

# Massachusetts Democratic Party By-Laws

*Updated February 6, 2019*

# Prefix: Definitions

The following definitions apply to terms used throughout the By-Laws:

**Accessible** is defined as referring to those conditions which assure openness and provide an equal opportunity for participation, including handicapped accessible locations, convenience and public identification among others.

**Agenda** is defined as an outline of topics to be considered and actions to be taken by the Party, such as meeting, programs, rules, etc.

**Caucus** is a gathering of enrolled Democrats called by a town, ward, city or State Committee

**Charter** is the "Constitution" of the Massachusetts Democratic Party, as amended at the most recent convention

**Conference** is a regional gathering of Democrats called by a group of town, ward, city committees or the State Committee.

**Convention** is a statewide gathering of Democrats called by the State Committee, in accordance with the Charter

**Disability/Handicapped** with respect to an individual, means a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

**Low and Moderate Income** as defined by the Democratic National Committee

**Meeting** is a gathering of full and associate members of a Democratic committee, or sub-unit thereof, at any level

**Minorities:** Blacks, Hispanics, Asian-Americans and Cape Verdeans as defined by the Equal Employment Opportunity Commission

**Senior Citizens** those persons 65 years of age or over

**Youth** individuals 18 through 35 years of age

# Article I

This organization shall be known as the Massachusetts Democratic State Committee (“State Committee”) or the Massachusetts Democratic Party (“Democratic Party”), and is authorized to do business under other names as the Chairperson, with the advice of the Executive Committee and notice to the State Committee, may designate. Such names shall be properly filed in accordance with law, including so-called “DBA” designations to fulfill postal permit requirements.

# Article II

## Section 1: Membership

Members of the Democratic State Committee shall be enrolled Democrats in Massachusetts consisting of:

- a. two men and the two women elected from each state senatorial district;
- b. members of the Democratic National Committee from Massachusetts;
- c. Massachusetts Democratic constitutional officers, Massachusetts Democratic members of the United States Congress and the highest-ranking Democratic member of each of the Massachusetts Senate and House of Representatives;
- d. four men and four women who are youth, having not reached the age of 36, and two men and two women who are members of the College Democrats of Massachusetts (when possible); these members shall be elected by the Democratic State Committee. Student members shall serve two-year terms.
- e. Affirmative Action members not to exceed 10% of the entire membership not counting the Affirmative Action members and equally divided between men and women. They shall represent traditionally under-represented target groups as identified in the state Party's affirmative action plan in such numbers and/or percentages of said target groups as the State Committee consistent with the Charter, shall determine.
- f. two veterans, one male and one female; and
- g. ten members representing organized labor, equally divided between male and female
- h. 5 men and 5 women who are gay and lesbian Democrats.
- i. 2 members representing the disabled (one of each sex)
- j. 2 French speaking members (one of each sex)
- k. 2 Portuguese speaking members (one of each sex)
- l. 2 Senior citizens (one of each sex)

The chairperson of the Party shall publicize the availability of positions pursuant to paragraphs e. through g. herein. Nominations shall be made from the floor at the State Committee meeting and the appropriate number of members shall then be chosen by a majority of the members present and voting. Members chosen under this paragraph shall be elected at the first State Committee meeting after the presidential primary and shall serve for terms of four years, but only during the term of the Committee which chose them.

- m. former or current members of the State Committee who served as such for twenty or more years; said member's position on the State Committee, elected or appointed, shall be vacated after the member has served over twenty years, and he or she becomes a member of the State Committee by action of this sub-section. The vacated position on the State Committee shall be filled in accordance with Article 8;
- n. the treasurer and the deputy treasurer(s) of the State Committee if chosen in accordance Article IV(a) and not previously elected a member of the State Committee.
- o. to include at-large members equal to the number of discrepancy between male and female members to gender balance the State Committee. These members shall be elected at the organizational meeting equal to the discrepancy at that time. These members shall serve a four year term or until their successors are elected. Vacancies in these positions shall not be filled.
- p. former chairs of the State Committee.
- q. One man and one woman who are youth having not reached the age of 36 selected by the Massachusetts Young Democrats [Massachusetts Democratic Future] and one man and one woman who are youth not having reached the age of 36 selected by the College Democrats of Massachusetts. These members so appointed shall have made every practical effort to become

members or associate members of their local Ward or Town Committee. Student members shall serve for a term of two years.

All members shall have the right to vote on any matter before the State Committee. Each member shall have one vote, even if he or she holds membership under more than one paragraph.

## **Section 2: Election of Senatorial District State Committee Members**

There shall be one hundred and sixty (160) members of the Democratic State Committee apportioned to the state senatorial districts.

Eighty (80) members of the State Committee, one man and one woman from each state senatorial district, shall be elected by conference within each state senatorial district. Each conference shall be composed of conference attendees of ward and town committees selected respectively by the town and ward committees within the senate district, from among registered Democrats in said ward or town, to represent that town or ward committee at that conference, in a number equal to the number of delegates allocated to such ward or town for the most recent past convention, who shall represent the committee at the local conference. (For this purpose, said members may include associate members of the committee, including associate members elected as of December 31 of the prior calendar year.) Each such elected member shall have one vote at the conference. Where a town or ward has an odd number of delegates for the most recent past convention, then the number of members it shall select to represent the town or ward at the conference shall be rounded up to the next whole number.

(For example, if the town or ward has seven delegates to the most recent convention, it shall elect four members to represent it at the conference.)

The terms of members so selected shall begin the day following their election and end four years later on the day of the conference to select their successors. The Chairperson may, at his discretion, deem a member selected if there is only one candidate for said position.

The process for the selection certification and seating of the 80 members elected by conferences shall be in accordance with Article 3, Section III of the Charter.

All members of the State Committee shall have full and equal voting privileges.

## **Section 3: Removal of State Committee Members**

Members and officers pledge themselves by accepting office to perform diligently and honorably their duties or resign. Members of the State Committee, except for ex-officio members, as defined in Article II, Section 1, paragraph(c), may be removed, or censured, by procedures guaranteeing adequate notice and due process and by a two-thirds vote of those present and voting at duly noticed meeting of the State Committee for:

- a. failure to fulfill their role and discharge their responsibilities as stated in Article III of these By-laws;
- b. failure to attend at least half of the regularly scheduled committee meetings during any calendar year; records of attendance of members shall be made public on an annual basis;
- c. public support for or financial contribution to an opponent of a nominee of the Democratic Party which nominee publicly supports a majority of the platform of the Democratic Party as adopted at the most recent state and national Democratic conventions. A member for whom a long and deeply held belief would be violated by support of the nominee shall not be removed under this section.

- d. unauthorized use of the party name or resources;
  - e. conviction, after appeals are exhausted, of a criminal offense other than a misdemeanor.
- A member must be given an opportunity to resign before notice of the hearing on the question of removal is given to the membership of the committee.

A member removed under this section shall have 30 days to appeal to the Judicial Council, and the vacancy may not be filled in such case until the final decision of the Judicial Council is made. If the State Committee refuses to act upon or remove a member duly charged, the charge may be appealed to the Judicial Council.

Removal procedures may only be initiated by a written complaint submitted directly to the Chairperson. Any such written complaint shall state that it is being submitted to initiate removal proceedings against a member and shall include a precise statement of reasons detaining the basis for the member's removal. The Chairperson shall promptly submit the written complaint to Legal Counsel of the party and the Legal Counsel shall first determine that the complaint is not frivolous and, if the complaint is not frivolous then the Legal Counsel shall refer the complaint to the Rules Committee. The Rules Committee shall promptly convene and establish rules for removal proceedings which guarantee adequate notice and due process and which shall conclude on the complaint being presented to the membership for a vote as provided herein.

For purposes of this provision only the Legal Counsel shall be an ex-officio member of the Rules Committee and must consent to the rules established hereto; provided, however, that the Legal Counsel shall consent if the rules established guarantee adequate notice and due process. Except for illness or other good and sufficient cause, the Legal Counsel, and not a designee or representative, must personally attend all Rules Committee meetings relating to removal complaints.

The written complaint seeking removal may also suggest alternate sanctions other than removal. Upon presentation of the complaint to the membership, the membership may take action other than removal against a member whether or not the written complaint suggested alternate sanctions. The optional alternate sanctions may include, but shall not be limited to, loss of ex officio status at State Committee functions or events, including attendance at a convention, or loss of voting privileges at State Committee meetings.

Within a reasonable period of time after the adoption of these By-laws, the Rules Committee shall recommend and the State Committee shall adopt procedures under which such removals may occur. No such removal may occur prior to the adoption of said procedures by the State Committee.

# Article III

## Role and Responsibility of the State Committee and Members of the State Committee

### Section 1: The State Committee

The State Committee shall have general responsibility for the affairs of the Democratic Party, subject to the authority of the Charter, between State Conventions, subject to the provisions of this Charter and to resolutions or other actions of a State Convention. This responsibility shall include:

- a. maintaining regular communication with and provide training, information and other services to town, ward and city committees;
- b. coordinating and conducting the Party's state campaigns;
- c. filling vacancies in the nominations for statewide and congressional offices;
- d. formulating and disseminating statements of Party policy;
- e. raising and disbursing monies needed for the successful operation of the State Committee; and
- f. issuing, in accordance with Democratic National Committee guidelines, national delegate selection plans.

The State Committee shall publicly support the Party's nominees and shall not publicly support any opponent. The State Committee shall take all other actions necessary or appropriate to carry out the provisions of the Charter. The State Committee shall maintain an office, appropriate records, and a file of By-laws of town, ward and city committees which shall be available for public inspection.

No party resources shall be used to support a Democratic nominee who publicly supports the opponent of another Democratic nominee.

### Section 2: The Members

It is the responsibility of the members of the State Committee to:

- a. actively participate in the business of the State Committee, including attendance at meetings;
- b. maintain regular communication and consultation with town and ward committees, and keep those committees informed of party affairs as detailed in Section I;
- c. publicly support party nominees
- d. Prior to any Democratic Primary each member of the State Committee is free and is encouraged to fully participate in supporting candidates whom each believes to be reflective of their and our Party's goals, objectives, and values. Provided however, no officer of the State Committee and no Chairperson of any subcommittee shall use their title or office to endorse and/or otherwise support any candidate prior to a contested Democratic Primary, and no staff member of the State Committee shall endorse or participate in any contested Democratic Primary campaign. No financial resources of the State Committee shall be used in any contested Democratic Primary.
- e. Prior to any election to fill a Democratic State Committee seat, no officer of the State Committee, no Chairperson of any subcommittee, and no Democratic National Committee member shall use their title or office to endorse and/or otherwise support any candidate. No subcommittee of the Democratic State Committee shall endorse a candidate for election to fill a Democratic State Committee seat.

# Article IV

## Officers

a. The State Committee shall elect from among its members a chairperson; 2 vice-chairpersons, one of each sex; treasurer; up to 2 deputy treasurer(s), one of each sex; secretary; and other appropriate officers. All officers must be members of the State Committee, except that before choosing a treasurer, deputy treasurers, a majority of the members of the State Committee present and voting may suspend this requirement as to those officers only.

The members of the state committee elected at the presidential primaries shall, within ten days after the thirtieth day next following their election, meet and organize for the purpose of choosing a secretary, treasurer, and such other officers, other than a chairman, as they may decide to elect; provided, however, that such members shall, within ten days after the November general election at which a president is elected, meet and choose a chairman.

Notwithstanding the provisions of any general or special law to the contrary, a chairman shall serve in his respective position until his successor has been chosen; provided, however, that in the event that a state committee requires that its chairman be a member and any such elected chairman ceases to be a member, the committee shall choose a temporary chairman who shall serve until a permanent is chosen following the November election is aforesaid. Such committee may, at any time after its organization, add to its membership.

The secretary of the state committee shall file with the state secretary, and send to each city and town committee, within ten days after such permanent organization, a list of the members of the state committee and of its officers, and, within ten days after each addition to its membership made subsequently to its permanent organization, a list of the members so added.

b. A legal counsel and deputy legal counsel shall be appointed by the chairperson with the consent of the State Committee.

c. An officer shall hold office until a successor is chosen by a new State Committee under paragraph (b), or until a vacancy occurs under Article II.



# Article V

## Duties of Officers

### a. Chairperson

(i) The chairperson shall be the chief executive officer of the State Committee, presiding at its meetings, speaking for it and directing its organization and activities. The chairperson shall with the approval of the State Committee, appoint an Executive Director for the State Party and such additional staff as deemed appropriate. The chairperson shall name persons to sub-committees provided for in the Charter and these By-laws, and with the approval of the State Committee may create special subcommittees and appoint members thereto. The chairperson shall be an ex-officio, voting member of all subcommittees

(ii) The chairperson shall be the only person empowered to incur liabilities binding on the State Committee, but the salary of the chairperson, if any, must be established annually by the State Committee; provided, however, that all such liabilities shall be reflected in the Treasurer's Report presented at each meeting.

### b. Vice-chairpersons

A vice-chairperson designated by the chairperson shall assume the powers and duties of the chairperson in the temporary absence or incapacity of the chairperson, and shall have such other responsibilities as are conferred by the State Committee or the chairperson until their chairperson returns to his or her duties.

### c. Secretary

(i) The secretary shall keep a record of all proceedings of the State Committee, cause to be sent out notices of meetings and perform all other duties appropriate and consistent with the office. The secretary shall take all necessary action to comply with Standing Rule 97-2. The secretary may delegate ministerial duties to clerks or assistants.

(ii) In case of the necessary absence of the secretary through illness otherwise, the chairperson shall designate a member to serve as secretary until the secretary returns to his or her duties.

### d. Treasurer

(i) The treasurer shall be bonded and shall be responsible for the custody of all monies belonging to the Democratic State Committee. The Treasurer shall open an account in a bank and execute a signature card in the name of the State Committee and deposit all money and checks received in that bank.

(ii) The treasurer's report shall be read at each meeting and a copy submitted to each member.

(iii) The treasurer shall sign checks for all expenditures of money for authorized and proper purposes. All disbursements shall be made by check. The treasurer is also responsible for the handling and reporting of political contributions and expenditures as provided in the State and Federal Election Laws.

(iv) The treasurer's accounts shall be reviewed annually by a certified public accountant selected by the chairperson and a report of the review shall be read at the next meeting of the State Committee.

(v) The treasurer shall deliver to his or her successor all money and property of the State Committee within fifteen days after the successor takes office, at which time the certified public accountant chosen by the chairperson shall make a review of the accounts, a copy of which shall be sent to each member.

(vi) In case of the necessary absence of the treasurer through illness or otherwise, the chairperson shall designate a member to serve as treasurer until the treasurer returns to his or her duties.

(vii) The treasurer may delegate temporarily any and all duties to a deputy treasurer, who need not be a member of the State Committee, provided that Article IV of the By-laws has been complied with.

e. Removal of Officers

(i) Officers of the State Committee may be removed with adequate notice and due process for failing to perform the duties of the office by a two-thirds vote of the State Committee present and voting at a duly noticed meeting.

# Article VI

## Meetings of the State Committee

a. The State Committee shall meet at least four (4) times each year, at least once each quarter, at the call of the State Chairperson. Meetings of the full State Committee shall be held regularly on a regional basis.

b. Special Meetings: Special meetings of the State Committee shall be called by the Chairperson or Secretary upon receipt of a signed petition from no fewer than 25 members of the State Committee. The petition shall briefly set forth the agenda for such special meeting and identify (name, phone number and address) a contact person for any item related to the petition. The Chairperson, with the advice and consent of the Executive Committee, may add items to the agenda for a special meeting, provided that any such additional items shall follow the agenda items specified in the petition.

The Chairperson or Secretary shall notify the contact person by telephone and in writing within 5 business days of the receipt of the petition of any disqualifying infirmities in any petition received by the State Committee, provided that if no contact person is identified that any person who signed the petition shall be notified. If there is no such notice of any disqualifying infirmities, then the petition shall be deemed to be a qualifying petition.

A special meeting shall be held not sooner than 30 days nor later than 45 days after the receipt of a qualifying petition and the notice for the special meeting shall be mailed by the State Committee to all members no later than 5 business days after receipt of a qualifying petition. A special meeting shall not be called prior to 60 days of a General Election without the consent of the Executive Committee. The notice shall include the agenda identified in the petition, the members who signed the petition and any agenda items added as provided for herein.

c. No vote at any meeting shall be taken by secret ballot. If one quarter of the members present so request, a vote shall be taken by roll call and recorded by the secretary.

### **Quorum**

d. A quorum shall consist of sixty (60) members of the State Committee.

# Article VII

## **Executive Committee**

The State Committee shall have an Executive Committee which shall consist of all Chairpersons of Subcommittees, all officers of the State Committee, all members of the Democratic National Committee from Massachusetts, and such other people as the Chairperson may select. The Executive Committee shall meet not less than once each three months.

# Article VIII

## Vacancies

a. A vacancy occurs in an office of or the membership of the State Committee, or in the Massachusetts membership of the Democratic National Committee, whenever the holder of the position:

- (i) dies or becomes permanently unable to serve;
- (ii) resigns in a written communication received by the State Committee. The resignation need not be formally accepted, except as required by below:
- (iii) ceases to be a resident of Massachusetts ;
- (iv) ceases to be an enrolled Democratic voter; or
- (v) is removed as provided for herein.

Except in the case of death, resignation or removal, the vacancy must be declared by vote of a majority of the members present and voting at a meeting.

b. Upon notification of an officer vacancy or a vacancy in the Massachusetts membership of the Democratic National Committee, the Chairperson shall immediately notify all members of the Executive Committee and shall have the Rules Committee meet as soon as possible to propose election rules for filling the vacancy at the State Committee meeting at which the vacancy will be formally announced. The Chairperson, with the advice and consent of the Executive Committee, shall make a recommendation regarding the proposed election rules.

c. Vacancies in any office or in the Massachusetts membership to the Democratic National Committee, for whatever reason, shall be filled by vote of the State Committee at a meeting not less than one (1) month nor more than two (2) months following the formal announcement of a vacancy at a State Committee meeting. The State Committee shall adopt by majority vote election rules to fill the vacancy at the meeting at which the vacancy is formally announced, the Chairperson shall immediately notify in writing all members of the Democratic State Committee and the media of such vacancy and the election rules adopted at the meeting.

d. Any vacancy in the membership under Article II § 1 ¶¶ (e) through (l) shall be filled only after public notification . There shall be at least 30 days between the announcement of the vacancy and the vote on the vacancy.

e. A vacancy in the elected membership shall be filled only in accordance with the provisions of Article III, § III of the Charter

f. Although a resignation may have an effective date subsequent to the formal announcements of that vacancy at a State Committee meeting, a vacancy for purposes of these By-laws shall be created as of the date of the formal announcement at the State Committee meeting; provided, however, that the State Committee must vote to accept any resignation with an effective date subsequent to the date of the meeting at which the vacancy is formally announced.

g. In the case of a vacancy in the office of Chairperson, the Vice-chairperson senior in years of service on the State Committee shall undertake all the duties described herein for the Chairperson; provided, however, if the Chairperson's vacancy is created by resignation, then that resignation may have an effective date subsequent to the formal announcement of that vacancy and, in that case, the Chairperson may undertake to discharge the duties herein

conferred upon him or her, provided that the resignation with the subsequent effective date has been accepted by vote of the State Committee as provided for herein

# Article IX

## **Subcommittees**

The State Committee shall have the following Subcommittees: Affirmative Action Outreach, By-laws, Campaign Services, Charter Amendments, Site Selection, Field Services, JFK Scholarship, Personnel, Public Policy, Resource Development, Rules, Youth Services, Labor Outreach. The Chairperson shall appoint Chairs and members of the Subcommittees at the first meeting in the odd years for a two-year term or until their successors are qualified provided that all members of the State Committee shall be given the greatest opportunity to serve on the Subcommittee(s) of their choice.

Subcommittee membership shall not be limited to members of the State Committee and the Chairperson shall, to the greatest extent possible and with the advice of the Executive Committee and other members of the State Committee, seek to appoint ward and town committee members, Democratic office holders and other members of the Democratic Party as members of the Subcommittees, provided that said non-State Committee members shall not exceed 25% of the membership of any single Subcommittee Within Subcommittees, all members shall have equal voting rights.

The Chairpersons of each Subcommittee shall receive the notices of all Subcommittee meetings.

## Article X

The Chairperson shall appoint a Platform and/or Political Agenda Committee and a Chairperson(s) for said Committee whenever it shall be required by the Charter.



# Article XI

## Democratic National Committee Members

### Section 1: Responsibilities

The responsibilities of members of the Democratic National Committee from Massachusetts shall include:

- a. Attendance at DNC meetings;
- b. Attendance at State Committee meetings;
- c. Attendance at State Committee Executive Committee meetings;
- d. Participation in, attendance at and membership on at least one of the subcommittees or standing committees of the DNC;
- e. Dissemination of information learned from or about other State Committees' activities, including but not limited to party building efforts at the state level;
- f. Strengthening the bonds between the State Committee and the DNC;
- g. By January 15th of each year, each member of the DNC shall individually submit to the State Committee a written report detailing that DNC members' activities with the DNC during the prior year, including but not limited to the members' voting and attendance records and all activities of the DNC that the member personally participated in, and describing that member's planned participation with the DNC for the following year; and
- h. By January 30th of each year, the DNC members shall submit to the State Committee a joint report signed by each DNC member discussing the activities, substantive issues addressed by or raised to the DNC during the prior year and discussing the DNC's plans and activities for the upcoming year.

### Section 2: Membership

The members of the Democratic National Committee from Massachusetts, as provided for in Article 3 of the National Charter, shall be:

- a. The current chairperson, and the current vice-chairpersons of the State Committee;
- b. Enrolled Democratic voters, chosen by a majority vote of the members present and voting at a meeting of the State Committee before such a Democratic National Convention, except that such voters shall be chosen so that the members of the Democratic National Committee from Massachusetts as provided in Article 3 of the National Charter, shall be equally divided between the sexes, plus or minus one member respectively.

The members chosen under ¶(b) shall serve terms defined by the rules of the Democratic National Committee.

### Section 3: Removal of Democratic National Committee Members

Members of the Democratic National Committee from Massachusetts pledge themselves by accepting office to perform diligently and honorably their duties and responsibilities both as members of the State Committee and as the State Committee's representatives to the Democratic National Committee. Members of the Democratic National Committee from Massachusetts may be removed by procedures guaranteeing adequate notice and due process and by a two-thirds vote of the membership of the State Committee present and voting at a duly noticed meeting for failure to fulfill or discharge their responsibilities as described in Section 1 of this Article or pursuant to Section 3 of Article II of these By-laws

# Article XII

## **Town and Ward Committees**

a. Town, Ward and other Democratic Committees may adopt By-laws and other rules of procedure ("By-laws"), in accordance with National Rules, the Charter and these By-laws. In the absence of the adoption of such By-laws, said committee(s) will be governed by model By-laws, if any, recommended by the By-laws sub-committee in consultation with the Field Services subcommittee, and as adopted by the State Committee.

b. Town, Ward and City Committees may assess dues providing that the amount of dues has been adopted by a two-thirds vote and that no elected or ex-officio members or associate committee member shall be required to pay dues in order to vote or otherwise participate in committee business.

## Article XIII

### **Use of the Word “Democratic”**

Under the authority of Chapter 56, section 40 of the General Laws, the Chairperson, with the advice of the Executive Committee, shall make a recommendation regarding any request to use the name and designation “Democratic” with reference to any organization in the Commonwealth, but only after examination of the By-laws of the proposed organization indicates that there shall be no endorsement by such organization of a candidate in a contested Democratic Primary. The Chairperson’s recommendation regarding any such request shall be reported to the full State Committee which shall vote to grant, withdraw, or deny such use. The failure to comply with the provisions of Article II, Section 3(c) shall be sufficient to justify the denial or withdrawal of permission to use the term “Democratic” and to forbid the further use of it by the organization in question.

# Article XIV

## **Parliamentary Authority**

Meetings of the State Committee shall be conducted in accordance with Robert's Rules of Order, as most recently revised, except to the extent that these By-laws provide otherwise.

# Article XV

## **Amendments**

These By-laws shall continue in effect from year to year without express renewal, unless amended according to the following procedure:

- a. The proposed amendment must be made in writing and signed by a member. The proposal must be submitted at a meeting to the chairperson, who shall read it aloud to the members present and refer it to the By-laws Subcommittee
- b. The By-laws Subcommittee shall consider the proposal at a meeting before the next State Committee meeting. The committee shall report in writing on the proposal. A copy of the Subcommittee report and of the proposed amendment shall be sent to all State Committee at least 30 days prior to the vote thereon.
- c. The proposed amendment is adopted if it then receives a majority vote of the members present and voting at a meeting.

# Standing Rules

**96-1** A quorum of a Subcommittee shall be at least 5 members or 15%, whichever is greater, at least half of which must be members of the Democratic State Committee.

**96-2** Emergency voting by mail or electronic device shall be permitted if authorized by a two-thirds vote of those present and voting on the Committee or any Subcommittee desiring to use it.

**96-3** The fiscal year shall be January 1 to December 31.

**96-4** A budget shall be adopted at the State Committee meeting held in either September or October for the following fiscal year. The budget shall be the authority to spend. An excess of or non-budgeted expenditure shall require a two-thirds vote of the Executive Committee or the State Committee for approval.

**97-1** The time of State Committee meetings will be 7:00 PM.

## **98-1** List Policy

Definitions:

**Reasonable Cost:** The Campaign Services Committee considers "reasonable cost" to be the actual cost incurred by State Party staff in the production of electronic disk formats or photographic reproduction of printed formats.

**Central Registry:** The Campaign Services Committee considers "Central Registry" to be the compilation of registered Voter Lists by City or Town Registrars as forwarded to the Secretary of State.

1. Voting Lists as on the Central Registry shall be given at a reasonable cost to all Democratic candidates.
2. Voting Lists enhanced to include, by supplemental addition, telephone numbers, C.A.S.S. Lists and national change of address data may be sold to all Certified Democratic Candidates in a Democratic Primary and Statewide Democratic candidates who have filed a letter of intent as verified by the Democratic State Committee's Campaign Services Committee.
3. Voting Lists enhanced with telephone numbers, C.A.S.S. Lists, national change of address data as well as Voter History may be sold to Democratic Nominees at a reasonable cost.
4. Voting Lists enhanced with telephone numbers, C.A.S.S. Lists, national change of address data as well as Voter History may be sold to candidates who have primary opponents, preprimary, when all of the opponents agree that everyone will share in that information.
5. Un-opposed Democratic candidates in a Primary may purchase the State Party's enhanced Voting Lists with Voter History at a reasonable cost.
6. Any Democratic incumbent and/or Ward, Town or City Committee that assists in the compilation of voter History shall receive a Voter List enhanced with Voter History, telephone numbers, C.A.S.S. Lists and national change of address data at a reasonable cost.
7. All Democratic candidates in a non-partisan election may obtain Voter Lists with telephone numbers, C.A.S.S. Lists and national change of address data at a reasonable cost.
8. Town and ward Committees may purchase Voter Lists from the State Party featuring telephone numbers, C.A.S.S. lists and national change of address data.
9. The State committee shall employ a union fundraising organization or in the absence of a union organization, that the state committee at least employ a company that employs a living wage.

**99-1** The order of business at meetings shall be as follows:

- a. calling the roll of members;

- b. presentation of the minutes of the prior meeting, which shall detail all resolutions, by-law amendments, appointments, votes, other official actions and shall refer generally to items discussed;
- c. report of the treasurer;
- d. reports of other officers and of committees or subcommittees;
- e. reading of communications;
- f. unfinished business;
- g. new business;
- h. comment period;
- i. adjournment.

The order of business may be waived by a majority vote of the members present and voting

## **99-2 METHOD OF FILLING VACANT STATE COMMITTEE SEATS IN STATE SENATORIAL DISTRICTS**

1. The Massachusetts Democratic State Committee shall convene a local conference in a State Senatorial District, as defined by law, for the purposes of filling a vacancy in one or more seats within that district if more than one candidate files for the seat.
2. Each conference shall be composed of attendees elected by the members and associate members of the Democratic ward and town committees residing within the State Senatorial District, as more fully described in Section 10.
3. The Democratic State Committee Chairperson shall appoint a Coordinator for any State Senate District Conference who shall be responsible for selecting the site for the conference and for making all logistical arrangements after conferring with all the candidates. That Coordinator shall notify the appropriate ward and town committee chairs of the location of the conference in accordance with Section 9 of these rules.
4. Each ward and town committee chair shall send a listing on or before *10 days prior to the conference* to the Coordinator and the State Committee in form and manner acceptable to the Chair of the Rules Committee, of all ward or town committee attendees elected in accordance with Section 10, showing place of residence, including ward and/or precinct. Only those members so certified by the ward or town chair shall be eligible to vote. In the absence of such certification a list may be submitted and certified by any officer or member of the committee or a DSC member who is a resident in the district and who is not a candidate in the conference *three business days before the conference* . If the Coordinator or DSC does not receive a certification then no elected attendees from that town and ward can participate in the conference, and no ward or town committee shall elect such attendees unless they have filed a list of their full membership with the Secretary of State's Office and the Democratic State Committee.
5. State Committee members who are not candidates for election at the conference shall serve as the Head Tellers for the conference in their District. The responsibilities of the Head Tellers are to collect and tabulate all ballots, announce the results of each election, ensure that all present and voting are duly elected and authorized to do so, and certify the elections of State Committee member(s) elected at the conference.
6. The Coordinator shall preside at the conference to take place on, *(date and time to be set)* in a public place that is reasonably accessible to the disabled and does not inhibit the participation of any Democrat.
7. It shall be the responsibility of the State Chair, through the staff of the State Committee, to make every effort to notify all Democrats of the availability of the seats no sooner than 30 days and no later than 9 days before the filing deadline for letters of intent. The minimum notice to all Democrats shall consist of one announcement in the local newspaper and, to the extent practicable, other media during this period. And a mailing to committee chairs.
8. Each coordinator shall inform the Democratic State Committee in writing no later than *(two weeks prior to date of conference)* , of the location of the conference. The Democratic State

Committee shall send a notice of such location to every appropriate ward and town chair and DSC member resident in the district and shall make a listing of such locations available for public inspection and such listing shall be posted on the MassDems Web page.

9. Only ward and town committee attendees who are registered Democrats in the District, selected in accordance with Section 10, may vote on any matter at the local conference. Registration shall remain open until all persons presenting themselves by fifteen minutes after the Call to Order have registered (including any in line inside or outside the meeting place). No persons presenting themselves after fifteen minutes after the Call to Order shall be registered. Ballots shall not be distributed until all such persons are registered and registration has been closed. Those voting must be present at the conference. The Coordinator will call the conference to order at the set time. There will be only 5 items on the agenda: (a) discussion of the purpose of the conference; (b) discussion of the roles and responsibilities of the State Committee and its members, (c) discussion of Affirmative Action and Outreach as outlined in the Party Charter, (d) review of the Method of Filling Vacant Democratic State Committee members in State Senatorial District Conferences, and (e) nomination and election of State Committee member(s) by signed written ballot. A listing of ward and town committee members and associate members shall be posted at the conference, along with ward and precinct information and the names of the attendees to the conference.

10. The members of the ward and town committee shall elect from among the registered Democrats who live in said ward or town, at a duly noticed meeting before (*date to be set*), attendees to represent the committee at the local conference, in a number equal to the number of delegates allocated to such ward or town for the most recent State Convention who shall represent the committee at the local conference. Attendees elected must be gender balanced. Each such elected member shall have one vote at the conference. In no event shall any town or ward that is split between two or more State Senatorial Districts elect more attendees for any local conference than that ward or town's percentage of that ward or town represented in that State Senatorial District. Said percentage to be determined by the number of registered Democrats residing in each District.

11. The "Method of Filling Vacant Democratic State Committee Members in the State Senatorial Districts" shall be posted or distributed in its entirety at each local conference to elect State Committee member(s). A listing of ward and town committee members and associate members shall be posted at the conference, along with ward and precinct information and a list of attendees.

12. The conference is a Democratic Party meeting and no Democrat, person ineligible to register or media representative shall be denied admittance.

13. No persons shall be excluded from any stage of the committee member election process for failure to pay a cost or fee. Donations may be solicited.

14. There shall be a quorum requirement of ten percent of certified attendees for the State Senatorial District Conferences.

15. No persons may vote in more than one State Senatorial District conference. Ward and town committee members elected from a town or ward split between two Senatorial Districts shall attend and be eligible to vote in the conference in the District in which they reside.

16. Discrimination on the basis of race, gender, age, color, creed, national origin, religion, ethnic identity, sexual orientation, philosophical persuasion or economic status in the conduct of the Democratic Party affairs is strictly prohibited.

17. Affirmative Action and Outreach, as outlined in the Party Charter, shall be a priority concern of the organizers of each State Senatorial District conference. At minimum, a good faith effort is required to publicize availability of the seat and the time and place of the State Senatorial District conference and to hold it in an easily accessible public place including easy accessibility to the disabled.



18. Candidates must be registered Democrats by ninety (90) days prior to the conference and reside within the State Senatorial District from which they are running for State Committee member. Candidates must file a statement of their intention to seek election as State Committee members, which must be received or postmarked by the Democratic State Committee, 11 Beacon St., Suite 410, Boston, MA 02108 by 5:00 pm, five weeks prior to the conference. Candidates must be nominated and seconded by two participants at the conference and a signed acceptance of the nomination must be presented to the Coordinator. Only those candidates who have filed a notice of intent to run, and who have not publicly supported or contributed to any opponent of a nominee of the Democratic Party in the last two biennial elections may be nominated.
19. Each State Committee member may reside in any town or ward in the District.
20. Slate making shall be allowed but no preference shall be given to slates.
21. Use of the unit rule is prohibited.
22. The names of all candidates must be posted before balloting.
23. Nominations are closed by a two-thirds (2/3) vote of those present and eligible to vote. Nominations shall be completed and nominations closed before speeches may begin.
24. Each candidate will be allowed to make a two-minute speech and to distribute materials on his or her behalf. The provision allowing each candidate to make a two-minute speech may be amended (i.e., lengthened, provide for questions) by a vote of two-thirds (2/3) of those present and eligible to vote.
25. No speeches may be made while balloting is being conducted.
26. Voting shall be by signed written ballot.
27. Persons eligible to vote may vote for no more than one person who has been nominated on each ballot.
28. Election at State Senate District conferences shall be by a majority of those present and voting, with successive ballots taken by the same procedure until candidates receive a majority. After the second ballot the person receiving the lowest number of votes shall be dropped on each successive ballot.
29. The Head Tellers shall fill out and sign the form certifying the election of State Committee member(s) to which must be appended a listing of voting on each ballot, the ballots, and registration sign-up sheets.
30. The Coordinator must also sign the form certifying election and must deliver it and the list of voting on each ballot, the ballots and registration sign-up sheets to the Democratic State Committee no later than (*three days after the conference*).
31. The Chairperson of the Democratic State Committee shall appoint a Special Credential Committee, which shall hear evidence and make a recommendation to the State Committee as to the election challenge.
32. Challenges to the election of State Committee members at State Senatorial District Conferences shall be filed with the Special Credentials Committee by a registered Democrat residing within the State Senatorial District and postmarked no later than (*seven days after the conference*). These procedures will be available from the Democratic State Committee, 77 Summer St, 10th Floor, Boston MA, 02110, (617) 939-0800.
33. These rules may not be suspended, amended or overruled by any local committee or State Senatorial District Conference except as otherwise provided herein.

### **99-3 RULES FOR REMOVAL OF MEMBERS OF THE MASSACHUSETTS DEMOCRATIC STATE COMMITTEE**

1. Removal Criteria: Consistent with Section VII of the Charter of the Democratic Party of the Commonwealth of Massachusetts (as amended from time to time), Any State Committee members can be removed for cause by a 2/3 vote of its membership in accordance with the Charter for the following:

- a. Failure to attend at least half of the regularly scheduled committee meetings during any calendar year, except that in the case of an ex-officio of twenty-year member, failure to attend shall not be a basis for removal.
  - b. Public support or financial contribution to an opponent of a nominee of the Democratic Party which nominee publicly supports a majority of the platform of the Democratic Party as adopted at the most recent state and national conventions. A member for whom a long and deeply held belief would be violated by support of the nominee shall not be removed under this section;
  - c. Unauthorized use of the Party name or resources;
  - d. Conviction after appeals are exhausted of a criminal offense other than a misdemeanor.
2. Complaint. Any registered Democrat may file a complaint in writing with the Chair of the State Committee, specifying the basis for the removal of said Member in accordance with Paragraph 1 (the "Complaint").
  3. Hearing and Notice. The Rules Committee shall convene a hearing, with notice to the full State Committee membership to hear such Complaint and its related evidence. A Member must be given an opportunity to resign by the Chair of the Democratic State Committee before notice of the hearing on the question of removal is given to the membership of the Democratic State Committee.
  4. Evidence. The following shall be evidence that may be considered by the Rules Committee and the Democratic State Committee:
    - a. Record of Attendance Certified copies of the attendance records of the State Party shall be deemed as sufficient evidence of lack of attendance, unless the Member, under oath, will certify that he was in attendance at said meeting but failed to sign in.
    - b. Public Support of an opponent of a Nominee of the Democratic Party
    - c. Use of Party Name or Resources
    - d. Conviction. A complainant or their designated representative alleging that a Member has violated parts b, c or d of Paragraph 1 must present sufficient evidence for the complaint to be heard by the Rules Committee and the Democratic State Committee. The claimant or their designated representative must submit sufficient evidence (newspaper article(s), photograph(s), copies of another party's contributor list(s) sworn affidavits, court documents, etc.
  5. Factual Review and Recommendation. The Rules Committee shall independently evaluate the claim for its factual accuracy and shall present such information to the full State Committee for its deliberations with a recommendation on a timely basis.
  6. State Committee Deliberations. The Rules Committee will make a recommendation concerning the factual accuracy of any such complaint to the full State Committee, who shall by a 2/3 vote of its membership in accordance with the Charter, determine at its sole discretion, whether such Member shall retain his or her State Committee seat. The Rules Committee shall present its report to the State Committee and the member of his or her designated representative will have full opportunity to respond.
  7. Debate. Debate on the question will be strictly limited to half an hour on each side; speaking order will be determined by the Complainant and the Member.
  8. Vote. A written and signed ballot of the membership shall be required.
  9. Appeal. A Member removed under this section shall have 30 days to appeal to the Judicial Council, and the vacancy may not be filled in such case until one final decision of the Judicial Counsel is made.

#### **99-4 METHOD OF SELECTING DEMOCRATIC STATE COMMITTEE MEMBERS IN STATE SENATORIAL DISTRICT CONFERENCES FOR FOUR-YEAR SEATS**

1. The Massachusetts Democratic State Committee shall convene local conferences in each State Senatorial District, as defined by law, for the purposes of electing one State Committee man and one State Committee woman from each District where more than one candidate for a seat has filed.

2. Each conference shall be composed of attendees elected by the members and associate members of the Democratic ward and town committees residing within the State Senatorial District, as more fully described in Section 10.
3. The Democratic State Committee Chair shall appoint a Coordinator for each State Senate District Conference who shall be responsible for selecting the site for the conference and for making all logistical arrangements after conferring with all the candidates. That Coordinator shall notify the appropriate ward and town committee chairs of the location of the conference in accordance with Section 9 of these rules.
4. Each ward and town committee chair shall send a listing on or before 10 days prior to the Conference to the Coordinator and the State Committee in form and manner acceptable to the Chair of the Rules Committee, of all ward or town committee attendees elected in accordance with Section 10, showing place of residence, including ward and/or precinct. Only those members so certified by the ward or town chair shall be eligible to vote. In the absence of such certification a list may be submitted and certified by any officer or member of the committee or a DSC member who is resident in the district and who is not a candidate in the conference. If the Coordinator or DSC does not receive a certification then no elected attendees from that town and ward can participate in the conference, and no ward or town committee shall elect such attendees unless they have filed a list of their full membership with the Secretary of State's Office and the Democratic State Committee.
5. State Committee members who are not candidates for election at the conference shall serve as the Head Tellers for the conference in their District. The responsibilities of the Head Tellers are to collect and tabulate all ballots, announce the results of each election, ensure that all present and voting are duly elected and authorized to do so, and certify the elections of State Committee members elected at the conference.
6. The Coordinator shall preside at the conference to take place on (date to be set) at 2:00 p.m., in a public place that is reasonably accessible to the disabled and does not inhibit the participation of any Democrat.
7. It shall be the responsibility of the State Chair, through the staff of the State Committee, to make every effort to notify all Democrats of the availability of the seats no sooner than 30 days and no later than 9 days before the filing deadline for letters of intent. The minimum notice to all Democrats shall consist of one announcement in the local newspaper and, to the extent practicable, other media during this period. And a mailing to committee chairs.
8. Each coordinator shall inform the Democratic State Committee in writing no later than (*date to be set*), of the location of the conference. The Democratic State Committee shall send a notice of such location to every appropriate ward and town chair and DSC member resident in the district and shall make a listing of such locations available for public inspection and such listing shall be posted on the MassDems Web page.
9. Only ward and town committee attendees who are registered Democrats in the District, selected in accordance with Section 10, may vote on any matter at the local conference. Registration shall remain open until all persons presenting themselves by 2:15 p.m. have registered (including any in line inside or outside the meeting place). No persons presenting themselves after 2:15 p.m. shall be registered. Ballots shall not be distributed until all such persons are registered and registration has been closed. Those voting must be present at the conference. The Coordinator will call the conference to order at 2:15 p.m. There will be only 5 items on the agenda: (a) discussion of the purpose of the conference; (b) discussion of the roles and responsibilities of the State Committee and its members, (c) discussion of Affirmative Action and Outreach as outlined in the Party Charter, (d) review of the Method of Electing Democratic State Committee members in State Senate District Conferences, and (e) nomination and election of State Committee members by signed written ballot. A listing of ward and town committee members and associate members shall be posted at the conference, along with ward and precinct information and the names of the attendees to the conference.

10. The members of the ward and town committee shall elect from among the registered Democrats who live in said ward or town, at a duly noticed meeting before (*date to be set*), attendees to represent the committee at the local conference, in a number equal to the number of delegates allocated to such ward or town for the most recent State Convention who shall represent the committee at the local conference. Attendees elected must be gender balanced. Each such elected member shall have one vote at the conference. In no event shall any town or ward that is split between two or more State Senatorial Districts elect more attendees for any local conference than that ward or town's percentage of that ward or town represented in that State Senatorial District. Said percentage to be determined by the number of registered Democrats residing in each District. Where a Ward/Town has an odd number odd delegates for the state convention, then the number of members it shall select to represent the ward/town at the conference shall be rounded up to the next whole number (i.e. if a town/ward had seven delegates to the convention it shall elect four members to represent it at the conference.)
11. The "Method of Electing Democratic State Committee Members in the State Senatorial District Conference" shall be posted or distributed in its entirety at each local conference to elect State Committee members. A listing of ward and town committee members and associate members shall be posted at the conference, along with ward and precinct information and a list of attendees.
12. The conference is a Democratic Party meeting and no Democrat, person ineligible to register or media representative shall be denied admittance.
13. No persons shall be excluded from any stage of the committee member election process for failure to pay a cost or fee. Donations may be solicited (if not held in a public building).
14. There shall be a quorum requirement of ten percent of certified attendees for the State Senatorial District Conferences.
15. No persons may vote in more than one State Senatorial District conference. Ward and town committee members elected from a town or ward split between two Senatorial Districts shall attend and be eligible to vote in the conference in the District in which they reside.
16. Discrimination on the basis of race, gender, age, color, creed, national origin, religion, ethnic identity, sexual orientation, philosophical persuasion or economic status in the conduct of the Democratic Party affairs is strictly prohibited.
17. Affirmative Action and Outreach, as outlined in the Party Charter, shall be a priority concern of the organizers of each State Senatorial District conference. At minimum, a good faith effort is required to publicize availability of the seat and the time and place of the State Senatorial District conference and to hold it in an easily accessible public place including easy accessibility to the disabled.
18. Candidates must be registered Democrats and reside within the State Senatorial District from which they are running for State Committee member. Candidates must file a statement of their intention to seek election as State Committee members, which must be received or postmarked by the Democratic State Committee, 77 Summer St, 10th Floor, Boston MA, 02110, (617) 939-0800, by 5:00 pm, five weeks prior to the conference. The State Committee shall supply to each ward or town committee the attendance record of each State Committee member and shall post same on the website. Additionally, upon the request of any ward or town committee member, the voting record of a State Committee member shall be supplied to that member. Candidates must be nominated and seconded by two participants at the conference and a signed acceptance of the nomination must be presented to the Coordinator. Only those candidates who have filed a notice of intent to run, and who have not publicly supported or contributed to any opponent of a nominee of the Democratic Party in the last two biennial elections may be nominated.
19. One State Committee man and one State Committee woman shall be elected at each State Senatorial District conference. Each State Committee member may reside in any town or ward in the District.

20. Slate making shall be allowed but no preference shall be given to slates.
21. Use of the unit rule is prohibited.
22. The order of nomination and election between men and woman shall be determined by lot.
23. Nominations are closed by a two-thirds (2/3) vote of those present and eligible to vote. The names of all candidates must be posted before balloting begins.
24. Nominations for both men and women shall be completed and nominations closed before speeches may begin.
25. Each candidate will be allowed to make a two-minute speech and to distribute materials on his or her behalf. The provision allowing each candidate to make a two-minute speech may be amended (i.e., lengthened, provide for questions) by a vote of two-thirds (2/3) of those present and eligible to vote.
26. No speeches may be made while balloting is being conducted, provided, however, that speeches for the second seat may be made while ballots are being tabulated from the balloting for the first seat.
27. Voting shall be by signed written ballot.
28. Persons eligible to vote may vote for no more than one person on each ballot.
29. Election at State Senate District conferences shall be by a majority of those present and voting, with successive ballots taken by the same procedure until candidates receive a majority. After the second ballot the person receiving the lowest number of votes shall be dropped on each successive ballot.
30. The Head Tellers shall fill out and sign the form certifying the election of State Committee members to which must be appended a listing of voting on each ballot, the ballots, and registration sign-up sheets.
31. The Coordinator must also sign the form certifying election and must deliver it and the list of voting on each ballot, the ballots and registration sign-up sheets to the Democratic State Committee no later than (date to be set).
32. The Chairperson of the Democratic State Committee shall appoint a Special Credential Committee, which shall hear evidence and make a recommendation to the State Committee as to the election challenge.
33. Challenges to the election of State Committee members at State Senatorial District Conferences shall be filed with the Special Credentials Committee by a registered Democrat residing within the State Senatorial District and postmarked no later than (date to be set). These procedures will be available from the Democratic State Committee, 77 Summer St, 10th Floor, Boston MA, 02110, (617) 939-0800.
34. These rules may not be suspended, amended or overruled by any local committee or State Senatorial District Conference except as otherwise provided herein.

**00-1 RULES FOR THE ELECTION OF ADD ON STATE COMMITTEE MEMBERS, DEMOCRATIC NATIONAL COMMITTEE MEMBERS, AND OFFICERS OF THE DEMOCRATIC STATE COMMITTEE**

Candidates for the position of (1) Officers of the State Committee; (2) so-called Add On State Committee Members; and (3) Democratic National Committee Members, shall be elected by the State Committee by majority vote. Such candidates may be nominated by any member of the State Committee from the floor with at least two seconds, at the Democratic State Committee meeting to be held on \_\_\_\_\_.

Additionally, any person seeking such a position who provides written notice of their candidacy to the State Committee three (3) weeks prior to the \_\_\_\_\_ meeting may also supply to the State Committee a one page statement of the individual's candidacy (with sufficient copies for mailing to all the members of the State Committee). Said statement shall include a statement as to whether the candidate is or is not a member of his or her local town or ward committee.

The State Committee shall, at a cost to be determined by the Executive Director of the State Committee, mail such a statement to the full State Committee prior to the April meeting.