

**BY-LAWS**  
**OF THE**  
**DELAWARE COUNTY**  
**DEMOCRATIC COMMITTEE**

***August 18, 2014***  
***Article VII Amended August 18, 2016***

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COMMITTEE**

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## **Article I. Authority**

SECTION 1. The Delaware County Democratic Committee shall be the authoritative body of the Democratic Party in Delaware County and shall make such rules for the governance and management of the party in Delaware County as it may deem proper, not inconsistent with law and with the rules of the Democratic Party in the State of Pennsylvania. It may also delegate such power and authority to committees or to representative Democratic voters of the County, as outlined in these By-Laws. All public meetings will be open to all registered Democrats of Delaware County, regardless of race, color, creed, gender, sexual orientation, national origin, age, ethnic identity, physical disability or economic status.

## **Article II. Definitions**

“Advisory Committee” is defined in Article III.8.

“Appointed Committee Person” is defined in Article IV.4.

“At-Large Municipal Committee Person” is defined in Article III.8

“County Arbitration Board” is defined in Article X.1.

“County Executive Committee” is defined in Article V.2.

“County Solicitor” means the Delaware County Democratic Party solicitor appointed by the County Chair.

“Delaware County Democratic Committee” or “DCDC” is defined in Article III.1.

“Elected Committee Person” is defined in Article IV.1.

“District” means an election district or precinct of a municipality.

“Leaders’ Council” is defined in Article VI.1.

“Ex Officio Member” is defined in Article IV.6.

“Municipal Leader” means the elected Chair or Co-Chair of a city, township or borough.

“Notice” is defined in Article VIII.2.

“Proxy” is defined in Article VIII.3.

“Quorum” is defined in Article VIII.1(e).

“Secretary” is defined in Article V.4.

“Treasurer” is defined in Article V.5.

“Writing” means a document delivered in hard copy or electronically.

### **Article III. Organization and Eligibility**

SECTION 1. Organization. The organization shall be known as the Delaware County Democratic Committee or DCDC and shall be composed of:

- (a) Elected and Appointed Committee People;
- (b) County Executive Committee;
- (c) Municipal Leaders;
- (d) Delaware County State Committee Members;
- (e) Any Member of the Democratic National Committee from Delaware County; and
- (f) Ex Officio Members.

All members of the DCDC shall abide by these By-Laws.

SECTION 2. Eligibility. Elected and Appointed Committee People shall be duly registered and enrolled Democratic electors in the election District that they represent and shall have actual and physical residence and not merely legal residence in said election District.

SECTION 3. General Disqualification. No person shall be eligible to serve on the DCDC who:

(a) holds a political appointive office of profit under an administration - - municipal, county, state or national -- opposed to the Democratic Party (except offices of a judicial character or appointed by the courts or Notaries Public). This section shall not be construed to prevent a member of any Democratic committee from serving on boards or commissions of any administration or serving as solicitor for any county or municipal administration;

(b) has entered into an agreement with an opponent or opponent(s) of the Democratic Party to support such opponents;

(c) has supported a candidate opposed to the Democratic Party (except for candidates who cross-file for an office in which cross-filing is permitted by law) by voice, public support, financial support or otherwise, within the prior two years; or

(d) was an active member, e.g., a committee person, of any other political party at any time within the two years immediately preceding the

date of the election or appointment by which he or she would become a member of the DCDC; or

(e) circulates or causes to have circulated any campaign literature or sample ballot designed to imply an endorsement by the DCDC or any Municipal Democratic Committee, when such endorsement has not been given or has been given to another candidate.

SECTION 4. Additional Disqualification for County Executive Committee. No person shall be eligible to serve on the County Executive Committee who has been a registered member of any other political party at any time within the two years immediately preceding the date of appointment.

SECTION 5. Personal Conflicts. Where an Elected or Appointed Committee Person believes that they have a personal conflict regarding a duly nominated Democratic candidate, that committee member may file a formal letter of abstention in Writing with the County Chair within three (3) weeks after the Primary where the candidate was nominated. The County Chair may then appoint an acting committee member who will conduct the necessary duties in the given area of responsibility for the duration of the campaign. Such appointment shall be temporary and shall expire following the final certification of election results for that election. The filing of a formal letter of abstention shall not constitute a violation of these By-Laws on the part of the individual abstaining, however, any individual so abstaining remains bound by the provisions of Article III. Section 3(b) and (c) and may be subject to adverse actions in the event they violate those provisions, or other provisions of these By-Laws.

#### **Article IV. Elected & Appointed Committee People, Ex Officio & State Committee Members**

SECTION 1. Elected Committee People. The Democratic voters of each election District of Delaware County shall elect at the Spring Primary Election in the year the Governor is elected, two committee members who shall be duly registered and enrolled Democratic voters of such election District and who have actual and physical residence and not merely legal residence in said election District. These committee members shall have charge of the Democratic organization in their respective districts and shall hold office for the term of four years, or until their successors are elected or appointed, or as otherwise provided for in these By-Laws, whichever occurs sooner.

SECTION 2. Duties. It shall be the duty of Elected Committee People to:

- (a) participate in reorganizations to elect a County Chair or a Municipal Leader;
- (b) participate in meetings of the local and county committees as called for by these By-Laws and/or the County Chair;
- (c) increase the registration of Democratic electors in their election Districts;
- (d) properly circulate and file nominating petitions in advance of Primary Elections;
- (e) recruit candidates including local election board officials (e.g., Judge of Election, inspectors and clerks);
- (f) staff and organize political activity in their election District, including but not limited to ensuring that there are workers outside the polling place(s) on election day;
- (g) achieve the maximum Democratic vote;
- (h) champion and work for Democratic principles and integrity within the Party; and
- (i) do all things necessary and proper to effectuate these By-Laws.

SECTION 3. Voting Privileges. Elected Committee People shall have the voting privileges enumerated below. The voting privileges of Appointed Committee People, Ex-Officio Members, State Committee Members and At-Large Municipal Committee People are set forth in Sections 4, 6, 7 and 8 of this Article.

- (a) the right to participate in reorganizations to elect and/or remove the County Chair, CAB Members, and Municipal Leaders;
- (b) the right to vote on any proposed changes to these By-Laws;
- (c) the right to endorse candidates at nominating conventions;
- (d) the right to vote on the nomination to fill any candidate vacancy under Article IX and any procedural motions pertaining to such elections or nominations; and
- (e) the right to vote on all matters coming before the Municipal Democratic committee with which they are affiliated or as otherwise set forth in these By-Laws.

SECTION 4. Appointed Committee People.

(a) In the case of a vacancy in the office of Elected Committee Person from any election District of the county, caused by death, resignation, failure to elect at the Spring Primary, removal for cause, or other reasons, the Municipal Leader, after conferring with the remaining Elected Committee Person of said District, shall submit a request in Writing to the County Chair to appoint a specified Democratic elector of said District to fill the vacancy. If the County Chair does not confirm or reject the appointment within ten (10) days after the request has been submitted, the appointment shall be deemed effective at the end of that ten day period. If no recommendation for appointment is made by the Municipal Leader within thirty (30) days after the occurrence of the vacancy, the County Chair may appoint a specified Democratic elector of said District to fill the vacancy.

(b) No appointments to fill vacancies may be made: (i) between the Spring Primary at which the County Committee Members are elected, and the day following the election of a new County Chair, (ii) less than twenty-one (21) days before the date of any nominating convention, or (iii) less than thirty (30) days before a scheduled vote to remove or fill a vacancy for the position of County Chair or Municipal Leader.

(c) Committee members appointed in accordance with this Article IV. Section 4 shall assume all of the rights and duties of the office upon receipt of a letter of appointment from the County Chair. The Chair will send a copy of such appointment to the Municipal Leader and shall announce the appointment at the next scheduled meeting of the Leaders' Council.

(d) Appointed Committee People shall have all the voting privileges set forth in Article IV. Section 3(a)-(e).

SECTION 5. Effect of Reapportionment. If local, municipal reapportionment results in ward and/or precinct lines being redrawn so that Elected or Appointed Committee Members are moved to a new election District where Elected or Appointed Committee People already serve, the reapportioned committee people shall continue to have all voting rights accorded to them under Article IV, Section 3 (a)-(e) until the next Spring Primary Election in the year the Governor is elected.

SECTION 6. Ex Officio Members. Any Democratic elected public official in Delaware County, including currently serving Municipal Leaders and current members of the County Executive Committee, shall be *ex officio* a member of the DCDC, with only the voting rights set forth in this Article IV. Section 3 (c) and (e) and no others, provided, however, that Municipal Leaders shall have

the voting rights set forth in Article VII. Section 2. If an *Ex Officio* Member is also an Elected, Appointed or State Committee Person, he/she shall be entitled to only one vote in DCDC matters. The term “public official” shall not include Common Pleas Judges, Magisterial District Justices, Judges of Elections, Inspectors of Elections or School Board Members.

SECTION 7. State Committee Members. State Committee Members residing in Delaware County shall have all the voting privileges set forth in Article IV. Section 3(a)-(e). If a State Committee Member is also an Elected or Appointed Committee Person or an *Ex Officio* Member, he/she shall be entitled to only one vote in DCDC matters.

SECTION 8. At-Large Municipal Committee People. Municipal Committees may appoint At-Large Municipal Committee People to perform the duties set forth in Article IV. Section 2 (b)-(i) either in election Districts where there are no Elected or Appointed Committee People or in addition to the existing Elected and Appointed Committee People in an election District, provided that in no event shall there be more than a total of four (4) Elected, Appointed and At-Large Committee People per election District. At-Large Municipal Committee People shall be appointed by the Municipal Chair with approval by vote of the Municipal committee and confirmed by the County Chair. If the County Chair does not confirm or reject the appointment within ten (10) days after the request has been submitted, the appointment shall be deemed effective at the end of that ten day period. At-Large Municipal Committee People shall have the right to vote set forth in Article IV. Section 3(c) and 3(e).

SECTION 9. Advisory Committees. The County Committee, County Executive Committee and Municipal Committees are authorized and empowered to create and establish advisory committees within their jurisdictions. Such Advisory Committees may be organized on any reasonable basis including state representative district, school board district, or based on any issue commonly affecting Municipal Committee matters.

## **Article V. County Executive Committee**

SECTION 1. County Chair. The County Chair shall be the Chief Executive Officer of and spokesperson for the county organization. The Chair's powers shall include those set forth in these By-Laws and all other appropriate powers not expressly delegated to others herein. The Chair shall be solely

responsible for the administration of the County headquarters and its staff. The Chair shall preside over meetings of the County Committee and Leaders' Council. The Chair shall appoint, subject to ratification by a simple majority of the Leaders' Council, and has the power to remove at any time, at least one and up to three Vice-Chairs, a Secretary and Treasurer, provided, however, that to the extent there are more than three Vice Chair in office at the time these By-Laws are amended, they may continue to serve, at the pleasure of the County Chair, until the end of their four year term. The County Chair shall also recruit candidates for all elective offices in Delaware county and raise funds for the DCDC.

SECTION 2. County Executive Committee. The County Executive Committee shall consist of the County Chair, a First Vice-Chair who shall be of the opposite gender of the Chair, a Secretary and a Treasurer and, at the County's Chair's option, up to two additional Vice-Chairs. The County Chair may appoint and remove officers of special committees as he or she deems necessary, e.g. Finance Chair, Affirmative Action Chair, etc. Only regularly registered and enrolled Democrats who reside in Delaware County shall be eligible to serve as officers of the County Executive Committee. Such persons need not be Elected or Appointed Committee People at the time of their appointment, but shall become, by their election, *Ex Officio* Members.

SECTION 3. Vice-Chairs. The Vice-Chairs shall serve as administrative aides to the County Chair, performing the duties assigned to them.

SECTION 4. Secretary. The Secretary shall keep a full and accurate record of the proceedings of all meetings of the Leaders' Council and shall deliver a copy of said proceedings minutes to the successor Secretary at the expiration of the term of office. The Secretary shall also bring to the meetings a copy of these proceedings minutes and a copy of Robert's Rules of Order, Revised. The Secretary shall be under the direction of the County Chair and shall perform such other duties as the County Chair shall direct.

SECTION 5. Treasurer. The Treasurer shall be the custodian of County Committee funds, and shall keep a detailed account thereof. Disbursements shall be made at the direction of the County Chair by check, signed by the Treasurer and countersigned by the County Chair. Signature cards allowing two other members of the Executive Committee to sign checks will be filed, to be used when necessary and appropriate. The Treasurer shall provide a report of all receipts, disbursements and ending balances at the regular

meetings of the Leaders' Council. All financial records and Treasurer's reports shall be prepared in a consistent manner according to accepted bookkeeping procedures and shall be open for inspection by any member of the DCDC. The Treasurer shall serve on the Budget Committee. The Treasurer shall be responsible for completing and filing all campaign finance reports required by law.

SECTION 6. Vacancies. Any vacancy in the office of County Chair other than pursuant to Article X, Section 4, shall be filled by the DCDC in accordance with the procedures set forth in Article VIII Section 5(b)-(e) at a meeting specially called for that purpose not less than fifteen (15) nor more than thirty (30) days after the vacancy occurs, provided, however, that in the event of a vacancy arising pursuant to Article X Section 4 of these By-Laws or in the event that the outgoing County Chair is incapacitated, the Chair of the County Arbitration Board, and not the outgoing County Chair, shall convene and preside over the meeting. Vacancies in any office of the County Executive Committee other than Chair shall be filled by the County Chair within thirty (30) days of the vacancy occurring.

## **Article VI. Leaders' Council**

SECTION 1. Membership. The Leaders' Council is comprised of the County Executive Committee, Municipal Leaders, State Committee Members and Democratic National Committee residing in Delaware County.

SECTION 2. Purpose and Duties. The role of the Leaders' Council is to:

- (a) Be knowledgeable of, fairly interpret and uphold these By-Laws;
- (b) Recruit candidates including working with Municipal Leaders to find candidates to fill vacancies on Municipal Committees and other local committees;
- (c) Fill vacancies as provided in these By-Laws;
- (d) Review reports of the County Treasurer;
- (e) Review fund raising plans of the County Committee;
- (f) Review the rules of Municipal Committees and, if found inconsistent with the rules of State or National Committees or these By-Laws, rescind the corresponding Municipal rules by giving notice in Writing of such rejection to the Chair of the relevant Municipal Committee;
- (g) Serve as liaison between the County Chair and the Municipal Committees;

- (h) Suggest future actions of the State Committee; and
- (i) Carry out such other activities as are provided for in these By-Laws.

### SECTION 3. Meetings and Procedure.

(a) Meetings shall be held at least six (6) times per calendar year at a place and on a day and hour designated by the County Chair.

(b) Such meetings will be open to all registered Democratic voters in Delaware County and other persons invited by the County Chair none of whom shall have the right to vote at the meetings.

(c) The County Chair shall preside at all meetings and shall have the power to cast the tiebreaking vote in the event of a tie, but otherwise shall not have a vote.

(d) The County Chair shall have the right to veto any decision of the Leaders' Council, which veto may be overridden by an affirmative vote of two-thirds of all the Council members. In case of matters requiring a vote, the vote of a majority of those in attendance shall decide the issue, except as otherwise set forth herein.

(e) Except for the County Chair as set forth above in Section 3(c), and for Municipal Co-Chairs as set forth in Article VII, Section 2, each person in attendance at a meeting shall be entitled to cast one vote.

(f) A Municipal Vice-Chair may represent the Municipality, without a Proxy if the Municipal Chair is not present.

## **Article VII. Municipal Committees**

SECTION 1. General Description. In each Municipality there shall be a committee which shall consist of the Elected and Appointed Committee People from that Municipality and may also include Ward/District Leaders and other Ex Officio Members, State Committee Members and At-Large Municipal Committee People. The Municipal Committee shall be the authoritative body in charge of Democratic Party management in each city, borough or township, subject to the directions of the County Chair, and shall have power to adopt rules for the governance of such committees not inconsistent with public law, Rules of the State and National Committees, or these By-Laws. The Municipal Chair shall be the Chief Executive of the Municipal Committee.

SECTION 2. Municipal Reorganization. Each Municipal Committee shall meet within two weeks following the County Reorganization Meeting at a time and place designated by the Municipal Chair, or, in default thereof, by the County Chair, and shall elect, by majority vote of those present, the following officers: a Chair or two Co-Chairs, a Vice-Chair, a Secretary, and a Treasurer, and such other officers as the Municipal Committee may authorize. Such officers need not be Elected or Appointed Committee People at the time of their election but they shall be *Ex Officio* members of the Municipal Committee after their election. The *Ex Officio* members shall each have a vote on all policy making decisions within the Municipal Committee, but they shall not have a vote in the election of officers of the Municipal Committee unless they are also Elected or Appointed Committee People. *Ten (10) days Notice must be provided to all parties eligible to vote at a Municipal Reorganization Meeting (Added by August 18, 2016 Amendment)*. Within thirty (30) days after the Reorganization Meeting of each Municipality, the Municipal Chair (or Co-Chairs) shall certify in Writing to the County Chair the names of the newly elected Municipal Chair (or Co-Chairs), Vice-Chair, Secretary and Treasurer. In the event a Municipality decides to elect two Co-Chairs, both Co-Chairs may attend meetings of the DCDC, but the Municipality will only have one vote at such meetings. If the Co-Chairs cannot decide how to cast that single vote at a given meeting, the Municipality shall forfeit that vote.

SECTION 3. Duties of the Municipal Chair (or Co-Chairs). The duties of the Municipal Chair (or Co-Chairs) shall include the duty to:

- (a) Convene meetings of the Municipal Committee at least once every sixty days and to ensure that Notice of such meetings is sent to the Elected and Appointed Members of the Municipal Committee at least five (5) days prior to such meetings;
- (b) Conduct meetings in accordance with Roberts Rules of Order and the applicable procedures of Article VI. Section 3 of these By-Laws.
- (c) Attend Leaders' Council meetings and, as appropriate, keep the Municipal Committee informed of matters discussed at those meetings;
- (c) Assist Elected and Appointed Committee People with the duties set forth in Article IV. Section 2;
- (e) Recruit candidates;
- (f) Promptly supply Elected and Appointed Committee People with election materials received from county headquarters;
- (g) Carry out any legitimate order or resolution of the Leaders' Council;

- (h) Liaise with Ex Officio Members representing the Municipality;
- (i) Submit any Municipal Committee By-Laws and proposed changes to Municipal Committee By-Laws to the Leaders' Council for review and approval; and
- (j) Carry out all other duties required for the operation of the Municipal Committee.

SECTION 4. Ward/District Reorganization. In the City of Chester, the Townships of Haverford and Upper Darby and in such other Municipalities where ward/district leaders are chosen, a Leader shall be elected by the Elected and Appointed Committee People of each ward or district. The meeting for the election of such Leaders shall be summoned by the Municipal Chair (or Co-Chairs) not more than two weeks after the Municipal Election. If the Municipal Chair (or Co-Chairs) fails to call the meeting within the prescribed two week period, the County Chair will assume responsibility for conducting the election of the Ward/District Leaders. Such Ward/District Leaders need not be Elected or Appointed Committee People at the time of their election but they shall become *Ex Officio* Members of the Municipal Committee upon their election. As *Ex Officio* Members, Ward/District Leaders may vote on all policy making decisions within the Municipal Committee, but they shall not have a vote in the election of officers of the Municipal Committee unless they are also Elected or Appointed Committee Members.

SECTION 5. Duties of Ward/District Leaders. The Ward/District Leaders shall assist Elected and Appointed Committee People in their ward/district with the duties set forth in Article IV. Section 2 and will liaise with the Municipal Chair (or Co-Chairs) with respect to their ward/district.

SECTION 6. Duty of Municipal Treasurer. It shall be the duty of the Municipal Treasurer to file financial reports for the Municipal Committee, as required by Pennsylvania Election Law.

SECTION 7. Joint Committees. When it furthers the efficient structuring of the DCDC, the Leaders' Council may authorize the Elected and Appointed Committee People from two or more Municipalities to organize as a Joint Committee. For purposes of these By-Laws, a Joint Committee shall be treated as a single Municipal Committee. Joint Committees shall endeavor to elect a representative selection officers from the various Municipalities constituting the Joint Committee. The Leaders' Council may, at any time, authorize the

membership of a Joint Committee to re-organize as individual Municipal committees.

SECTION 8. Vacancies. Except as otherwise provided for in Section 8 of this Article governing removal of the Municipal Chair or Co-Chair, any vacancy occurring in any Municipal Committee's elected officers shall be filled by nomination and election by that Municipality's Elected and Appointed Committee People within sixty (60) days after the occurrence of the vacancy. In case of a vacancy in the office of Municipal Chair or Co-Chair, if no replacement has been made within sixty (60) days, the County Chair shall call and chair that election. In case of a vacancy in another Municipal elected office, the Municipal Chair (or Co-Chairs) shall call and chair the election for replacement.

*SECTION 9. Endorsements. Municipal Committee votes on endorsements of candidates shall be subject to Article VIII. Sections 1, 2 and 3 and Section 6, (b)-(c\_) of these By-Laws. No Municipal Committee shall endorse a candidate unless 10 days Notice has been provided to all eligible voters. (Added by August 18, 2016 Amendment.)*

## **Article VIII.Meetings**

### SECTION 1. Rules of Procedure.

(a) Unless otherwise provided herein, all meetings of the DCDC shall be conducted in accordance with the rules of procedure set forth in Robert's Rules of Order, Revised.

(b) In accordance with Article IX. Section 12 of the National Charter and By-Laws of the Democratic Party of the United States, secret, i.e. anonymous, unsigned balloting shall not be used as a form of voting.

(c) The person chairing the meeting shall select a parliamentarian for the meeting by simple majority.

(d) Unless otherwise specified herein, Notice of all DCDC meetings, as defined below, of meetings shall be postmarked or sent electronically no less than five days in advance of the date of the meeting unless otherwise specified herein.

(e) Those who are authorized under this By-Laws to attend a meeting in person or by Proxy, where authorized, shall constitute a Quorum for that meeting.

(f) All public meetings shall be open to all registered Democrats.

SECTION 2. Notice. Notice means written, posted, first class mail addressed to the mailing address of every DCDC member required to be provided notice of a given meeting, provided, however, that Notice may be made by electronic mail in lieu of first class mail to any DCDC member who agrees to accept Notice by that method. A DCDC member shall be deemed to have agreed to consent to electronic Notice if they provide the County Secretary with their e-mail address. The County Secretary shall maintain a record of current e-mail addresses.

SECTION 3. Proxies. Proxy voting shall be allowed at all meetings, except Recall Conventions and Reorganization Meetings, in accordance with the following rules:

(a) The proxy must be in writing in the form set forth in Exhibit 1 to these By-Laws and signed by the person entitled to vote;

(b) The person acting as proxy must be a registered Democrat residing in the same municipality as the person entitled to vote and may not be an Elected or Appointed Committee Person or otherwise entitled to vote at the meeting for which the proxy is being given; and

(c) The proxy must be presented at the commencement of the meeting during which it will be used.

SECTION 4. Leaders' Council Meetings. Leaders' Council meetings will be conducted in accordance with the procedures set forth in Article VI. Section 3.

## SECTION 5. Reorganization Meeting.

(a) A Reorganization Meeting of the DCDC shall be held no later than thirty five (35) days following the Spring Primary in the year the Governor is elected.

(b) The County Chair shall be elected at the Reorganization Meeting by simple majority of the votes cast by those who are eligible to vote. Elections for County Chair shall employ signed ballots.

(c) The Reorganization Meeting will be convened by the outgoing County Chair at a specified time. The outgoing County Chair shall preside over the Meeting, except as provided in Section 5(d). Voting by proxy shall not be permitted at a Reorganization Meeting.

(d) In the event the outgoing County Chair is not available, or is a candidate for re-election, the Leaders' Council shall by simple majority vote elect a temporary Chair, who shall not be a candidate for County Chair, to convene and preside over the Reorganization Meeting.

(e) Not less than five (5) days prior to the Reorganization Meeting, each candidate for Chair shall submit to the County Chair in Writing a list of five (5) names to serve during the Reorganization Meeting as election staff or aides, as follows: one watcher, one tabulator, one member of the Credentials Committee and two floor aides.

## SECTION 6. Nominating Convention.

(a) Within a month after the first day fixed by law for circulating nominating petitions prior to each Primary Election, or as soon thereafter as practicable, the County Chair shall hold a meeting for the purpose of selecting candidates to be recommended to Democratic voters for nomination at the ensuing Primary Election for each public office for which nominations are to be made.

(b) Endorsements shall require at least a 55% majority of those present and entitled to vote.

(c) In the absence of a sufficient majority vote to endorse for a given office, all candidates' names will appear on the DCDC sample ballot for that office.

(d) Endorsements for representatives to the General Assembly, magisterial district justices, school directors and local offices shall not be

voted upon by persons living outside the District that the candidate would represent if elected.

(e) Endorsements made at the Nominating Convention shall have the weight of recommendations to the Municipal Committees and to Elected and Appointed Committee People, but shall not prevent Municipal Committees or Elected or Appointed Committee People from endorsing another Democratic candidate.

SECTION 7. Endorsements After the Nominating Convention. In the event no candidate has publicly declared for a given office at the time of the Nominating Convention and a candidate files a nominating petition after the Nominating Convention has taken place or if the petition period is closed and a candidate announces a write-in campaign, endorsements may be made as follows:

(a) County candidates may be endorsed by at least a 55% majority vote of the Leaders' Council; and

(b) General assembly and other local candidates may be endorsed by at least a 55% majority vote of the applicable Municipal Committees, who will notify the County Chair after the vote has been taken.

SECTION 8. Recall Convention. A convention for recall of the County Chair shall be called in accordance with the procedure set forth in Article X. Section 4. The Chair of the County Arbitration Board shall preside at the Recall Convention.

SECTION 9. Special Meetings.

(a) Special Meetings of the County Committee may be called by either the County Chair, or by one of the Vice-Chairs if the County Chair is absent or incapacitated, or at the request in Writing of 50% + 1 of the Elected and Appointed Committee People, which request shall specify the purpose and intent of the meeting.

(b) If the Special Meeting is requested by the Elected and Appointed Committee People, it must be called by the County Chair no later than thirty days after receipt by the County Chair of such request.

(c) No business shall be transacted outside the terms of reference stated in the Call for the Special Meeting.

## **Article IX. Vacancies**

SECTION 1. Candidate For More Than One Election District. The Leaders' Council shall have the power to fill all vacancies on the county ticket, or in any elective district covering two or more municipalities within the county, which occur by reason of death, withdrawal, failure to nominate at the Primary Election, calling of a special election, or other cause, and which cannot be filled at a Primary Election. The candidate's name will be chosen from a list of one or more candidates submitted by the local committees from the Municipalities or election districts concerned. The elected Chair and Secretary of the County Committee shall certify such nomination as provided by law.

SECTION 2. Candidate Within One Election District. Vacancies occurring on a Municipal or ward election district ticket, by reason of death, withdrawal, failure to nominate at the Primary Election, calling of a special election, or other cause, and which cannot be filled at a Primary Election shall be filled as follows: where the vacancy is for a Municipal office, it, shall be filled and certified by the Municipal Committee; where the office to be filled is for a subdivision of a Municipality, the vacancy shall be filled and certified by the Elected and Appointed Committee People of the subdivision affected and the County Chair shall be notified so that the results may be transmitted to the Bureau of Elections.

SECTION 3. Candidate Vacancy Where No Committee Is Organized. Vacancies occurring on a Municipal or ward/precinct ticket by reason of death, withdrawal, failure to nominate at the Primary Election calling of a special election, or other cause, and which cannot be filled at a Primary Election in Municipalities, wards or precincts which have not been duly organized in accordance with these By-Laws, shall be filled by the Leaders' Council and certified by the Chair and Secretary of the County Committee as provided by law.

## **Article X. Removal**

SECTION 1. Immediate Removal. If any member of the DCDC is convicted of a felony while a member of the DCDC, then such member shall immediately and automatically cease to be a member without any required further action by the DCDC. The vacancy created by said conviction and automatic expulsion shall be deemed to occur on the date of the final judgment of conviction.

SECTION 2. Removal for Disqualification. Any member of the DCDC found to be in violation of Article III, Sections 3 or 4 in accordance with the procedures set forth in Article XI shall be removed from membership and, if applicable, office.

SECTION 3. Removal of Elected and Appointed Committee People for Failure to Perform Duties. Any Elected or Appointed Committee Person may be removed from the DCDC for failure substantially to carry out the duties set forth in Article IV. Section 2. Request for removal may be made by that Committee Person's Municipal Leader, who shall first confer with the remaining Committee Person in that election District and who will then submit a written request specifying the reasons for such removal, including details of the failure to perform in accordance with these By-Laws, to the County Chair. The request shall then be handled in accordance with the procedure set forth in Article XI. Section 2.

SECTION 4. Removal of the County Chair. The County Chair may be removed prior to the expiration of his/her term of office in accordance with the following: (i) a request to convene a Recall Convention shall be made to the County Solicitor in Writing, shall be verified, shall state with specificity the factual basis for removal, and shall be signed by either at least two-thirds of the Elected and Appointed Committee People, or at least two-thirds of the Leaders' Council; (ii) no more than thirty (30) days after receipt of such request, the County Solicitor shall cause Notice of a Recall Convention to be sent to all eligible Recall voters as set forth in Article IV; (iii) the Recall Convention shall be conducted as set forth in Article VIII. Section 8; (iv) the County Chair shall be removed by a vote of not less than two thirds of all eligible voters. Voting shall employ signed ballots and voting by proxy shall not be permitted.

SECTION 5. Removal of Municipal Chair or Co-Chair for Failure to Perform Duties. A simple majority of Elected and Appointed Committee People of the Municipal Committee shall have the right to petition the County Chair to remove their Municipal Chair or Co-Chair prior to the expiration of his/her term of office for failure to perform the duties set forth in Article VII. Section 3, or for failure to abide by the rules of the State Committee or these By-Laws. In addition, the County Chair or any Elected or Appointed Committee Person may file a petition to remove a Municipal Chair or Co-Chair if the Municipal Chair or Co-Chair was not elected in accordance with these By-Laws or the rules of the relevant Municipality. A petition to remove a Municipal Chair or

Co-Chair shall be in Writing, shall be verified, and shall state with specificity the factual basis for the removal. The County Chair shall, within thirty (30) days of receiving (or making) such petition, call a meeting of the Elected and Appointed Committee People of the Municipality for the purpose of determining whether or not the Municipal Chair or Co-Chair should be removed. The County Chair shall, not less than ten (10) days prior to the meeting, send notice of such meeting to each individual entitled to vote on the removal petition and to the subject of the petition. The notice shall contain the text of the petition. A vote of not less than two-thirds of the Elected, Appointed and State Committee People from the Municipality shall be required to remove a Municipal Chair or Co-Chair. In the event a Municipal Chair or Co-Chair is removed in accordance with this Section, a Municipal reorganization as set forth in Article VII. Section 2 shall be held within thirty (30) days of the date of removal.

**SECTION 6. Removal of a Ward/District Leader for Failure to Perform Duties.**

A ward/district leader may be removed for failure to carry out substantially the duties set forth in Article VII. Section 5. To effectuate such a removal, a majority of the Elected and Appointed Committee People in the ward/district sign a petition for removal and submit it to the Municipal Leader. The petition for removal shall be in Writing, shall be verified, and shall state with specificity the failure(s) warranting the removal. The removal of the subject of the petition shall be automatically effectuated upon the submission to the Municipal Leader of a petition for removal that is fully compliant with this Section 6. Upon receipt of a petition for removal, the Municipal Leader shall immediately provide a copy of the petition to the County Chair and to the subject of the petition, and shall notify the subject of the petition of his/her removal.

**Article XI. Dispute Resolution**

**SECTION 1. Composition and Authority of the County Arbitration Board ("CAB").**

(a) The CAB shall consist of three (3) members selected to serve a four (4) year term by the County Chair with the approval of a majority of those present at the first Leaders' Council meeting following the county Reorganization. Any registered Democrat in Delaware County may serve as a

member of the CAB, provided, however, that neither the County Solicitor nor any member of the Leaders' Council may serve on the CAB.

(b) The CAB will be responsible for hearing complaints and other matters as specified in these By-Laws, as well as for hearing complaints regarding any alleged violations of these By-Laws and regarding any disputes referred to it by the County Executive Committee or a Municipal Leader after consultation with the County Solicitor.

(c) The CAB shall have the power to censure and/or remove from office only in matters concerning Elected and Appointed Committee People. In all other cases, its role shall be solely one of arbitration and the CAB shall have such power and authority as may be conferred upon it by the parties to such matters.

(d) The CAB shall organize prior to its first hearing by electing a Chair, one Vice Chair of opposite gender and one Secretary.

(e) Vacancies occurring on the CAB shall be filled by appointment by the County Chair within thirty days after the vacancy occurs. All such appointments shall become effective only upon a vote of ratification, submitted via electronic mail or other suitable medium, by a simple majority of the Leaders' Council, which vote must take place within seven (7) days of the appointment being made by the County Chair. A failure of the Leaders' Council to hold a timely vote on such an appointment shall be deemed to constitute a ratification of the appointment by the Leaders' Council.

(f) Any member of the CAB may be removed for cause by a vote of not less than two-thirds of the Leaders' Council, in accordance with the procedure set forth in Article X Section 4 for removal of the County Chair; provided, however, that the County Chair, and not the Chair of the CAB, shall preside over the Recall Convention of a member of the CAB.

## SECTION 2. Preliminary Procedure for Complaints.

(a) Complaints against any member of the DCDC shall be in Writing, shall be verified, shall state with specificity the reasons for the complaint, and shall (except as provided in subsection (e) of this section) be submitted to the County Chair.

(b) Only a member of the DCDC Elected or Appointed Committee People, State Committee, or members of the Leaders' Council or Executive Committee may lodge a complaint against a member of the DCDC.

(c) Once the complaint is submitted to the County Chair, the following procedure shall apply: (i) the complaint shall be promptly provided to the

County Solicitor, who will immediately provide a copy of the complaint to the person against whom the complaint was filed and advise that person of their right to submit information in Writing to the County Solicitor for consideration when an assessment of the complaint is being made; (ii) the County Solicitor will promptly undertake an assessment of the complaint; and, if the County Solicitor determines that the complaint has merit, (iii) the County Solicitor will, not more than thirty (30) days after receipt of the complaint by the County Chair, submit the complaint and the County Solicitor's written assessment thereof, along with a copy of any written information provided by the person who is the subject of the complaint, to the CAB for review and disposition as provided in these By-Laws.

(d) In the event the County Chair is the subject of the complaint, the complaint shall be submitted directly to the County Solicitor.

### SECTION 3. Proceedings Before the County Arbitration Board.

(a) All members of the CAB shall endeavor to remain and appear impartial with respect to any matter pending before, or likely to be presented to, the CAB.

(b) The burden of proof for all matters coming before the CAB will be a preponderance of the evidence, i.e., the evidence must show that the fact sought to be proved is more probable than not. In all matters coming before the CAB, the burden of proof shall rest on the party making the complaint.

(c) Any member appearing before the CAB shall be accorded a full and fair hearing, with the right to be represented by counsel, to present evidence, and to confront and cross-examine witnesses. No hearsay evidence shall be considered, and all questions relating to the interpretation of these By-Laws shall be decided by the CAB upon advice of the County Solicitor.

(d) All parties to any complaint will be requested to appear before the CAB in a hearing notice sent to the parties by the CAB not less than ten (10) days prior to the hearing. Should any person making a complaint refuse or fail to appear at the hearing, then the CAB shall enter final judgment dismissing all of the charges with prejudice. Should any person against whom a complaint has been filed refuse or fail to appear at the hearing where the party making the complaint does appear at the hearing, then the CAB shall enter final judgment against the person against whom the complaint has been filed, provided that the complainant has met the required burden of proof. A record of all CAB hearings shall be kept, though such record need not be a word-for-word transcript. For purposes of this section, person shall mean

either an individual or a duly authorized member of a Municipal Committee, Ward or District.

(e) The CAB shall have the responsibility for deciding on the proper disposition of such matters as come before it, within the limits of the By-Laws of the Democratic State Committee and the DCDC. In order for a decision of the CAB to be effective, it must be approved by a majority of the members.

(f) The CAB shall not apply censure of any type of longer than two years upon any individual.

(g) In the event of personal involvement of a CAB member in a matter presented to the CAB for disposition or such other conflict of interest on the part of a CAB member, that member shall recuse themselves and the County Chair shall, with the approval of a simple majority of the Leaders' Council, appoint a temporary replacement to hear the matter all in accordance with the procedures set forth in Section 1(e) of this Article.

(h) The CAB shall promptly notify the County Chair of any final judgment or ruling and the Chair will notify the members of the Leaders' Council in Writing.

(i) If a CAB decision results in removal of an Elected or Appointed Committee Person, the vacancy so created shall be filled in the manner provided by these By-Laws, but not before any right to appeal has been exhausted or has expired.

(j) A ruling by the CAB may be appealed only by the person against whom the complaint has been filed to the Leaders' Council which shall affirm or reverse the CAB's decision. A decision to reverse shall be based solely on a review of the record and a finding that the CAB abused its discretion or acted without factual basis, using a standard of clear and convincing evidence. The Leaders' Council decision shall be final.

(k) Statute of Limitations. Complaints based on a violation of these By-Laws must be brought within one hundred and eighty (180) days of the date the violation was discovered, or reasonably should have been discovered, whichever is earlier.

## **Article XII. Finances**

No funds shall be raised or solicited by any person or committee in the name of the Delaware County Democratic Committee without the advice and consent of the County Chair. Fund raising by local Democratic Committees should be conducted in such a way as to avoid unnecessary overlap or conflict

with DCDC fundraising activities. At a minimum, Municipal Leaders should regularly liaise with DCDC leadership regarding their fundraising activities on behalf of the Municipal Committee and local races and notify DCDC leadership as early as practicable prior to a fundraising event.

### **Article XIII. Amendments**

These By-Laws may be amended in accordance with one of the following procedures:

(a) At a ~~any~~ meeting of the DCDC by majority vote of those eligible to vote and who are either present or voting by Proxy, provided that Notice of such proposed amendments was sent to all eligible voters at least ten (10) days prior to the meeting at which action is to be taken; or

(b) By the Leaders' Council, by majority vote of those eligible to vote and who are either present or voting by Proxy in three (3) consecutive monthly meetings, provided that Notice of such proposed amendments is sent to all eligible voters at least ten (10) days prior to the first meeting at which action is to be taken. No more than three (3) meetings shall be required to effectuate an amendment by this method even if modifications to a proposed amendment are adopted at the first, second or third meeting.

**Exhibit 1**  
**Form of Proxy**  
**PROXY**

**KNOW ALL MEN AND WOMEN BY THESE PRESENT:**

That \_\_\_\_\_ of \_\_\_\_\_  
*(Print Name of Member) (Municipality of Member)*

does hereby appoint \_\_\_\_\_  
*(Print Name and Address of Proxy)*

to be my substitute and proxy for me and in my name and on my behalf, to vote at the following DCDC meeting

\_\_\_\_\_  
*(Print Name and Date of Meeting)*

as fully as I might or could were I present.

\_\_\_\_\_  
Signature of Member Requesting the Proxy

**EXCERPTS FROM THE RULES OF THE DELAWARE COUNTY DEMOCRATIC COMMITTEE:**

**ARTICLE 8. SECTION 3. Proxies.** Proxy voting shall be allowed at all meetings, except Recall Conventions and Reorganization Meetings, in accordance with the following rules:

- (a) The proxy must be in writing in the form set forth in Exhibit 1 to these By-Laws and signed by the person entitled to vote;
- (b) The person acting as proxy must be a registered Democrat residing in the same municipality as the person entitled to vote and may not be an Elected or Appointed Committee Person or otherwise entitled to vote at the meeting for which the proxy is being given; and
- (c) The proxy must be presented at the commencement of the meeting during which it will be used.