



# **RULES OF THE DELAWARE DEMOCRATIC PARTY**

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## PREAMBLE

*WHEREAS, the Delaware Democratic Party is and always has been the Party of the people;*

*WHEREAS, it is the belief of the Delaware Democratic Party that this Party should be open to all interested persons so as to allow for meaningful participation by all of its members;*

*WHEREAS, the Democratic Party is open to all members of the Delaware Democratic Party regardless of race, gender, gender identification, age, color, national origin, religion, ethnic identity, sexual orientation, disability status, economic status or philosophical persuasion;*

*WHEREAS, the Delaware Democratic Party is a Party that is open, inclusive, and transparent in its conduct of Party business; and*

*WHEREAS, any person regardless of race, gender, gender identification, age, color, national origin, religion, ethnic identity, sexual orientation, disability status, economic status or philosophical persuasion, who is a registered Democrat and who supports the purposes of the Delaware Democratic Party may participate fully in any Party meeting and may be elected to any Party office in accordance with applicable Party rules and statutes.*

*NOW THEREFORE, the Delaware Democratic Party hereby establishes in this document the rules that its members shall follow when conducting the business of the Delaware Democratic Party, and all of its subdivisions.*

# **RULE 1**

## **NAME, PURPOSE AND MEMBERSHIP**

### **1.1 Name**

The organization shall be known as the Delaware Democratic Party.

### **1.2 Purpose**

- A The purpose of the Delaware Democratic Party is to recruit, elect and support Democratic Party officials at all levels of government who will govern in ways that are aligned with Democratic values as set forth in the Party's Platform.
- B In furtherance of this purpose, the Delaware Democratic Party shall publicize fully, and in such manner as to assure notice to all interested parties, a full description of the procedures for selection and the qualifications for the officers and representatives of the Delaware Democratic Party at all levels. Publication of these procedures shall be done in such a fashion that all prospective and current members of the Delaware Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in the selection process and prospective candidates or applicants for any elected or appointed position within the Delaware Democratic Party will have a full and adequate opportunity to compete for office.

### **1.3 Membership**

- A The Democratic Party, on all levels, shall support the broadest possible registration without discrimination on grounds of race, gender, gender identification, age, color, national origin, religion, ethnic identity, sexual orientation, disability status, economic status or philosophical persuasion.
- B No test of membership, nor any oaths of loyalty, to the Delaware 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 on the grounds of race, gender, gender identification, age, color, national origin, religion, ethnic identity, sexual orientation, disability status or economic status.

### **1.4 Authority to Endorse Candidates**

- A The local (county, ward or city council, senate or representative) Committee shall have the sole right to endorse any local Democratic candidate or candidates

within its district, as authorized by the applicable subdivision. The local Committee may submit to the Subdivision Committee for review recommendations for endorsement of a subdivision-wide Democratic candidate and recommendations for endorsement of a state-wide Democratic candidate.

- B The Subdivision Committees shall have the sole right to endorse any subdivision-wide Democratic candidate. The Subdivision Committee may submit to the State Committee recommendations for endorsement of a state-wide Democratic candidate.
- C The State Committee shall have the sole right to endorse any state-wide Democratic candidate after considering the recommendations of the Subdivision Committees.
- D The respective body for endorsement shall determine the appropriate process for endorsement, which shall not conflict with any rules herein.
- E Endorsements, and recommendations to endorse, shall not take place without advance notice to committee members and the State Party.

## **1.5 Conduct of Meetings**

- A All public meetings at all levels of the Democratic Party are open to all members of the Delaware Democratic Party, regardless of race, gender, gender identification, age, color, national origin, religion, ethnic identity, sexual orientation, disability status, economic status or philosophical persuasion.
- B The time and place for all public meetings of the Delaware Democratic Party on all levels should be publicized fully and in such 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.
- C A quorum of at least one-third of the elected members of any body is required to conduct official business, subject to Rule 2.2.E. Associate Members do not count towards a quorum.
- D Except as otherwise provided, all questions before the State Committee shall be determined by majority vote of those members present and voting in person or by proxy.
- E Pursuant to the charter of the Democratic National Committee, votes shall not be taken by secret ballot.
- F Proxy Voting. Voting by proxy shall not be permitted at the State Convention. Voting by proxy shall otherwise be permitted in the State Committee affairs. Proxies may be either general or limited and either instructed or uninstructed. All proxies shall be in writing and transferable if so specified. Only members of the State Committee may carry another member's proxy. No member of the State Committee may at any one time hold or exercise a proxy for more than one other

member of the State Committee. The rules of the subdivisions may similarly permit voting by proxy.

# RULE 2

## PARTY ORGANIZATION AND STRUCTURE

### 2.1 Political Subdivisions

The fundamental organization of the Delaware Democratic Party shall be based on four political subdivisions, namely, the City of Wilmington, the remainder of New Castle County, Kent County and Sussex County.

- A Rules. Each subdivision shall establish and make easily accessible rules by vote of the members of its District Committee for the governance of the Democratic Party within its jurisdiction; provided, however, that such rules are not contrary to the provisions contained herein. Within thirty (30) days after adoption or amendment of such rules, the Subdivision Chair shall cause a copy of the same, reflecting any amendments, to be distributed to every member of such subdivision's District Committee, to the State Chair, and subsequently, to any registered Democrat in said subdivision on request.
  - B Officers. Each subdivision shall elect a chair. The rules of each subdivision shall provide for the election or appointment of vice chair(s), a secretary, a treasurer and such other officers as provided in the rules of the subdivision.
  - C Executive Committee. The rules of the subdivision may provide for an executive committee, which shall include the chairs of each District Committee, and such other members or officers as provided in the rules of the subdivision.
  - D Finances. The rules of the subdivision shall provide procedures for the management of the funds of the subdivision and District Committees and for financial reports to the district and subdivision committees. All financial records of a subdivision or District Committee shall be available for inspection by any committee member in said subdivision or district.
- 1 Any filing fees payable to the party shall be paid to the chair for the unit covering the applicable race. For example, a filing fee for an RD wholly within a subdivision shall be paid to that subdivision chair. For races that cross political units, the fee shall be paid to the subdivision that has the greatest number of election districts covered by the race within that subdivision, and thereafter the subdivision chairs shall divide the fee pro rata by election district. For example, if a Senate candidate's district has 10 EDs total, 8 EDs in New Castle County and 2 EDs in Kent County, the fee shall be paid to the New Castle County Chair, and that chair shall thereafter send 1/5 of the fee to the Kent County Chair.



- E Terms. The rules of each subdivision shall provide that in any year after the enactment of these rules, each member of a District Committee and Subdivision Committee shall be selected in the first four months of the year after a presidential election for a term of four years.

## **2.2 District Committees**

- A Basic Unit. Within each subdivision, the basic unit of organization of the Democratic Party shall be each State Representative District (“Representative District Committee”); provided, however, that the City of Wilmington may use as its basic unit its City Ward districts.
- B To assure the closest and most relevant association, those Representative District Committees whose boundaries are fully or partially within the City of Wilmington shall be organized as follows:
- 1 With respect to any such Representative Districts who overlap the City of Wilmington:
    - B.1.1 Committee members: once elected to their respective City Wards, City Ward Committee members shall automatically represent their election district on the applicable Representative District Committee unless they formally decline to serve at the time they are elected or otherwise confirmed as a City Ward Committee member or at any point thereafter during their tenure on the City Ward Committee.
      - Within one week after the City Ward Committees organize, the City of Wilmington Executive Committee Chair shall publicly seek nominations for each election district in the applicable Representative Districts outside the City Ward boundaries and for those election districts where a City Ward member declines the District Committee member position.
        - The City Chair shall call a meeting for each Representative District (on 30 days’ notice), to elect members for the open election districts, and for the District Committees to elect officers. These officers may be, but are not required to be, the same officers as a City Ward Committee.
    - B.1.2 The applicable Representative District Committees are responsible for conducting State Convention delegate selection for their respective Representative Districts. These committees can endorse Representative District candidates in their respective districts.

- B.1.3 The applicable Representative District Committees will operate in accordance with Wilmington subdivision rules. The Chairs of the Representative District Committees will be part of the Wilmington Executive Committee.
    - B.1.4 The applicable Representative District Committees are required to meet at least twice yearly.
  - 2 Representative District Committee Representatives: City Ward Committee members for election districts in these Districts that are within the City of Wilmington are automatically assigned to represent those same election districts on the corresponding Representative District Committee. If at any point during their tenure, a City Ward Committee member declines or is rendered incapable of serving as a District Committee Representative position (e.g., the person moves out of the applicable City Ward), the District Committee will seek nominations for Committee members to represent those election districts. On thirty (30) days' notice, the District Committee shall vote on the nominated candidates.
  - 3 Questions regarding the organization or operation of these District Committees will be addressed to the State Chair in consultation with the Rules Committee.
- C District Committee. Each district, whether a Representative or City Ward district, shall have a District Committee (with the organization of those Representative Districts that include election districts in both the City of Wilmington and New Castle County subdivisions governed by Rule 2.2.B).
- D Organization and Election.
  - 1 Local Rules. Each District Committee shall be organized and its members shall be elected in accordance with these rules and the rules of its respective subdivision.
  - 2 Residence; Party Activity. Except in the case of vacancies, members of the local committee shall be registered Democrats in the election district in which they reside and which they will represent. The committee member shall be a registered Democrat and shall not have been registered as a member of another political party for one year prior to their election.
  - 3 Vacancies. Vacancies in a District Committee shall be filled with persons meeting the requirements of these rules by a majority of the members of the Committee; provided, however, that such persons need not reside in the election district which they shall represent but must be registered Democrats in the District (or City Ward) which they shall represent. Vacancies may be filled at any time, but District Committee members must have been elected or appointed thirty (30) days before voting on any endorsements or recommendations for endorsement.

- E *Ex Officio* Elected Official Members. Elected officials (defined here as any person elected as a Democrat in a partisan election at the county, city, state, or federal level) who reside in a City Ward or Representative District are deemed Elected Official Members of the City Ward or District Committee. These members are exempt from attendance requirements, and their absence shall not count against quorum requirements, but they shall count towards quorum if in attendance (for matters on which they may vote). They may not serve as an officer of a City Ward or District Committee. Other than in the matters of (i) endorsements and recommendations for endorsements regarding a partisan office for which they are running and (ii) disbursing committee funds, Elected Official Members shall have full voting rights.
- 1 Elected Official Members may not be elected as City Ward or District Committee members or associate members. An official shall cease being an Elected Official Member when the term of their respective office ends.
  - 2 City Ward or District Committee members (and associate members) who have filed to run for partisan office or are otherwise a bona fide candidate may not vote in endorsements or recommendations for endorsements in the race in which they are participating.
- F Associate Members. Members of the District Committees may at any time after the election of officers propose associate members who shall meet the requirements of these rules for members. The committee shall approve membership by a majority vote.
- G Officers of District Committees. At its first meeting after the election of committee members, each District Committee shall elect a chair, vice chair, secretary and treasurer, which officers shall be registered Democrats and residents of the district. Although a District Chair need not be a member of the District Committee, such District Chair shall represent their district on the Subdivision Committee and shall have a full vote in all matters pertaining to the Subdivision Committee. Officers of the District Committee shall be elected at such times and on such terms as provided in its subdivision's rules.
- 1 Each chair shall, immediately following the meeting at which the district officers are elected and thereafter whenever requested by the State Chair, provide the State Chair a list of the names and addresses of the members and officers of the District Committee, and shall promptly inform the State Chair of any changes in that list.
- H Meetings. Meetings of the District Committees shall be held monthly, at least six (6) months of each year. Reasonable notice shall be given to all members of the committee, and all meetings shall be open to any interested Democrats.

- I Notice. If the subdivision rules do not address notice for regular District Committee meetings, then notice shall be reasonable if given five (5) days before a regular meeting.
- J Removal. Members and officers may be removed for cause by a majority vote of the local committee, after a hearing before said committee. The rules of a subdivision may provide for an appeal to the Executive Committee or other authorized committee of such subdivision.

### **2.3 Delaware Democratic Organizations**

- A An entity that purports to be or wishes to organize as a Delaware Democratic club or caucus shall embody the goals, beliefs and values of the Delaware Democratic Party and the Democratic National Committee.
- B Except those Delaware clubs or caucuses organized as 501(c)(3) or (4) organizations, political action committees or otherwise separately incorporated, no Delaware Democratic club or caucus may accept donations until officially recognized by the State Committee. The State Committee may revoke a Democratic club's or caucus' authority to accept donations and/or remove a caucus's representation on the State Committee if the club or caucus no longer embodies the goals, beliefs and values of the Delaware Democratic Party and the Democratic National Committee. The State Committee may delegate these responsibilities to the State Chair.
- C Before a Delaware Democratic club or caucus may be recognized, it must provide the State Chair their charter, bylaws and/or other organizational documents. The organizational documents must include the purpose, qualifications for membership and procedure for election officers of the club or caucus.

# RULE 3

## STATE CONVENTION AND STATE CONFERENCE

### 3.1 Powers of State Convention

The supreme power of the Party is vested in a State Convention of delegates.

### 3.2 Composition of the State Convention

- A The state shall be divided into four Convention Districts as follows:
  - 1 The first Convention District shall consist of those Representative Districts the majority of the population of which is situated in the City of Wilmington.
  - 2 The second Convention District shall consist of those Representative Districts the majority of the population of which is situated in New Castle County.
  - 3 The third Convention District shall consist of those Representative Districts the majority of the population of which is situated in Kent County.
  - 4 The fourth Convention District shall consist of those Representative Districts the majority of the population of which is situated in Sussex County.
- B The chair of each Convention District shall be the Subdivision Chair.
- C At each State Convention, each Representative District shall be allotted one delegate to the State Convention for each seven-hundred-and-fifty (750) "composite Democratic strength." Notwithstanding the above provisions, each Representative District shall not have less than one delegate. Each Representative District shall be allotted five (5) alternates to the State Convention and shall be required to rank them in order of ascension.
- D "Composite Democratic strength" is determined by the number of registered Democrats at the time of the last general election plus the "average Democratic vote," the sum of which shall be divided by two. "Average Democratic vote" is determined by totalling the vote for Democratic candidates for all state-wide races, including President, in the preceding general election, and dividing the total by the number of such candidates.
- E At its first meeting following the presidential election the State Committee shall review and approve by majority vote the apportionment of delegates pursuant to composite Democratic strength. In addition, the State Committee shall set the date of the State Convention. Within ten (10) days following that meeting, the State Chair shall notify the Convention District Chairs in writing of the number of delegates and alternates allotted to each Representative District and the date of the convention. Within ten (10) days of receipt of notification by the State Chair,

each Convention District Chair shall in turn likewise notify their District Chairs of the allocation and the date of the convention.

- F The State Chair shall provide the names and addresses of all delegates and alternates to the State Convention if requested by any delegate or alternate.

### **3.3 Delegates and Alternates**

- A Qualifications. Each delegate and alternate to the State Convention shall be elected by the committee members of each Representative District who are elected in the year after a Presidential election, in the manner provided for in these rules and the rules of each subdivision. Delegates and alternates to the State Convention shall be elected by the District Committee in the month of March. The District Chair shall notify the State Chair of the time, date and location of the meeting no less than twenty (20) days before said meeting for publication. The District Chair shall certify in writing to the State Chair and the Subdivision Chair the names, addresses, email and phone numbers of the delegates and alternates of their District by April 15 of such year. Delegates and alternates shall be registered Democrats and reside in the applicable Representative District at the time of their election and shall not have been registered as a member of another political party for one year prior to their election.
- B Alternates. Alternates shall succeed to the status of voting delegates in the order of ascension determined by the District Committee at the time of election. Alternates shall succeed to the status of delegates in the absence or incapacity of delegates.
- C Vacancies. In the event of a vacancy caused by the absence or incapacity of the delegate and all alternates in any Representative District, the designation of a delegate and alternate shall be determined by the District Committee, if possible prior to the convening of the State Convention or Special Convention.

### **3.4 No Fractional Votes**

Each delegate (or alternate if voting) to a State Convention shall have one (1) vote at said convention and the Convention shall not recognize partial or fractional votes.

### **3.5 No Unit Rule**

Each delegate (or alternate if voting) may cast their own vote and shall not be bound to cast a vote in accordance with the majority decision of the Representative or Convention District of which they are a member.

### **3.6 Endorsement of Delegates by Committee Prohibited**

The State Committee, and the respective committees of any political subdivisions, including the Representative or other District Committees, shall not propose or endorse any candidate for delegate or alternate to the State Convention.

### **3.7 State Conference**

The State Chair may hold a state conference two (2) years after the State Convention for the purposes of maintaining and building Party engagement, unity and activism.

# RULE 4

## CONVENTION DATE AND LOCATION

### 4.1 State Convention

- A Date. No later than June 30 of the year after a Presidential election, there shall be a State Convention at such time and place as the State Committee may select, for the purpose of electing officers of the State Committee and to transact any other business as outlined in these rules.
- B Location. All Conventions shall be held in Kent County.
- C Notice. At least twenty (20) days before the Convention, written notices shall be mailed or personally or electronically delivered to each delegate and alternate, setting forth the date, place and hour of the Convention.
- D Recess and Reconvening. If the business of the Convention has not been completed, the Convention shall recess to the call of the State Chair. Except as otherwise specifically provided in these Rules, to reconvene a convention, seven (7) days' notice shall be provided to all delegates and alternates.
- E Officers' Term. The officers of the State Committee shall be a State Chair; two (2) Vice Chairs, no more than one of any gender; a State Secretary; and a State Treasurer. Each officer shall be elected for a four-year term.

### 4.2 Special Convention

The State Committee may call a special convention at such time as it may direct. The delegates and alternates to any special convention shall be the same persons who were delegates and alternates to the previous State Convention. The call of the convention shall be attested by the Chair and Secretary of the State Committee, and shall state the purpose of such convention. Not less than fifteen (15) days' notice shall be given delegates and alternates to any special convention, unless the special convention delegates vote to allow shorter notice. In the event of any emergency, the State Committee may call a special convention on shorter notice.



# RULE 5

## STATE CONVENTION COMMITTEES AND ORDER OF BUSINESS

### 5.1 Committees of the Convention

- A Each State Convention shall have a Platform Committee and a Committee on Resolutions. The chair of the Committee on Resolutions shall be a delegate to the Convention. These committees shall meet as provided herein, and shall report to the Convention. Any minority reports shall also be presented to the Convention.
- B Platform Committee. The State Chair shall appoint a chair and members of a Platform Committee no later than February 1 in the year following a Presidential Election. The membership of the committee shall represent each convention district approximately in proportion to the number of delegates from said district and shall be broadly representative of the Democratic Party. Within 20 days of their appointment, the Platform chair shall publish a plan for the Platform Committee's drafting process with all corresponding dates and deadlines. The Platform Committee shall hold one or more well-publicized public hearings, and shall issue a written report prior to the State Convention.
- C Committee on Resolutions. The Committee on Resolutions shall be comprised of twenty-one 21 delegates, selected as follows: (i) five (5) members selected by the executive committee of each subdivision, and (ii) one (1) chair selected by the State Chair. The Committee shall consider any proposed resolutions that are put to it in writing, and shall report to the Convention.

### 5.2 Credentials

- A Challenges. Any registered Democrat may challenge the credentials of any delegate or alternate to the State Convention by delivering a written challenge at least one (1) week before the Convention to the chair of the Convention District which said delegate or alternate represents. A challenge must identify the delegate or alternate who is challenged and state the grounds for the challenge. The challenger must deliver a copy of the challenge to the delegate or alternate who is being challenged at least one week before the Convention. The Convention District Chair shall forthwith send all challenges to the Rules Committee and to the delegates and alternates who are challenged.
- B Procedure. In hearing a challenge, the Rules Committee shall consider any statements from the challenger, from the delegate or alternate being challenged, and from any other person who wishes to testify on the challenge. The Rules Committee may allot a period of time within which the challenger and the challenged may be granted equal time to make their statements. The Rules

Committee shall report its decision to the State Convention, naming the delegate or alternate who it believes is entitled to participate in the State Convention, and its reasons.

- C Convention Vote. The State Convention shall vote on any report of the Rules Committee with respect to each challenge. A majority vote of the Convention, after consideration of the report of the Rules Committee, shall be required before any challenged delegate or alternate may participate in the Convention.

### **5.3 Organization of State Convention**

It shall be the responsibility of the State Chair to prepare all logistical arrangements for the State Convention.

### **5.4 Order of Business**

The State Convention shall be chaired by the incumbent State Chair, until their successor is elected. The recommended order of business shall be:

- A Call to order by the State Chair.
- B Opening ceremonies.
- C Reading the call to the Convention.
- D Calling of temporary roll.
- E Recess for committee or caucus meetings (if necessary).
- F Convention called to order.
- G Report of the Rules Committee on credential challenges, if any.
- H Nomination and election of officers of the State Committee.
- I Assumption of duties by newly-elected officers.
- J Report of the Platform Committee.
- K Report of the Committee on Resolutions.
- L Report of the Rules Committee.
- M Miscellaneous business.
- N Adjournment – to reconvene at the call of the State Committee.

# RULE 6

## STATE COMMITTEE

### 6.1 General

The direction and general management of the Delaware Democratic Party shall be vested in a committee to be known as the State Committee, the officers of which shall be elected by the State Convention.

### 6.2 Composition of the State Committee

The State Committee shall consist of:

- A The five (5) officers of the State Committee;
- B The chair and treasurer of each subdivision;
- C Four additional representatives from New Castle County and one additional representative from each of the other subdivisions, who shall be elected by the Subdivision Convention at which the officers of those respective subdivisions are elected, unless the rules of the subdivision authorize such representatives to be elected by the Executive Committee of the subdivision, and no more than one of whom shall reside in any one Representative District;
  - 1 Such subdivision representatives shall serve from the time they are elected until the State Convention following a presidential election or until removed by the Subdivision Convention or Executive Committee pursuant to subdivision rules;
  - 2 Each subdivision shall use its best efforts to ensure that their respective representatives to the state committee shall be equally divided by gender; and
  - 3 Vacancies among the subdivision representatives shall be filled pursuant to the rules of the subdivision.
- D Five (5) members-at-large to be appointed by the State Chair, to serve at the pleasure of such State Chair, with the intention of increasing diversity on the committee
- E The two National Committeepersons;
- F A non-voting representative of each Democratic elected state-wide official, to serve at the pleasure of such official;
- G One voting representative from each Delaware Democratic Caucus that has been officially recognized by the State Committee. This representative will serve at the pleasure of such Caucus Chair.

- H A non-voting representative of each Democratic caucus of the General Assembly, to serve at the pleasure of such caucus;
- I A non-voting representative of such other active Democratic group as the State Committee shall choose to invite from time to time; and
- J A non-voting Parliamentarian to be appointed by the State Chair.

### **6.3 Standing Committees**

- A Finance Committee. There shall be a Finance Committee consisting of the State Treasurer, who shall serve as Chair, the treasurer of each subdivision, and two (2) members appointed by the State Chair.
- B Candidate Support Committee. There shall be a Candidate Support Committee consisting of persons who shall be appointed by and serve at the pleasure of the State Chair, to recruit, support and train candidates.
- C Rules Committee. There shall be a Rules Committee consisting of four (4) members elected by each subdivision (for a total of sixteen (16)), the two (2) Vice Chairs of the State Party, the State Parliamentarian, and three (3) members selected by the State Chair. The Rules Committee shall engage in an ongoing review of the state and subdivision rules, and make recommendations for state rules revisions at the State Convention, and shall suggest subdivision rule changes to the subdivision Executive Committees from time to time. The Rules Committee shall also hear any challenges to the credentials of a State Convention delegate or alternate. The Rules Committee shall meet at least annually.
- D Convention Committee. There shall be a Convention Committee consisting of persons who shall be appointed by and serve at the pleasure of the State Chair, to assist with planning, organization, financing and execution of the State Convention(s) and, if held, the State Conference.
- E Other Committees. The State Chair may appoint additional committees at their discretion.

### **6.4 Duties of Officers of the State Committee**

- A Chair. The Chair of the State Committee shall preside at all meetings of the Committee, preside at all State Conventions and special conventions, serve as ex-officio member of all committees of the State Committee and have and exercise the usual powers and duties of a Chair. The State Chair cannot hold elected partisan office, run a political campaign for any partisan office, or run for office during their term.
  - 1 State Headquarters. The State Chair shall maintain a State Headquarters, at which all records of the State Committee shall be kept, and which shall be the official address for the Party, the State Committee and all committees of

the State Convention. The approval of the State Committee is required for any lease to be binding on the State Committee.

- 2 Employees. The State Chair may engage such agents and employees, including an Executive Director, as are needed to carry out the administration of the Party business. The approval of the State Committee is required for the employment of any employee other than on a part-time casual basis.
- B Vice Chair; Vacancy in Office of the State Chair. The Vice Chair of another gender from the State Chair shall become acting Chair when the Chair is unable or unwilling to perform those duties. If the Chair is unable to complete their term of office, the Vice Chair of another gender from the State Chair shall succeed to the office of Chair.
- C Secretary. The Secretary shall keep a complete and permanent record of all the acts and proceedings of the State Committee and any Convention. Such records shall be maintained at the State Headquarters and shall be open for inspection by any registered Democrat.
- D Treasurer. The Treasurer shall keep records of all income and expenses of the State Committee, and shall report such finances to each regular meeting of the State Committee.
- E Records. The records of each office of the State Committee are the property of the State Committee, and shall be transferred to the officer's successors. A copy of all such records shall be maintained at the State Headquarters.

## **6.5 Removal of Officers of the State Committee**

Any officer of the State Committee may be removed only by a two-thirds vote of the State Committee at two (2) successive meetings of the State Committee. If an officer is removed, the State Committee shall elect a replacement for such officer, who shall serve until the State Convention held under Rule 4.1(A). If such replacement already holds an office of the State Committee, a replacement shall be chosen for such office, who shall serve until the State Convention held under Rule 4.1(A).

## **6.6 Meetings**

- A The State Committee shall meet at least quarterly. The dates and places of said meetings shall be announced to all members of the State Committee, and shall be provided on request to any registered Democrat. A meeting may be called upon the written request of ten (10) members of the State Committee. The Chair shall call and convene a meeting requested by ten (10) members within fifteen (15) days after receiving the request, and shall provide at least five (5) days' notice of said meetings to the State Committee. At the discretion of the State Chair, members may participate by telephone or electronically and be considered

present for all purposes. The rules of the subdivisions may address remote participation.

#### **6.7 Presidential Electors**

The State Committee shall select the Party's Presidential Electors; provided, however, that if within thirty (30) days of the deadline provided by law for such Electors to be certified to the Election Commissioner, the State Committee has not selected the Presidential Electors, they shall be selected by State Chair.

# RULE 7

## SELECTION OF DELEGATES AND ALTERNATES TO NATIONAL CONVENTION

### 7.1 Delegate Selection Plan

- A The delegates and alternates to the National Convention shall be registered Democrats who are selected pursuant to the most current affirmative action and delegate selection plan adopted by the State Committee and approved by the Democratic National Committee. Before such plan is presented to the State Committee for approval, it shall be presented to each subdivision and open for review by any registered Democrat for a period of at least thirty (30) days. Under any such plan, to the greatest extent permitted under the Rules of the Democratic National Committee, the delegates and alternates allocated to Delaware (other than for National Committeepersons and members of Congress selected under rules of the Democratic National Committee) shall be selected on the basis of the results of the presidential primary and the delegate selection plan.
- B The Delaware meeting to elect delegates and alternates to the National Convention shall also elect two National Committeepersons (no more than any one of any gender) who shall be elected to four-year terms.

### 7.2 Affirmative Action and Delegate Selection Plan

To further the goals of the Preamble and the delegate selection rules of the Democratic National Committee, the most current affirmative action and delegate selection plan adopted by the Delaware Democratic State Committee is hereby declared as Rule 7.2 of these Rules.

# RULE 8

## CANDIDATE VACANCIES

### 8.1 State-wide Offices

If after the deadline for an individual to file notification of candidacy for any state-wide office, there is no Democratic candidate for state-wide office, the State Chair shall call a meeting of the State Committee within the time provided by law for such vacancy to be filled, at which the candidate shall be chosen by a majority vote of those present. For these purposes, members of the State Committee will be considered present if they participate in the meeting by means of conference telephone or similar communications equipment by means of which all participants in the meeting can hear each other.

### 8.2 Non-State-wide Elections

If after the deadline for an individual to file notification of candidacy for any office that is to be filled by partisan election, other than a state-wide office, there is no Democratic candidate for such office, or in the event of the need for a special election for any such office, the candidate for such office shall be named under the rules of the subdivision in which all the voters for said office live. If such subdivision rules provide no procedure for filling such vacancies, the Subdivision Chair shall call a meeting within the time provided by law for such vacancy to be filled, giving notice to all District Committee members who would be entitled to vote for such office at a general election, at which meeting the candidate shall be chosen by a majority vote of the District Committee members present and voting. If the voters for such office reside in more than one subdivision, the chair of the subdivision in which the majority of the voters for such office reside shall call a meeting within the time provided by law for such vacancy to be filled, giving notice to all District Committee members in each subdivision who would be entitled to vote for such office at a general election, and shall give notice of the meeting to the other Subdivision Chair, at which meeting the candidate shall be chosen by a majority vote of those District Committee members present and voting.



# RULE 9

## PARTY PROCEDURE

### 9.1 Robert's Rules of Order

When not otherwise stated, Robert's Rules of Order, as most recently revised, shall govern any proceedings of any convention or meeting of the Delaware Democratic Party.

### 9.2 Voting Standard

Unless another standard is provided by these rules or the subdivision rules, all matters shall be subject to a vote of a majority of the members present and voting. For clarity, abstentions shall not count as "no" votes. (For example, in a committee with ten (10) members, if eight (8) are present at a meeting (and so a quorum is present), and five (5) members vote, a measure would pass with a vote of three (3) in favor and two (2) opposed.

### 9.3 Amendment of State Rules

No Rule contained herein can be altered or amended except as provided by these Rules as follows:

- A By Convention. Before consideration by the Convention, amendments to these Rules shall be submitted in writing to the state Rules Committee, at least one week before the Convention. The Rules Committee shall make its recommendation to the State Convention concerning the advisability of any such amendment. A favorable vote of at least one-third of the members of the Rules Committee shall be required for the amendment to be put to a vote of the Convention. A three-fourths (3/4) affirmative vote of all the delegates present and voting shall be required to amend these rules.
- B By State Committee. Any amendment shall first be considered by State Committee provided it has been forwarded to the State Chair no later than ten (10) days prior to a scheduled meeting. A majority affirmative vote of all the State Committee members present and voting shall be required to report the amendment to the Subdivisions for consideration.

- 1 No later than forty-five (45) days after the amendment is reported, the Subdivision Chair shall hold a meeting of their respective Subdivision Executive Committee to consider the amendment. The Subdivision Executive Committee shall adopt the amendment by an affirmative vote of a majority of members present and voting. The Subdivision Chair shall, within five (5) days of the vote being taken, certify to the State Chair the Subdivision Executive Committee's adoption or rejection of the amendment.
- 2 Upon receipt of certification of adoption of the amendment by three (3) of the four (4) Subdivision Chairs the State Chair shall place the amendment on the agenda of the next State Committee meeting. At that meeting a three-fourths (3/4) affirmative vote of the State Committee members present and voting shall be required to amend these rules.
- 3 Any amendment to be considered under this rule shall be initiated by a voting member of the State Committee.

#### **9.4 Distribution of Rules**

Within thirty (30) days after adoption of these Rules or any amendment thereof, the State Chair shall cause a copy of same, as amended, to be distributed to each Subdivision Chair, and electronically posted.

#### **9.5 Effective Date of Amendments**

Unless stated otherwise in the motion proposing their adoption, amendments to these rules shall become effective immediately upon their adoption.

#### **9.6 Amendment of Affirmative Action and Delegate Selection Plan**

Rule 7.2 may be adopted and amended from time to time between State Conventions by majority vote of a quorum of the State Committee.

# RULE 10

## GRIEVANCES

- 10.1** If any member of the Delaware Democratic Party has a grievance or believes that they have not been treated fairly with respect to Party political business, or has a concern with the operations or organization of the Party, and there is no provision to resolve such grievance or concern otherwise under these rules or the rules of any subdivision affected by such grievance, that member may submit their grievance in writing to the State Chair within ten (10) days of the occurrence of the event. The State Chair may also form a grievance committee at their discretion to address concerns with compliance with the Delaware Democratic State party rules. Promptly after the receipt of said notice, the State Chair shall convene a Committee known as the Grievance Committee.
- 10.2** The Grievance Committee shall consist of five (5) members: The Parliamentarian of the City of Wilmington Democratic Committee as well as the Parliamentarians of the following subdivisions: New Castle County, Kent County, and Sussex County. The State Chair shall also be a voting member of the Grievance Committee and shall be the Chair of the Committee. The State Chair may replace a member if any of listed members are unavailable or recuse themselves. Upon receipt of such complaint, the Grievance Committee shall institute an immediate investigation of said complaint.
- 10.3** In the Chair's discretion, the Committee may dispense with a formal hearing and take some or all evidence in writing. A written decision shall be tendered to the complaining person within thirty (30) days from the State Chair's receipt of notice, except that the State Chair may set an earlier or later deadline if necessary to address the grievance.
- 10.4** If applicable, the grievance committee's ruling shall include a timeline for compliance. The grievance committee may include an enforcement mechanism within the ruling, and such mechanisms can include barring a non-complying member or unit (e.g., RD committee) from participating in state party matters, including not allowing an RD member to vote in RD matters, not allowing a RD committee to participate at the subdivision level, and so on, as well as, removing a member or officer from their respective role. The aggrieved member or unit may appeal the sanction to the State Committee.

# RULE 11

## ELECTRONIC MAIL

Whenever these rules require oral notification, written notification, or notification by mail, such notice may now include the use of electronic mail.