

FULL COMMITTEE VOTE January 14, 2019

BYLAWS of the Franklin County Democratic Committee

Article I – Name and Purpose

Section 1. The name of this organization is the Franklin County Democratic Committee.

Section 2. The purpose of this organization is to promote the political principles and candidates of the Democratic Party of the United States; the Commonwealth of Pennsylvania; the County of Franklin and the political subdivisions thereof.

Article II – Membership

Section 1. The County Committee shall be composed of one Committeeman and one Committeewoman from each election precinct. Election of Committee members shall be held every four years in conjunction with the gubernatorial primary election. Membership requirements shall include those contained within the articles of this document and by the Rules of the Democratic Party of the Commonwealth of Pennsylvania. Rule 1 Sections 1-4 (attached)

Section 2. In the event of a vacancy, by reason of death, resignation, removal from the precinct, change of party enrollment or otherwise, on the committee, the chairperson of the committee shall submit to the Election Board of Franklin County, Pennsylvania, the name of a legally qualified person to fill such vacancy.

Section 3. Members, duly elected or appointed, shall be “Members in Good Standing” and shall not be subject to involuntary removal except in cases where the member is found to be in violation of any rule of attendance or code of conduct contained within the bylaws that allow for removal. Article II Section 4; Article X Section 2 or “Code of Conduct” Article XIII Section 4.

Section 4. “Member in Good Standing” shall be defined with the following qualifications:

- a) Is a registered member of the Democratic Party.
- b) Resides within the voting precinct in which he/she was duly elected or appointed.
- c) Attends regular, scheduled meetings as required by the bylaws as defined in Article X Section 2.
- d) Is active in the roles as defined in Article VI Section 2.
- e) Conducts him or herself in a manner that does not violate any behavior deemed unacceptable and/or is specified in the Code of Conduct. Article XIII Section 4.
- f) Conducts him or herself in a manner that does not violate any behavior deemed unacceptable under The Rules of The Democratic Party of The Commonwealth of Pennsylvania as defined in Rule I Section 2 Sub-section a 2 – 3 and Sub-section c. (attached)

Article III – Elected Officers

Section 1. The elected officers of this Committee shall be a County Chairperson, a 1st Vice-Chairperson (who shall be of the opposite gender of the County Chairperson), a Second Vice-Chairperson, a Secretary and a Treasurer. The officers of the County Committee shall hold the same offices on the Executive Committee.

Section 2. Officers shall be elected by the members at a meeting to be held for such purpose no later than thirty (30) days after the certification of the election of the Democratic committeemen and committeewomen by the County Board of Elections. Election of officers shall be presided over by the outgoing Chairperson. In an instance where the current Chairperson is seeking to retain his/her position, a neutral party shall be appointed to conduct the nomination/election process. Election of Officers shall be by a signed ballot if there are multiple candidates for the position or a roll call or voice vote for instances when a single candidate is indicated. At the conclusion of elections, ballots and results of roll call and voice votes shall be retained by the Secretary as part of the official record and shall be available for view upon request.

Section 3. Officers shall serve from the date of their election until the election of their successors at the meeting indicated in Section 2 of this article.

Section 4. In the event of the death or resignation of the Chairperson, the First Vice Chairperson shall serve as Acting Chairperson. Within forty-five (45) days from the death or resignation of the Chairperson, the First Vice Chairperson, as Acting Chairperson, shall hold a special meeting of the members to elect a Chairperson to serve the remainder of the term thus vacated.

Section 5. In the event of the temporary inability of the Chairperson to perform the duties and responsibilities of his/her position for any reason, the First Vice-Chairperson shall serve as Acting Chairperson.

Section 6. In the event of the death, resignation, or temporary inability of any other officer to serve, the Executive Committee shall fill the vacancy for the remainder of the term of or the period of temporary disability, as the case may be. Any special election necessitated by a vacancy shall be held within forty-five (45) days of the occurrence of the vacancy.

Section 7. No elected officer shall be removed from office, or not initially seated, during the term for which he/she was elected, unless he/she has been convicted or plead guilty to a felony or violates specified policies that rise to a level deserving of removal as determined by an investigation and/or hearing conducted by the Executive Committee. Article XIII “Code of Conduct” Section 3 - 4 Also, a breach of Article II “Rules of Membership” during his/her term of office would subject an officer to a hearing by the Executive Committee to determine if he/she should be removed from office.

Article IV – Duties of Officers

Section 1. The Chairperson of the County Committee shall preside at all meetings of the Executive Committee and shall be entitled to vote on all questions. The Chairperson shall serve as the official spokesperson for the Franklin County Democratic Party, make appointments to fill vacancies, appoint all standing and special committees and working groups, serve on the

State Democratic Committee, and perform such other duties as usually pertain to the office. The Chairperson is an ex officio member of all committees and working groups and of all Democratic Clubs established in the County. If the County Chairperson is unable to carry out his/her duties, they shall be assigned to the Vice-Chairperson(s) in order of rank.

Section 2. It shall be the duty of the Vice Chairpersons, First and Second, to carry out such duties as the Chairperson may designate. In the absence of the Chairperson at any meeting the Vice Chairperson, in order of rank, shall fill in for the Chairperson during his/her absence.

Section 3. The Secretary shall create a record of the minutes of all regular meetings in a timely manner, retain them as an official record and distribute them electronically to all members of the Committee. The Secretary also performs such other duties as required by the Chair.

Section 4. The Treasurer shall receive all monies of the organization and promptly deposit them in a designated financial institution; maintain an accurate account of all receipts and disbursements, and shall be responsible for the printing and distributing of a financial report to be presented at each meeting of the Executive Committee. A budget shall be prepared for each calendar year and be presented to the Executive Committee for approval prior to the January meeting or as soon thereafter as is reasonably possible. The Treasurer shall complete any financial reports as are required by Local, State and Federal Election Law in accordance with deadlines indicated.

Section 5. All officers, before assuming office, shall sign an agreement that they will, within two weeks after leaving office, turn over to their successors all books, papers, records, equipment, and monies received by them for their use while in office.

Article V – Committees

Section 1. The representatives and authoritative committees of the Democratic Party in Franklin County shall be:

1. The County Committee
2. The County Executive Committee
3. Such other subordinate committees or working groups as may be designated and established at the discretion of the County Chairperson.

Section 2. Only regular registered and enrolled Democratic electors shall be eligible to serve as members of, or officers of, any committee or working group as provided by Section 1 of this article, except as provided for by Section 3 of this article.

Section 3. Individuals not registered as Democrat may be appointed to serve on bipartisan committees to elect Democratic candidates. Individuals who identify with and support the Democratic Party but are not yet of legal voting age may be appointed to working groups.

Section 4. No person prohibited by law, civil service regulations, etc., shall be eligible to serve on any committee or working group.

Section 5. All appointments to committees or working groups shall be made by the County Chairperson and appointees shall serve at the pleasure of the Chairperson. The Chairperson shall be an ex officio member of all committees and working groups.

Section 6. All county committees are subject to State Party Rule VII, "*County Rules and Contests*".

Article VI – County Committee

Section 1. The County Committee shall be the duly elected Democratic committeemen and committeewomen and those appointed to fill vacancies as herein set forth.

Section 2. The Democratic committeemen and committeewomen shall be responsible for electing the county party officers, attending regularly scheduled and special committee meetings, serving on working groups, assisting with voter registration efforts, helping to recruit Democratic candidates and circulate their nominating petitions, conducting get out-the-vote communications with registered Democrats in their respective precincts and recruiting volunteers to work at the polling place in their respective precincts for primary and general elections and for attending/assisting with fund raising and educational events hosted by the Committee whenever possible.

Article VII – Executive Committee

Section 1. Except as otherwise provided herein, all powers of this organization shall be exercised by an Executive Committee.

Section 2. The members of the Executive Committee shall consist of: the State Committeeman and State Committeewoman from Franklin County, the elected officers of this Committee, the Chairperson/President of any approved county wide Democratic Club and Area Representatives as determined by the Executive Committee.

Section 3. Any Regional Representative(s) on the Executive Committee shall coordinate and promote Democratic voter registration and campaign activities in their respective area(s) and assist with precinct person duties in under represented precincts in their area(s)

Section 4. The Executive Committee shall meet not less frequently than once monthly unless changed by the County Chairperson, and shall keep accurate records of its proceedings. It shall approve all expenditures of funds, and shall have power to bind this organization in all contractual matters.

Section 5. The Executive Committee may adopt, alter and amend rules governing its proceedings. With the exception of Article XI Section 4 regarding conveyance of proxies, the other provisions of Articles X and XI, shall not apply to meetings of the Executive Committee.

Article VIII – Area Clubs

Section 1. The County Chairperson may, from time to time, designate an area(s) where a new club is created and name an interim chairperson for that club to serve until a duly organized election occurs for that position within 90 days of that appointment.

Alternatively, a group of registered Democrats in the county may choose to establish a local club, elect their Chair and petition to the County Executive Committee for formal recognition. Acceptance by the County Committee requires a 2/3 majority vote of the sitting Executive Committee.

Section 2. The Chairperson (s) of the different local clubs shall be chosen by election of the

members of that club who shall all be registered Democrats, residents of the county and may only be the representative of one county club.

Section 3. Any Clubs within the county shall establish bylaws which conform to the County Committee bylaws.

Section 4. Once established and formally recognized by the county executive committee, a local club becomes formally recognized as part of the Franklin County Democratic Party with the rights of:

- a) Placement of their representative on the county committee.
- b) Coverage by the county committee's insurance policies (if any).
- c) Assistance from the county VAN administrator for training and access to the VAN.
- d) Right to refer to themselves as part of the Democratic Party of Franklin County in publicity and signage.

Article IX – Qualification of Officers

Section 1. All elected and appointed officers and members of the Executive Committee shall be registered Democrats, voting and residing in Franklin County.

Section 2. All Officers must adhere to the eligibility requirements as referenced in "The Rules of the Democratic Party of the Commonwealth Of Pennsylvania" version March 19, 2005; Rule 1 Sections 1-4 (attached)

Section 3. An elected officer may retain his/her office if he/she is required to resign from his or her precinct committee seat because he or she has moved from the precinct, but must remain a registered Democrat living within the county to retain the office.

Article X – Meetings

Section 1. This organization shall meet at such times as shall be determined by the Chairperson.

Section 2. Members of the Committee, barring absences deemed excusable by the Chair, are expected to attend, at minimum, one meeting every six months and shall fulfill the requirements of a "Member in Good Standing". Article II Section 4.

If absence rises to a level deemed by the Chair to be abandonment of office, the Chair may remove said member from office and appoint his or her replacement to serve the remainder of the term.

Section 3. The Chairperson shall call a special meeting of this organization upon petition of sixty percent of the County Committee. Such meetings shall be held within forty-five (45) days of the filing of such petition with the Chairperson.

Section 4. The Chair or Secretary shall notify all members by first class mail, telephone or electronic mail of all meetings at least one week prior to said meeting. Notices of "special meetings" shall state the purpose of the meeting, unless the meeting is for general purposes, in which case the notice shall so state.

Section 5. Procedures according to Robert's Rules of Order will be followed during meetings of the Committee or its affiliates and/or subordinate committees.

Article XI – Voting and Proxies

Section 1. Except as set forth in Article III Section 2, all votes at meetings of this organization shall be by voice vote unless a majority of those present shall determine that some other method be used.

Section 2. Any Committee Member may give to another member of the Committee, regardless of precinct or to any registered Democrat voter of his/her precinct a written proxy authorizing the holder thereof to act for and on behalf of such member at any meeting of the full County Committee.

Section 3. Only duly elected or appointed committee members, or a person holding the proxy of such a committee member, may be eligible to vote.

Section 4. Any member of the Executive Committee may give his/her proxy to another Executive Committee member or a member of the FCDC to vote on Executive Committee matters.

Article XII - Withdrawal of Nominated Candidates

Section 1. Any person who has won the Democratic nomination may withdraw his/her name from nomination by submitting a written request to the Franklin County Board of Elections.

Section 2. Procedures as outlined in the Franklin County Election Code, the Rules of the Democratic Party of the Commonwealth of Pennsylvania and the Bylaws of the Franklin County Democratic Committee must be strictly adhered to in nominating a replacement.

Article XIII - Code of Conduct

Section 1. The Franklin County Democratic Committee is dedicated to providing a discrimination and harassment-free environment for everyone, and will not tolerate discrimination or harassment based on any unlawful basis as defined by the bylaws of the DNC and/or the State Party - "State Party Code of Conduct" enacted 2-10-2018. (attached)

Section 2. Violations of Code of Conduct shall be reported to The Chairperson, other members of the Executive Committee or a staff member at the location of the incident. The official will then ensure the complainant is secured in a safe, private location and obtain the details of the incident.

Section 3. The accused has a right to a hearing to defend his/herself concerning any complaint to be heard by the County Democratic Executive Committee.

Section 4. Proper Committee officials will conduct an appropriate investigation into any reported incident. In most cases this will be the Chairperson or his/her designee. If the Chairperson is the accused, the proper official shall be a Vice Chair. Parties and witnesses may present evidence and information relevant to the incident.

Section 5. The proper Committee official(s) shall decide the penalty to be sought, up to and including expulsion from Committee office, subject to Committee Rules and Bylaws. If the offense is related to Officers or officials of the party, the report should be made to any member of the Executive Committee in consultation with Party Counsel and the official in question shall be recused from any role in further proceedings on the matter.

Article XIV – Amendments

Section 1. These Bylaws may be amended by a two-thirds (2/3) vote of the County Committee Members present at a regular or special meeting.

Section 2. Except when proposed at the meeting indicated in Article III, Section 2, no amendment shall be considered by the members unless the proposed amendment shall have been stated in full in the notice of the meeting.

Article XV – Adoption – Approval – Filing

Section 1. These Bylaws adopted by the Democratic committeemen and committeewomen of the Franklin County Democratic Committee shall be approved by the Pennsylvania State Democratic Committee and filed with the Board of Elections of Franklin County, and at such other places as required by law.

Section 2. All members shall keep a copy of these Bylaws for reference.

SPECIAL NOTICE – For the purpose of gender recognition all references to “he” or “she” are equally acceptable for the other except where specifically stated as it relates to the Chairperson and Vice Chairperson.

Attached Documents

- a.) Rules of the Democratic Party of the Commonwealth of Pennsylvania
as amended March 19, 2005
- b.) Pennsylvania Democratic Party Resolution- Adoption of Code of Conduct Regarding Discrimination and Harassment for State Party Activities Final Version 2-10-18

Revised and Adopted this 14th day of January 14, 2019

Gloria J. Guba

Chairperson

Natalie J. Winter

Secretary

(as amended March 19, 2005)

The Rules of the Democratic Party of the Commonwealth of Pennsylvania

As amended March 19, 2005

Rule 1

ORGANIZATION AND QUALIFICATIONS

Section 1. The representative and authoritative bodies of the Democratic Party in Pennsylvania shall consist of:

1. The State Committee
2. The State Executive Committee
3. The County Committees, and
4. Such other subordinate committees as these rules and the rules of the respective County Committees shall provide, as long as they are in compliance with State and National Committee rules pursuant to Rule VII, Section 1 of these rules.

Section 2. Only duly registered and enrolled Democratic electors shall be eligible to serve as members or officers of any committees provided In Section 1 of this rule.

- (a) No person shall be eligible to serve as a member or officer of any Democratic Committee as provided in Section 1 of this rule who:
 - (1) holds a political appointive office of profit under an administration, whether city, school district (except teachers), county, state or national opposed to the Democratic Party (except positions of a judicial character or those appointed by the courts or notaries public or Commissioners of Deeds or those whose original appointment to said position was made by a Democratic administration or attained through a merit system or a collective bargaining contract);
 - (2) has entered into an agreement with opponents of the Democratic Party to support such opponents;
 - (3) by voice, vote, financial support or otherwise has, within two years, supported a candidate in a general or special election opposed to the duly nominated candidate of the Democratic Party on that election, except as provided in paragraph (c) of this Section.
- (b) No person shall be eligible as candidate for the office of Chair or Vice-Chair of a County Committee or as a member of the State Committee who has been a registered member of any other political party at any time during the two years preceding the Primary Election.
- (c) Those Democratic candidates who cross-file for an office in which cross filing is permitted by law and Democratic candidates running as write-ins and those persons supporting such candidates are exempt from paragraph (a) of this Section.

Section 3. In case any member or officer of any Democratic Committee is accused of being disqualified under any of the provisions of Section 2 of this rule, such member or officer is entitled to a full hearing by the State Executive Committee, except where such accusation concerns a County Committee or a committee subordinate to a County Committee, in which case such hearing will be held in accordance with the rules of the County Committee. Any ruling of a County Committee may be appealed to the State Executive Committee if such appeal is made in writing within 30 days from the date on which such ruling is handed down.

Upon appeal to the State Executive Committee, a hearing shall be held on the day of the next regularly scheduled meeting of the State Committee provided the appeal is made more than thirty (30) days prior such meeting. Should the appeal be made less than thirty days prior to such meeting, a hearing will be held at State Committee headquarters in Harrisburg within thirty days after such meeting.

The Executive Committee may, by majority vote, remove from office or from Membership the person so accused found to be in violation of Section 2 of this Rule or take such other action which the Executive Committee finds appropriate.

In such case, the vacancy so created shall be filled in the manner provided by these rules or by the rules of the County Committee concerned, as the case may be.

Section 4. The State Committee, the State Executive Committee and County Committees are authorized and empowered to create and establish advisory and auxiliary committees.

*Referenced **Code of Conduct** document from State Party*

RESOLUTION – ADOPTION OF CODE OF CONDUCT REGARDING DISCRIMINATION AND HARASSMENT FOR STATE PARTY ACTIVITIES

WHEREAS the Pennsylvania Democratic Party recognizes that discrimination and harassment are unlawful and immoral, and that we as Democrats do not tolerate such hostile or discriminatory behavior within society or our Party;

WHEREAS the Pennsylvania Democratic Party is dedicated to providing a discrimination and harassment-free experience in all Party activities for everyone;

WHEREAS the Pennsylvania Democratic Party does not tolerate discrimination against or harassment of participants at our events in any form, and per Democratic National Committee policy strives to create a safe, inclusive space;

WHEREAS the members of the Pennsylvania Democratic Party recognize that it is our collective responsibility to ensure that each member of our community feels welcome and respected;

THEREFORE, BE IT RESOLVED THAT the Pennsylvania Democratic Party hereby adopts the following Code of Conduct for all state, county, and local Democratic Party activities and events:

CODE OF CONDUCT

In conjunction with and addition to the rules of the Democratic National Committee, The Pennsylvania Democratic Party is dedicated to providing a discrimination and harassment-free environment for everyone, and will not tolerate discrimination or harassment based on any unlawful basis, including but not limited to race, gender, sex, gender identity and expression, sexual orientation, disability, color, ethnicity, ancestry, age, national origin and immigration status, religion, creed, marital status, familial status, economic status, or domestic or sexual violence victim status.

Harassment includes, but is not limited to:

Offensive remarks, slurs, epithets, name calling, ridicule, threats, or gestures. ☒ Inappropriate images in public spaces. ☒ Deliberate intimidation, stalking, or following of persons or witnesses to harassment. ☒ Inappropriate physical contact or assault. ☒ Unwelcome attention. ☒ Coercing inappropriate sexual or other conduct in exchange for a benefit. ☒ Retaliation against complainant or witnesses to harassment. ☒ Advocating for, or encouraging, any of the above behavior Furthermore, intoxication is never an excuse to disrespect, harass, or harm others.

Enforcement

If a participant engages in discriminatory or harassing behavior at an event, organizers retain the

right to take any appropriate action to keep the event a welcoming environment for all participants, including but not limited to warning the purported offender and expelling persons from the event with no refund. Event organizers may take action to redress anything designed to, or with the clear impact of, disrupting the event or making the environment hostile for any participants. Additionally, offenders may be subject to expulsion from or other discipline regarding any party office held, in accordance with Party rules, procedures, and bylaws.

Participants asked to stop any discriminatory or harassing behavior are expected to comply immediately.

As an expectation of appropriate and lawful behavior, Exhibitors, sponsors, and vendors are also subject to this Code of Conduct, as are visiting candidates and anyone else participating in Party events.

We expect all party members to follow these rules in all party relationships and activities.

The Party will not tolerate retaliation against anyone who has filed a good-faith complaint or provided information in support thereof, and acts of retaliation themselves violate this code of conduct.

Reporting

If someone makes you or anyone else feel unsafe or unwelcome, please report it to a state party elected officer, state party appointed official or staff member as soon as possible.

You can make a report by:

- Contacting a state party officer, official or staff member. In some cases, we may also ask you to file a written complaint.
- For criminal activity, calling 911 or the local police district.

When taking a personal report at a party event, our staff will strive to ensure you are safe and cannot be overheard. They may involve other party staff to ensure your report is managed properly. Once safe, we'll ask you to tell us about what happened. This can be upsetting, but we'll handle it as respectfully as possible, and you can bring someone to support you. You won't be asked to confront anyone and if requested we won't tell anyone who you are. However, further proceedings may be subject to full disclosure to provide appropriate due process and to insure the rights of all parties are protected.

The proper Party officials will conduct an appropriate investigation and allow parties and witnesses to present evidence and information relevant to the complaint. In most cases, the proper Party official shall be the State Party Chairman or her/his designee. If the accused is the State Party Chairman, the proper Party official shall be the Vice Chair or her/his designee. The proper Party officials shall decide the penalty to be sought, up to and including expulsion from Party office, subject to Party rules and by-laws governing procedure. If the offense is related to officers or officials of the party, then the report should be made to any member of the Executive Committee in consultation with State Party counsel and the official in question shall be recused from any role in any further Party proceedings on the related matter.

Submitted by,

Lois Herr, State Committee member

Mary Ellen Balchunis, State Committee Member

FINAL VERSION 2-10-18: As enacted via unanimous vote