

# CONSTITUTION OF THE UTAH STATE DEMOCRATIC PARTY

## PREAMBLE

We, the Democrats of the Great State of Utah, united in common purpose, acknowledge that we are a party of enduring strength, and that we must lead, guided by those we lead. These principles are essential to the democracy our country's forefathers set forth.

We dedicate ourselves to seek individual freedom in the framework of a just society, and political freedom through meaningful participation by all citizens.

Bound by the Constitution of the United States of America and the Constitution of the State of Utah, aware that a political party must be responsive to be worthy of responsibility, and recognizing that a party which asks for the people's trust must prove that it trusts the people, we pledge ourselves to open, honest ideals in the workings of this party, and to that end elect those Democrats to local, state and national office who will best represent and carry out those principles set forth herein.

And further, we pledge ourselves to enhance the understanding of the political process and of the Democratic Party among our members, and to sustain the human and constitutional rights of all persons.

A party which hopes to call for the best the Nation can achieve must embody the best of our common heritage and traditions. We therefore, establish this constitution by which these goals can be achieved.

## ARTICLE I - THE UTAH STATE DEMOCRATIC PARTY

Section 1. The Utah State Democratic Party shall:

- (i) nominate and assist in the election of Democratic Party candidates for public elected office;
- (ii) adopt and promote statements of policy;
- (iii) assist local Democratic Party organizations in the election of their candidates and the education of their voters;
- (iv) establish standards and rules of procedure to afford all members of the Democratic Party full, timely and equal opportunities to participate in decisions concerning the selection of candidates, the formulation of policy, and the conduct of other Democratic Party affairs, and, further, to promote fair campaign practices and the fair adjudication of disputes;
- (v) raise and disburse monies needed for the successful operation of the Democratic Party;
- (vi) work with Democratic public officials at all levels to achieve the objectives of the Democratic Party; and,
- (vii) encourage and support codes of political ethics for public officials in federal, state and local governments, to assure that public officials shall at all times conduct themselves in a manner that reflects credibly upon the office they serve, and shall not use their office to gain special privileges and benefits, and shall refrain from acting in their official capacities when their independence of judgement would be adversely affected by personal interest.

Section 2. The Utah State Democratic Party shall consist of:

- (i) the members of the State Executive Committee, the State Central Committee and the Standing, Advisory and Select Committees;
- (ii) the members of the County Executive and Central Committees of the twenty-nine recognized County Democratic Parties and such other committees as their rules may provide for;
- (iii) the Senatorial, Legislative and Precinct officers that the Utah State and County Democratic Parties provide for;
- (iv) the current and previous public officials who have won election on the Democratic Party ticket;
- (v) the Democratic Party candidates for public elected office who have been qualified under the rules of the Utah State Democratic Party;
- (vi) the officers of the Utah State Democratic Party Regions;
- (vii) the delegates to the Utah State and County Democratic Party Conventions; and,

- (viii) all persons who are registered to vote in Utah and have designated themselves as affiliated with the Democratic Party.

Section 3. The Bylaws shall provide for regional organizations of the Utah State Democratic Party which reflect common interest, accessible travel, contiguousness, and clear delineation of boundaries to provide geographical representation on Standing, Advisory, and Select Committees.

## ARTICLE II - STATE PRIMARY CONVENTION

Section 1. In even numbered years, the State Chair, in the name of the State Executive Committee, shall cause to be held a State Primary Convention. The State Chair shall be the Convention Chair, unless other provisions have been made for a Convention Chair pro tempore.

Section 2. The State Executive Committee shall cause to be issued the Official Convention Call to State Delegates not less than fourteen working days before the Convention is to convene. This shall be issued either by mail, if the State Delegates have been made known to the Utah State Democratic Committee Headquarters, or by the County Democratic Party Officers, if not.

Section 3. The term candidate for public office shall mean any person who has established substantial support for his or her nomination as the Democratic candidate for the public office, is a bona fide Democrat whose record of public service, political service, accomplishment, public writings and/or public statements affirmatively demonstrates that he or she has the interests, welfare and success of the Utah State Democratic Party at heart, and will participate in the Convention in good faith. The State Central Committee or respective County Central Committee shall have the authority to deny a person who has filed for office with the State of Utah or County Clerk the status of candidate on the grounds of this section by a 90% vote of the members present at a regular or special meeting.

Section 4. The Convention may nominate at least one candidate for the offices of United States Senator, each district to which the State of Utah is entitled to a seat in the United States House of Representatives, Governor of the State of Utah, Lieutenant Governor of the State of Utah, Utah State Attorney General, Utah State Auditor, Utah State Treasurer; providing the office is open to election. In Presidential election years, the Convention shall elect at least one person for each position available for National Committee member and National Delegate. The Convention shall also make provision for nominating candidates in multi-county districts. The Bylaws shall provide for the method of election of the Utah State Democratic Party's nominees to appear on the Democratic Party's ticket for the Utah State Primary and General Elections and may set minimum thresholds of support that a candidate must receive in order to become the Democratic Party's nominee. The Bylaws provisions for the method of election of the Utah State Democratic Party's nominees shall be binding on the County Party's nomination of all public officials, except local county officials, within the jurisdiction of the County Party.

Section 5. Draft Rules of Order and Proceeding shall be presented to the Convention under the provisions of Article VII; however, the delegates shall have the sole power to adopt and/or amend the rules by majority vote of the State Delegates registered; suspension of the rules shall be by a vote of two-thirds of the State Delegates registered; or, the rules may otherwise provide another definition for a quorum. In the absence of other provisions, Robert's Rules of Order, as most recently revised, shall govern the conduct of the Convention.

Section 6. The Membership and Credentials Standing Committee shall convene by the first day of the Convention to determine which persons shall receive official credentials as State Delegates, and shall be the sole and final authority in resolving all matters regarding credentials.

Section 7. The Arrangements Committee shall arrange the site, time and amenities of the Convention. The Committee rules governing posting and/or distribution of campaign materials shall be final unless the Convention finds otherwise by a majority vote of the State Delegates registered. The Committee shall govern vendors, room assignments and other such matters as may be necessary and proper.

Section 8. Each County Democratic Party shall be entitled to a number of State Delegates by rule of the State Central Committee.

Section 9. The following are entitled to be full delegates of the Convention in addition to those apportioned to the County Democratic Parties:

- (i) the members of the State Executive Committee;
- (ii) the County Chairs and Vice Chairs; and,
- (iii) the President of the United States, the Vice President of the United States, United States Senator, United States Representative, Governor, Lieutenant Governor, Attorney General, State Auditor, State Treasurer, Speaker of the Utah State House of Representatives, and President of the Utah State Senate, who are residents of the State of Utah and won election on the Democratic Party ticket.

Section 10. County Democratic Parties shall adopt, with the advice and consent of the Rules and Elections Standing Committee, rules which contain explicit procedures governing all aspects of the State Delegate selection process at least one month prior to the precinct caucuses. These rules shall include:

- (i) method of selection of State Delegates and replacements;
- (ii) all filing deadlines for State Delegate and replacement candidates; and,
- (iii) procedures for challenges of the State Delegate selection processes.

Section 11. The Rules and Elections Standing Committee shall verify that the following items as defined by the National Delegate Selection Rules, are to be routinely included at an appropriate place in each plan:

- (i) the eligibility requirements for participation in the delegate selection process;
- (ii) a prohibition of cost and fees;
- (iii) a prohibition of participation by those participating in another party's process;
- (iv) the "Six Basic Elements" of an open party;
- (v) the principles of non-discrimination;
- (vi) a protection against a coerced vote;
- (vii) a prohibition against Unit Rules;
- (viii) a provision for limitations on slate making; and,
- (ix) the succession of replacements to delegate status and filing of vacancies in delegate positions.

Section 12. To the extent possible, replacements for delegates who die, resign, or are disqualified, shall be made from persons of the same political subdivisions within the county as the delegate. The County Democratic Party rules shall choose one of the following alternatives, or any combination thereof, for handling replacements:

- (i) the delegate chooses the replacement;
- (ii) the County Central Committee of the County Democratic Party chooses the replacement;
- (iii) a candidate for delegate who receives the highest number of votes, but is not elected; or,
- (iv) such other process that protects the interests of candidates, delegates and elected replacements.

Section 13. Challenges to the State Delegate selection process, as defined by the rules of each County Democratic Party that the Rules and Elections Standing Committee have approved, shall be made to the Judicial Standing Committee. Challenges to a specific State Delegate or group of State Delegates, due to failure to follow approved rules, shall be made to the Membership and Credentials Standing Committee.

Section 14. Persons wishing to resign their position of State Delegate must do so in writing to the County Chair. Persons are disqualified as a State Delegate for the full two year term if they:

- (i) participate in the Precinct Caucus or County Convention of another Party;
- (ii) will be under eighteen years of age by, or have not registered to vote on, the day of the next General Election;
- (iii) move out of the county in which they were elected, but shall only be disqualified from casting a vote in a multi-county State House or State Senate caucuses if they move within the county in which they were elected, but out of the political sub-division for which the caucus is held; and,
- (iv) have not met County Democratic Party requirements that are compatible with fair elections.

Section 15. The Rules and Elections Standing Committee shall provide for counting official ballots, assisting the Convention Chair in the conduct of elections, and communicating the elections report to the Convention.

Section 16. A draft Party Platform shall be presented at the State Primary Convention under the provisions of Article VII; however, the Convention delegates shall have the sole power to adopt and/or amend the Party Platform by majority vote of the State Delegates registered.

## ARTICLE III - STATE ORGANIZING CONVENTION

Section 1. In odd numbered years, the State Chair, in the name of the State Executive Committee, shall cause to be held a Organizing Convention. The State Chair shall be the Convention Chair, unless other provisions have been made for a Convention Chair pro tempore.

Section 2. The State Executive Committee shall cause to be issued the Official Convention Call to State Delegates by mail not less than fourteen working days before the Convention is to convene.

Section 3. The Convention shall elect at least one person for each of the following offices: a State Chair; a State Vice Chair; a State Secretary; and a State Treasurer. Any member of the Utah State Democratic Party may file for these offices with the State Secretary prior to the Call to Order of the first County Democratic Party Organizing Convention of that calendar year which can be scheduled no earlier than April 1st and no later than the State Organizing Convention. The Bylaws shall provide for the method of the election and for filling candidate vacancies should no person file as a candidate, or should a candidate die, resign, be disqualified, or incapable of serving. The Convention may also vote on motions put before it by the State Executive Committee, State Central Committee, Platform and Policy Standing Committee, or Rules and Elections Standing Committee.

Section 4. Rules of Order and Proceedings, Credentials, Arrangements, and Elections shall operate under the provisions set forth under Article II.

Section 5. The delegates to the State Organizing Convention shall be the same persons who were State Delegates to the State Primary Convention held in the year before unless they have been replaced in accordance with the County Democratic Party rules on State Delegate Selection or have resigned, died, or been disqualified for other cause.

## ARTICLE IV - STATE CENTRAL COMMITTEE

Section 1. The State Central Committee shall have the responsibility to legislate the affairs of the Utah State Democratic Party subject to the articles herein, the Bylaws, and the State Convention. This responsibility shall include, but not be limited to:

- (i) designate the date and time of precinct caucuses for the Utah State Democratic Party;
- (ii) designating the place and time for all State Conventions;
- (iii) approving amendments to this Constitution and to the Bylaws;
- (iv) filling vacancies of Utah State Democratic Party candidates for State and Federal public elected office arising from death, resignation, or other cause;
- (v) nominating candidates to fill vacancies of Democratic State and Federal public elected officials in the State of Utah arising from death, resignation, or other cause;
- (vi) filling vacancies of the State Central Committee, State Executive Committee, or State Executive Officers arising from death, resignation, or other cause;
- (vii) establishing an account for the Utah State Election Campaign Fund and authorizing its disbursement by the State Treasurer;
- (viii) formulating statements of policy;
- (ix) establishing the number of delegates to the State Convention, to be apportioned as provided herein and by the Bylaws, provided that each County Democratic Party may elect at least four delegates;
- (x) establishing the number of members of the State Central Committee, to be apportioned as provided herein and by the Bylaws;
- (xi) approving the annual budget of the Utah State Democratic Committee and a quarterly financial reports including a budget comparison;
- (xii) approving programs, initiatives, and committees submitted by the State Executive Committee; and,
- (xiii) taking all other actions necessary or appropriate in order to carry out the provisions herein enumerated and the objectives of the Utah State Democratic Party.

Section 2. The State Central Committee shall be composed of:

- (i) the members of the State Executive Committee;
- (ii) the County Chairs and Vice Chairs;
- (iii) additional members to represent the County Democratic Parties to be apportioned to each county based on the combined votes cast at the next preceding general election for the Utah State Democratic Party's candidates for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding the vote for any candidate who had no opposition. There shall be one State Central Committee member for each definite number of votes cast;
- (iv) additional members to represent the Democratic caucuses at State Organizing Conventions, to be selected at means arrived at by each caucus. The total number shall not constitute more than ten percent of the total State Central Committee membership or two representatives per caucus, whichever is smaller. In the event that the ten percent level is surpassed by having two representatives per caucus, then the number of

representatives per caucus shall be reduced to one representative per caucus. Caucuses may only be recognized by a majority vote of those present at a meeting of the State Central Committee, which shall not recognize a caucus that is sub-divided to increase representation;

- (v) any current Democratic Federal elected officials from the State of Utah, or their designate;
- (vi) any current Governor, Lieutenant Governor, Attorney General, State Auditor, or State Treasurer, who won election on the Utah State Democratic Party ticket, or their designate;
- (vii) the Democratic Caucus Leader in the Utah State Senate and the Democratic Caucus Leader in the Utah State House of Representatives and one additional member of each caucus to be selected by their respective caucus; and,
- (viii) the immediate past State Executive Officers.

Section 3. Members of the State Central Committee who are members by virtue of holding public elected office shall serve on the State Central Committee only during their terms in such office. All other members shall serve for terms commencing on the adjournment of the State Organizing Convention and terminating on adjournment of the next State Organizing Convention.

Section 4. The Bylaws shall provide for removal of members or refusal to seat newly elected members of the State Central Committee by a two-thirds vote of those present at a meeting of the State Central Committee. The Bylaws shall also require continued residence in the jurisdiction, or affiliation with and approval by the caucus represented by the member, and affirmative support for Democratic Party nominees as a condition of continued membership thereon. The Bylaws shall provide that any vacancy in the State Central Committee shall be filled by the remaining members of the State Central Committee provided that the vacancy is filled by a person representing the constituency where the vacancy occurred as per Article IV, Section 2.

Section 5. The State Central Committee shall meet at least once in each calendar quarter, except during the quarter in which the State Convention convenes. Meetings shall be called by the State Chair, by the State Executive Committee, by no fewer than three County Chairs, or by the written request of no fewer than one-twelfth of the members of the State Central Committee.

Section 6. Notice for meetings shall be mailed not less than ten calendar days prior to the meeting, unless the State Chair or State Executive Committee deem the meeting an emergency, when notice of not less than twenty-four hours must be attempted by telephone.

Section 7. A quorum of the State Central Committee shall be at least one-twelfth of entitled members.

## ARTICLE V - STATE EXECUTIVE COMMITTEE

Section 1. The State Executive Committee shall have the responsibility to administrate the affairs of the Utah State Democratic Party, subject to articles herein, the Bylaws, the State Convention, and the State Central Committee. This responsibility shall include, but not be limited to:

- (i) implementing decisions of the State Conventions and State Central Committee;
- (ii) proposing the instigation of new programs, committees, or initiatives;
- (iii) organizing fund raising and campaign activities;
- (iv) scheduling meetings of the State Central Committee;
- (v) issuing the Call to State Convention;
- (vi) approving termination of the Executive Director;
- (vii) approving termination of a member on any Standing, Advisory, or Select Committees;
- (viii) adopting a Code of Fair Campaign Practices;
- (ix) adopting a recommended annual budget for submission to the State Central Committee within the first quarter of each year; and,
- (x) taking all other actions necessary or appropriate in order to carry out the provisions herein enumerated and the objectives of the Utah State Democratic Party not specifically reserved to themselves by the State Central Committee or State Convention, as long as these duties shall conform to the articles herein and the Bylaws.

Section 2. The State Executive Committee shall be composed of:

- (i) the State Executive Officers;

- (ii) one additional member to be nominated by the County Chairs and Vice Chairs, and approved by the State Central Committee;
- (iii) one additional member to be nominated by the Democratic Party Caucus of the Utah State Senate, and approved by the State Central Committee;
- (iv) one additional member to be nominated by the Democratic Party Caucus of the Utah State House of Representatives, and approved by the State Central Committee; and,
- (v) two additional members to be nominated by the State Chair, and approved by the State Central Committee subject to the Bylaws.

Section 3. The members of the State Executive Committee shall serve for terms commencing on the adjournment of the State Organizing Convention and terminating on adjournment of the next State Organizing Convention.

Section 4. The Bylaws shall provide for removal of members of the State Executive Committee by a two-thirds vote of those present at a meeting the State Central Committee. The Bylaws shall also require continued residence in the jurisdiction, or affiliation with and approval by the caucus represented by the member, and affirmative support for Democratic Party nominees as a condition of continued membership thereon. The Bylaws shall provide that any vacancy in the State Executive Committee shall be filled by the State Central Committee provided that the vacancy is filled by a person representing the constituency where the vacancy occurred as per Article V, Section 2.

Section 5. The State Executive Committee shall meet at least nine times each year. Meetings shall be called by the State Chair or by written request of no fewer than one-fourth of its members. The State Executive Committee shall keep a record of actions taken and make such record available on request to members of the State Central Committee.

Section 6. A quorum of the State Executive Committee shall be at least one-half of the State Executive Officers or two-fifths of the entire State Executive Committee.

## ARTICLE VI - STATE EXECUTIVE OFFICERS

Section 1. The State Executive Officers of the Utah State Democratic Party shall be the Chair, Vice Chair, Secretary, Treasurer, and the National Committee members. The State Executive Officers shall have general responsibility for the affairs of the Utah State Democratic Party subject to the articles herein, the Bylaws, the State Convention, the State Central Committee and the State Executive Committee. This responsibility shall include, but not be limited to:

- (i) The Chair of the Utah State Democratic Party shall be the chief executive officer and have the following authority:
  - (A) to carry out the programs and policies of the State Conventions, the State Central Committee, and the State Executive Committee;
  - (B) to possess all powers of the Utah State Democratic Party between meetings, as provided herein and by the Bylaws, except for those delegated to the State Convention, State Central Committee, the State Executive Committee, or other State Executive Officers;
  - (C) to determine the agenda and preside over all meetings of the State Executive Committee, State Central Committee, and State Convention, if not a candidate;
  - (D) to appoint Sergeants-at-Arms and Parliamentarians for Conventions and other meetings when appropriate;
  - (E) to appoint, with the approval of the State Executive Committee, a State Executive Director and other necessary office personnel to carry out the programs of the Utah State Democratic Party and to pay the necessary salaries;
  - (F) to appoint a State Chair's Advisory Committee to make written recommendations to the State Chair on matters of public concern and policy affecting public issues, party affairs, and elections;
  - (G) to appoint the membership of Advisory Committees, and the Select Committees assigned to them, with the advice and consent of the State Executive Committee;
  - (H) to appoint the membership of Standing Committees, and the Select Committees assigned to them, with the advice and consent of the State Central Committee;
  - (I) to serve as a member of the Democratic National Committee;
  - (J) to serve as a member of the Association of State Democratic Chairs;
  - (K) to serve as an ex officio member of all committees as described herein, by the Bylaws, or approved by the State Central Committee; and,

- (L) to select, with the approval of the State Executive Committee, a person to act as chief legal counsel for the Utah State Democratic Committee, and to work in conjunction with such counsel on behalf of the Utah State Democratic Committee.
- (ii) The Vice Chair of the Utah State Democratic Party shall have the following authority:
    - (A) to assist in the performance of the duties of the State Chair;
    - (B) to preside in the absence of the State Chair over meetings of the State Executive Committee, State Central Committee, and State Convention, if not a candidate; and,
    - (C) to serve as an ex officio member of all committees as described herein, by the Bylaws, or approved by the State Central Committee.
- (iii) The Secretary of the Utah State Democratic Party shall have the following authority:
    - (A) to keep the minutes of all meetings of the State Convention, State Central Committee and State Executive Committee;
    - (B) to establish the filing system and ensure the maintenance of the files necessary for the proper functioning of the Utah State Democratic Committee;
    - (C) to receive personally, or in care of the Utah State Democratic Committee Headquarters, and acknowledge filing of candidacy for State Executive Office and National Delegate;
    - (D) to authorize the registration and election procedures at meetings of the State Executive Committee, State Central Committee, and State Conventions, if not a candidate;
    - (E) to serve as a liaison to the Lieutenant Governor of the State of Utah on all matters relating to the Utah State Democratic Party's relationship with the State of Utah;
    - (F) to file reports including, but not limited to, those required by the Democratic National Committee, Democratic Presidential Campaigns, other Democratic candidate committees, State, County and Local authorities, as appropriate, on any subject and in any manner required; and,
    - (G) to maintain lists of the officers of County Democratic Parties and to require them to file their list of precinct caucus attendees and current governing documents with the Utah State Democratic Committee, and to report the County Democratic Parties that are not in compliance with these reporting requirements to the State Central Committee.
- (iv) The Treasurer of the Utah State Democratic Party shall have the following authority:
    - (A) to receive and disburse all funds of the Utah State Democratic Committee;
    - (B) to prepare and present an annual budget for the Utah State Democratic Committee on or before the first of February of each year for submission to the State Executive Committee who may amend it prior to submission to the State Central Committee which must approve the budget by the fifteenth day in April of each year;
    - (C) to prepare and present all necessary financial reports, as required herein, by Utah State statutes, and the Federal Election Commission;
    - (D) to submit a recommendation of a person to review the accounts of the Utah State Democratic Committee to be selected by the State Executive Committee, and to obtain any professional assistance necessary in performance of the financial duties of the office; and,
    - (E) to authorize the State Chair and State Executive Director as his agents for disbursement of funds and for submission of financial reports.
- (v) The National Committee members of the Utah State Democratic Party shall have the following authority:
    - (A) to serve as members of the Democratic National Committee;
    - (B) to be the representatives of the Utah State Democratic Party in national campaigns;
    - (C) to work in coordination with the Utah State Democratic Party Chair, Vice Chair, and office personnel in carrying out the programs the Democratic National Committee and other national Democratic committees desire to have implemented within the State of Utah;
    - (D) to assist in state and local party matters as requested or assigned by the State Executive Committee or State Central Committee;
    - (E) to plan appearances and speeches of national Democratic Party officials and Federal Democratic Party elected officials within the State of Utah; and,

- (F) to have an item in the State Executive Committee budget proposal to the State Central Committee for travel expenses to meetings of the Democratic National Committee by the National Committee members, Chair, Vice Chair, and necessary office personnel.

Section 2. The Bylaws shall provide for a leave of absence by the State Executive Officers who are candidates for public or party elected office while they are campaigning. The Bylaws shall provide for removal of State Executive Officers by a two-thirds vote of those present at a meeting the State Central Committee. The Bylaws shall also require continued residence in the State of Utah. Vacancies in these offices arising from death, resignation or other cause shall be filled by the State Central Committee.

Section 3. The State Executive Officers shall serve for terms commencing on the adjournment of the biennial State Organizing Convention and terminating on the adjournment of the next State Organizing Convention, except for National Committee members who shall serve for terms commencing on the adjournment of the first National Convention after their election at a State Primary Convention and terminating on adjournment of the next National Convention.

## **ARTICLE VII - STANDING, ADVISORY AND SELECT COMMITTEES**

Section 1. The Bylaws shall make provision for the following Standing Committees:

- (i) Rules and Elections;
- (ii) Membership and Credentials;
- (iii) Judicial;
- (iv) Candidate Recruitment and Coordinated Campaign; and,
- (v) Platform and Policy.

Section 2. The Bylaws shall make provision for the following Advisory Committees:

- (i) Financial Organization;
- (ii) Education, Training and Outreach; and,
- (iii) Public Relations.

Section 3. The Bylaws shall also make provision for the establishment of Select Committees.

## **ARTICLE VIII - FULL PARTICIPATION**

Section 1. Any person who will be eligible to vote in Utah in the next general election, resides in the political subdivision for which the political activity is conducted, and participates in good faith, may be eligible to participate except as otherwise provided herein and in the Bylaws, in precinct caucuses, state and county conventions, Democratic Party primary elections, state and county central and executive committees, and state and county party office.

Section 2. Discrimination in the conduct of party affairs on the basis of race, gender, age (if of voting age), color, creed, national origin, religion, ethnic identity, sexual orientation, economic status, or disability is prohibited, to the end that the party at all levels be open.

Section 3. To encourage full participation by all Democrats, including women and minority groups such as African Americans, Native Americans, Asian/Pacific Islanders, Hispanics, and youth in party affairs, the State Central Committee shall adopt and implement and the Membership and Credentials Standing Committee shall monitor an affirmative action plan which provides for representation as nearly as practicable of such groups as indicated by their presence in the Democratic Party electorate. This plan shall include specific goals and timetables to achieve this purpose.

Section 4. This plan shall not be accomplished either directly or indirectly by the Democratic Party's imposition of quotas in party affairs. Representation as nearly as practicable of the aforementioned groups as indicated by their presence in the Democratic Party electorate shall not be deemed a quota.

Section 5. Equal division of party positions between men and women shall not constitute a violation of any provision of this Article.

## **ARTICLE IX - GENERAL PROVISIONS**

Section 1. The Utah State Democratic Party means all organizations which use the Democratic Party name in the State of Utah including, but not limited to, recognized County Democratic Parties, Democratic Party precinct caucuses, local Democratic Party clubs, caucuses at Democratic Party Conventions, and Democratic Party caucuses of groups of elected officials.

Section 2. The Utah State Democratic Committee means the officers, committees, and office personnel responsible for the operations of the Democratic Party for the entire State of Utah, but not its subdivisions.

Section 3. In the absence of other provisions, Robert's Rules of Order, as most recently revised, shall govern the conduct of all meetings of the Utah State Democratic Party.

Section 4. There shall only be one vote counted for each person at all meetings of the Utah State Democratic Party regardless of the number of positions that they hold.

Section 5. Voting by proxy shall not be permitted at State Conventions, or meetings of the State Central Committee. Voting by proxy shall otherwise be permitted at meetings of the Utah State Democratic Party only as provided in the Bylaws or by rules of the subdivisions of the Utah State Democratic Party.

Section 6. All meetings of the State Central Committee and State Conventions shall be open to the public, and votes shall not be taken by secret ballot; however, the State Central Committee may call itself into a closed meeting at any time by a vote of the majority of those present.

Section 7. No delegate shall be mandated to vote contrary to their choice as expressed at the time elected. Delegates who did pledge to a candidate or issue should in all good conscience reflect the sentiments of those who elected them.

Section 8. The State Executive Committee shall officially recognize one County Democratic Party for each county in the State of Utah. For a County Democratic Party to be officially recognized, it shall be responsible to meet the following criteria:

- (i) hold an annual convention for nominating candidates for local elected office and for the Utah State Legislature if the district is entirely within the County, or County Democratic Party organization and election of Democratic Party Officers, as is appropriate;
- (ii) organize and hold biannual Democratic Party precinct caucuses for the election of County Delegates and members of the County Central Committee;
- (iii) submit to the State Secretary lists of precinct caucus attendees, County Democratic Party Officers, members of the County Executive Committee, members from that County Democratic Party selected for the State Central Committee, State Delegates from that county, current State and Local public elected officials that won election on the Democratic Party ticket, and County Democratic Party rules, including as appropriate a Constitution, Bylaws, Rules and Procedures, State Delegate Selection Plan; and,
- (iv) conform to such other rules as are adopted by the Rules and Elections Standing Committee.

Section 9. The Bylaws shall provide rules for the conduct of organizing caucuses for the purpose of selecting delegates and central committee members to the County Parties.

Section 10. County Democratic Parties may challenge the rules for official recognition before the Judicial Standing Committee of the Utah State Democratic Party, and/or the State Central Committee. The County Democratic Parties may base the challenge on grounds that a given rule should not apply to their County Democratic Party specifically, that a given rule should be invalid for all County Democratic Parties as infringing on their rights for responsible local governance, or that the County Democratic Party has complied with a rule where the State Secretary, Rules and Elections Standing Committee, or Membership and Credentials Standing Committee has determined that the County Democratic Party is not in compliance.

Section 11. Should any part of the Constitution and Bylaws be found to be in violation of the laws of the United States or the State of Utah by judicial authority or to be in violation of the rules of the Democratic National Committee, such part alone shall cease to have effect and all other parts shall be considered wholly severable and remain in complete force. In such case, the State Chair shall be empowered to remedy the situation until the earliest possible convocation of the State Executive Committee or the State Central Committee, whichever is appropriate.

Section 12. The power for removal of members of the State Central Committee, State Executive Committee, or State Executive Officers lies with the State Central Committee. Charges may be brought against any of the above by any member of the State Central Committee. Removal from party office requires a two-thirds vote of a quorum of the State Central Committee.

Section 13. No person shall be elected to any party office or as a delegate unless they are present or provide their express written consent.

Section 14. In the event that two or more persons receive the same number of votes in an election held by the Utah State Democratic Party, the outcome shall be determined by lot, unless the Bylaws or other rules adopted by an entity of the Utah State Democratic Party specifically state otherwise.

## ARTICLE X - AMENDMENTS, BYLAWS, AND RULES

Section 1. This Constitution may be amended in the following manner: A Constitution Amendment must originate as a majority report to the State Central Committee from the Rules and Elections Standing Committee. The State Central Committee may adopt and/or amend the Constitution Amendment Report by a vote of two-thirds of the members present at a meeting of the State Central Committee, provided that the notice includes the amendment. The Constitution Amendment Report shall then be submitted as adopted by the State Central Committee to the State Convention for ratification of the entire amendment by a vote of a majority of the delegates registered. The amendment shall be included with the Call to Convention with an indication that the entire amendment will be voted on as approved or rejected.

Section 2. Bylaws of the Utah State Democratic Party shall be adopted to provide for the governance of the affairs of the Utah State Democratic Party in matters not provided for herein. Bylaws may be adopted or amended by a majority vote of those present at a meeting of the State Convention or State Central Committee. Unless adopted in forms of an amendment to this Constitution or otherwise designated, any resolution adopted by the State Convention relating to the governance of the Party shall be considered a Bylaw.

Section 3. Each official body of the Utah State Democratic Party created under the authority of this Constitution shall adopt and conduct its affairs in accordance with written rules which shall be consistent with this Constitution, the Bylaws and other provisions adopted pursuant to authority of the Constitution, including resolutions or other actions of the State Convention. The State Secretary shall maintain copies of all such rules at the Utah State Democratic Committee Headquarters.

Section 4. Each recognized County Democratic Party shall adopt and conduct its affairs in accordance with written rules. Copies of such rules and any changes or amendments thereto shall be filed with the State Secretary within thirty days following adoption.

## RESOLUTION OF ADOPTION

The Utah State Democratic Party, assembled in a State Organizing Convention on June 12, 1993, does hereby repeal the previous Charter and Constitution as governing documents for the Utah State Democratic Party and does hereby adopt this Constitution for the governance of the Party.

# BYLAWS OF THE UTAH STATE DEMOCRATIC PARTY

## PREAMBLE

In pursuance of the purposes stated in the Constitution of the Utah State Democratic Party adopted June 12, 1993, the State Central Committee in a meeting assembled for the purpose of revising the Bylaws on January 22, 1994, does hereby repeal the previous Rules and Procedures of the Utah Democratic Party and does hereby adopt this set of Bylaws for the governance of the Party in conjunction with the Constitution of the Utah State Democratic Party.

## ARTICLE I - THE UTAH STATE DEMOCRATIC PARTY

Section 1. **Six Basic Elements of an Open Party.** The Utah State Democratic Party shall pursue the goals set forth in Article I, Section 1 of the Constitution of the Utah State Democratic Party in a manner that is consistent with the Six Basic Elements of an Open Party, as updated. To that end the following rules shall be implemented:

- (i) All public meetings at all levels of the Utah State Democratic Party shall be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, economic status, philosophical persuasion or physical disability (hereinafter collectively referred to as "status").
- (ii) No test for membership in, nor any oaths of loyalty to, the Utah State Democratic Party shall be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination based on status.
- (iii) The time and place for all public meetings of the Utah State Democratic Party on all levels shall be publicized fully and in such a manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members, and large enough to accommodate all interested persons.
- (iv) The Utah State Democratic Party, on all levels, shall support the broadest possible registration without discrimination based on status.
- (v) The Utah State Democratic Party shall publicize fully in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party officers and representatives on all levels. Publication of these procedures shall be done in such fashion that all prospective and current members of the Utah State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization.
- (vi) The Utah State Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical qualifications of all officers and representatives of the State Democratic party. Such publication shall be done in a timely fashion so that all prospective candidates or applicants for any elected or appointed position within the Utah State Democratic Party will have full and adequate opportunity to compete for office.

Section 2. **Compliance with Implementation of Six Basic Elements** Implementation of Article I, Section 1 of these Bylaws shall be determined to be complied with using the following definitions:

- (i) Public Meetings shall be defined as any Democratic Party precinct caucuses, State or County Conventions or Central Committee meetings, or any other meeting to which the general public has been invited by notification to the news media.
- (ii) Members shall be defined as any person who meets the criteria set forth in Article I, Section 2 or Article X of the Constitution of the Utah State Democratic Party and the Bylaws that pertain to those Articles.
- (iii) Publicize fully shall be defined as attempted notice to all members of the specific Committee or Convention that is meeting either by notification at a previous meeting of the Committee or Convention, by mail, or by telephone. Further, notice for public meetings or deadlines should be attempted by providing a press release to members of the news media as is practicable in the district for which the meeting is held.
- (iv) Timely notice shall be defined as seven days prior to the date of the deadline, meeting or Convention, unless defined elsewhere in the procedures for the event or deadline.

- (v) Requirements for a full or complete description of a process or qualifications may be met by notification of where or from whom such a complete document may be obtained either by mail or telephone in the attempt to publicize fully the event, deadline or contest for office.

Section 3. **Regional Organizations.** There shall be Regional Organizations to assist with the coordination of County Party activities and provide geographical representation on Standing, Advisory and Select Committees. The activities coordinated by each region shall be supervised by the County Party Chairs' representative on the State Executive Committee in conjunction with Regional Coordinators. There shall be one Regional Coordinator from each region nominated by the State Party Chair and appointed by the State Executive Committee. The Regional Coordinators shall serve for an indefinite term at the pleasure of the State Party Chair. The duties of Regional Coordinators shall be to act as a liaison between the County Party officers and the State Executive Committee. They shall also assist with coordination of County Party activities, training of County Party officers, and candidate recruitment. There shall be an item in the State Executive Committee budget proposal to the State Central Committee for expenses related to these Regional Organizations. The boundaries of the regions shall be comprised as follows:

- (i) **NORTH** - Box Elder County, Cache County, Davis County, Morgan County, Rich County, Summit County, Tooele County, and Weber County;
- (ii) **CENTRAL** - Salt Lake County;
- (iii) **EAST** - Carbon County, Daggett County, Duchesne County, Emery County, Grand County, San Juan County, Uintah County, Utah County, Wasatch County, and Wayne County; and,
- (iv) **WEST** - Beaver County, Garfield County, Iron County, Juab County, Kane County, Millard County, Piute County, Sanpete County, Sevier County, and Washington County.

## **ARTICLE II - STATE PRIMARY CONVENTION**

Section 1. **Convention Chair.** The State Chair shall be the Convention Chair, unless the State Chair is a candidate for election at the Convention, unwilling or unable to serve, or requests that there be another or other pro tempore Convention Chairs. In such case the State Executive Committee shall have the sole authority to appoint pro tempore Convention Chair or Chairs at their discretion.

Section 2. **Convention Committees.** There shall be the following Convention Committees to ensure that proper order is maintained at the Convention: Rules, Arrangements, Credentials, Elections, Registration, Platform and Resolutions.

- (i) The Rules Committee shall be a sub-committee of the Rules and Elections Standing Committee of the Utah State Democratic Party. It shall have the duty of presenting for adoption a report to the Convention a draft Rules or Order and Proceedings, or permanent agenda, for the Convention.
- (ii) The Arrangements Committee shall have the duty of arranging for the physical facilities required to hold the Convention. The facilities must be such that they can accommodate the number of expected delegates in attendance in a single meeting space with adequate seating within view of the main stage, sound systems for communication to and from the delegates, ventilation, parking, and access to the facilities by those with disabilities. There must also be facilities for registration of the delegates, a secure, private room for the Credentials Committee and Elections Committee. There shall also be a private room provided for each multi-county district which has a contested race for elected public office. The Arrangements Committee may also provide for meeting space for special interest caucuses, exhibitor space and equipment, and special equipment and meeting space for candidates. The Arrangements Committee may elect to assess special fees for space, equipment and services provided for candidates, special interest caucuses, or vendors. The Arrangements Committee shall also be responsible for establishing rules for the use of the facilities that are consistent with those of the property owner and will address the space and sign placement needs of all interested participants in the Convention. The Arrangements Committee shall also be responsible, in conjunction with the Sergeant at Arms, for enforcing the rules it sets forth.
- (iii) The Credentials Committee membership shall be a sub-committee of the Membership and Credentials Standing Committee of the Utah State Democratic Party. The Credentials Committee shall determine who will be seated as a delegate to the Convention and provide that information to the Registration Committee in a manner that permits the Registration Committee to prepare for registering the delegation.
- (iv) The Elections Committee membership shall be a sub-committee of the Rules and Elections Standing Committee of the Utah State Democratic Party. The Elections Committee shall provide for the physical necessities of balloting for the election of candidates and the certification of the official vote totals in such contested races. The Elections Committee shall determine the method by which a delegate receives a ballot and the method by which the delegate disposes of the ballot for proper counting of the ballot, or disposal

if the ballot is spoiled. The Elections Committee shall also provide for the format and production of the ballot. The Elections Committee shall provide for the counting of ballots and for observers from contested elections to witness the counting of the ballots.

- (v) The Registration Committee membership shall be a sub-committee of the Membership and Credentials Standing Committee of the Utah State Democratic Party. The Registration Committee shall provide for a method of registering credentialed delegates to the Convention and providing the delegates with a method of identification indicating their delegate status. The Registration Committee may also be required by the Election Committee to aid in the distribution and collection of official ballots.
- (vi) The Platform and/or Resolutions Committee shall be a sub-committee of the Platform and Policy Standing Committee of the Utah State Democratic Party. The Platform and/or Resolutions Committee shall recommend for adoption by the Convention a platform on public policy issues and/or resolutions on Party procedural issues that will reflect the position of the Utah State Democratic Party.

**Section 3. Time and Place.** The State Primary Convention shall be held in years in which the State of Utah holds a General Election at a time that allows the Party to utilize the Primary Election conducted by the State of Utah. The Convention shall be held at a place that can accommodate the needs of the Convention within the State of Utah.

**Section 4. Nomination of Candidates for the General Election.** All persons intending to become candidates at the Primary Convention for any elected public office, except for Lieutenant Governor of the State of Utah, shall file a statement of candidacy with either the County Clerk or Lieutenant Governor's Office, as is appropriate. Where the number of candidates filing declarations of candidacy is not greater than the number of nominees required for the next general election, those candidates shall be allowed to address the convention or caucus, as appropriate, seeking confirmation of the Democratic Party nomination. If the candidate receives a majority of the vote of those delegates voting, the candidate shall be declared to be the Party's nominee for that office and shall not be required to stand for election at the Primary Election. Should the candidate receive less than a majority of the votes cast for confirmation, there shall be no Democratic Party nominee. Where the number of candidates is greater than the number of nominees required for the next general election, there shall be nominating and seconding speeches made on behalf of the candidate and the candidate shall be allowed to address the convention or caucus, as appropriate. Then the delegates who reside in the district to be represented by the candidate shall vote. Voting and the announcement of the voting shall be as follows:

- (i) the delegate shall obtain the ballot from a member of the Registration or Elections Committee;
- (ii) after voting the ballot the delegate shall dispose of the ballot as provided for by the Registration or Elections Committee;
- (iii) the official ballots shall then be transmitted to the members of the Election Committee for tabulation;
- (iv) The results of the ballot shall be determined as follows:
  - (A) if a candidate receives sixty percent or more of the votes cast at the primary convention, that candidate shall become the party's nominee in the general election without the necessity of standing for election in the primary election; or,
  - (B) if there were more than two candidates seeking the Party's nomination and no candidate receives sixty percent or more of the votes cast at the primary convention the convention shall use multiple ballots. The two candidate receiving the highest number of votes shall be placed on a second ballot. If one candidate receives sixty percent or more of the votes cast at the primary convention, that candidate shall become the party's nominee in the general election without the necessity of standing for election in the Primary Election; or, if no candidate receives sixty percent or more of the votes cast, or there were only two candidates on the initial ballot in which no candidate received sixty percent or more of the vote, but one candidate receives at least fifty-seven percent of the votes cast, there shall be a final ballot listing the same two candidates. If on the final ballot one candidate receives sixty percent or more of the votes cast at the primary convention, that candidate shall become the party's nominee in the general election without the necessity of standing for election in the primary election; or, if no candidate receives sixty percent or more of the votes cast both candidates shall be declared the party's nominees to stand for election at the next Primary Election. The final ballot may be waived by the Party Chair upon the receipt of written signed requests by both candidates seeking the nomination. Voting shall remain open for successive ballots after the first as provided for in the Rules adopted for governing the Convention.

**Section 5. Nomination for Lieutenant Governor.** The Gubernatorial Candidate or Candidates nominated by the Convention shall nominate a candidate for Lieutenant Governor who meets the eligibility requirements of the statutes and Constitution of the State of Utah. The Delegates to the Convention shall then vote to ratify the nominee which requires a

majority vote of the Delegates present. No ballot is necessary. If the Convention fails to affirmatively ratify the nominee for Lieutenant Governor, the gubernatorial nominee shall nominate other candidates until the Convention ratifies a nominee. The nominee for Lieutenant Governor shall then file a statement of candidacy with the office of the Lieutenant Governor in a timely manner. The Gubernatorial Candidate or Candidates shall then run for election to that office on a joint ticket with their respective Lieutenant Governor nominee. In the election the names of the candidates for Governor and Lieutenant Governor shall appear together on the ballot and the votes cast for a candidate for Governor shall be considered as also cast for the candidate for Lieutenant Governor.

**Section 6. National Committee Members, National Delegates and Presidential Electors.** In presidential election years, the Convention shall elect at least one person for each position available for National Committee member, National Delegate and Presidential Elector in the following manner:

- (i) National Committee members shall be elected as provided herein:
  - (A) any member of the Utah State Democratic Party may file a declaration of candidacy for this office with the State Secretary or State Party Headquarters prior to the Call to Order of the first County Democratic Party Primary Convention of that calendar year provided that they file for a seat for which they are eligible as defined by the Democratic National Committee;
  - (B) where the number of candidates is greater than the number of positions to be filled in that category, there shall be nominating and seconding speeches made on behalf of the candidate and the candidate shall be allowed to address the convention;
  - (C) a ballot shall be prepared with separate categories depending on eligibility listing the names of the candidates within the category for which they filed in an order to be determined by lot;
  - (D) the voting may be in conjunction with the balloting for nominees for public elected office;
  - (E) each delegate shall be allowed to cast one vote per category with the person receiving the highest number of votes being elected in each category; and,
  - (F) in the event of a two or more persons have an equal number of votes, the tie shall be decided by lot.
- (ii) National Delegates and Alternate Delegates to the Democratic National Convention shall be elected as provided by the National Delegate Selection Plan that is approved by the Democratic National Committee.
- (iii) Presidential Electors shall be elected by the Convention when they elect the State Party Chair, Vice Chair and National Committee members who shall serve, along with the State Party Executive Director, as the Presidential Electors. Each of these Presidential Electors shall sign a pledge that they will cast their electoral ballot for the candidates nominated by the Democratic Party prior to the State Primary Convention. Should there be more than five Presidential Electors from the State of Utah or if one of the elected officials will not sign a pledge stipulating how to cast their ballot, then that position will be open to election in much the same manner as provided for the National Committee members. In the event that a Presidential Elector is not able to fulfil their duties, the remaining electors shall appoint another person to fill the vacancy.

**Section 7. Delegates to the Convention.** Delegates to the Convention shall be those noted in Article II, Section 8 of the Constitution of Utah State Democratic Party plus those members of the County Party Delegations. There shall be two thousand six hundred and forty-five (2,645) Delegates from County Party Delegations of the State of Utah. The number of Delegates that each County Party is entitled to shall be five plus a number to be determined in proportion to the combined votes cast at the next preceding November election for the Utah State Democratic Party's Candidates for the offices of Governor, Lieutenant Governor, Attorney General, State Auditor, and State Treasurer, excluding the vote for any candidate who had no opposition. The Delegates that form the County Party Delegations shall have been elected in the manner that is provided for by the State Delegate Selection Plan approved for the County Party in the county in which that Delegate resides.

**Section 8. Delegate Challenges.** County Parties shall have until one week prior to the Call to Order of the State Primary Convention to notify State Party Headquarters of the members of their Delegations and any replacements. No replacements shall be made after that date. County Parties shall resolve any challenges to the process in which they selected their Delegates prior to that date by sending a written copy of the challenge to State Party Headquarters which will refer the matter to the Judicial Standing Committee. After that date any unsuccessful candidate for Delegate, or potential candidate alleging improper procedure in the Delegate selection process, within the County as the Delegate or Delegates being challenged, has standing to challenge a delegate or delegates certified to the State Party Headquarters. The challenge must be submitted within the following guidelines:

- (i) the challenge shall be submitted in written form at least forty-eight hours prior to the Call to Order of the State Primary Convention or within one week after the County Party has certified its list of delegates to the

- State Party Headquarters, whichever is earlier;
- (ii) the challenge shall be sent by the challenger to State Party Headquarters and to the County Chair from the county in which the person was elected;
  - (iii) the challenge shall include the grounds on which the challenge is based;
  - (iv) the challenge shall be submitted to the Credentials Committee by the State Party Secretary;
  - (v) the Credentials Committee shall convene the committee on the first day of the Convention, or before if it is deemed necessary, to determine which persons shall receive official credentials as State Delegates and to take up any challenges;
  - (vi) in hearing a challenge, the Credentials Committee shall allot a period of time within which the challenger and the challenged, along with their supporters shall be granted equal time to make their statements. The Committee then may request relevant additional information from Party Officers; and,
  - (vii) the Credentials Committee shall then resolve challenges and its report to the Convention shall be final.

## ARTICLE III - STATE ORGANIZING CONVENTION

Section 1. **Convention Chair, Committees and Challenges.** Convention Chair, Convention Committees, and Delegate Challenges shall operate under the provisions set forth under Article II.

Section 2. **Time and Place.** The State Organizing Convention shall be held at a time after all county conventions, but before September in the year in which there is no general election in the State of Utah. The Convention shall be held at a place that can accommodate the needs of the Convention within the State of Utah.

Section 3. **Voting.** Where the number of candidates for the offices of State Party Chair, Vice Chair, Secretary and Treasurer are greater than the number of positions to be filled, there shall be nominating and seconding speeches made on behalf of the candidates and the candidates shall be allowed to address the convention. After which the Delegates shall vote, if more than one candidate has filed for that office. If there is only one candidate filed for an office, the Convention Chair may accept a motion to elect by acclamation. The State Chair, State Vice Chair, State Secretary, and State Treasurer shall be the person receiving a majority of votes at the State Organizing Convention. If no candidate receives a majority on the first ballot, there shall be a second ballot with the two candidates receiving the highest number of votes. The candidate on the second ballot with a majority shall be elected.

Section 4. **Replacement Delegates.** After the State Primary Convention, County Parties may replace State Delegates who die, resign, or are disqualified according to the County Party's approved State Delegate Selection Plan. These replacements may be made until fifteen days prior to the Call to Order of the State Organizing Convention. No replacements shall be made after that date. County Parties shall resolve any challenges to the process in which they selected their Delegates prior to that date by sending a written copy of the challenge to State Party Headquarters which will refer the matter to the Judicial Standing Committee. After that date any unsuccessful candidate for Delegate within the County as the Delegate or Delegates being challenged, has standing to challenge a delegate or delegates certified to the State Party Headquarters.

## ARTICLE IV - STATE CENTRAL COMMITTEE

Section 1. **Time and Place of Precinct Caucuses and State Conventions.** At the first quarterly meeting of the State Central Committee in years in which the State of Utah conducts a general election, the State Central Committee shall designate the date and time for holding Precinct Caucuses for the Democratic Party throughout the State of Utah. The location of the Precinct Caucuses shall be at the discretion of County Parties who are to organize and hold the Precinct Caucuses. The time and place of the State Convention shall be established by the State Party Officers and ratified by a simple majority of the members convened at a State Central Committee meeting.

Section 2. **Candidate Vacancies.** The process to fill a vacancy resulting from the death, resignation or other cause, of a candidate for state or federal office shall be as follows:

- (i) any member of the Utah State Democratic Party desiring to fill the vacancy shall be allowed to file a statement of candidacy with the State Party Secretary or State Party Headquarters;
- (ii) a ballot listing the names of the candidates to fill the vacancy shall be prepared listing the names in an order to be determined by lot;
- (iii) the State Central Committee shall be convened to select a new candidate as soon as is practicable. There shall be a suspension of the quorum rule to allow for a vote from only those members who reside in the district in which the vacancy occurred. The voting shall be by members of the State Central Committee that reside in the district in which the vacancy has occurred;

- (iv) there shall be one vote for each vacancy that is to be filled with the person or persons receiving the highest number of votes being chosen to fill the vacancy; and,
- (v) in the event that two or more persons have an equal number of votes, the tie shall be decided by lot.

**Section 3. Public Official Vacancies.** The process to fill a vacancy resulting from the death, resignation or other cause, of a county, state or federal elected official shall be as follows:

- (i) the State or County Party which provided the process for nominating the public official whose office is left vacant shall oversee the process for filling the vacancy;
- (ii) any member of the Utah State Democratic Party desiring to fill the vacancy shall be allowed to file a statement of candidacy with the State Party Headquarters or the County Party Secretary, as appropriate;
- (iii) a ballot listing the names of the candidates to fill the vacancy shall be prepared listing the names in an order to be determined by lot;
- (iv) at the discretion of the Chair, and in accordance with the laws of the State of Utah, a meeting of delegates or central committee members shall be convened to select nominees to fill the vacancy for transmission to the appropriate legal authority as soon as is practicable with a ten day written notice or at a regularly scheduled meeting. There shall be a suspension of the quorum rule to allow for a vote from only those delegates or central committee members who reside in the district in which the vacancy occurred. The voting shall be by the delegates or central committee members that reside in the district in which the vacancy has occurred;
- (v) each voting member shall be allowed to cast one vote with the person(s) receiving the highest number of votes being the nominee(s); and,
- (vi) in the event that two or more persons have an equal number of votes, the tie shall be decided by lot.

**Section 4. Party Official Vacancies.** The process to fill a vacancies of the State Central Committee, State Executive Committee, or State Executive Officers shall be as follows:

- (i) To fill a vacancy on the State Central Committee or the State Executive Committee, except for State Executive Officers:
  - (A) the constituency affected by a vacancy shall present the name of a person to fill the vacancy; and,
  - (B) the State Central Committee shall fill the vacancy with that person for the remainder of the unexpired term of the person that created the vacancy, unless there is a motion to refuse to seat the new member which requires a vote of two-thirds of the members present at a meeting of the State Central Committee to pass.
- (ii) To replace a State Executive Officer:
  - (A) any qualified member of the Utah State Democratic Party desiring to fill the vacancy shall be allowed to file a statement of candidacy with the State Party Secretary or State Party Headquarters;
  - (B) a ballot listing the names of the candidates to fill the vacancy shall be prepared listing the names in an order to be determined by lot;
  - (C) the State Central Committee shall be convened to select a person to fill the vacancy as soon as is practicable;
  - (D) each voting member shall be allowed to cast one vote with the person receiving the highest number of votes being elected;
  - (E) in the event that two or more persons have an equal number of votes, the tie shall be decided by lot; and,
  - (F) the person elected shall serve for the period of the unexpired term or until the next State Convention, whichever comes first. Should there be a State Convention prior to the end of the unexpired term any person may file for the office and an election shall be held with the delegates determining who shall fill the unexpired term.

**Section 5. Designates.** Federal and Statewide elected officials are encouraged to participate as members of the State Central Committee; however, they may select a person to act in their behalf. This person shall be known as their designate. Designates shall operate as follows:

- (i) When a Federal or Statewide elected official designates another person to serve on the State Central Committee that person must serve throughout the term of the elected official, unless a resignation is sent to the State Party Headquarters;

- (ii) the designate may resign from the State Central Committee and another may be appointed by the elected official, but the position shall not be used as an alternating or rotating position; and,
- (iii) the designate may speak on behalf of the elected official represented, but shall not cast a vote if the elected official is present.

**Section 6. Removal of Members.** Membership on the State Central Committee shall automatically be rescinded if a member is no longer a resident in the jurisdiction, or a affiliated with the caucus, represented by the member. A motion for removal of a member from the State Central Committee may be made to the Judicial Standing Committee by any other member of the State Central Committee for failure to support the Democratic nominee for public elected office. The Judicial Standing Committee shall make a recommendation to the State Central Committee at its next meeting; wherein the motion will be to accept or reject the report of the Judicial Standing Committee. If the recommendation of the Judicial Standing Committee is removal of the member from the State Central Committee, that motion shall need a vote of two thirds of the members present for the motion to be adopted. County Parties may provide in their bylaws for a member of the State Central Committee may be removed for failure to attend meetings of the State Central Committee.

**Section 7. Location of Meetings.** At least one of the State Central Committee meetings annually shall be conducted in the regions described in the Bylaws of the Utah State Democratic Party, Article I, Section 3, other than the Central Region. No more than one such meeting shall be conducted in any region until such meetings have been held in the other regions.

**Section 8. County Party Representatives.** There shall be 242 addition members of the State Central Committee to represent the County Democratic Parties as per Article IV, Section 2 (iii) of the Constitution of the Utah State Democratic Party.

**Section 9. Democratic Caucus Representatives.** There may be two representatives of each of the following caucuses as members of the State Central Committee as per Article IV, Section 2 (iv) of the Constitution of the Utah State Democratic Committee:

- (i) Young Democrats and College Democrats Caucus;
- (ii) Democratic Women's Political Caucus;
- (iii) Labor Caucus;
- (iv) Utah Public Employee's Democratic Caucus;
- (v) Educator's Democratic Caucus;
- (vi) Stonewall Democrats (Gay and Lesbian) Caucus;
- (vii) Hispanic Democrats Caucus;
- (viii) African-American Democrats Caucus;
- (ix) Progressive Democratic Caucus of Utah;
- (x) Democratic Caucus for People with Disabilities;
- (xi) Environmental Caucus;
- (xii) Rural Democratic Caucus; and,
- (xiii) Pacific Islanders Democratic Caucus.

## **ARTICLE V - STATE EXECUTIVE COMMITTEE**

**Section 1. Code of Fair Campaign Practices.** The State Executive Committee shall initiate and monitor a select committee to compose a Code of Fair Campaign Practices for submission to the State Central Committee at the soonest practical date, but no later than the regular meeting of the State Central Committee in the second quarter of 1994.

**Section 2. Code Binding Members and Staff.** The State Executive Committee and office personnel of the Utah State Democratic Committee shall be obligated to abide by the Code of Fair Campaign Practices.

**Section 3. Removal from Committee Appointments.** A member of any Standing, Advisory, or Select Committee may be terminated for failure to participate on the committee or for activity in another political party. A member who has been terminated from a committee may ask the State Executive Committee for reconsideration for reinstatement to the committee.

**Section 4. Non-Voting Members.** The State Executive Committee may invite the following to participate in an advisory capacity as a non-voting members of the State Executive Committee:

- (i) the immediate past State Party Chair;
- (ii) the president of the Utah Chapter of the Young Democrats; and,
- (iii) the Regional Coordinators.

Section 5. **Determining DNC/ASDC Membership.** The State Party Chair and the State Party Vice Chair shall serve as members of the Democratic National Committee and the Association of State Democratic Chairs. Should the State Party Vice Chair be ineligible to serve due to the gender rules of those organizations, the State Chair shall nominate and the State Executive Committee shall appoint a person of the opposite gender of the State Party Chair from among their members.

Section 6. **Gender Balance on State Executive Committee.** The State Party Chair shall nominate persons for membership on the State Executive Committee as per Article V, Section 2 of the Constitution of the Utah State Democratic Party, that will create to the greatest possible extent an equal division of committee membership between men and women.

## ARTICLE VI - STATE EXECUTIVE OFFICERS

Section 1. **Residency Requirement.** A candidate for State Executive Office must be a resident of the State of Utah upon filling for office and during their term of office. The resignation of a State Executive Officer intending to establish residency in another state must be submitted to the State Executive Committee. Vacancies shall be filled in accordance with Article IV, Section 4.

Section 2. **Leave of Absence.** State Executive Officers who are in contested races for the Democratic nomination to public elected office shall take a leave of absence until the contest for the nomination is decided. If a State Executive Officer is a candidate for public elected office, they shall not be permitted to use the facilities or staff of the Utah State Democratic Committee for their campaign in a manner that is not available to other candidates on the Democratic ticket. In no circumstance shall a State Executive Officer who is a candidate for public elected office be allowed to use the State Committee Headquarters for their campaign headquarters or hire the current State Committee staff to work for their campaign committee. State Executive Officers who are in contested races for party elected office shall not participate in the organization and administration of the election for that office. Nothing in this section shall be construed so as to prohibit the State Executive Officers from reporting to the convention in the usual, reasonable and customary manner.

Section 3. **Removal of State Executive Officers.** The State Chair, State Executive Committee, no fewer than three County Chairs, or no fewer than one-twelfth of the State Central Committee members may call for a State Central Committee meeting and petition the Judicial Standing Committee for removal of a State Executive Officer. The Judicial Standing Committee shall make a recommendation to the State Central Committee; wherein the motion will be to accept or reject the report of the Judicial Standing Committee. If the recommendation of the Judicial Standing Committee is removal of the State Executive Officer, that motion shall need a vote of two thirds of the members present for the motion to be adopted. If the State Executive Officer petitioned for removal is a member of the Judicial Standing Committee, the Officer may not participate in the deliberations of that Committee and the production of their report to the State Central Committee.

## ARTICLE VII - STANDING COMMITTEES

Section 1. **General Membership Provisions.** The State Central Committee shall make provision for the Standing Committees enumerated in this Article. The responsibilities of these Standing Committees are required, but not limited to, those enumerated in the section that defines the Standing Committee. The State Central Committee may assign additional responsibilities to the Standing Committees, but they are not to supplant those outlined herein. All Standing Committees shall be constituted as set forth herein subject to the following:

- (i) the membership of the Standing Committees shall be appointed by the State Chair with the advice and consent of the State Central Committee at a meeting to be held within ninety days following a State Organizing Convention;
- (ii) there shall be one member on each Standing Committee representing each of the Regions and additional members as set forth in the section that defines the Standing Committee. The State Chair shall make an effort to choose nominees who are representative of the Democratic Party electorate in the State of Utah;
- (iii) members shall be appointed for a period of two years or until they are replaced, whichever comes first;
- (iv) the Standing Committee Chair shall be appointed by the State Chair from the membership of that Standing Committee and shall serve at the pleasure of the State Chair;
- (v) the Standing Committees may meet as often as necessary. Meetings shall be called by the Standing Committee Chair or, by the written request of no fewer than one-third of the Standing Committee members. Notice of meetings shall be given prior to adjournment of the previous meeting, by telephone contact five days in advance of the meeting, or by mail five days in advance of the meeting; and,
- (vi) each Standing Committee may provide for the establishment of sub-committees which may consist of additional members to be appointed by the Standing Committee. Any member of the Standing Committee from which a sub-committee is derived shall be considered an ex-officio member of the sub-committee.

Members of the sub-committees who are not members of the Standing Committee shall have no vote in a meeting of that Standing Committee.

**Section 2. Rules and Elections Standing Committee.** The Rules and Elections Standing Committee of the Utah State Democratic Party shall be responsible for submitting to the proper authority amendments to the Constitution, the Bylaws, the Party Rules and Procedures, the State Convention Rules, the Affirmative Action/National Delegate Selection Plan, the procedures for the conduct of elections, and the recognition procedure for County Democratic Parties. This Standing Committee shall also be responsible for monitoring compliance with the rules that are set forth and may submit alleged violations of compliance to the Judicial Standing Committee. The Standing Committee may provide for the formation of a sub-committee for the State Convention Rules and procedures for the conduct of elections that includes as a part of its membership the designate of any candidate for public office or party office who is challenged at the Convention. This Standing Committee shall consist of thirty members who shall be the State Secretary, one member from each Region, and one member from each group of three legislative districts as sequentially numbered by the State of Utah with preference given to any nominee who is a former Delegate to the National Convention, a member of the State Central Committee, or a State Delegate. A quorum of this Standing Committee shall be any number of members who are in attendance at a meeting that has been called with appropriate notice.

**Section 3. Membership and Credentials Standing Committee.** The Membership and Credentials Standing Committee of the Utah State Democratic Party shall provide for, insofar as is practical, the maintenance of lists of members as set forth in Article I, Section 2. and determination of the credentials for all public and party officials, delegates and committee members of the Utah State Democratic Party. This Standing Committee shall also provide for reporting credentials when requested by the State of Utah, the State Convention, the State Executive Committee, the State Central Committee, and by Democratic candidate campaign committees. This Standing Committee shall consist of thirty-four members who shall be the State Secretary, one member from each Region, and one member from each County Democratic Party with preference given to any nominee who is the County Secretary, or secondarily any member of the State Central Committee. A quorum of this Standing Committee shall be any number of members who are in attendance at a meeting that has been called with appropriate notice.

**Section 4. Judicial Standing Committee.** The Judicial Standing Committee of the Utah State Democratic Party shall provide for a Code of Fair Campaign Practices for adoption and publication by the State Executive Committee, monitoring compliance with the Code of Fair Campaign Practices, resolution of intra-party disputes, to act as a conference committee for issues that cannot be resolved by other Standing Committees, provide for determining a failure of compliance with the Utah State Democratic Party rules and to recommend resolution of problems that arise from a failure of compliance, and may refer to the State Central Committee recommendations for removal of a State Executive Officer, a member of the State Executive Committee, or a member of the State Central Committee. The Standing Committee may make provision for its meetings to be held in closed session with the proceedings being kept confidential, except for the final report; a provision for all parties in a dispute to present their side of the argument; and a provision for a party in a dispute to accept the recommended resolution without notice to any other Committees. This Standing Committee shall consist of ten members who shall be the State Chair, State Vice Chair, the chief legal counsel for the Utah State Democratic Committee, one member from each Region, and one member from each group of twenty-five legislative districts as sequentially numbered by the State of Utah with preference given to any nominee who is concurrently a member of the Utah State Bar Association and a member of the State Central Committee. A quorum of this Standing Committee shall be any number of members who are in attendance at a meeting that has been called with appropriate notice.

**Section 5. Candidate Recruitment and Coordinated Campaign Standing Committee.** The Candidate Recruitment and Coordinated Campaign Standing Committee of the Utah State Democratic Party shall be responsible for recruitment of candidates for federal, statewide and multi-county elected offices; assisting the County Democratic Parties in recruiting candidates for all other districts within their jurisdiction at their request; developing a coordinated campaign plan implementing get out the vote efforts, voter identification efforts, voter registration efforts, and voter persuasion efforts; obtaining targeting information; recommending to the State Executive Committee focus group studies, opposition research studies, and the obtaining of polling data; and conducting post-election conferences and strategic planning meetings. The rules shall include the formation of a sub-committee for candidate recruitment that includes as a part of its membership any member of the State Central Committee, any current or past elected official who won election on the Democratic Party ticket, and members from other groups outside the Democratic Party that the sub-committee feels might be helpful. The Standing Committee may provide for the formation of a Select Committee for development and implementation of a coordinated campaign plan that includes as part of its membership the designate of any candidate for statewide or federal offices, the Democratic Party Leadership of the Utah State Legislature, and any other members that the State Chair appoints. This Standing Committee shall consist of thirty-two members who shall be the State Chair, the National Committee members, one member from each Region, and one member from each group of three legislative districts as sequentially numbered by the State of Utah with preference given to any nominee who is a current elected official who won election on the Democratic Party ticket, or secondarily a member of the State Central Committee. A quorum of this Standing

Committee shall be any number of members who are in attendance at a meeting that has been called with appropriate notice.

Section 6. **Platform and Policy Standing Committee.** The Platform and Policy Standing Committee of the Utah State Democratic Party shall be responsible for submitting the platform or resolutions reports to the State Conventions; creating task forces to study issues for the Utah State Democratic Party; compiling research on issues for use by candidates for public elected office; and acting as advocates for issues endorsed by the State Central Committee. The Standing Committee may provide for the formation of a sub-committee for drafting the platform or resolutions report to be submitted to the State Convention that includes as a part of its membership any member of the State Central Committee, the designate of any current or past elected official who won election on the Democratic Party ticket, the designate of any Democratic candidate that is contested at the State Convention, and members from other groups outside the Democratic Party that the sub-committee feels might be helpful. The Standing Committee may also provide for the formation of sub-committees or task forces to study specific issues that include as part of their membership a designate of the Democratic Party Leadership of the Utah State Legislature, and other persons who can provide expert knowledge on the issues addressed by the task force. This Standing Committee shall consist of thirty-two members who shall be the State Chair, the National Committee members, one member from each Region, and one member from each group of three legislative districts as sequentially numbered by the State of Utah with preference given to any nominee who is a current public elected official who won election on the Democratic Party ticket, or secondarily a member of the State Central Committee. A quorum of this Standing Committee shall be any number of members who are in attendance at a meeting that has been called with appropriate notice.

- (i) **Draft Platform.** A draft report of the Platform and Policy Standing Committee shall be prepared under the direction and with the approval of the Chair of the Utah State Democratic Committee.
- (ii) **Proposals for Inclusion in Platform.** Delegates and others may submit proposals for inclusion in the platform to the Chair of the Platform and Policy Standing Committee. All proposals to be considered by the Committee shall be submitted in writing at least sixteen (16) days prior to the convening of the State Nominating Convention. All proposals shall state the proposition in a clear and concise manner. The Chair of the Committee shall have authority for good cause to allow consideration of proposals submitted after the deadline, with the agreement of a majority of the membership of the Committee.
- (iii) **Amendments to Platform.** No one other than a voting member of the Committee may propose an amendment. The amendment process shall be on a section-by-section basis, unless otherwise determined by the Committee Chair. No motion or proposition on a subject different from that under consideration shall be permitted under color of the amendment.
- (iv) **Minority Report to Platform.** Upon the written request of at least six members of the Committee, a minority report concerning any issue that has been raised before the Committee shall be prepared and submitted to the Committee Chair. An issue that has not been considered by the full committee may not be the subject of a minority report. Minority reports must be submitted to the Chair of the Platform and Policy Standing Committee within forty-eight (48) hours of adjournment of the committee's pre-Convention meeting. The minority report shall be in the form of a resolution disposing of the matter to which it relates, and shall be prepared for distribution to all Convention delegates as part of the Committee's report. No member who voted for the majority report with respect to a matter may sign a minority report relating to the same matter and must affirm they did not vote with the majority on the motion adopted. No member may sign more than one minority report relating to a particular matter. Any person who signs a minority report may withdraw his or her support for such report by written notice to the Committee Chair or a designated staff member. A minority report may be withdrawn at any time prior to or during the Convention. A minority report will be deemed withdrawn when support falls to fewer than six members of the committee, as evidenced by the written withdrawal of support by proponents of the report as submitted to the Committee Chair.
- (v) **Resolutions.** The Platform and Policy Standing Committee shall receive and consider all resolutions proposed by a member of the State Central Committee or State Convention Delegate, as appropriate, on matters of policy proposed for adoption by the State Central Committee or Convention, and shall report in writing. Said report shall contain the text of each resolution recommended by the Committee for adoption, and shall identify resolutions considered but not recommended for adoption. Resolutions shall be submitted to the Chair of the Committee at least fourteen (14) days prior to the meeting, provided that the State Executive Committee may vote to submit urgent timely resolutions directly to the State Central Committee or Convention even though not submitted within these time periods. Excepting those resolutions submitted by the State Executive Committee, no resolutions may be considered that have not had prior consideration by the Platform and Policy Standing Committee.

## ARTICLE VIII - ADVISORY COMMITTEES

Section 1. **General Membership Provisions.** The State Executive Committee shall make provision for the Advisory Committees enumerated in this Article. The responsibilities of these Advisory Committees are required, but not limited to, those enumerated in the section that defines the Advisory Committee. The State Executive Committee may assign additional responsibilities to the Advisory Committees, but they are not to supplant those outlined herein. All Advisory Committees are subject to the following:

- (i) the membership of the Advisory Committees shall be appointed by the State Chair with the advice and consent of the State Executive Committee at a meeting to be held within ninety days following a State Organizing Convention;
- (ii) the State Chair shall make an effort to appoint one member on each Advisory Committee from each of the Regions and shall make an effort to appoint additional members who are representative of the Democratic Party electorate in the State of Utah;
- (iii) members shall be appointed for a period of two years or until they are replaced, whichever comes first;
- (iv) the Chairs of the Education, Training and Outreach, and Public Relations Advisory Committees shall be appointed by the State Chair from the respective membership of that Advisory Committee and shall serve at the pleasure of the State Chair;
- (v) the Advisory Committees may meet as often as necessary. Meetings shall be called by the Advisory Committee Chair or, by the written request of no fewer than one-third of the Advisory Committee members. Notice of meetings shall be given prior to adjournment of the previous meeting, by telephone contact five days prior to the meeting, or by mail five days in advance of the meeting; and,
- (vi) each Advisory Committee may provide by rule for the establishment of sub-committees which may consist of additional members to be appointed by the Advisory Committee. Any member of the Advisory Committee from which a sub-committee is derived shall be considered an ex-officio member of the sub-committee. Members of the sub-committees who are not members of the Advisory Committee shall have no vote in a meeting of that Advisory Committee; and,
- (vii) a quorum of an Advisory Committee shall be any number of members who are in attendance at a meeting that has been called with appropriate notice.

Section 2. **Financial Organization Advisory Committee.** The Financial Organization Advisory Committee of the Utah State Democratic Party shall, insofar as possible, be responsible for raising funds needed to operate and staff Utah State Democratic Committee Headquarters, aid Democratic candidates, provide information to the general membership, operate the State Conventions, fund raising activities, the State Central Committee, the State Executive Committee, and the Standing, Advisory, and Select Committees and their sub-committees. The State Treasurer shall be the Chair of this Advisory Committee. The number of members and their composition shall be determined by the State Executive Committee.

Section 3. **Education, Training and Outreach Advisory Committee.** The Education, Training and Outreach Advisory Committee of the Utah State Democratic Party shall be responsible for the creation and implementation of comprehensive education and training programs to include, but not limited to, the development of a Speaker's Bureau, workshops for County Democratic Party Officers, information for potential Democratic Party candidates, workshops and programs for volunteer training, and campaign workshops. This Advisory Committee shall also be responsible for assisting the Young Democrats and/or College Democrats in the organization and maintenance of Democratic Party clubs in local schools, colleges, universities. The National Committee members shall be members of this Advisory Committee. The Advisory Committee may provide for the formation of a sub-committee for Candidate Training that includes as a part of its membership the Democratic Party Leadership of the Utah State Legislature, the State Central Committee members representing the Democratic Party Caucus of the Utah Association of Counties, and any additional members that they recommend. The number of members and their composition shall be determined by the State Executive Committee.

Section 4. **Public Relations Advisory Committee.** The Public Relations Advisory Committee of the Utah State Democratic Party shall be responsible for, but not limited to, formulating methods for highlighting information about the Utah State Democratic Party and providing for its distribution to the news media and general public, assisting Democratic candidates and committees with press releases and materials for distribution to the news media or general public, providing topics and assistance to members of the Speaker's Bureau, and creating and implementing a rapid response team to immediately counter negative stories about the Utah State Democratic Party, its candidates, and its elected officials. The Advisory Committee may provide for the formation of a sub-committee for Rapid Response that includes as a part of its membership the State Executive Officers, the designate of any federal or statewide elected officials who won election on the Democratic Party ticket, the designate of Democratic Party Leadership of the Utah State Legislature, the State Central Committee

members representing the Democratic Party Caucus of the Utah Association of Counties or their designate, and any additional members that would aid in this process. The number of members and their composition shall be determined by the State Executive Committee.

## ARTICLE IX - SELECT COMMITTEES

Section 1. **General Select Committee Provisions.** The State Executive Committee or the State Central Committee may establish Select Committees on any matter. The establishing motion for the creation of a Select Committee shall be required to list the responsibilities, a specific timetable, a budget, and the membership for the Select Committee. The Select Committee shall be responsible for following the same rules set forth regulating the parent committee. The State Executive Committee or State Central Committee may assign any responsibility to a Select Committee, but they are not to supplant those outlined for the Standing or Advisory Committees. All Select Committees shall be constituted as set forth herein subject to the following:

- (i) the membership of the Select Committees shall be appointed within thirty days following the creation of the Select Committee by the State Chair;
- (ii) membership shall be determined in the establishing motion; however, there shall be at least one member on each Select Committee from each of the Regions. The State Chair shall make an effort to choose additional members who are representative of the Democratic Party electorate in the State of Utah within the guidelines of the membership that is defined in the establishing motion;
- (iii) the Select Committee Chair shall be appointed by the State Chair from the membership of that Select Committee and shall serve at the pleasure of the State Chair;
- (iv) select Committees may meet as often as necessary, but shall complete their work within the timetable set forth in the establishing motion. Meetings shall be called by the Select Committee Chair or, by the written request of no fewer than one-third of the Advisory Committee members. Notice of meetings shall be given prior to adjournment of the previous meeting, by telephone contact five days in advance of the meeting, or by mail five days in advance of the meeting;
- (v) each Select Committee may provide for the establishment of sub-committees which may consist of additional members to be appointed by the Select Committee. Any member of the Select Committee from which a sub-committee is derived shall be considered an ex-officio member of the sub-committee. Members of the sub-committees who are not members of the Select Committee shall have no vote in a meeting of that Select Committee; and,
- (vi) a quorum of a Select Committee shall be any number of members who are in attendance at a meeting that has been called with appropriate notice.

## ARTICLE X - FULL PARTICIPATION

Section 1. **Affirmative Action Plan.** The State Executive Committee shall initiate and monitor a select committee to compose an Affirmative Action Plan for submission to the State Central Committee at the soonest practical date, but no later than the regular meeting of the State Central Committee in the first quarter of 1995.

Section 2. **Residency and Age Requirements for Participation.** Any person who will be eligible to vote in Utah in the next general election and resides in the political subdivision for which the political activity is conducted may be eligible to participate, except as otherwise provided herein and in the Constitution, in precinct caucuses, state and county conventions, Democratic Party primary elections, state and county central and executive committees, and state and county party office.

## ARTICLE XI - GENERAL PROVISIONS

Section 1. **Voting by Proxy.** The members of the Democratic National Committee and/or the Association of State Democratic Chairs may accept and designate a vote by proxy for use at meetings of the Democratic National Committee or Association of State Democratic Chairs. Otherwise, voting by proxy shall not be permitted at a meeting of the State Executive Committee.

Section 2. **Voting Methods.** Voting at the State Convention or State Central Committee meeting on amendments to the Constitution or Bylaws of the Utah State Democratic Party, resolutions, platforms, motions or other issues may be done by voice vote, showing of hands, rising, general consent, roll call, or ballot at the discretion of the Chair. Voting at State Conventions and State Central Committee meetings shall be by ballot for the election of any person, unless the rules are suspended for election by acclamation. Voted ballots shall be made available only for visual inspection for the elections

committee at conventions and/or central committee meetings and the candidates' representatives in the counting room until the election report is adopted. The Utah State Democratic Committee shall then destroy all voted ballots and shall not retain any copies or other records of voted ballots from any elections.

Section 3. **Public Announcement of Officers, Candidates and Delegates.** At the earliest practical date after the adjournment of a state or county convention, the secretary of the respective state or county party shall notify the Lieutenant Governor or County Clerk, as appropriate, the names of the Party Officers or the Democratic nominees for public office elected at the convention. The state or county party secretary shall respond to reasonable requests made in writing by responsible persons requesting the names of party officers, candidates and delegates.

Section 4. **Access to Party Records.** The Utah State Democratic Committee shall provide reasonable access to the records of the Utah State Democratic Committee, except for those records pertaining to matters of personnel, legal actions, and politically strategic or sensitive issues which are only to be released with the authorization of the Chair of the Utah State Democratic Party. Decisions of the Chair regarding authorization of access to records may be appealed to the State Executive Committee.

Section 5. **County Party Procedures.** To the extent that County Parties have not written and adopted rules and bylaws governing their processes for delegate selection, party officer election, candidate nomination, filing candidate and party office vacancies, and other matters, the County Party shall be expected to utilize substantially the same processes as those adopted and defined in the Constitution and Bylaws of the Utah State Democratic Party for use by the Utah State Democratic Committee or any other such model bylaws recommended by the Rules and Elections Standing Committee.

Section 6. **Tax Check Off Funds.** In the event that a county has no organized County Party Central Committee, the State Central Committee shall act in its stead for purposes of disbursing funds obtained through the State of Utah's Election Campaign Fund that are designated for that county.

Section 7. **Mail.** Notification by mail that is required in these Bylaws or the Constitution of the Utah State Democratic Party may be provided either by electronic mail or postal mail.

Section 8. **Organizing Caucuses.** Each precinct caucus may elect at least two members to the County Central Committee and at least one delegate to the County Convention. The precinct caucus may elect delegates to the State Convention, if provided for by the County Party State Delegate Selection rules. The County Parties may allocate to a precinct more than one County Delegate position based on written rules that use as a base for allocation either County Party leaders, population, number of registered voters, some verifiable measure of Democratic Party strength in that precinct as compared to the other precincts in the County, or some combination thereof. If a County Party does not adopt a rule for allocation of delegates, they shall be allocated in the same manner that the Utah State Democratic Committee uses to allocate State Delegates. Precinct caucus locations shall be held in places within or nearby the precinct which are accessible and reasonably convenient to attenders, including people with disabilities. Vacancies or replacements for people elected as County Delegates shall reside in or nearby the precinct, but in no circumstances outside the State House District, for which the vacancy occurs and preference must be given to persons living in the precinct for which the vacancy occurs. The County Party shall determine the method of notification to the Utah State Democratic Committee and the County Party of the persons elected to serve in one or more of the following positions: County Delegates, State Delegates, election judges, registration agents, and County Party Central Committee members. Regardless of the method used the notification must be within seventy-two hours after the conclusion of the caucus. If the Utah State Democratic Committee requires a Presidential Preference Vote to take place at the precinct caucus, the County Party determine the method by which the results of the vote shall be transmitted to the Utah State Democratic Committee by telephone or facsimile within five hours after the conclusion of the precinct caucus. The precinct caucus shall be prepared to conduct business for at least one hour.

## ARTICLE XII - AMENDMENTS

Section 1. **Resolutions Adopted by Convention.** The Bylaws may be amended in the manner outlined in Article XII, Section 2 of the Constitution of the Utah State Democratic Party. Unless a resolution adopted by the State Convention specifically amends a part of these bylaws heretofore, that amendment shall be placed in this article. Article XII of these bylaws shall be reserved for amendments relating to the governance of the Party adopted by the State Convention.