person to the Governor of the State of North Carolina, State Capitol, Raleigh, NC 27601, and furnish a copy to the state chair and the State Board of Elections.

In filling vacancies of persons nominated for Senator of the General Assembly, the chair and secretary shall immediately certify the name of the appointee to the State Board of Elections and furnish a copy to the state chair.

### **3.10 STATE HOUSE OF REPRESENTATIVES DISTRICT**

## EXECUTIVE COMMITTEE

**Composition.** There shall be a state house of representatives district executive committee for each state house of representatives district in the state. It shall be composed of two (2) members from each county in that district except that Section 3.12 shall apply to single county state house of representatives districts. These members shall be elected at their respective county conventions held in even-numbered years. In the case where only part of the county is included within a state house of representatives district, then in electing the members of the state house of representatives district executive committee, only the delegates to the county convention who reside in the state house of representatives district may vote in electing the state house of representatives district committee members, and only these delegates shall be considered as the membership of the convention in determining a quorum. If the county chair does not reside in the district, he or she may preside but shall have no vote.

**Vacancies on State House of Representatives District Executive Committee.** Vacancies among members of the state house of representatives district executive committee who represent their county on such committee shall be filled within thirty (30) days following the creation of the vacancy by the county executive committee representing that portion of the county in the state house of representatives district executive committee.

**Voting.** The two (2) members on a state house of representatives district executive committee shall be entitled to cast, for their county, one (1) vote for each three hundred (300) persons, or major fraction thereof, residing within the county, based upon the last decennial census, or in the case where less than the whole county is in the district, one (1) vote for each three hundred (300) persons or major fraction thereof residing in that part of the district within the county based upon the last decennial census. In the event that the two members should disagree on how their county's votes will be cast, then each member shall cast exactly one-half of the votes which their county is entitled to cast. If only one representative of a county is present at a meeting of this committee and the other member from the county on this

committee has not designated a proxy (see Section 11.05), or such proxy is not present, then such representative shall be entitled to cast all of the votes which the county is entitled to cast.

**Duties.** The state house of representatives district executive committee shall perform those duties imposed and specified by North Carolina General Statutes.

**Officers.** The congressional district chair and congressional district secretary shall be ex-officio, non-voting members of the state house of representatives district executive committee. Where a state house of representatives district lies in more than one congressional district, the state chair shall designate one of the applicable congressional district chairs and secretaries as chair and secretary of the state house of representatives district executive committee.

The congressional district chair shall preside at all meetings of the state house of representatives district executive committee. In filling vacancies of a Representative elected to the General Assembly, the chair and secretary shall immediately certify the name of the recommended person to the Governor of the State of North Carolina, State Capitol, Raleigh, NC 27601, and furnish a copy to the state chair and the State Board of Elections.

In filling vacancies of persons nominated for Representative of the General Assembly, the chair and secretary shall immediately certify the name of the appointee to the State Board of Elections and furnish a copy to the state chair.

### 3.11 COUNTY ELECTED OFFICIALS

When North Carolina General Statutes require a political party to recommend or nominate a person to fill a vacancy created in the office of county commissioner, sheriff, register of deeds, coroner, or member of the school board, then the following process shall be used:

**Office Elected By Countywide Vote.** The members of the county executive committee shall,

by majority vote, designate a person as either a recommendation or nominee to fill the vacancy. Each member of the committee in attendance shall vote in accordance with Section 2.02 of this Plan.

**Office Elected By District Within County.** Only those members of the county executive committee who reside in the district shall be eligible to vote. For the purpose of determining a quorum, those members of the county executive committee eligible to vote shall be considered. If the county chair does not reside in the district, he or she may still preside but shall have no vote. Each member in attendance and eligible to vote shall vote in accordance with Section 2.02 of this Plan.

In filling vacancies of elected officials, the chair and secretary shall immediately certify the name of the recommended person to the Chairperson of the Appointing Authority.

### 3.12 SINGLE COUNTY DISTRICTS

**Whole County.** Should any prosecutorial, state senatorial, or state house of representatives district be composed of only one county, and includes all of that county, then the county executive committee of said county shall be the prosecutorial, state senatorial or state house of representatives district executive committee for the respective district. (See Sections 3.09, 3.10 and 3.11.) Upon convening, the county executive committee shall resolve itself into the prosecutorial, state senatorial or state house of representatives district executive committee for the respective district; each member in attendance shall have one vote.

**Partial County.** Should any prosecutorial, state senatorial or state house of representatives district be composed of only one county, but includes less than all of that county, then the county executive committee of said county shall be the prosecutorial, state senatorial or state house of representatives district executive committee for the respective district, but only those county executive members who reside in the district shall be eligible to vote, and for the purpose of determining a quorum, those persons eligible to vote shall be considered as the members of the committee. If the county chair does

not reside in the district, he or she may still preside but shall have no vote. Upon convening, the members of the county executive committee who reside in the applicable district shall resolve themselves into the prosecutorial, state senatorial or state house of representatives executive committee for the respective district; each member in attendance shall have one vote.

The county chair shall preside at all meetings of the prosecutorial, state senatorial, and state house of representatives district executive committees. In filling vacancies of elected officials, the chair and secretary shall immediately certify the name of the recommended person to the Governor of the State of North Carolina, State Capitol, Raleigh, NC 27601, and furnish a copy to the state chair and the State Board of Elections.

In filling vacancies of persons nominated for election, the chair and secretary shall immediately certify the name of the appointee to the State Board of Elections and furnish a copy to the state chair.

## 4.00 STATE ORGANIZATION

### 4.01 STATE EXECUTIVE COMMITTEE

There shall be a state executive committee that shall be the governing body of the North Carolina Democratic Party as follows:

**Composition.** The state executive committee shall consist of its elected officers, appointed officers, ex-officio officers, ex-officio members, congressional district chairs, any other members of the state executive council, and a person or persons from each county of the state who shall be elected at the county conventions held in odd-numbered years. Each county is entitled to one (1) member on the state executive committee for each three thousand (3,000) votes, or major fraction thereof, cast by the county for the Democratic nominee for Governor at the last preceding gubernatorial election, provided, however, that each county shall have at least two members. The county chair shall be the member or one of the members elected from the county.



**Method of Election.** In electing members to the state executive committee, delegates to the county convention shall be instructed to cast one half of their votes for men and one half for women; if the number to be elected is an odd number, they shall be instructed to divide their votes equally with a difference of not more than one. This provision shall be inapplicable when only one member is to be elected.

The presidents of all state auxiliary organizations, with by-laws approved by the state executive committee, shall be ex-officio voting members of the state executive committee.

The members of the Democratic National Committee from North Carolina and the national committeeman and national committeewoman of the Young Democrats of North Carolina shall be ex-officio voting members of the state executive committee.

All Democratic members of the Council of State, the United States Senate representing North Carolina, the United States House of Representative representing North Carolina, and the Democratic Speaker of the North Carolina House of Representatives and the Democratic President Pro Tem of the North Carolina Senate shall be ex-officio voting members of the state executive committee. If a Democrat is not the Speaker of the North Carolina House of Representatives, then the person designated as Democratic or minority leader of the North Carolina House of Representatives shall be an ex-officio voting member of the state executive committee. If a Democrat is not the President Pro Tem of the North Carolina Senate, then the person designated as Democratic or minority leader of the North Carolina Senate shall be an ex-officio voting member of the state executive committee.

**Term of Office.** The term of office of the members of the state executive committee shall be for two (2) years and shall expire on the date set for the next succeeding county convention held in an odd-numbered year or when their successors shall be elected, whichever shall occur first. Newly elected members shall take office immediately upon their election.

**Attendance.** Any state executive committee member who fails to attend two or more meetings within such person's term of elective office or term of office, whichever shall expire first, without sending a proxy in his or her place, shall be removed from membership on the state executive committee. When a member serves by virtue of his or her position as county Chair, removal from the committee shall not affect his or her position as county Chair, and a person shall be elected by the county executive committee to serve on the state executive committee for the duration of the county Chair's term. When a member serves by virtue of his or her position as a congressional district Chair, removal from the committee shall not affect his or her position as district Chair, and a person shall be elected by the officers of the congressional district party to serve on the state executive committee for the duration of the district Chair's term. When a member serves by virtue of his or her position as president of a state auxiliary organization or as a national committeeman or national committeewoman of the Young Democrats of North Carolina, removal from the committee shall not affect his or her other position, and a person shall be elected by the statewide officers of the respective organization to serve on the state executive committee for the duration of such person's term of office. When a member serves by virtue of his or her position as a member of the Democratic National Committee, removal from the committee shall not affect his or her status as a member of the Democratic National Committee, and a person shall be elected by the state executive council to serve on the state executive committee for the duration of such person's term of office. When a member serves by virtue of his or her position as a state officer, removal from the committee shall not affect his or her position as a state officer, and a person shall be elected by the state executive council to serve on the state executive committee for the duration of such person's term. When any member, except for members serving in positions specifically listed hereinabove, serves by virtue of his or her membership on the state executive council, removal from the committee shall not affect his or her position on the state executive council, and a person shall be elected by the state executive council to

serve on the state executive committee for the duration of such person's term on the state executive council. When a member serves by virtue of holding some elective office, upon removal such member's position shall remain vacant for a period of four (4) years, or until such person's term of elective office expires, whichever shall occur first.

**Vacancies for State Executive Committee Members.** Vacancies among members of the state executive committee who represent their county on such committee shall be filled at a meeting of the appropriate county executive committee held within thirty (30) days following the creation of the vacancy.

**Removals.** Officers and members of the state executive committee may be removed in accordance with Section 10.00.

#### **4.02 ELECTED OFFICERS**

**Date of Election.** In each odd-numbered year, the state chair shall convene the state executive committee prior to March 1 for the purpose of electing its officers.

**Elected Officers.** The state executive committee shall have as its elected officers a chair, three (3) vice chairs and a secretary. The first vice chair must be of the opposite gender of the chair. Among the chair and three vice chairs, one of these must be filled by a person of a racial or ethnic minority which constitutes at least twenty percent (20%) of the registered Democrats in the state and one of these offices must be filled by a person thirty (36) years of age or younger. Gender, racial or ethnic and age requirements need not be followed if filling a vacancy for an unexpired term, but shall be adhered to when the office is filled for a full term.

**Vacancy and Succession for Elected State Executive Committee Officers.** Vacancies occurring among the elected officers of the state executive committee shall be filled within sixty (60) days following the creation of the vacancy. The state chair shall call a meeting of the state executive committee to fill that vacancy and any other vacancies

that might be caused by the action of such committee in filling the vacancy. If, for any reason, there should occur a vacancy in the office of state chair, the first vice chair, the second vice chair, the third vice chair, the secretary or the treasurer, in that order, shall preside and in the absence of all of the foregoing officers, any member of the state executive committee may preside.

#### **4.03 APPOINTED OFFICERS**

The state chair shall appoint a treasurer, a sustaining fund chair or up to three sustaining fund co-chairs, a chair for minority affairs and a state advisor for the Teen Dems, all of whom shall serve at the pleasure of the state chair as appointed officers and all of whom shall be voting members of the state executive committee. The State Chair shall appoint up to 5 persons to serve on the Sustaining Fund Committee. These members shall be non-voting Ex-Officio Members of the State Executive Council.

#### **4.04 VOTING ON THE STATE EXECUTIVE COMMITTEE**

All members and officers of the State Executive Committee, whether elected, appointed or ex-officio, shall be entitled to one vote.

#### **4.05 DUTIES OF THE STATE CHAIR AND CERTAIN OFFICERS**

**State Chair.** The duties of the state chair shall include:

1. Serve as the leader of the party organization in North Carolina;
2. Preside at meetings of the state executive committee, the state executive council and at the state convention;
3. Draft, in consultation with the state executive committee, a strategic plan outlining reasonable political goals for the state;
4. Execute the strategic plan for the state as approved by the state executive council;
5. Convene the state executive committee at least twice per year;
6. Convene the state executive council as needed, but at least once every three months;
7. Set the dates for precinct meetings, county

conventions, and district conventions pursuant to this Plan of Organization;

8. Set the date for the state convention pursuant to this Plan of Organization;
9. Serve as a spokesperson for the state party;
10. Raise funds necessary for the state party to meet its goals;
11. Encourage communication to all interested persons and organizations relating to party activities and political and policy positions of the state party;
12. Encourage and facilitate the establishment and continuity of state auxiliary organizations;
13. Serve as liaison with Democratic elected officials;
14. Serve as liaison to the officers of the Democratic National Committee;
15. Appoint committees as may be necessary and in the best interests of the state party;
16. Carry out other duties as may be assigned by the state executive committee or the state executive council;
17. Transmit all records pertaining to the office to successor within ten (10) days of vacating office;
18. Appoint two members to serve on Committee for Distribution of State Campaign NC Victory Fund as provided for in Section 8.03.
19. Disseminate the Policy and Political Action Agenda of the state Democratic Party to the news media and to inform and advocate for this Agenda to North Carolina state and national level Democratic leaders.
20. Inspire and mobilize vigorous grassroots public and party support of all major legislation which reflects and implements the Policy and Political Agenda of the state Democratic Party.
21. The State Chair shall work with the Executive Director and the District Chairs to help organize all counties in the State that have an unorganized Democratic Party. The State Chair shall have the authority to appoint an acting county chair for the purpose of organizing a county party pending a county convention.

**Vice Chairs.** The duties of the three vice chairs shall be assigned by the state chair, with the approval of the state executive council.

**Secretary.** The duties of the secretary shall include:

1. Keep and maintain all minutes of meetings of the

state executive committee, the state executive council, and the state convention;

2. Issue all meeting notices for the state executive committee, state executive council, and other state party committees pursuant to this Plan of Organization;
3. Notify county executive committee chairs and district executive committee chairs, immediately after the annual meeting of the state executive committee held prior to March 1, in writing, of the dates fixed for the holding of precinct meetings, the date for holding county and district conventions, and the date for the state convention (if applicable), as well as other information provided for release in Section 4.08.
4. Distribute minutes of meetings of the state executive committee and the state executive council to all members of the state executive committee no later than fourteen (14) days after said meeting is held.
5. Carry out other duties as may be assigned by the state executive committee or state executive council;
6. Transmit all records pertaining to the office to successor within ten (10) days of vacating office.

**Treasurer.** The duties of the treasurer shall include:

1. Maintain the state executive committee treasury at an insured commercial bank;
2. Assist the state chair in raising funds necessary for the state party to meet its goals;
3. Maintain all records required by law or by the state executive committee of contributions received and disbursements made;
4. Prepare and file any reports as may be required by law or by the state executive committee;
5. Distribute to all members of the state executive committee a summary of the general finances of the state party as well as a summary of the funds received and disbursed by the state party for each calendar quarter within thirty (30) days of the end of each calendar quarter;
6. Transmit all records pertaining to the office to successor within ten (10) days of vacating office;
7. Serve on Committee for Distribution of State Campaign Fund (tax check-off) as provided for in Section 8.03.

**Chair or Co-Chairs of the Sustaining Fund.** The

chair or co-chairs of the Sustaining Fund shall have the duties of encouraging and working with county executive committees to meet the county's sustaining fund goal.

**Chair for Minority Affairs.** The state chair for minority affairs shall serve as a liaison between the party and the Democratic minority communities in the state and shall encourage full participation and representation in all party affairs.

**Teen Dems Advisor.** The advisor to the Teen Dems shall have the duty of propagating Teen Dem Clubs throughout North Carolina and of providing guidance and coordination for Teen Dem operations and activities.

#### 4.06 STATE EXECUTIVE COUNCIL

**Powers.** When the state executive committee is not in session, the state executive council shall act in its place in all matters, except those explicitly requiring action by the state executive committee.

The state executive council shall have the authority to approve large expenditures, secure loans and lines of credit, sell and purchase real estate, lease office space, execute deeds and deeds of trust, and approve and perform similar financial transactions of the North Carolina Democratic Party. The state executive council may adopt resolutions from time to time authorizing an individual or individuals to execute legal documents, including, without limitation, deeds, deeds of trust, loan agreements, contracts, security agreements, leases, and any other paper-writing; such resolution may be limited in scope.

**Meetings.** The state executive council shall meet at least once every three months upon call of the state chair or upon request of forty percent (40%) of its members. In the event of an emergency the State Party Chairman shall call a State Executive Council meeting within 48 hours, to be conducted either in person or by telephone, when an emergency arises regarding the North Carolina Democratic Party. Examples include, but are not limited to: a vacancy in the position of executive director, a pending

financial situation, a legal matter, or any circumstance with an affiliate of the North Carolina Democratic Party that requires immediate attention.

**Composition.** The members of the state executive council shall be: the state chair, each of the three state vice chairs, the secretary, the treasurer, the chair or co-chairs of the Sustaining Fund, the chair for minority affairs, the advisor to the Teen Dems, the state presidents of all state auxiliary organizations with by-laws approved by the state executive committee, the congressional district chairs, non-voting Ex-Officio Members, the members of the Democratic National Committee from North Carolina, the national committeeman and the national committeewoman of the Young Democrats of North Carolina, and three at-large members appointed by the state chair. These three members appointed by the state chair shall reasonably reflect the geographic, racial, ethnic, and gender makeup of registered Democrats in North Carolina. The state chair shall serve as chair of the state executive council.

#### 4.07 STATE EXECUTIVE COMMITTEE MEETINGS

**Regular Meetings.** The state chair shall call a meeting of the state executive committee each year prior to March 1. In addition, the state chair shall call a meeting of the state executive committee at least once more during the calendar year to provide members with an update on party activities and to conduct such other business as may be necessary.

**Called Meetings.** Upon written receipt of a petition from forty percent (40%) of the state executive committee, the state chair shall call a meeting of the full state executive committee within thirty (30) days.

#### 4.08 ORDER OF BUSINESS OF THE STATE EXECUTIVE COMMITTEE MEETING HELD PRIOR TO MARCH 1

Each year, the state chair shall convene the state executive committee prior to March 1. At such meeting, it shall be the duty of the state chair to

publicly announce and enter into the proceedings of that meeting the following as the first order of business:

1. The two-week period of time in which all precinct meetings are to be held in accordance with Section 1.04. Except that in a presidential election year, the state chair shall designate the exact date in which precinct meetings are to be held in accordance with Section 1.04.
2. The eight (8) day period in which annual county conventions are to be held in accordance with Section 5.01. Except that in a presidential election year, the state chair shall designate the exact date in which county conventions are to be held in accordance with Section 5.01.
3. The exact date at which congressional district conventions are to be held each year in accordance with Section 6.01.
4. The exact date, time and place at which the state convention is to be held each even-numbered year in accordance with Section 6.02.
5. In promulgating the dates for county, district, and state conventions, the state chair shall set the dates for such conventions so as to provide a reasonable time between all such meetings for the resolutions adopted by the various conventions to be presented to and considered by the Resolutions and Platform Committee at the state convention.
6. In each year, the state chair shall announce the number of votes to which each county is entitled at the congressional district conventions and at the biennial state convention.
7. The state chair, in odd-numbered years, will submit the constitutions and/or by-laws of each state auxiliary organization for approval of the state executive committee which shall issue or reaffirm the charters of such organizations upon approval of such by-laws and/or constitutions. As a part of the constitution and/or by-laws of each state auxiliary organization, there shall be a statement indicating that a primary mission of the organization is the promotion of the Democratic Party, its nominees for elective office, and its elected officials. In addition, the constitution or by-laws of each state auxiliary organization must provide a mechanism for dealing with county chapters of state auxiliary organizations that deviate from the mission outlined above.
8. Each year, to receive for information the most

recent financial statement of the Party and to approve an annual budget prepared and submitted by the state executive council.

9. In odd-numbered years, consider any petitions to use an alternative method for organizing precincts in accordance with Section 1.10.

#### **4.09 OTHER BUSINESS**

The state executive committee shall, as the need arises and as North Carolina General Statutes direct, create any sectional committee to nominate, replace, or recommend any Democratic candidate, nominee or elected official.

#### **4.10 EXECUTIVE DIRECTOR AND STATE PARTY STAFF**

A full-time executive director shall be selected by the state chair with the approval of the state executive council to serve at the pleasure of the state chair. The performance of the executive director shall be subject to annual review by the state chair and the state executive council. The other staff of the state party shall be employed by and under the supervision of the executive director.

The duties and responsibilities of the executive director and the staff of the state party shall include:

1. Administering the day-to-day affairs of the state party;
2. Assisting the officers of the state party in the execution of their duties;
3. Implementing the strategic plan drafted in consultation with the state executive committee and approved by the state executive council;
4. Plan and execute the state party's coordinated campaign effort to assist in the election of Democrats at every level;
5. Serve as liaison with precinct, county, and district officers of the state party organization;
6. At the direction of the state chair, serve as spokesperson(s) for the state party;
7. Provide adequate communication with party officers, elected officials, and other interested Democrats as to the activities of the state party;
8. Provide for the public announcement of the dates,

and where applicable, the times and locations set by the state chair for precinct meetings, county conventions, congressional district conventions, and the state convention. Said public announcement to be made no less than fourteen (14) days prior to the date of the said meetings or convention;

9. Obtain pertinent legal and financial advice as necessary to keep the state party in compliance with all applicable laws and regulations;
10. Carry out such other duties as may be assigned by the state executive committee or state executive council;
11. Transmit all records pertaining to position to supervisor or successor immediately upon vacating position.
12. At least quarterly, the status and disposition of each duly passed SEC Resolution that remains pertinent, shall be reported electronically, either in spread sheet form or prose, on the NCDP Web Site. The status reporting shall include, at least, any State or Federal Legislator, or Governmental Secretary, or Commissioner, or Commission Member, that each Resolution has been presented to. And, other important status information that may include the acceptance of the issues presented and the status of the issues within the jurisdiction of the pertinent body.

#### **4.11 INDEPENDENT FINANCIAL REVIEW**

The state executive council shall provide for an annual financial audit by an independent accountant of the financial accounts and balances of the state executive committee funds.

### **5.00 COUNTY CONVENTIONS**

#### **5.01 MEETING AND FUNCTION**

**Annual Meeting.** Annual county conventions shall be held on a date designated by the county chair that is within the eight (8) day period designated by the state chair pursuant to Section 4.08 (2). The county chair shall designate the time for the county convention. Weekday county conventions shall begin

no earlier than 6:00 PM and no later than 7:30 PM. Weekend county conventions shall be held between the hours of 10:00 AM and 7:00 PM. In presidential election years, there shall be no eight (8) day period allowed and the county convention shall be held on the exact date designated by the state chair pursuant to Section 4.08 (2).

**Place of Convention.** The county chair shall, thirty (30) days prior to the date such convention is to be held, designate the exact time and place where the convention is to be held and the same shall be announced prior to the adjournment of the precinct meetings.

**Presiding Officer.** All county conventions shall be called to order by the county chair, who shall serve as convention chair, but in his or her absence, the vice chair of the county executive committee in order of succession, the secretary and the treasurer shall, in order of succession, preside over the convention, and in case none of the foregoing persons shall be present, then any delegate to the convention may preside and serve as convention chair until a permanent convention chair is elected by the convention.

**Order of Business – Odd-Numbered Years.** The county convention, held in odd-numbered years, shall:

1. Elect, from among the active Democrats of the county, the officers of the county executive committee;
2. Elect, from among the active Democrats of the county, the members of the state executive committee to which the county is entitled;
3. Elect, from among the active Democrats of the county, the delegates to the annual congressional district convention;
4. Elect, from among the active Democrats of the county, two members of the congressional district executive committee, which members shall be the chair and the first vice chair of the county executive committee, provided that in those counties which are divided between two or more congressional districts, the county's representatives on the congressional district executive committee shall be as set forth in Section 3.07;
5. Conduct any other business related to the affairs

of the county party.

**Order of Business – Even-Numbered Years.** The county convention held in even-numbered years shall:

1. Elect, from among the active Democrats of the county, delegates to the annual congressional district convention and to the biennial state convention in accordance with Sections 6.01 and 6.02;
2. Elect, from among the active Democrats of the county, two (2) members of each of the following: the prosecutorial district executive committee, the state senatorial district executive committee and the state house of representatives district executive committee; provided that a county shall not elect members to that particular district executive committee, if it is not a part of a multi-county prosecutorial, state senatorial or state house of representatives district; and
3. Conduct any other business related to the affairs of the county party.

**Resolutions and Platforms.** Resolutions and Platforms from precincts receiving a favorable recommendation at the county convention shall be certified by the secretary and transmitted to the respective district chair(s) within five (5) days following the county convention. Resolutions and Platforms not receiving a favorable recommendation at the county convention can only be brought to the floor of the biennial state convention in accordance with Section 8.01.

**Certification.** Within five (5) days following the county convention, the county chair shall certify to the congressional district and state chairs the names, addresses, race, gender, telephone numbers, and email addresses (where available) of all persons elected as delegates to any convention, or as officers or members of any executive committee.

## 5.02 VOTING

**Allocation of Votes.** Each precinct shall be entitled to cast in the county convention one (1) vote for every one hundred (100) votes, or major fraction thereof, cast by the precinct for the Democratic nominee for

Governor in the last preceding gubernatorial election; provided that each precinct shall be entitled to cast at least one vote at the county convention.

**Votes Divided Among Delegates Present.** The precinct delegates who attend the county convention shall be entitled to vote the full strength of their precinct upon matters of business which come before the convention, provided that precinct originally elected at least one delegate for each vote to which it was entitled, as provided in Section 1.08. Each such delegate present from a particular precinct shall cast an equal number of the votes to which the precinct is entitled. All votes which the precinct is entitled to cast shall be divided equally among all the delegates representing the precinct who are in attendance.

**Tabulation of Votes.** The county chair shall appoint sufficient number of secretaries or accountants, who shall reduce the votes to decimals, rounding off to the nearest hundredth, and tabulate the votes.

**Voice Votes.** Nothing herein contained shall prevent the county convention from making nominations, holding elections and conducting business by voice vote or by acclamation where a vote by precincts is not demanded by twenty-five percent (25%) of the certified voters present.

**Vote May Not Be Changed.** After a vote is cast, there shall be no change in such vote until after the roll call is completed and before the final result of the ballot shall be announced by the chair of the county convention.

**Reporting and Challenging the Vote.** It shall be the duty of the delegates from the several precincts to choose one of their number as chair, whose name shall be reported to the chair of the county convention, and whose duty it shall be to cast the vote of the precinct as directed; and the vote as announced by such person shall be recorded unless some delegate from that precinct shall challenge its accuracy, in which case it shall be the duty of the chair of the convention to cause the roll of delegates from that precinct to be called, upon which the vote of such precinct shall be tabulated and recorded according to the response of the delegates; but in no event shall the vote of one precinct be challenged by a delegate from

another precinct.

### **5.03 RULES FOR COUNTY CONVENTIONS**

The county executive committee shall have the power to make such other rules and regulations for the conduct of county conventions, not inconsistent with this Plan of Organization, as may be deemed necessary or expedient.

**Quorum.** At the county convention, a quorum shall exist at any time at which there is present on the floor at least one official delegate from fifty percent (50%) plus one (1) of the precincts with duly elected delegates to said convention.



## 6.00 DISTRICT AND STATE CONVENTIONS

### 6.01 CONGRESSIONAL DISTRICT CONVENTIONS

**When and Where Held.** An annual congressional district convention shall be held within the geographical boundaries of each congressional district each year. The state chair shall designate the date on which such congressional district convention shall be held. The exact location and time of the congressional district convention shall be determined by the congressional district chair.

**Presiding Officer.** All district conventions shall be called to order by the district chair, who shall serve as convention chair, but in his or her absence, the vice chairs of the district executive committee in order of succession, the secretary and the treasurer shall, in order of succession, preside over the convention, and in case none of the foregoing persons shall be present, then any delegate to the convention may preside and serve as convention chair until a permanent convention chair is elected by the convention.

**Allocation of Votes.** Each county in a congressional district shall be entitled to cast at a congressional district convention one (1) vote for every three hundred (300) votes, or major fraction thereof, cast in that county or in the applicable portion thereof, for the Democratic nominee for Governor at the last preceding gubernatorial election; provided, that each county shall be entitled to cast at least one vote. -Each county shall be entitled to its full voting strength only if the county has elected its full voting strength; if not, the county shall be entitled to the number of votes equal to the number of delegates they have elected.

**Election of Delegates.** The congressional district convention shall be composed of delegates elected by the several county conventions held annually. Each county or appropriate portion thereof shall elect one (1) delegate for each vote it is entitled to cast at the congressional district convention.

**Roll of Delegates.** The state chair shall direct the make-up of a roll of all delegates from the several counties to the district convention and transmit the same to the congressional district chair.

**Division of Votes Among Delegates Present.** The delegates who attend a district convention shall be entitled to vote the full strength of their county upon all matters of business which come before the respective district convention, and each such delegate present from a particular county shall cast an equal number of votes which the county is entitled to cast. All votes, which the county is entitled to cast, shall be divided equally among all the delegates in attendance representing that county.

**Vote May Not be Changed.** In a district convention, after a vote is cast, there shall be no change in such vote until after the roll call is completed and before the final result of the ballot shall be announced by the chair of the district convention.

**Reporting and Challenging a Vote.** In all district conventions, it shall be the duty of the delegates from the several counties to choose one of their number as chair, whose name shall be reported to the chair of such convention, and whose duty it shall be to cast the vote of his or her county as directed. The vote, as announced by that person, shall be recorded unless some delegate from that county challenges its accuracy. In the event of a challenge, it shall be the duty of the chair of the convention to cause the roll of delegates from that county to be called, upon which the vote of such county shall be tabulated and recorded according to the response of its delegates. In no event shall the vote of one county be challenged by a delegate from another county.

**Voice Votes.** Nothing herein shall prevent the district conventions from adopting temporary rules, making nominations, holding elections and conducting business by voice vote or by acclamation where a vote of counties is not demanded by twenty-five percent (25%) of the delegates present.

**Quorum.** A quorum at a District Convention shall exist at any time in which there is present on the floor at least one official delegate from fifty percent (50%) plus one (1) of the counties entitled to be at said convention.

**Order of Business – Odd-Numbered Years.** The congressional district convention held in odd-numbered years shall:

1. Elect, from among the active Democrats of the congressional district, officers of the congressional district executive committee; and then
2. Conduct any other business related to the affairs of the congressional district.

**Order of Business – Even-Numbered Years.** The congressional district convention held in even-numbered years shall:

1. Elect, from among the active Democrats of the congressional district, one member of the biennial State Convention's Committee on Credentials and Appeals;
2. Elect, from among the active Democrats, one member of the Council of Review;
3. Elect, from among the active Democrats, one member of the Resolutions and Platform Committee.
4. In each presidential election year, elect, from among the active Democrats in the congressional district, the number of delegates first and then alternates to the Democratic National Convention allotted to each congressional district;
5. In each presidential election year, nominate from among the active Democrats in the Congressional District, one Presidential Elector from the congressional district; and then
6. Adopt the method for reviewing, editing, consolidating, adopting, and prioritizing resolutions most appropriate for the district party that is best suited to district needs.
7. Conduct any other business related to the affairs of the Congressional District.

**Resolutions and Platforms.** Certified resolutions and platforms from county conventions shall be considered by the delegates of the district convention. Those Resolutions and Platforms receiving a favorable recommendation at the district convention shall be certified by the secretary and transmitted to the state chair within five (5) days following the district convention. State chair shall ensure that such Resolutions and Platforms are transmitted to the Resolutions and Platforms Committee. Resolutions and Platforms not receiving a favorable recommendation at the district convention can only be brought to the floor of the biennial state convention in accordance with Section

8.01.

**Certification.** Within five (5) days following the district convention, the district chair shall certify to the state chair the names, addresses, race, gender, telephone numbers, and email addresses (where available) of all persons elected as delegates to the state convention, or as officers, or members of any executive committee.

## 6.02 STATE CONVENTION

**When and Where Held.** A state convention shall be held each even-numbered year. The state chair shall designate and announce the date, time and location of such convention as provided in Section 4.08.

**Presiding Officer.** The state convention shall be called to order by the state chair, who shall serve as convention chair, but in his or her absence, the vice chair of the state executive committee in order of succession, the secretary and the treasurer shall, in order of succession, preside over the convention, and in case none of the foregoing persons shall be present, then any delegate to the convention may preside and serve as convention chair until a permanent convention chair is elected by the convention.

**Allocation of Votes.** Each county in the state shall be entitled to cast at a state convention one (1) vote for every three hundred (300) Democratic votes, or major fraction thereof, cast in that county for the Democratic nominee for Governor in the last preceding gubernatorial election, provided that each county shall have at least one vote.

**Election of Delegates.** The state convention shall be composed of delegates elected by the several county conventions held in even-numbered years. Each county shall elect one (1) delegate for each vote it is entitled to cast at the state convention.

**Roll of Delegates.** The state chair shall direct the make-up of a roll of all delegates from the several counties to the state convention.

**Division of Votes Among Delegates Present.** The

delegates who attend a state convention shall be entitled to vote the full strength of their county upon all matters of business which come before the respective state convention, and each such delegate present from a particular county shall cast an equal number of votes which the county is entitled to cast. All votes, which the county is entitled to cast, shall be divided equally among all the delegates in attendance representing that county.

**Votes May Not be Changed.** In a state convention, after a vote is cast, there shall be no change in such vote until after the roll call is completed and before the final result of the ballot shall be announced by the chair of said convention.

**Reporting and Challenging a Vote.** In a state convention, it shall be the duty of the delegates from the several counties to choose one of their number as chair, whose name shall be reported to the chair of such convention, and whose duty it shall be to cast the vote of his or her county as directed, and the vote, as announced by that person, shall be recorded unless some delegate from that county shall challenge its accuracy, in which event it shall be the duty of the chair of the convention to cause the roll of delegates from that county to be called, upon which the vote of such county shall be tabulated and recorded according to the response of its delegates; but in no event shall the vote of one county be challenged by a delegate from another county.

**Voice Votes.** Nothing herein shall prevent the state convention from adopting temporary rules, making nominations, holding elections and conducting business by voice vote or by acclamation where a vote of counties is not demanded by twenty-five percent (25%) of the delegates present.

**Quorum.** A quorum at a state convention shall exist at any time in which there is present on the floor at least one (1) official delegate from fifty percent (50%) plus one (1) of the counties entitled to be at said convention.

**Selection of Presidential Elector.** The State Convention in each presidential election year shall nominate from among the active Democrats in the State, two (2) Presidential Electors and a first and

second alternate to serve in case any of the nominated Presidential Electors are unable to serve.

## **7.00 DEMOCRATIC NATIONAL CONVENTION DELEGATES AND DEMOCRATIC NATIONAL COMMITTEE MEMBERS**

### **7.01 DELEGATES AND ALTERNATES TO THE DEMOCRATIC NATIONAL CONVENTION**

In accordance with the mandate and call for each Democratic National Convention, the state executive committee shall adopt a Delegate Selection Plan that conforms to the standards established by the Democratic National Committee. Delegates and alternates to such Convention shall be elected in accordance with the procedures and time frames stipulated in the Delegate Selection Plan.

### **7.02 DEMOCRATIC NATIONAL COMMITTEE MEMBERS**

As required by the Charter and Bylaws of the Democratic Party of the United States, members of the Democratic National Committee representing North Carolina shall be elected by the state executive committee for terms commencing on the day the Democratic National Convention adjourns and terminating on the day the next Democratic National Convention adjourns. Such members shall be elected by majority vote the calendar year in which a Democratic National Convention is held, through processes which assure full, timely, and equal opportunity to participate. The members of the Democratic National Committee elected by the state executive committee to represent North Carolina shall be divided as equally as practicable between men and women.

## 8.00 POLICY COMMITTEES

### 8.01 RESOLUTIONS AND PLATFORMS COMMITTEE

**Composition.** The one individual elected from each congressional district to the Resolutions and Platforms Committee pursuant to Section 6.01 . In addition, the presidents of state chartered auxiliary organizations with constitutions and/or by-laws approved by the state executive committee shall serve as voting members of the Resolutions and Platforms Committee. In addition, the state chair shall appoint seven (7) at-large members, and designate from members of the committee a chair, vice chair and secretary.

**Meetings.** The committee shall meet at the call of its chair or from a call petition of a majority of committee members. It shall prepare the proposed platform of the Party for submission to the state convention. In preparing this platform, the committee shall review and consider all resolutions passed at the county, district or state level for the previous 4 years. The Committee's meeting shall be announced to the State Executive Committee members and Convention delegates at least 14 days before it meets, and the meeting shall take place at least 14 days before the State Convention or State Executive Committee meetings in odd-numbered years.

**Matters for Consideration.** The Resolutions and Platforms Committee shall consider all resolutions addressed to the biennial state convention or, in odd-numbered years, to each meeting of the State Executive Committee. The committee is encouraged to hold one or more public hearings and to invite testimony from all citizens.

In addition, any state chartered auxiliary organization with constitutions or by-laws approved by the state executive committee, and any Democratic organization, committee or convention established or recognized by this Plan of Organization may submit a proposed platform or resolutions or both to the Resolutions and Platforms Committee.

In odd-numbered years, when a biennial state

convention is not held, the Resolutions and Platforms Committee shall meet prior to each meeting of the state executive committee to consider resolutions referred to the state executive committee for consideration.

For a resolution or platform to be considered by the delegates to the biennial state convention or by the members of the state executive committee, said resolution or platform must receive a favorable recommendation from a majority of the members of the Resolutions and Platforms Committee present and voting. A resolution or platform that does not receive a favorable recommendation from the Resolutions and Platforms Committee may be brought to the floor of the biennial state convention or the state executive committee meeting for consideration only after a motion to consider said resolution or platform is adopted by a two-thirds ( $\frac{2}{3}$ ) vote of those delegates or members present and voting.

#### **Methods for Handling Resolutions at the District Level.**

1. Resolutions may be addressed either only at the district convention or initially by a special resolutions and platforms committee appointed by the district chair. Resolutions that are adopted and are of purely local interest shall be recommended for further action on the local level.

2. If the resolutions are considered by a committee before the district convention, that committee shall have the authority to edit and/or consolidate, resolutions in keeping with their intention and then prioritize state and national resolutions prior to forwarding them to the district convention.

3. The district convention shall forward to the state Resolutions and Platforms Committee from among the resolutions adopted at the district convention state and national resolutions that the district convention prioritizes as reflecting the most vital and pressing issues put forward by the district party. The secretary shall forward these prioritized resolutions to the state Resolutions and Platforms Chair within 10 days, and all non-prioritized resolutions that have been adopted shall be forwarded

to the state Resolutions and Platforms Committee to be used in constructing the biennial state platform. The other adopted resolutions that are not prioritized will be recorded as reflecting district party policy.

4. The district secretary shall report all adopted and prioritized resolutions to the district convention if resolutions are considered by committee before the convention. If resolutions are considered by committee before the convention, this committee meeting shall take place at least 5 days before the district convention and shall be publicized to district party members at least 14 days before it takes place. Any Democrat residing in the district may propose and speak on such resolutions at this meeting.

5. Resolutions shall be prioritized at the district convention using one of the following methods: 1) the district convention may approve the prioritization of resolutions as recommended by the committee addressing resolutions or 2) the district convention may decide to amend prioritization recommended by the committee; or 3) regardless of whether a prior committee method is used, the district convention may decide to first vote on which resolutions to approve then prioritize resolutions by ballot. Each delegate may prioritize state and national resolutions, but may prioritize fewer than that number if he or she chooses. The district party secretary shall tabulate the ballots, weighted by county delegate vote, and report the state prioritized resolutions and the national prioritized resolutions to the convention. The secretary shall then forward these results to the state Resolutions and Platforms Committee.

### **Methods for Handling Resolutions at the State Level**

The Resolutions and Platforms Committee shall have the authority to edit and/or consolidate prioritized resolutions from the district parties in keeping with their intention prior to forwarding them to the State Convention or the State Executive Committee meeting.

### **8.02 STATE LEGISLATIVE POLICY COMMITTEE**

**Composition.** The State Legislative Policy Committee shall be composed of the following

persons or a duly appointed representative of each of them: the Democratic Governor, the Democratic Lt. Governor, the Democratic Speaker of the State House of Representatives, the Democratic President Pro Tem of the Senate, and the state chair. If a Democrat is not the Speaker of the North Carolina House of Representatives, then the person designated as Democratic or minority leader of the North Carolina House of Representatives shall be a member of the Committee. If a Democrat is not the President Pro Tem of the North Carolina Senate, then the person designated as Democratic or minority leader of the North Carolina Senate shall be a member of the Committee. The following persons shall also be members of this committee: the three state vice chairs, members of the Democratic National Committee from North Carolina, each congressional district chair, and five persons appointed by the state chair. The state chair or designee shall serve as chair of the Committee.

**Meetings.** This committee shall meet at least twice each year, one being prior to the convening of the General Assembly for its regular session and at other times upon the call of the chair.

**Duties.** This Committee shall formulate recommendations for state and national Democratic legislative policy. It shall communicate to state and national legislators grassroots sentiment on legislative issues. It shall assist in sponsoring public forums throughout the state on state and national issues.

### **8.03 COMMITTEE FOR DISTRIBUTION OF POLITICAL PARTY NC VICTORY FUNDS**

Allocation of funds from the NC Victory Fund received from the State of North Carolina pursuant to North Carolina General Statutes shall be made in accordance with applicable federal and state law the provisions of North Carolina General Statutes.

### **8.04 PLAN OF ORGANIZATION REVIEW COMMITTEE.**

**Composition:** One individual appointed by each Congressional District Chair and nine (9) appointments from the State Chair as at large members. In addition, the State Chair shall designate a chair from the members of the committee.

**Matters For Consideration:** The Plan of Organization Review Committee shall consider all proposed amendments to the Plan of Organization and report recommendations back to the State Executive Committee.

## **9.00 COUNCIL OF REVIEW**

### **9.01 PURPOSE**

There is hereby established a Council of Review for the purpose of hearing and rendering fair and impartial decisions on such disputes and controversies which may arise within the Party when the same are made known, in writing, to said Council of Review by the state chair, or by the state executive committee, or by an aggrieved active Democrat. Auxiliary organizations of the Democratic Party shall provide for the internal resolution of disputes within their respective organizations and shall not be subject to this section.

### **9.02 COMPOSITION**

**Members.** The Council of Review shall consist of one (1) member from each congressional district who shall be elected at the congressional district conventions held in even-numbered years, and four (4) members at-large to be appointed by the state chair.

No person may be a member of the Council of Review who also serves as a chair of a county or district executive committee or as an elected or appointed officer of the state executive committee.

**Officers.** The state chair shall appoint a chair and a secretary of the Council of Review from among the members of the Council of Review.

**Terms.** Terms for members of the Council of Review shall begin upon the date of their election or appointment and end on the date in the next even-numbered year set for district conventions or until their successors are elected or appointed.

### **9.03 RULES AND DECISIONS**

Forty percent (40%) of the entire membership of the Council of Review shall constitute a quorum. All decisions concurred in by a majority of the Council of Review present and voting shall be final and binding upon all North Carolina Democratic Party meetings and officials, except that any decision of the Council of Review decided by less than a two-thirds ( $\frac{2}{3}$ ) majority of those present and voting may be appealed to the state executive council. The state chair is hereby directed to issue such further and supplementary directives as may be necessary and proper to implement the decisions of the Council of Review. The Council of Review is further empowered and directed to adopt necessary and appropriate rules to assure that each dispute and grievance is settled impartially, equitably and according to rules of justice and fairness.

### **9.04 REMOVAL OF MEMBERS**

The state executive council shall have the right to remove from office any member of the Council of Review upon two-thirds ( $\frac{2}{3}$ ) of the state executive council present and voting being satisfied that the Council of Review member has been disloyal to the Party, has refused or failed to perform his or her duties, or is guilty of any misconduct which is not in keeping with his or her high position of honor in the Democratic Party.

### **9.05 VACANCIES**

A vacancy in the membership of the Council of Review shall be filled by the congressional district executive committee of the congressional district in which such vacancy exists, except that vacancies in members at-large appointed by the state chair shall be filled by the state chair.

### **9.06 JURISDICTION**

The Council of Review shall assume jurisdiction of all matters and disputes arising from any Party meeting or convention provided for in this Plan of Organization; provided such dispute or grievance is brought to the attention of the chair of the Council of Review within ten (10) days after such meeting or convention was convened or was to have been

convened, or within ten (10) days after the Petitioner(s), through the exercise of due diligence, could have discovered the incident or event giving rise to the grievance, whichever is latest. The Council of Review shall have sole discretion to determine whether a dispute or grievance has been timely raised with the Council of Review, but in no event shall the Council of Review consider any incident or event occurring more than six (6) months prior to the alleged grievance. Any grievances arising from such Party meetings or convention not brought to the attention of the chair of the Council of Review within the ten (10) days shall be deemed to have been waived, unless the Council of Review determines that the incident or event could not have been discovered through the exercise of due diligence within such period of time. An aggrieved Democrat shall be deemed to have brought such to the attention of the chair of the Council of Review if written notice was delivered by hand or mailed, with a postmark imprinted by the United States Postal Service or a postage meter approved in accordance with a permit issued by the United States Postal Service, to the chair of the Council of Review within the time limits set forth hereinabove. The Council of Review shall also assume jurisdiction of all matters and disputes referred to it by the state chair.

The person(s) filing the grievance shall be referred to as the Petitioner(s). The person(s) against whom the grievance is filed shall be referred to as the Respondent(s).

### **9.07 MEDIATION**

After a grievance is received by the chair of the Council of Review, the chair of the Council of Review shall immediately forward to the Respondent(s) and the state party Chair a complete copy of the grievance.

Within ten (10) days after a grievance is received by the chair of the Council of Review, the chair of the Council of Review shall invite the Petitioner(s) and the Respondent(s) to participate in mediation by the executive director. If all Petitioner(s) and all Respondent(s) agree to mediation of the grievance, the matter shall be immediately referred by the chair

of the Council of Review to the executive director for mediation. If any Petitioner or Respondent refuses to participate in mediation, the matter shall be immediately referred to the Council of Review.

The executive director shall have fifteen (15) days in which to mediate a resolution between the Petitioner(s) and Respondent(s). If a resolution is agreed to between the Petitioner(s) and Respondent(s), the executive director shall reduce the resolution to writing and have the Petitioner(s) and Respondent(s) sign the resolution. The signed resolution must be approved by the chair of the Council of Review. Once approved by the chair of the Council of Review, this resolution shall be final and binding and the grievance shall not be referred to the Council of Review.

If a mediated resolution is not agreed to within fifteen (15) days, the grievance shall be referred back to the chair of the Council of Review and the procedures below shall be followed.

### **9.08 NOTICE**

Within ten (10) days of either a refusal by a party to participate in mediation or a referral of the grievance back to the chair of the Council of Review following a failed attempt at mediation, the chair of the Council of Review shall give notice of the date, time and place that the Council of Review will hear the matter. Said hearing shall be held within forty (40) days of the date that notice was issued.

The notice shall be sent to the following: the Petitioner(s), the Respondent(s), the state chair, and the appropriate chair(s) of the county executive committee(s).

Notice shall also inform the Petitioner(s) and Respondent(s) that they may be represented by Counsel.

### **9.09 PROCEDURES FOR COUNCIL OF REVIEW**

**Opening.** The chair of the Council of Review shall begin the hearing by ascertaining that all parties have

been given notice of the hearings and copies of the grievance and such other documents as may have been filed, and that all witnesses requested by either the Petitioner(s) or the Respondent(s) to be invited and attend have been invited by the chair of the Council of Review.

The chair of the Council of Review shall advise the parties that the hearing is held to enable the Council of Review to hear evidence of the acts, omission or conditions alleged in the grievance and to adjudge, on the basis of that evidence, the merits of the dispute or controversy involved, and the Council of Review has the right to confront and cross-examine the Petitioner(s) and all witnesses adverse to a party involved, and to present evidence and argument in their own behalf.

**Admissibility of Evidence.** The evidence of witnesses, beginning with those who support the grievance, shall be given under oath or affirmation if any material allegations of fact are denied by the Respondent(s), and shall be elicited by the parties, or their representatives, and as appropriate, by any member of the Council of Review. An opportunity for cross-examination of all witnesses shall be allowed. Evidence, to be admissible before the Council of Review, shall be of a direct, non-hearsay nature. The Chair of the Council of Review shall rule on all issues of procedure and evidence and may only be overturned in the hearing by a two-thirds ( $\frac{2}{3}$ ) majority of the Council of Review present and voting.

**Standard of Proof.** In order to uphold the grievance, all material facts alleged therein shall be proved by clear and convincing evidence.

**Procedure.** The following Procedure shall be observed for the hearing by the Council of Review.

1. Presentation of Case by the Petitioner(s)  
(30 minutes maximum)
  - a. Opening statement concerning the Petition, if desired.
  - b. Petitioner(s)' witnesses are called, examined and cross-examined.
  - c. Petitioner(s)' non-testimonial evidence is presented.
2. Presentation of Case by Respondent(s)  
(30 minutes maximum)

- a. Opening statement concerning Answer, if desired.
- b. Respondent(s)' witnesses are called, examined and cross-examined.
- c. Respondent(s)' non-testimonial evidence is presented.

3. Closing Statement by each party.  
(5 minutes maximum for each)

4. Council of Review closes to deliberate in executive session. Council will announce its decision in open session before all parties and will, upon request, announce the numerical vote.

The Council of Review, by majority vote of those present and voting, may extend the lengths of time for presentations and closing statements outlined in 1. - 3. above.

**Adjudication.** In adjudicating any dispute arising before it, the Council of Review shall find that the Petitioner(s)' grievance is either meritorious or non-meritorious, in whole or in part. In any case in which the Council of Review determines that a grievance is meritorious, in whole or in part, the Council of Review must then determine whether the incident(s) or event(s) complained of had any material impact adverse to the interests of the Petitioner(s). If the Council of Review determines that a material adverse impact has occurred, it shall order steps, within its discretion, to remedy the impact caused by the incident or event complained of. When the Council of Review determines that no material adverse impact has occurred, it shall not enter any order other than its order finding that the grievance is meritorious but without material adverse impact. For an order to be issued, a majority of the Council of Review must concur.

**Appeal.** All decisions by the Council of Review shall be final, except that any decision of the Council decided by less than a two-thirds ( $\frac{2}{3}$ ) vote may be appealed to the state executive council within 15 days of the date on which the decision of the Council of Review is made public. Decisions regarding removal from any office of the North Carolina Democratic Party shall be governed by Section 10.02.



## **10.00 REMOVAL AND VACATING OF OFFICERS AND COMMITTEE MEMBERS**

### **10.01 GROUNDS FOR REMOVAL**

Any officer or committee member of the Democratic Party at any level, including the precinct, the county, the congressional district, the prosecutorial district, the state senatorial district, the state house of representatives district, the state executive committee, the state executive council or any committee, subcommittee, or council thereof, who directly or indirectly, gives support to, aids or helps any opposing political party or candidate of any opposing party, or either a write-in or unaffiliated candidate regardless of voter registration when there is a Democratic Nominee, or who refuses or fails to perform his or her duties, or who is convicted of a crime involving moral turpitude, may be removed from office.

### **10.02 PROCEDURE FOR REMOVAL**

**Petitioners.** Any active Democrat who petitions for the removal of an officer or committee member shall be called a Petitioner. Petitioners must be from the jurisdiction of the office or committee from which the officer or committee member against whom the Petition is filed; except that the state chair may be a Petitioner against any officer or committee member of the Democratic Party at any level.

**Respondents.** The person against whom a petition is filed shall be called a Respondent.

**Petition.** Except as provided in Paragraphs 4 and 5 of this Section, a petition setting forth full details of the allegations against the officer or committee member shall be submitted to the state chair, as provided below.

**State Chair as Respondent.** When the state chair is a Respondent under this section, the first vice chair of the state executive committee shall receive the petition and perform the duties as set forth in this

Section in place of the state chair.

**Precinct Officer or Precinct Committee Member as Respondent.** The petition shall be submitted in writing to the county chair and shall be signed by three (3) Petitioners. The county chair, upon a majority vote of the elected officers of the county executive committee agreeing that the petition has sufficient merit to warrant a full hearing, shall call, pursuant to this Plan of Organization, a meeting of the county executive committee to hear the Petitioner(s), the Respondent(s), and other interested parties or witnesses. A two-thirds ( $\frac{2}{3}$ ) vote of those members of the county executive committee present and voting shall be necessary to remove a precinct officer or precinct committee member. The decision of the county executive committee shall be final. The county chair shall cause a detailed account of any removal and replacement hereunder to be filed with the state chair.

**All Other Officers or Members as Respondent.** The petition shall be submitted in writing to the state chair and shall be signed by three (3) Petitioners. The state chair, upon a majority vote of the elected officers of the state executive committee agreeing that the petition has sufficient merit to warrant a full hearing, shall call, pursuant to this Plan of Organization, a meeting of the Council of Review to hear the Petitioner(s), the Respondent(s), and other interested parties or witnesses. A two-thirds vote of those members of the Council of Review present and voting shall be necessary to remove an officer or member. The secretary of the Council of Review shall cause a detailed account of any removal and replacement hereunder to be filed with the state chair. The Council of Review shall otherwise follow its procedures as set forth in Section 9.08 herein.

Petitioner(s) and Respondent(s) shall have the right to appeal any decision by the Council of Review on their respective case to the State Executive Council.

### **10.03 VACATING AND TEMPORARILY RELINQUISHING HOLDING PARTY OFFICE WHEN A CANDIDATE OR CAMPAIGN MANAGER IN PRIMARIES**

Any officer of any precinct, county, congressional district or state executive committee, who (1) files for a partisan elective office and who is opposed in the Democratic Primary or (2) manages a campaign for a candidate in a partisan elective office who is opposed in the Democratic Primary, shall be deemed to have temporarily relinquished holding that office as of the date that another NC Democrat files for the same elective office throughout the duration of that Primary Election.

Any officer of any county, congressional district or state executive committee, who takes an active campaign managerial or staff role or is a treasurer appointed for campaign reporting purposes in support of a candidate in a partisan elective office who is opposed in the Democratic primary, shall be deemed to have temporarily relinquished holding that office as of the date such candidate and another Democrat file for the same elective office throughout the duration of that Primary Election.

When a chair temporarily relinquishes holding office, the first vice chair of the executive committee shall assume such duties for the duration of the Democratic Primary. If, for any reason, there should occur a vacancy in the first vice chair of the executive committee, the second vice chair, the third vice chair, the secretary or the treasurer, in that order, shall assume such duties until the office of the first vice chair is filled or until the closing of the Primary Election, whichever occurs first. If an officer other than the chair temporarily relinquishes holding office, the chair may assign the duties of the officer in part or in thier entirety to any member of that executive committee for the duration of the Democratic Primary.

#### **10.04 SIMULTANEOUS OFFICE HOLDING PROHIBITED IN SOME CIRCUMSTANCES**

Should any county executive committee officer, congressional district executive committee officer, or state executive committee officer be elected as an officer of the county executive committee, district executive committee, or state executive committee, he or she shall be deemed to have automatically

vacated their previous office.

No elected officer of any county executive committee, district executive committee, or state executive committee may simultaneously serve as the President of any statewide auxiliary organization recognized under Rule 4.08. Upon election as President of a statewide auxiliary organization, an officer of the county executive committee, district executive committee, or state executive committee shall be deemed to have automatically vacated their position as an officer of the county executive committee, district executive committee, or state executive committee. Should a President of a statewide auxiliary organization be elected as an officer of the county executive committee, district executive committee, or state executive committee, he or she shall have fifteen (15) days after such election to resign as President of the statewide auxiliary organization or he or she shall be deemed to have automatically vacated his or her new position as an officer of the county executive committee, district executive committee, or state executive committee.

### **11.00 MISCELLANEOUS**

#### **11.01 COMMITTEE MEETINGS**

**Called Meetings.** Unless otherwise provided for in this Plan of Organization, the chair, or forty percent (40%) of the membership of any committee, subcommittee, or council authorized under this Plan of Organization, may call meetings in addition to those required by this Plan of Organization.

**When and Where.** All committees shall meet at such times and places as the chair of the respective committee, subcommittee, or council may from time to time appoint and designate in the call, unless otherwise set forth in this Plan of Organization.

#### **11.02 MEETING NOTICE REQUIREMENTS**

Unless otherwise provided for in this Plan of Organization, written notice, sent via U.S. Mail, must

be given to members for all meetings of any committee, subcommittee or council authorized under this Plan of Organization as follows:

For county executive committees, prosecutorial executive committees, state senatorial executive committees, state house of representatives executive committees, congressional district executive committees, or the state executive committee when meeting to fill a vacancy in nomination to elected office or elected office, five (5) days written notice; For the State Executive Council as indicated in section 4.06 In the event of an emergency The State Party Chairman shall call a State Executive Council meeting within 48 hours, to be conducted either in person or by telephone, when an emergency arises regarding the North Carolina Democratic Party. Examples include, but are not limited to: a vacancy in the position of executive director, a pending financial situation, a legal matter, or any circumstance with an affiliate of the North Carolina Democratic Party that requires immediate attention.

For all other committee, subcommittee, or council meetings for any other purposes, fourteen (14) days written notice.

The first day of notice shall be considered the date indicated by the postmark imprinted by the United States Postal Service or a postage meter approved in accordance with a permit issued by the United States Postal Service.

The meeting notice must contain the date, time, place, and proposed agenda for the meeting.

When a member of any committee gives written authorization to receive notification of committee meetings by email, and specifying the email address to be used, email notification to that address is permitted, provided that the timing and content of the notice complies with other provisions set forth herein. Any written authorization to receive notification of committee meetings by email may be revoked by any committee member at any time and will automatically expire one (1) year after the authorization has been given.

The meeting notice for the state executive committee and the state executive council must be posted on the state party's website.

### **11.03 QUORUM**

Unless otherwise specifically provided for in this Plan of Organization, forty percent (40%) of the persons constituting the voting membership of a committee, subcommittee, or council shall constitute a quorum.

At a county, district or state convention, a quorum shall exist at any time at which there is present on the floor at least one official delegate from fifty percent (50%) plus one (1) of the precincts or counties entitled to be present at the respective convention with duly elected delegates to said convention.

### **11.04 MAJORITY VOTE**

Unless otherwise provided for in this Plan of Organization, or as specified herein below, after meeting the quorum requirements, from fifty percent (50%) plus one (1) of the votes cast shall constitute a majority for the purposes of voting and transacting business. At the discretion of the county Chair, state executive committee members, congressional district convention delegates, or state convention delegates, who are elected at a county convention, may be elected by a plurality vote.

### **11.05 PROXY VOTING**

**State Executive Committee.** A member of the state executive committee may designate an active Democrat from his or her county to serve as his or her alternate for a particular state executive committee meeting by notifying the state chair, secretary, or executive director of such designation in writing, prior to the call to order of such meeting; except, that a member of the state executive committee who represents a county with two (2) or fewer committee members may designate an active Democrat from any county within his or her congressional district to serve as his or her alternate for a particular state executive meeting by notifying the state chair, secretary, or executive director of such designation in writing, prior to the call to order of such meeting;

provided, however, that no one person may serve as an alternate for more than one member at any meeting and no member or alternate may be entitled to more than one vote.

**Congressional, Prosecutorial, State Senatorial, or State House of Representatives District Executive Committee.** A member of a district executive committee may designate an active Democrat from his or her county or appropriate portion thereof to serve as his or her alternate for a particular district executive committee meeting by notifying the appropriate district executive committee chair or secretary of such designation in writing, prior to the call to order of such meeting; provided, however, that no person may serve as an alternate for more than one member at any meeting and no member can also serve at the same meeting as an alternate.

**County Executive Committee.** A member of a county executive committee may designate an active Democrat from his or her precinct, and when the member is president of a duly organized and chartered county chapter of a state auxiliary organization, he or she may designate a member of his or her auxiliary organization, to serve as his or her alternate for a particular county executive committee meeting by notifying the county executive committee chair or secretary of such designation in writing, prior to the call to order of such meeting; provided, however, that no person may serve as an alternate for more than one member at any meeting and no member can also serve at the same meeting as an alternate.

**State Executive Council.** A member of the state executive council may designate an active Democrat to serve as his or her alternate for a particular state executive council meeting by notifying the state chair, secretary, or executive director of such designation in writing, prior to the call to order of such meeting; provided, however, that no person may serve as an alternate for more than one member at any meeting and no member can also serve at the same meeting as an alternate.

**Precinct Meetings, County, District, or State Conventions.** Proxy voting shall not be permitted at precinct meetings, county, district, or state conventions.

## **11.06 SUBCOMMITTEES**

All Executive Committees shall have the power to appoint such *ad hoc* or standing committees for such purposes and with such powers in their respective jurisdictions as may be deemed necessary or desirable so long as the functions of the committees are consistent with this Plan of Organization.

## **11.07 FILLING VACANCIES IN ELECTED OFFICE AND IN NOMINATION FOR ELECTED OFFICE**

Vacancies in elected office and in nomination for elected office shall be filled as prescribed by this Plan of Organization, consistent with North Carolina General Statutes.

## **11.08 REPORTS BY COUNTY EXECUTIVE COMMITTEES AND COUNTY CHAIRS**

It shall be the duty of the county executive committee and its chair to make such reports and furnish such information to the state chair as may be reasonably requested by the state chair.

## **11.09 ACTIVE DEMOCRAT DEFINED**

An active Democrat is a person who is registered to vote in North Carolina as a Democrat and who gives of his or her time and/or means to further the interests of the Democratic Party.

## **11.10 DEFINITION OF RESIDENCE**

Residence shall be defined as voting residence in accordance with North Carolina law.

## **11.11 UNIT RULE ABOLISHED**

The "unit rule" exists where all of a non-unanimous

delegation's votes are cast according to the vote or will of less than a unanimous majority of its delegates. The use of the unit rule is prohibited in all activities and at all levels of the North Carolina Democratic Party.

**11.12 NO CONVENTION MAY BIND ANOTHER**

No convention may vote to bind a subsequent convention.

### **11.13 NOMINATING COMMITTEES AND NOMINATIONS FROM THE FLOOR**

Unless otherwise provided for in this Plan of Organization, nominating committees are permitted to recommend a name or slate of names to fill an office or offices, but nominations from the floor shall be permitted for any office.

### **11.14 PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the North Carolina Democratic Party in all cases to which they are applicable and in which they are not inconsistent with this Plan of Organization and any adopted special rules of order.

## **12.00 AMENDMENTS**

### **12.01 POWER TO AMEND**

The state executive committee shall, at any duly called meeting, have the power to amend this Plan of Organization. Any proposed amendment must be included in the meeting notice provided for in this Plan of Organization for the meeting at which the proposed amendment will be considered. Any amendment adopted by the state executive committee including those herein contained shall be effective immediately and remain in effect until and unless the same is repealed or amended. All amendments to this Plan of Organization must be approved by two-thirds ( $\frac{2}{3}$ ) vote of the members of the state executive committee present and voting.

### **12.02 DATE OF AMENDMENTS**

The foregoing is the Plan of Organization of the North Carolina Democratic Party as adopted by the State Executive Committee at a meeting held in the City of Raleigh on January 10, 1970, and as amended on April 3, 1970; January 11, 1972; May 22, 1974; October 25, 1975; February 10, 1979; August 29, 1980; August 7, 1982; February 12, 1983; July 9, 1983; August 15, 1987; November 9, 1991; February 15, 1997; February 14, 1998; February 6, 1999; May

31, 2003; in the City of Greensboro on February 9, 2002; in the City of Durham on February 8, 2003 and January 17, 2004; in the City of Greensboro on August 27, 2005; and in the City of Raleigh on January 28, 2006; in the City of High Point on June 25, 2006; in the City of Elon on January 20, 2007; in the City of New Bern on June 22, 2008; in the City of Durham on March 6, 2010. In the city of Greensboro on January 28, 2012; in the city of Greensboro on August 17, 2013; in the city of Charlotte on February 1, 2014, in the city of Pittsboro on February 7, 2015, in the city of Durham on August 22, 2015, in the city of Rolesville on February 6, 2016