

# **BYLAWS**

**Of the**

**DEMOCRATIC PARTY**

**Of**

**WEST VIRGINIA**

**Adopted as Amended by  
The West Virginia State Democratic  
Executive Committee  
West Virginia**

**March 2021**

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## **PREAMBLE**

It shall be the policy of the Democratic Party of the State of West Virginia to foster equal opportunity for all individuals to participate and serve in party offices and functions regardless of sex, age, race, color, creed, religion, sexual orientation, gender, national origin, gender identity, ethnic identity, ancestry, economic status, and persons with disabilities.

## **PARTY NAME AND EMBLEM**

The Party's name shall be "The Democratic Party of the State of West Virginia" and its official continuing governing body shall be known as "The West Virginia State Democratic Executive Committee." The emblem of the "Party" shall be the donkey.

## **INTRODUCTION TO BYLAWS**

These Bylaws shall govern the organization and conduct of the business of the Democratic Party of the State of West Virginia. The Democratic Party of West Virginia shall conduct its affairs in accordance with the Democratic National Committee Charter and Bylaws. These Bylaws shall be formally adopted by all county organizations in the state and shall control all levels of party organization in all counties. Each county organization may adopt such supplementary bylaws as they deem necessary, in so far as they do not conflict with the state party bylaws and do not abridge the lawful political rights of any person. In the absence of other provisions, Robert's Rules of Order (as most recently revised) shall govern the conduct of all Democratic Party meetings.

## **ARTICLE I – THE BASIC ELEMENTS FOR AN OPEN PARTY**

**Section A. Open Party:** The Party shall be open to all Democrats-who desire to support the Party and who are registered as Democrats. The Party shall afford all Democrats full, timely and equal opportunities to participate in all Party affairs. All Party affairs shall mean all activities of each official Party organization commencing at the lowest level and continuing up through the State Democratic Executive Committee. Such activities shall include, but not be limited to, the processes in which delegates are selected to the National Democratic Convention; Party officials are nominated, elected, appointed or selected; candidates for public office are supported; Party policy, platforms and rules are formulated; including regular programs of voter registration, public education and public relations

**Section B. Discrimination is prohibited:** Discrimination in the conduct of Democratic Party affairs, as defined in the national Party Charter and DNC Bylaws, on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity, ethnic identity, or disability is prohibited.

**Section C. Effective Notice:** The time and place for all public meetings of the Democratic Party on all levels shall be publicized at least fourteen (14) calendar days preceding the meeting, except where nominations or elections for Party office and positions and amending the bylaws in which thirty (30) days' notice will be provided.

Such meetings must be held in places accessible to all Party members. Notice of meetings shall be sent by email or regular mail. All members shall sign a written form as to which method of notification they prefer.

## **ARTICLE II – QUALIFICATIONS OF PARTICIPANTS**

**Section A. Participation:** No person shall take part in a meeting or be an officer, delegate or official at any level of the party structure, whether precinct, ward, county, district or state, unless they are a qualified registered member of the Democratic electorate of the political subdivision in which they participate.

**Section B. Nominations:** For the purpose of nominating candidates for any federal, state, district, county, municipal, or other public office in any primary election held in West Virginia, the Democratic Party will allow individuals who are not affiliated with any existing recognized party to participate in the election process by receiving and voting a Democratic ballot if they so request.

## **ARTICLE III - POWERS OF THE STATE EXECUTIVE COMMITTEE**

**Section A. General:**

The Democratic Executive Committee (“the Committee”) is the supreme governing authority of the Democratic Party in West Virginia and shall have control and supervision over all matters relating to or affecting the Party organizations and campaigns. All other political committees, clubs and organizations, incorporated or unincorporated posing as a segment of the Democratic Party within the state or within any political subdivision thereof, shall be subordinate thereto and under its direction.

**Section B. State Convention:**

The Committee shall determine all matters regarding time, place, notice and apportionment and selection of delegates of the State Convention, as set forth in Article VI.

**Section C. Amendment and Revision of Bylaws:**

The Committee shall have the authority to revise and amend these Bylaws in any manner that does not violate the laws of the State of West Virginia and the United States.

**Section D. Subcommittees:**

The Committee shall have the power to create any subcommittees and all central and campaign committees and organizations that may be deemed necessary in the conduct of any political campaign. If the Committee fails to make such appointment, the Chair of the Committee is authorized to make such appointments. Subcommittees created shall meet at least twice per year. The Committee shall form a subcommittee titled “Programs and Policies” for the purpose of setting goals for organizing programs, agendas, and policies for strengthening the Party and evaluating that the goals are achieved.

**Section E.     Board of Appeals:**

The Committee, through the Board of Appeals as set forth in Article VII, shall have jurisdiction over all controversies arising out of any political convention and all contests for delegates, officers, or official positions on the Committee or the executive committees created and existing in any political subdivisions in the state and shall have jurisdiction over any controversy, the outcome of which will affect the interests of the Party in West Virginia.

**Section F.     Nominations:**

Subject to the provisions of West Virginia Code, Chapter 3, Article 5, Section 19, the Committee shall fill any vacancy existing in the Democratic nomination in any office to be voted for by the electorate of the state at large by reason of the death or withdrawal of a candidate, failure to nominate at the primary election, or other cause, which cannot be filled at a primary election, and shall certify such nomination to the Secretary of State of the State of West Virginia.

**ARTICLE IV – ORGANIZATION OF THE STATE  
DEMOCRATIC EXECUTIVE COMMITTEE**

**Section A.     Membership:**

**1.   Committee Members**

The members of the Committee shall be elected pursuant to the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9, and as provided for in these Bylaws. Following such elections, the Committee shall appoint three (3) voting at-large members. The outgoing Chair of the Committee, if not reelected, shall automatically become one of the three (3) members at-large so appointed (“Appointed at-large”).

Membership of the Committee shall include:

- 68 members elected in Democratic primary elections from the 17 senate districts.
- 7 Ex-officio members
- 3 Appointed at-large members
- 6 At-large members recommended by the Affirmative Action Committee, selected equally among each congressional districts.
- 2 Democratic National Committee members
- 15 Officers\*

\* Officers who are also elected from the senate districts shall only be counted once.

## **2. Equal Division:**

State Executive Committee and all official state Party conventions, committees, commissions and like bodies equally divided as practicable between men and women (determined by gender self-identification) meaning that the variance between men and women cannot exceed one (1). Gender non-binary committee members shall not be counted as either a male or female, but the remainder of the committee shall be equally divided.

## **3. Ex-officio members:**

It is further provided that the duly elected President of the County Chairs Association, President of the West Virginia Young Democrats, the President of the West Virginia Federation of Democratic Women, and a leader from both the House of Delegates and the State Senate or their designee be ex-officio voting members of the Committee. Two non-voting Associate Chairs, of different genders, shall be elected by the Committee to oversee and assist County Chairs.

## **Section B. Open meetings:**

All meetings of the Executive Committee and other official Party committees shall be open to the public. Committees, however, by majority vote of the members present and voting of may go into Executive (Members only) Session to discuss legal, personnel, discipline, and strategy or other confidential matters. All Committee votes must be held in public session.

## **Section C. Quorum:**

Forty percent (40%) of all voting members of the Committee shall constitute a quorum and a majority of those members present, either in person or by proxy shall be necessary to carry out any motion or resolution or transact any business of the Committee.

## **Section D. Voting:**

Any member of the Committee who is unable to attend in person any meeting of the Committee shall appoint by proxy a Democratic elector who is a resident of the same political subdivision. Such absent member shall specify in writing, on the proxy, limitations on the scope of the proxy. Elected members' proxies shall be from the same senatorial district. All officers' proxies shall be statewide. Such proxies shall be filed and preserved by the Recording Secretary of the Committee. No member present and available at any meeting of the Committee may withdraw therefrom, without reasonable cause while it is in progress, and appoint a proxy for the remainder of the meeting. Secret ballots are also prohibited at all proceedings of county, city, congressional, senatorial and house of delegate district executive committees.

### **Section E. County Chairs Association:**

At the time of the organizational meeting of the Committee, the County Chairs Association (“CCA”), the membership of which shall be the chairs of the Democratic County Committees, shall elect its president from among the county chairs for a term of four (4) years or until their successor is elected. The CCA shall meet not less than three (3) times a year. Minutes of its meetings shall be kept.

### **Section F. Organizational Meeting:**

**1. General:** The Chair shall call the organization meeting as soon as possible, but not later than June 30<sup>th</sup> following the election of the new Committee, and shall fix the date and place of holding such meeting, giving each individual member of the Committee written notice thereof by mailing same to the last known post office address of each or emailing to a known email address, at least fourteen (14) days before such meeting is to be held, and at the same time releasing a story to the major newspapers of the State, specifying the time and place of holding such meeting. Meeting notices shall also be provided on the WVDP website.

#### **2. Order of Business:**

Call to Order by Chair  
Calling of the Roll  
Election of At-Large Members  
Reading of Minutes of Last Meeting or Meetings  
Appointment of Appointed At-Large Members  
Filling of Vacancies  
Election of New Chair  
Election of Other Officers  
Good of the Order  
Adjournment

### **Section G. Officers:**

**1. General:** Officers shall be elected within thirty (30) days after the election of the State Executive Committee. The officers shall consist of a Chair, a First Vice Chair of a different gender than the Chairperson, a Second Vice Chair, two Associate Chairs of different genders; Congressional District Vice Chairs, per District, of different genders; a Recording Secretary, an Associate Secretary, a Treasurer, a Parliamentarian and such other officers as the Committee or the laws of West Virginia may create. The officers shall be elected in accordance with the provisions of West Virginia Code, Chapter 3, Article 1, Section 9, and serve until their successors are chosen. Such officers may or may not be chosen from the duly elected members of the Committee. Any Committee member shall have the right to cast their vote on any question that may come before the Committee. If the Chair is not a duly elected member of the Committee, they may only vote in case of a tie. The Chair, First Vice Chair and Second Vice Chair shall be from different counties.

The officers shall serve for a term of four (4) years or until their successors are chosen. This rule only applies to the Committee Officers.

NOTE: For the year 2020 only, all officers shall be elected to a two (2) year term. The additional Associate Chair and District Vice- Chairs shall be elected upon passage of this amendment and shall serve until the next election.

## **2. Duties of the Officers:**

a. The Chair shall preside at all meetings of the Committee and the Board of Appeals. The Chair shall issue calls for all meetings of the Committee and shall give written notice to all members and officers at least fourteen (14) days prior to the date of the meeting. The Chair may call special meetings at any time at their discretion and shall call special meetings of the Committee upon the written request of more than thirty-three (33%) percent of the members of the Committee. If the Chair shall fail or refuse to call such meetings within five (5) days after receiving such written request, the members making the request may call such meeting.

The Chair shall have the authority to appoint an Executive Director, and a Resident Secretary and such subcommittees as may be deemed necessary. All such appointments shall serve at the Chair's will and pleasure. The Chair shall conduct all state campaigns by and with the advice of the committee.

The Chair shall notify the members and officers of any vacancies and take proper action within Article IV, Section I for the filling of same.

The Chair shall lobby as a representative of the Democratic Party regarding Democratic Party issues and not any issues in direct conflict with the Party.

b. The First Vice- Chair shall, in the absence of the Chair, preside at all meetings of the Committee and the Board of Appeals and perform all necessary functions of the Chair. The First Vice- Chair must be the different gender than the Chair.

The First Vice- Chair shall have, in addition, any duties which the Chair, at his or her discretion, shall designate.

c. The Second Vice -Chair shall, in the absence of the Chair and the First Vice Chair, preside at all meetings of the Committee and the Board of Appeals and perform all necessary functions of the Chair.

The Second Vice- Chair shall have, in addition, any duties which the Chair, at his or her discretion, shall designate.

d. The Associate Chairs, of different genders, in the absence of the Chair and the Vice Chairs, shall preside as co-chairs at meetings of the Committee and the Board of Appeals and perform all necessary functions of the Chair.



e. The Congressional District Vice- Chairs, of different genders per District, shall establish a line of communication between the State Democratic Executive Committee and each County Executive Committee in their Districts and endeavor to coordinate activities between the two (2).

f. The Recording Secretary shall keep an accurate record of the meetings and proceedings of the Committee. Such records shall be kept on file in the office of the Chair of the Committee.

g. The Associate Secretary, in the absence of the Recording Secretary, shall serve as the Recording Secretary.

h. The Treasurer shall receive all committee funds and shall disburse same on order of the Committee or Chair. They shall make a report of all receipts and disbursements at each regularly scheduled Committee meeting.

i. The Parliamentarian shall advise the Chair and the Committee of any interpretation of these Bylaws.

j. The Executive Director shall have such duties as the Chair at his or her discretion may designate.

k. The Resident Secretary shall be in attendance at the Committee headquarters and shall keep a record of the names, addresses and contact information of the members and officers of the Committee and all members and officers of Party committees and organizations at all levels of party organization. Any member of the Committee shall have access to such records and lists at any time. The Resident Secretary shall have, in addition, such duties as the Chair shall designate.

## **Section H. Regular Meetings:**

Regular meetings of the Committee shall be at least two (2) face to face meetings and two (2) conference calls via telephone, electronic, or virtual meetings each calendar year. In exigent circumstances, the Committee may use virtual meetings instead of the face to face meetings referenced above. The Chair may combine and call the Organizational Meeting, in accordance with Article IV, Section F, Paragraph 1, with the Regular Meeting, pursuant to this subsection within the times prescribed herein. Notice shall be sent to the members and officers of the Committee in accordance with Article IV, Section F, Paragraph 1.

## **Section I. Vacancies:**

1. **Members:** Vacancies in the membership of the Committee shall be filled by the Committee from the qualified Democratic electorate of the Senatorial District wherein the vacancy occurs. Nomination may be by any member of the Committee, and the Committee as a whole shall proceed to fill such vacancy by a majority vote.

**2. Officers:** Vacancies in any of the offices of the Committee shall be filled by a majority vote of the members. Nominations may be made by any member of the Committee. Such officers shall serve until their successors are duly elected and installed at the next organizational meeting.

**3. Chair:** In case of a vacancy in the office of Chair, the First Vice Chair shall call a meeting of the Committee to fill the vacancy. If the First Vice Chair has failed to call such a meeting within four (4) weeks after the vacancy occurs, the Secretary may issue a call for such committee meeting. If both the First Vice Chair and the Secretary fail or refuse to issue a call for such meeting, then one-third ( $1/3^{\text{rd}}$ ) of the voting members of such Committee may sign a call for such a meeting. Upon such call being presented to the Resident Secretary, they shall furnish notice of such meeting in accordance with Article IV, Section F, Paragraph 1. If the Resident Secretary fails or refuses to send such notice, any one of the members signing the call may do so.

#### **Section J. Removal and Disqualification of Members and Officers:**

**1. Disqualification:** The Committee itself shall be the judge of the qualifications and disqualifications of its members. No person who is not a Democratic elector of the political subdivision which they expect to represent shall serve on the Committee, and removal of residence of the member from the political subdivision will automatically result in a vacancy.

**2. Removal of a Member:** Any member of the Committee may be removed from membership by the affirmative vote of at least three-fifths ( $3/5$ ) of the voting members. Action to initiate the removal procedure shall be instituted upon the showing of good cause by affidavits of two or more members of the Committee.

The two or more members making such affidavit must be present and subject to questioning at the special or regular meeting at which such removal is to be considered. Notice of such meeting shall be given to the member who removal is to be considered at least fifteen (15) days prior to the date of such meeting, at which time and place said member shall have the right to be heard on the matter of his or her removal. Upon determination of guilt, the Chair shall declare the position immediately vacant and shall proceed forthwith to fill the vacancy as provided in Article IV of these Bylaws.

Good cause shall include, but not be restricted to 1) willful and intentional conduct in violation of these Bylaws; 2) aiding and/or supporting an opposing political party or candidate of any opposing political party; 3) conviction of a felony.

Should such charges be brought against the Chair, the First Vice- Chair shall preside at such regular or special meeting. If at any time the First Vice- Chair refuses to act in a case of this kind, the Second Vice -Chair shall preside. If the Second Vice- Chair refuses to act in a case of this kind, one of the Associate Chairs shall preside.

**3. Removal of Officer from office but not from Membership:** Any officer of the Committee may be removed from office with cause by the affirmative vote of at least three-fifths (3/5) of the voting members. Should an officer be removed by such vote, the office shall be immediately vacant and an election shall be held in accordance with Article IV, Section I, Paragraph 2 to fill the office.

Notice of a meeting at which the removal of an officer is proposed shall be given to the officer whose removal is to be considered at least fifteen (15) days prior to the date of such meeting at which time and place said officer shall have the right to be heard on the matter of his or her removal.

Should the Chair be removed, the next ranking officer in attendance shall preside until a successor Chair is elected.

**4. Removal of County Officer by State Executive Committee:** The Committee may remove any State or County Executive Committee officer from office but such removal shall not have the effect of removing such officer from membership. The removal herein shall be only for good cause as provided in Article IV, Section J, Paragraph 2, and shall be initiated by the filing of an affidavit with the Resident Secretary by two (2) or more members of the Committee stating good cause therefore. Removal shall be effective only upon an affirmative vote of at least three fifths (3/5) of the voting members of the State Committee. Should an officer be removed by such vote, the office shall be immediately vacant and an election shall be held in accordance with Article IV, Section I, Paragraph 2 to fill the office.

**5. Automatic Removal:** Any State or County Committee member or officer shall be immediately and automatically removed from membership and/or from the office held, upon a showing that such member has been convicted of a felony; provided, that such removal may be suspended by majority vote of the committee to which such member belongs or for which they serve until such time as an appeal of such conviction has been exhausted.

## **ARTICLE V – DISTRICT, COUNTY AND CITY COMMITTEES**

### **Section A. Congressional District Committees:**

**1. Membership:** The Congressional District Executive Committee shall be elected in accordance with the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9.

**2. Duties:** Subject to the provisions of West Virginia Code, Chapter 3, Article 5, Section 19, the Congressional District Committee shall have full control of vacancies in Congressional nomination on the Democratic ticket. The Chair shall in the case of such vacancy name a Chair from among the membership of the Congressional District Committee in which the vacancy occurs. The Congressional District Committee Chair shall then call a meeting of the District Committee, giving no less than fourteen (14) days written notice to the members. At such meeting, the District Committee shall nominate, and by majority vote choose the nominee to fill the vacancy on the ballot and shall certify such nomination to the Secretary of State.

3. **Appeal:** Any appeal from this Committee shall be to the Board of Appeals.

#### **Section B. State Senatorial District Committees:**

1. **Membership:** The members of the State Senatorial District Committees shall be elected in accordance with the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9.

2. **Duties:** Subject to the provisions of the West Virginia Code, Chapter 3, Article 5, Section 19, such committee shall have full control of vacancies existing in the nomination of their district offices according to the procedure set forth in Article V, Section A, Paragraph 2.

3. **Appeal:** Any appeal from this committee shall be made to the Board of Appeals.

#### **Section C. County Committees:**

1. **Membership:** The County Executive Committee shall be composed of two persons of different genders from each magisterial or executive committee district of the county; except that in counties having three executive committee districts there shall be elected four members, equally divided by gender as members of the party's executive committee from each magisterial or executive committee district. The members of such committee shall be elected in accordance with the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9. All such members shall reside in the district from which they are chosen. In addition to the elected positions, the committee shall be comprised of the President of each Federation of Democratic Women's and Young Democrats Clubs within a county as ex-officio members, with the right to vote on all issues not covered by state code.

2. **Duties:** The County Committee shall be governed by the procedure set forth in Article IV, and the members and officers shall have such powers and duties within the county as the State Executive Committee has within the state.

Subject to the provisions of West Virginia Code, Chapter 3, Article 5, Section 19, the County Committee has the further duty to fill vacancies existing on the Democratic ballot in the county by a majority vote of the membership and shall certify same to the Secretary of State.

If in the election of a Chair or any other officer of the County Executive Committee there is a tie vote and it cannot be settled by the members of the Committee themselves within five (5) days from the date fixed for their first meeting, then in that event the deciding vote shall be cast by the Chair of the State Executive Committee, or by someone appointed by him or her for that specific purpose. Such deciding vote may be cast by mail and shall be final. If such vote is cast by mail, it shall be registered and sent to the outgoing Chair or Vice Chair if there is no outgoing Chair of any such Committee.

3. **Meetings:** The County Committee shall meet at least one (1) time during each quarter of the calendar year. Notice of such meeting shall be given to the local newspaper and given to the State Chair; provided, in case of emergency meetings, not allowing sufficient notice, such notice shall be as reasonable as possible.

Special meetings may be called by the Chair, a majority of the duly elected officers, or more than thirty-three (33%) present of the duly elected committee members.

4. **Vacancies:** If a County Executive Committee fails to meet its obligation to fill a vacancy on the committee within sixty days of the vacancy occurring the State Chair may appoint a replacement.

5. **Appeal:** Any appeal from this committee shall be made to the Board of Appeals.

#### **Section D. City Committees:**

1. **Membership:** The City Committee shall consist of one male and one female member from each ward in such city. The members shall be elected at the municipal primary election, and their terms of office shall coincide with those of their respective city officers.

2. **Duties:** Subject to the provisions of the West Virginia Code, Chapter 3, Article 5, Section 19, such committee shall have full control of vacancies existing in the nominations of their district according to the procedure set forth in Article V, Section A, Paragraph 2.

3. **Appeal:** Any appeal from this committee shall be made to the Board of Appeals.

### **ARTICLE VI - STATE NOMINATING CONVENTION**

#### **Section A. Selection of Delegates to Conventions:**

1. At least ninety (90) days prior to the date fixed for holding any State Convention, the Chair shall cause to be delivered to the Chair of the Executive Committee of each county in the state, a copy of the resolutions fixing the date, time, and place of holding the convention and prescribing the number of delegates from each county to such convention.

Within ten (10) days after receipt of the copy of such resolutions, the County Executive Committee shall meet and by resolutions apportion the delegates to the State Convention among the several magisterial districts of said county. Said delegates shall be divided equally between male and female, whenever possible.

The members of the political party in mass convention shall meet on the date fixed by the State Delegate Selection Plan to elect the number of delegates to which the magisterial district is entitled. The meeting place shall be as central and convenient as possible. All registered members of the political party shall be entitled to participate in any such convention and in the selection of delegates. The selection of delegates shall be apportioned by magisterial districts as

provided herein. In cases where there is a lack of participation by magisterial districts, the nonparticipating magisterial district's delegates shall be equally allocated to other participating districts.

Notice of the time and place of holding the convention and of the person who shall act as temporary chair thereof shall be given by publications in at least two issues of a newspaper with the widest distribution in the county; the first publication to be not more than fifteen (15) days and the second publication to be not less than five (5) days prior to the date fixed for holding the county convention. If no such newspaper is published in the county, notice may be given by posting the same in at least one (1) conspicuous place in each magisterial district, at least ten (10) days before the date of the mass convention. The notice published or posted shall specify the number of delegates which each magisterial district in the county is entitled to elect to the state and county conventions.

2. Upon assembling, the mass county convention of each county district shall choose a Chair and a Secretary, who, within five (5) days after the holding of such convention, shall certify to the State Chair and the Chair of the County Committee, the names and addresses of the individuals selected as delegates to the state convention.

3. All conflict over the selection of delegates to either of said conventions shall be heard and determined by the Executive Committee of the county from which the delegates are chosen. Such County Executive Committee shall meet for this purpose within ten (10) days after the holding of such mass convention. The Circuit Court of the county and the Supreme Court of Appeals of the State shall have concurrent original jurisdiction to review, by mandamus or other proper proceeding, the decision of a County Executive Committee in any contest.

#### **Section B. Certification of Delegates and Resolutions from Mass Conventions of Magisterial Districts:**

1. Pursuant to the provisions of Section 21, Article 5, Chapter 3 of the Code of West Virginia, in these Bylaws, providing for certification by the Chair and Secretary of the county mass conventions to the Chair of the State Executive Committee, of the delegates and alternates selected from such magisterial district to the State Convention, such delegates and alternates shall be certified to such State Chair through the Chair of the County Executive Committee of their respective Counties.

2. The Chair and Secretary of each mass convention shall, in addition to certifying the names and addresses of the delegates, and any alternates thereof to the chair of the various executive committees as provided in said Section 21, as above referred to, shall also certify to such Chair a copy of all resolutions which in anyway relates to the rights and duties of such delegates and alternates.

3. The county mass convention shall select only the number of delegates and alternates apportioned to it and no more. Any attempt to select a larger number and give each a fractional part of a vote is hereby prohibited. Should any such mass convention undertake to

violate this paragraph, the convention which such delegates and alternates are to attend shall refuse to seat any greater number of delegates and alternates than was apportioned to such magisterial district by the County Executive Committee.

**Section C. Calling of State Convention:**

1. The State Convention shall be held in each presidential election year at which nominations shall be made for presidential electors, District Level Delegates and Alternates to the National Convention, the adoption of a Democratic Party platform, and the transactions of such other business as may properly come before the Convention.

2. Such convention shall be called by the Democratic State Executive Committee. It shall fix the date during the month of June, July or August, name the place of holding such convention, and likewise fix the basis of representation thereto. It shall also prescribe the number of delegates to such convention and apportion them among the various counties of the State on the basis, aforesaid, and shall designate the offices for which candidates are to be nominated at such convention. In all instances the vote for the Democratic nominee for governor at the last General Election at which a Governor was elected shall be used as the basis for fixing such representation.

3. The Chair of the State Executive Committee shall name a temporary Chair for such convention, who shall preside thereat until the convention itself elects a permanent Chair.

4. The convention shall name the following committees: Credentials, Rules, Resolutions and Platform. Committees shall meet prior to the opening session of the Convention.

a. Credentials, Rules and Resolutions Committees shall be composed of one member from each county, which shall be selected from and by the delegates at the county conventions.

b. The Platform Committee shall consist of members of the State Executive Committee and members of the Affirmative Action Committee.

5. Seating of Delegates - In seating the delegations of the in the convention hall, it shall be so done that those counties composing a congressional district shall be contiguous to each other.

**Section D. Order of Business for Convention:**

Calling of Convention to Order by State Chair  
Invocation  
Pledge  
Welcome by State Chair  
Committee Reports

- 1. Credentials
- 2. Rules
- Calling of Temporary Chair to Chair
- Election of Permanent Chair
- Recess for Congressional District Caucuses to Meet
  - 1. Each Caucus will Elect a Chair
  - 2. Elect District Delegates and Alternates to the National Convention
  - 3. Recommend District Presidential Elector candidates
- Calling to Order
- Report of Caucus Elections
- Adoption of Party Platform
- Nomination of presidential electors
- Resolutions Report and Action
- Nominations/election of Presidential Electors-at-large
- Unfinished Business
- Adjournment

**NOTE:** The State Chair shall adjust the schedule for the Keynote and all other speakers.

**Section E.     Temporary Chair of Convention:**

1.     The Chair of the Executive Committee having jurisdiction over any convention, which is about to be held, shall name a temporary Chair for such convention, who, in turn, shall name a temporary Secretary, a Sergeant-at-Arms, and such assistants deemed necessary.
  
2.     Whenever the delegates to any such convention are assembled at the appointed time and place, the Chair of the Executive Committee as aforesaid, or, in the event of his or her inability to act, the Vice Chair, the Associate Chairs, or such member of that committee as the Chair may designate, shall call such convention to order and preside over the same until taken over by the temporary Chair, who, in turn, shall preside until it is duly organized, and the permanent officers are duly installed.

**Section F.     Selection of Delegates and Alternates:**

Whenever the number of delegates to any convention has been fixed by the State Executive Committee, the congressional, senatorial, county or city executive committee, and the same has been apportioned by said State Executive Committee, congressional, or senatorial district committee to the various counties in the State or district and in turn the County Executive Committee has apportioned such delegates and alternates to the various magisterial districts of the respective county, such magisterial district mass conventions shall elect the number of delegates and alternates apportioned to them and no more, and every county and magisterial District is forbidden to elect any larger number of delegates and alternates and specifying that each such delegates and alternates shall have a fractional part of a vote, and the convention for which such delegates are elected shall seat only such number of delegates fixed and no more.



**Section G. Delegates and Alternates:**

Any delegate appointed or elected to a state, congressional, senatorial, county or city convention, who is unable to attend such convention in person, shall be permitted to designate from the list of alternates selected for such convention from his or her political subdivision, an alternate to act for him or her at such convention. Such designation shall be in writing, signed by the delegate making same and attested by a witness. Should both the delegate and his or her designated alternate be absent from such convention, then the alternate present whose name appears nearest the top of the list of alternates certified to the convention, from the political subdivision of the delegate, shall be seated as such delegate.

**Section H. Changing Place of Holding Convention:**

If in the judgment of the Chair of the State Executive Committee, good and sufficient reasons have arisen why the convention should be held at a different time and/or place from that set out in the original call to the convention, the Chair shall have the authority to select a different time and/or place for holding the convention, but must give adequate notice of any change through the public press and to Executive Committee members and State Delegates as soon as possible under the circumstances.

**Section I. Contested Delegations:**

All contested delegations to any convention shall be heard first by the county executive committee of the county from which such delegates are chosen, and in accordance with provisions therefore contained in Section 21, Article 5, Chapter 3 of the West Virginia Code.

**Section J. Unit Rule:**

In no instance shall a "Unit Rule" be permitted during State Convention proceedings.

**Section K. Presidential Electors:**

The State Convention shall, by majority vote, nominate one presidential elector from each Congressional District and two at large. Recommendation of candidates for the Congressional District electors shall be made by caucus of the delegates from each county in the district. Nominations for electors at large shall be made by the convention as a whole.

**Section L. Nominations:**

All nominations made at the State convention shall be certified within fifteen (15) days thereafter, by the Chair and the Secretary of the convention, to the Secretary of State, who shall certify them to the clerk of the county commission of each county concerned, in the State and the names of the persons so nominated shall be printed upon the regular ballot to be voted at the ensuing general election. The name of any candidate nominated at any such county convention shall be certified, within fifteen (15) days thereafter, by the Chair and Secretary thereof to the

clerk of the county commission of the county, and the name of each candidate shall be printed upon the official ballot to be voted at the ensuing general election.

## **ARTICLE VII - BOARD OF APPEALS**

### **Section A. Membership:**

The Board of Appeals shall consist of one member of each Congressional District of the State, one member-at-large, and the Chair of the State Executive Committee, who shall also serve as Chair of the Board of Appeals. The Chair shall preside but have no vote except in case of a tie. The members shall be appointed by the Chair before January 15 of each calendar year and shall serve for a term of one (1) year, subject to re-appointment.

### **Section B. Duties:**

The Board shall hear and determine by a majority vote all decisions and controversies appealed from any club, organization, committee or convention, incorporated or unincorporated, posing to act as a segment of the Democratic Party.

The party contesting the outcome of the controversy or the decision shall within thirty (30) days file written notice thereof, with the Chair. The Chair, or if he or she fails or refuses to do so, a member of the Board of Appeals shall within thirty (30) days call a meeting of the Board to hear the controversy and shall give at least five (5) days written notice of such meeting to the members of the Board and to the parties involved.

Any party to the controversy, who fails to appear at the duly called meeting without good cause sufficient in law, shall be deemed to have abandoned his or her case, and a decision will automatically be entered against him or her.

### **Section C. Appeal:**

The decision of the Board of Appeals shall be final, unless overruled by a two-thirds (2/3) vote of the State Executive Committee at any regular or special meeting.

## **ARTICLE VIII – DIVERSITY**

### **Section A. Affirmative Action Committee:**

To encourage full participation by all Democrats, with particular concern for minority groups, African Americans, Native Americans, Asian/Pacific Islanders, Latinos, women, youth (under 36 years old), LGBTQ+, seniors, and disabled individuals in the delegate selection process and in all Party affairs, as defined in the DNC Charter and Bylaws, the Executive Committee shall establish an Affirmative Action Committee.

The Affirmative Action Committee (“AA Committee”) Committee shall consist of the two (2) Co Chairs of different genders elected by the members from each of the Democratic constituency organizations set forth in the Affirmative Action and Outreach Plan. The Co-Chairs of each diversity caucus will be chosen by the members of that diversity caucus.

Two (2) Co-Chairs of different genders shall be elected by the members of the AA Committee at its first meeting just prior to the organizational meeting, to terms of four (4) years, to expire at the election of their successors. There are to be no more than one (1) Co-Chair from the same constituency organization.

**Section B. Affirmative Action and Outreach Plan:**

The Affirmative Action shall draft, and the Executive Committee shall promptly adopt an Affirmative Action and Outreach Plan to implement a program that will increase opportunity and diversity in the WVDP. The program will provide for representation on the Executive Committee as nearly as practicable of the aforementioned groups, as indicated by their presence in the Democratic electorate based on data derived by the DNC. This program shall include specific goals and timetables to achieve this purpose.

**Section C: Diversity on the State Executive Committee**

The Co-Chairs of the Affirmative Action Committee shall be voting members of the Executive Committee. In addition, the AA Committee shall recommend, and the Executive Committee shall appoint six people divided among Congressional Districts to the Executive Committee as voting members to help the party achieve affirmative action goals.

**ARTICLE IX - NATIONAL COMMITTEE MEMBERS**

**Section A. Members by Office:**

The Chair and the highest-ranking officer of a different gender of the State Executive Committee shall, by virtue of their offices, be members of the Democratic National Committee.

**Section B. Elected Members:**

The State Executive Committee shall, within the calendar year of the Presidential election year, elect the additional National Committee Members to which the State is entitled under the Charter of the Democratic Party of the United States. Such additional Members shall be elected so that they shall be divided as equally as practicable by gender. Such additional members shall be elected by a majority vote of the Committee members present and voting. The terms shall be until their successors are elected. Vacancies shall be filled by the State Executive Committee for the unexpired term.

**ARTICLE X - DELEGATES TO THE DEMOCRATIC NATIONAL CONVENTION**

**Section A.     Delegate Selection Plan:**

Delegates to the Democratic National Convention shall be apportioned in accordance with the West Virginia Delegate Selection Plan adopted by the Committee. The Chair shall certify the plan to the Secretary of State no later than the first Monday in January in the year in which delegates to the National Convention are selected.

**Section B.     Interim Convention Committees' Members:**

The State Executive Committee shall elect persons to serve on the Credentials, Rules and Platform Committees for the Democratic National Convention serving until such time as the elected Delegates to the National Convention meet and elect members of said committees in the manner prescribed by Article X, Section A.

**ARTICLE XI – AMENDMENTS**

**Section A.**     The Bylaws may be amended by a two-thirds (2/3) majority vote of the members present at a Committee meeting, provided that written notice setting forth the proposed amendment has been given to all Committee members at least thirty days (30) prior to the date of the meeting.

**Section B.**     These Bylaws shall be in full force and effect upon their adoption and shall supersede all rules, motions, and policies of a contrary nature.

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