

**RULES OF THE  
DEMOCRATIC PARTY  
OF THE  
STATE OF NEW MEXICO**

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## **RULES OF THE DEMOCRATIC PARTY OF THE STATE OF NEW MEXICO**

### **RULE 1. PARTY NAME**

1-1. State Name. The name of the Democratic Party organization shall be the Democratic Party of New Mexico, hereafter abbreviated "DPNM."

1-2. County Names. The name of the Democratic Party organization of each county of the State of New Mexico shall be the "Democratic Party of \_\_\_\_\_ County" with the appropriate county name inserted.

1-3. Seal. The official seal of the DPNM shall be the traditional eagle holding an olive branch and arrow, and the words "THE DEMOCRATIC PARTY" along the outside of the seal in the upper portion, and the words "STATE OF NEW MEXICO" along the outside of the seal in the lower portion.

1-4. Members. All registered Democratic voters are members of the DPNM.

### **RULE 2. PARTY RULES**

2-1. Scope. These rules govern the organization and the conduct of business of the DPNM. Where a subject is covered by these rules, they shall control at all levels of party organization and in all counties except where these rules are in conflict with the Charter and Bylaws or other Rules of the Democratic Party of the United States. Each county organization may adopt such supplementary rules as it deems necessary insofar as they do not conflict with the DPNM Rules and do not abridge the lawful political rights of any person.

2-2. Filing Of Rules and Amendments. These rules and amendments thereto shall be filed with the Secretary of State of New Mexico. Supplementary county rules described in Rule 2-1 and amendments thereto shall be filed with the respective County Clerks, the Secretary of State, the DPNM State Chairperson and the DPNM Rules Chairperson immediately upon adoption.

2-3. Amendment of Rules. These rules may be amended by a majority vote of all the elected delegates to a State Convention which has as one of its purposes the amendment of rules. These rules may also be amended by a two-thirds (2/3) vote of the entire State Central Committee at a meeting that has as one of its purposes the amendment of rules.

2-4. Standards for Rules The following standards, previously adopted by the Democratic National Committee, are adopted as a part of these rules:

A. All public meetings at all levels of the DPNM are open to all members of the DPNM regardless of race, color, creed, sex, age, national origin, religion, handicap, sexual orientation, ethnic identity or economic status.

B. No test of membership in, or any oaths of loyalty to, the DPNM shall be required or used that has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone, or support discrimination on the grounds of race, color, creed, sex, age, national origin, religion, handicap, sexual orientation, ethnic identity or economic status.

C. Meetings of the DPNM at all levels shall be publicized fully and in such manner as to assure with timely notice to all party members, and large enough with provision for sufficient room as practicable to accommodate all interested parties.

D. The DPNM, at all levels, shall support the broadest possible registration without discrimination on grounds of race, color, creed, sex, age, national origin, religion, handicap, sexual orientation, ethnic identity or economic status.

E. The DPNM shall publicize fully and in such manner as to assure notice to all interested persons a full description of the legal and practical procedures for selection of representatives at all levels. Notice of meetings to elect any party officers, including delegates, shall be published by the officers of the county party organization in a newspaper of general circulation at least fourteen (14) days prior to the meeting and the notice shall specify the time, date and place for holding the meeting. (Chapter 1, Article 7, paragraph 3.I, Election Handbook of the State of New Mexico, 2005 Edition). Publication of these procedures shall be done in such fashion that all prospective and current members of the DPNM shall be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels.

F. The DPNM shall publicize fully and in such manner as to assure notice to all interested persons a complete description of the legal and practical qualifications for all officers and representatives of the DPNM. Such publication of notice, as described in Rule 2-4.E, shall be done in a timely fashion so that all prospective candidates or applicants for any elected or appointed position within the state shall have full and adequate opportunity to compete for office.

### RULE 3. PARTICIPATION IN PARTY ACTION

In order to vote in a ward or precinct meeting, party convention or central committee meeting, or to be an officer at any level of the party structure, or a delegate to any party convention, or a member of a central committee, a person shall have been a registered Democrat, as shown on the official list of registered voters of the county clerk, for at least thirty days prior to said meetings or conventions; and shall physically reside in the political subdivision in which he/she wishes to vote or hold office.

### RULE 4. STATE CENTRAL COMMITTEE

#### 4-1. Powers and Authority.

A. General The State Central Committee is the supreme governing body of the DPNM when regularly convened in the absence of a convention in session. It shall have general supervision and control of the political affairs of the party. Members of the State Central Committee shall serve as automatic delegates to all State Conventions, in addition to those state delegates duly elected at the County Conventions, unless prohibited by the rules of the Democratic Party of the United States.

B. Financing The policy of the DPNM is that its business shall be financed primarily by contributions from each of its individual members as their means allow. The State Central Committee has the responsibility of fulfilling that policy by maintaining a systematic program for soliciting and collecting such contributions. It shall have the authority for appropriation of state party funds.

C. Assessments The State Central Committee shall have the authority to levy dues or assessments upon the various recognized party organizations (Rule 24-1) on an equitable basis proportional to the representation such organizations have on the State Central Committee.

#### 4-2. Members The State Central Committee shall be composed of the following:

A. The Chairperson and First Vice-Chairperson of each county:

B. Additional members elected by each County Central Committee according to Rule 19-6.B.2. There shall be equal numbers of men and women (within a variance of not more than one) among the members of the State Central Committee from each county; and the voting procedures of Appendix A relating to equal division of men and women apply.

If the average of the number of votes in each county for the Democratic nominees for Governor and President in the most recent election for each office is from 2,501 to 3,500 inclusive, the county shall have an additional member. If this average is from 3,501 to 4,500 inclusive, the county shall have two additional members, and successively so, with an additional member for each additional 1,000 votes.

C. Such other members appointed by the State Chairperson with the consent of the State Central Committee only as necessary to achieve equal numbers of men and women, within a variance of not more than one, after the election of members of the State Central Committee by the respective County Central Committees.

D. National Committeeman and Committeewoman, the State Chairperson, Vice-Chairpersons, Secretary and Treasurer.

E. Two members from each of the New Mexico Senate and House of Representatives who shall be selected by the Democratic caucus from each legislative body.

F. Two members selected by and from the New Mexico Young Democrats affiliated organization.

G. Two members selected by and from the New Mexico Democratic Women affiliated organization.

H. One member selected by and from the Native American Democratic Caucus of New Mexico affiliated organization.

I. All statewide elected Democratic officials and United States Representatives.

4-3. Meetings and Calls. The State Central Committee shall meet at least twice each year, the two mandatory meetings being held in the last ten days of April and in the month of September or October. Such meetings shall be upon the call of the Chairperson or by a call initiated by the petition of a majority of the committee membership. The call shall give timely notice to all Committee members and shall be mailed to each member and shall specify the time, place and purposes of the meeting. Where party officers, including delegates, are to be elected, Rule 2-4.E applies.

The call may be amended only by a three-fourths (3/4) vote. A quorum shall consist of twenty-five percent (25%) of the members of the Committee with the additional requirement of at least one representative from each a majority of the counties. The Chairperson shall have the authority to levy an assessment equal for all members to defray the cost of the meeting.

4-4. Business and Budget. The State Central Committee shall transact business only at meetings conducted pursuant to a call. At each of the two annual meetings, the Chairperson and the Treasurer shall present a financial report and proposed budget for the Committee's consideration.

4-5. Proxy. Except as otherwise provided, proxy voting is permitted. A proxy shall be in writing, signed by the person giving the proxy and filed with the State Secretary. A proxy shall be valid only when voted by a registered Democrat of the same county as the person giving the proxy.

4-6. Voting. Voting on issues and in elections shall be non-secret (see Rule 19-5).

RULE 5.        STATE OFFICERS

5-1.    Election of State Officers. The State Chairperson shall call a meeting, following the requirements of Rule 2-4.E, of the State Central Committee for the election, according to Rule 19-6.B.1, of state officers who in order of election and rank are: (a) Chairperson, (b) Vice-Chairperson At-Large who shall be of the sex opposite that of the Chairperson, (c) two (2) Vice-Chairpersons of opposite sex from each Congressional District elected by the respective members of the State Central Committee from each Congressional District, (d) Secretary, and (e) Treasurer. Each District Vice-Chairperson shall be elected separately by majority vote. The State Chairperson shall set the date of the meeting by January 1 of the year in which the election is to be held (usually in odd numbered years) and notify the County Chairpersons of the dates that they may hold their County Central Committee Meetings which must be not more than forty-five (45) nor less than twenty-one (21) days before the State Central Committee Meeting.. State officers need not be members of the State Central Committee.

The election of all party officers shall be called for and conducted so as to be completed in the last ten (10) days of April in odd-numbered years. Officers shall serve for two years or until their successors are elected. Members of the State Central Committee who serve by virtue of their offices shall cast votes for District Vice-Chairpersons in the Congressional District in which they reside.

5-2.    Chairperson - Powers and Duties.

The State Chairperson shall:

- A.        be chief executive of the DPNM.
- B.        preside over all meetings of the State Central Committee, the State Executive Committee, and the State Resolutions Committee, and participate in the proceedings of all other committees including the making of motions and voting unless otherwise stated in these rules. He/she shall not be counted in determining the quorum (Rule 20) of any committee nor count as one of the specified number of committee members.
- C.        have general management of all party affairs and election campaigns.
- D.        have the power to appoint any committees which the Chairperson deems necessary, or which the State Central Committee may authorize.
- E.        refrain from using his/her office to advance the cause of any individual candidate including himself/herself for office in the Democratic Primary Election.
- F.        serve on the Democratic National Committee.
- G.        have authority to levy an assessment equal for all State Central Committee members to defray the cost of meetings of the Committee.

5-3.    Vice-Chairperson At-Large - Powers and Duties.

The Vice-Chairperson At-Large shall:

- A.        perform the duties of the State Chairperson in the Chairperson's absence.
- B.        perform duties assigned by the State Chairperson.
- C.        serve on the Democratic National Committee.

D. preside at all meetings of the Judicial Council at which she/he may make motions and vote and be counted in determining the quorum (Rule 20).

5-4. District Vice-Chairpersons – Powers and Duties

The District Vice-Chairpersons shall:

- A. perform duties assigned by the State Chairperson.
- B. be members of the Judicial Council where they may make motions and vote and be counted in determining the quorum (Rule 20).

5-5. Secretary - Powers and Duties.

The Secretary shall:

- A. record and preserve the minutes of all meetings of the State Central Committee.
- B. keep records of State Conventions and Executive Committee meetings, and perform other duties that may be required by these bodies.
- C. promptly file amendments to DPNM Rules with the Secretary of State.

An Assistant Secretary may be appointed by the State Chairperson.

5-6. Treasurer - Powers and Duties.

The Treasurer shall:

- A. serve as Chairperson of the Budget Committee.
- B. perform such duties as may be required by the State Chairperson and by law.
- C. keep full and accurate accounts of all receipts and expenditures subject to the supervision and control of the State Chairperson and make such accounts available for examination by all registered Democrats in the state by request of five (5) members of the State Central Committee.
- D. prepare a two (2) year budget with the advice and consent of the Budget Committee and present the budget and committee report to the State Central Committee for approval.
- E. present a written financial report to the State Central Committee at each of its meetings.
- F. deposit all monies in a bank designated by the State Central Committee or the State Chairperson.

An Assistant Treasurer may be appointed by the Chairperson.

5-7. Removal of State Officers.

- A. Reasons. A state officer may be removed from office for any of the following reasons:

1. intentional conduct in violation of these rules or the law.
2. nonfeasance
3. aiding or supporting any political party other than the Democratic Party.
4. aiding or supporting any candidate opposing a nominee of the Democratic Party.
5. conviction of a felony.

B. Procedures. A state officer shall be removed under the following procedures:

1. A written petition shall be filed by five (5) members of the State Central Committee by delivery of the original petition to the highest ranking officer of the state party not named in the petition, with a copy to the officer named as violator in the petition.

2. The petition shall name the alleged violator and specify the conduct constituting the violation. It shall be signed by the petitioner and be delivered at least fifteen (15) days prior to any regularly scheduled State Central Committee meeting.

3. The officer receiving the original petition shall present the petition or a copy thereof to the State Central Committee at its next meeting. If no State Central Committee meeting is scheduled, the officer shall call for one to be held within forty-five (45) days from the date of delivery of the original petition to the officer.

4. After a hearing, the State Central Committee shall vote to determine if a violation has occurred. For purposes of this vote a quorum shall be three-fourths (3/4) of the entire membership. The State Central Committee shall decide by a two-thirds (2/3) non-secret vote of all members present. No proxies shall be permitted in determining a quorum nor in voting. If the State Central Committee decides that a violation has occurred, the officer shall be considered removed.

5. Upon the removal of an officer, the office shall be declared vacant and filled in the manner as provided in Rule 5-8.B.

5-8. Vacancies in State Offices.

A. A vacancy exists in a state office when a state officer:

1. is removed in accordance with Rule 5-7.
2. ceases to reside in New Mexico.
3. resigns or dies.
4. publicly announces candidacy for state-wide or national office.

or when the office in question had not been filled initially at the scheduled election.

B. If a vacancy exists in the offices of Chairperson or Vice-Chairperson At-Large, the highest-ranking state officer shall call a meeting of the State Central Committee to fill the vacancy. If a vacancy exists in the office of District Vice-Chairperson, the Chairperson shall call a meeting of State Central Committee members only from the affected Congressional District. If a vacancy exists in the offices of Treasurer or Secretary, the remaining state officers shall fill the vacancy. All elections to fill a vacancy shall be for the unexpired term and shall be held within sixty (60) days of the occurrence of the vacancy.

RULE 6. STATE EXECUTIVE COMMITTEE

6-1. Members. The State Executive Committee shall be composed of all State Officers, all County Chairpersons, the two Democratic National Committeepersons, the President of the Democratic Women of New Mexico, and the President of the Young Democrats of New Mexico. In addition, those statewide elected Democratic officials who are members of the State Central Committee shall participate in the proceedings of the State Executive Committee including

the making of motions and voting. They shall not be counted in determining the quorum (Rule 20) of the committee. Membership on the Committee is not subject to the requirement of equal division of men and women (Appendix A).

6-2. Chairperson. The State Chairperson shall preside at all meetings of the committee but shall vote only in the case of a tie.

6-3. Secretary. The State Secretary shall be the secretary of the committee.

6-4. Powers and Authority. The committee shall advise the State Chairperson as to all matters and responsibilities assigned to the Chairperson by these rules and shall also perform such duties from time to time as are delegated to it by the State Central Committee. The committee shall keep a record of its proceedings. The committee shall meet frequently and be active in the conduct of the business of the party.

6-5. Meetings. The committee shall hold its meetings upon the call of the State Chairperson or by a call initiated by petition of a majority of the members. All voting shall be non-secret. With the advance consent of the entire Committee, meetings may be held by telephone or video conference call, and shall be considered as legitimate as meetings in person. A quorum, whether attendance is in-person or by the telephone or video method, shall consist of twenty-five percent (25%) of the members of the Committee with the additional requirement of at least one representative from a majority of the counties. The Chairperson shall have the authority to levy an assessment equal for all members to defray the cost of any meeting.

## RULE 7. STATE CONVENTIONS

### 7-1. Procedure.

A. Call. The State Chairperson shall issue a call for a State Convention in accordance with law and these rules. The call shall be mailed to each County Chairperson and to each member of the State Central Committee. It shall be issued at least sixty (60) days prior to the date of the convention, and shall specify the time, place and general purposes of the convention. Publication of notice shall be according to Rule 2-4.E

The call may be amended only by a three-fourths (3/4) vote of the convention. The Chairperson shall have the authority to levy an assessment equal for all delegates to defray the cost of the meeting.

B. Scheduling. A Pre-Primary Election Nominating Convention shall be held at least sixty (60) days prior to the primary election. A Post-Primary Election Convention shall be held in years when delegates to a National Convention are to be selected.

C. Elected Delegates. A uniformly proportional number of delegates to be elected from each county shall be based on a formula giving equal weight to the county votes for Democratic candidates in the most recent gubernatorial and presidential elections.

D. Alternate Delegates. Alternate delegates are those who received votes in the county elections of delegates but who were not elected. Alternate delegates in the respective counties are rank ordered by the number of votes they received, the highest vote getter being ranked first in the order of substitution for delegates absent from the convention and who have not personally selected alternate delegates.

E. Automatic Delegates. Members of the State Central Committee shall serve as state-certified automatic delegates to all State Conventions, in addition to those state delegates elected at the County Conventions, unless prohibited by The Charter & The Bylaws of the Democratic Party of the United States. Each county, if its rules so provide, may designate a certain number of county-certified delegates as automatic delegates by virtue of being elected to a

public office or party position, as long as proportional representation (Rule 18) is not materially violated. State-certified automatic delegates do not count against the allocation of delegates to the counties dictated by Rule 7-1.C. County-certified automatic delegates do count against the allocation of delegates to the counties dictated by Rule 7-1.C.

7-2. Delegates and Alternate Delegates – Credentials and Challenges

A. Certification. The County Chairperson and Secretary shall certify the names, home postal and e-mail addresses and telephone numbers of the delegates and alternate delegates to a State Convention from their respective counties. Certification shall be sent to the DPNM Secretary at least ten (10) days prior to the date of the convention, and shall include the home postal and e-mail addresses and telephone number of the County Chairperson or other person who is to serve as chairperson of the delegation.

B. Challenges. Only a Democrat registered in the county may file a challenge to a county's delegates or alternate delegates. Any challenge to the certified delegates and alternate delegates to a State Convention shall be made in writing, and delivered to state headquarters or the DPNM Secretary at least seventy-two (72) hours prior to the convention. Challenges shall be referred to the Judicial Council. A challenger shall also deliver a copy of the challenge to the County Chairperson of the affected county at least seventy-two (72) hours prior to the date of the convention. The challenge shall specify the charges and identify by names and addresses the challengers and those challenged.

C. Adjudication of Challenges. If challenges have been filed, the Judicial Council shall convene no more than forty-eight (48) hours before the convention at a site designated by the State Chairperson with notice to all affected parties. After a hearing, the Judicial Council shall report to the convention the names and addresses of delegates and alternate delegates who it judges are entitled to participate in the convention. No challenged delegation may vote upon its own challenge when the convention considers the report of the Judicial Council. Each challenge, recommendation and minority report of the Judicial Council shall be considered separately. All affected parties shall receive the results of adjudication no less than twelve (12) hours before the convention.

D. Credentials Committee. The Judicial Council shall act as the credentials committee. The committee shall have the assistance of the State Chairperson in providing facilities and staff assistance for its business.

E. Finality of Decision. There can be no appeal of the decision of a state convention on a report of the Judicial Council.

7-3. Order of Business.

The order of business shall be set by the call and is suggested as follows:

- (1) Call to order by the State Chairperson.
- (2) Reading of the call.
- (3) Report of the Judicial Council and convention vote thereon.
- (4) Introduction of temporary officers selected by the State Chairperson with the approval of the convention, and election of permanent officers of the convention.
- (5) Submission of written resolutions from the floor to the Chairperson.
- (6) Selection by the permanent chairperson of such eleven-member committee as deemed proper.
- (7) Reports of all committees and votes thereon.

(8) Adoption of a platform if the state convention is a Pre-Primary Election Nominating Convention.

(9) Selection of primary election nominees if the state convention is a Pre-Primary Election Nominating Convention.

(10) Selection of delegates and alternate delegates to a national convention if the state convention is a Post-Primary Election Convention.

(11) Nomination of Presidential Electors if the state convention is a Post-Primary Election Convention (Chapter 1, Article 15, paragraph 3, Election Handbook of the State of New Mexico, 2005 Edition and Rule 21),

(12) Other business including consideration of resolutions from the floor.

(13) Adjournment.

#### 7-4. Roll Call.

In lieu of balloting, a roll call may be taken, except when balloting is expressly required by these rules, whereby the electors vote individually by voice vote. The roll call shall be taken of the counties in an order determined by lot for the first county and thereafter in alphabetical order of counties, and in numerical sequence of precincts/wards within each county. A roll call may only be ordered by twenty percent (20%) or more of the electors present. A pass of the vote shall be allowed only once.

#### 7-5. Voting.

A. Elections. In the election of delegates and alternate delegates to a National Convention at the Post-Primary Election Convention, voting shall be non-secret and conducted according to Rule 19-6.B.2. and the Delegate Selection Plan submitted in accordance with Rule 8. Delegates and alternate delegates, as separate classes, to a National Convention shall be equally divided between men and women within a variance of one (Appendix A).

Methods of placing names on the primary election ballot and the designation of candidates by the Pre-Primary Election Convention are governed by Chapter 1, Article 8, paragraphs 21 and 21.1, respectively, Election Handbook of the State of New Mexico, 2005 Edition. Voting shall be non-secret and conducted according to Rule 19-6.B.2.

B. Alternate Delegates. An alternate delegate elected to a State Convention may vote if the alternate delegate has been designated by an absent delegate, elected or automatic, who is from the same county. A delegate is free to designate an alternate delegate of the delegate's choice. If delegates are absent and have not designated alternate delegates, the alternate delegates shall fill the delegates' positions according to Rule 7-1.D. If the rank ordering of alternate delegates at the preceding County Convention is not determinable, then vacancies that exist for which there have been no designations by the absent delegates shall be filled by the drawing of lots from the county pool of alternate delegates. If no alternate delegates are available to fill vacancies, the size of the county delegation is diminished accordingly

C. Proxy. An accredited participant in the convention may, after having appeared at the convention and having established credentials, give a written proxy to another accredited participant from the same county, provided that no person may hold more than three (3) proxies at one time.

7-6. Platform. A platform, if required, shall be adopted by a sixty-percent (60%) non-secret vote (Rules 7-3 and 16-1.D).

7-7. Minority Reports. A minority report shall be presented to the convention upon the vote of ten percent (10%) of the delegates or ten percent (10%) of the members of a committee.

7-8. Distribution of Material. No printed matter shall be distributed at a convention unless it bears the name(s) of the author(s).

## RULE 8. NATIONAL CONVENTIONS

8-1. Eligibility and Selection as Delegate. Delegates to national conventions shall be chosen in accordance with The Charter and The Bylaws of the Democratic Party of the United States and the State Delegate Selection Plan submitted by the State Central Committee in accordance with the Democratic National Committee Rules.

8-2. Apportionment of Delegates. The National Convention delegation shall be apportioned among the three (3) Congressional Districts based on the sum of the votes cast for the Democratic candidates in the most recent presidential and gubernatorial general elections.

## RULE 9. COUNTY PARTY ORGANIZATION

### 9-1. Notice of Party Actions.

A. Method of Notification. Each County Chairperson shall cause to be published at least twice in a newspaper of general circulation in the county, a combined notice of all ward and precinct meetings and county meetings and conventions to elect any party officers or delegates. The first such publication shall be not more than thirty (30) days nor less than twenty (20) days prior the ward meeting, and the second publication shall be not more than ten (10) days prior to the ward meeting. The notice shall specify the:

1. public places where meetings and conventions shall be held
2. purposes of such meetings and conventions
3. dates and times of meetings and conventions
4. times and locations of credentials committee meetings
5. times in which challenges must be presented to the credentials

committee.

In counties having newspapers aimed at minority group readership, the County Party shall also publish the notices in those newspapers. Each County Party shall be financially responsible for such publication.

B. Proof of Publication. A copy of the page of the newspaper including the notices of ward meetings and County Conventions shall be sent by the County Chairperson to the state headquarters or State Chairperson within four (4) days after each publication. The state headquarters shall maintain a file of such publication which shall be available for inspection by any registered Democrat.

C. Failure to Comply. If the State Chairperson ascertains that this rule has not been followed in any county, then the State Chairperson, after consultation with State Executive Committee members, may direct the holding of ward meetings, County Central Committee meetings or County Conventions at such times designated by the State Chairperson, and reasonable notice of such meetings shall be specified by the State Chairperson.

### 9-2. County Central Committee

A. Powers and Authority. The County Central Committee is the governing body of the County Democratic Party when regularly convened in the absence of a convention in session. It shall have general supervision and control of the political affairs of the party in the county, except as otherwise provided. By a two-thirds (2/3) vote of all of its members it may adopt or amend rules for the County Party not in conflict with these rules.

B. Assessments. The County Central Committee shall have the authority to levy dues or assessments upon the various recognized party organizations on an equitable basis.

C. Members. The County Central Committees shall be composed of the following:

1. ward chairpersons
2. precinct chairpersons
3. additional committeepersons, as apportioned to the precincts on the basis of the average of votes cast in each precinct for the Democratic candidate in the most recent presidential and gubernatorial elections. A fair apportionment formula shall be set by the county rules and shall be uniform throughout the county. The apportionment may vary from one committeeperson for each 200 votes to one committeeperson for each 25 votes, depending on the rules of the county, provided, however, that the apportionment formula shall not result in more than one-third (1/3) of the precincts of the county being represented by only one committeeperson. The membership allotted to the precinct chair is included in the number of committeepersons apportioned to that precinct.
4. County Chairperson and First Vice-Chairperson.
5. any or all of the following, only if county rules provide:
  - (a) other County Party officers.
  - (b) state legislators who reside within the county.
  - (c) county commissioners.
  - (d) one or two members selected by and from the New Mexico Young Democrats, should such an organization exist in the county.
  - (e) one or two members selected by and from the New Mexico Democratic Women, should such organization exist in the county.

Membership on the Committee is not subject to the requirement of equal division of men and women (Appendix A).

D. Meetings and Calls. The County Central Committee shall meet upon the call of the County Chairperson or by a call initiated by the petition of a majority of the membership. The call shall give reasonable notice and shall be mailed to each member and shall specify the time, place and purposes of the meeting. Publication of notice shall be according to Rule 2-4.E  
The call may be amended only by a three-fourths (3/4) vote.

E. Proxy. Except as otherwise provided, proxy voting is permitted. A proxy shall be in writing, signed by the person giving the proxy and filed with the County Secretary. A proxy shall be valid only when voted by a registered Democrat of the same ward (or precinct where wards do not exist) as the person giving the proxy.

F. Election of State Central Committee Members. State Central Committee members shall be elected at the same meeting and following the election of county officers as specified in the call of the State Chairperson. The required number of committeepersons shall be elected in accordance with Rule 4-2.B. All elections shall be by non-secret ballot (Rule 19-6.B.2).

Upon the election of State Central Committee members, their names, home postal and e-mail addresses and phone numbers shall be forwarded to the State Chairperson by the respective County Chairpersons within seventy-two (72) hours after the election.

### 9-3. County Standing Committees

#### A. County Credentials and Rules Revision Committee.

1. Members. Unless otherwise provided by County Rules, at the time of election of ward/precinct officers, each ward or precinct shall elect a member to the Committee from among the qualified ward or precinct electors (Rule 19-6.A). (Note: The reference

to wards or precincts in this rule takes account of the fact that, in some counties, wards do not exist and elections are held at the precinct and county levels only.) Members need not be County Central Committee members although such members may be members of this Committee. Committee member are officers of their ward or precinct and shall serve until a new election of ward/precinct officers is held. A new Committee shall not be elected at ward or precinct meetings preceding a convention. Membership on the Committee is not subject to the requirement of equal division of men and women.

2. Chairperson. The County Chairperson shall appoint a Chairperson of the Committee from among the members. The Committee Chairperson shall participate in the proceedings of the Committee including the making of motions and voting, and shall be counted in determining the quorum (Rule 20).

3. Secretary. A Secretary shall be appointed by the Committee Chairperson.

4. Powers and Authority. Unless otherwise provided by County Rules, the Committee shall hear challenges to the election of ward and precinct officers, act to remove officers in accordance with Rule 12-7, and deliberate the credentials of all ward/precinct officers, including County Central Committee members, except that no member of a ward or precinct whose election is challenged may take part in deliberations regarding that challenge. The Committee shall serve as a standing committee on rules revision and, in an advisory capacity, serve the County Chairperson and Executive Committee as a rules interpretation committee.

5. Meetings. The Committee shall meet prior to the County Central Committee meeting at a time specified in County Rules or, in the absence of a rule, by direction of the County Chairperson. If a member cannot attend a meeting, he/she may designate a proxy from among the qualified electors from his/her ward or precinct.

#### B. Convention Credentials and Rules Committee.

1. Members. Unless otherwise provided by County Rules, at the time of ward/precinct meetings, when one or the purposes of the meetings is to select delegates to a County Convention, each ward or precinct shall elect a member to the Committee from among the elected delegates to the convention. Membership on the Committee is not subject to the requirement of equal division of men and women.

2. Chairperson. The County Chairperson shall appoint a Chairperson of the Committee from among the members. The Committee Chairperson shall participate in the proceedings of the Committee including the making of motions and voting, and shall be counted in determining the quorum (Rule 20).

3. Secretary. The Committee Chairperson shall appoint a Secretary.

4. Powers and Authority. Unless otherwise provided by County Rules, the Convention Credentials and Rules Committee shall hear challenges to the election of all delegates to a County Convention, and deliberate the credentials of all delegates to the convention, except that no member of a ward or precinct whose election is challenged may take part in deliberations regarding that challenge. The Committee may make such recommendations as it deems necessary to settle disputed elections. All recommendations are subject to final approval of the Committee for its report to the County Convention. When so designated by the County Chairperson, the Committee shall serve as the Convention Rules Committee.

5. Meetings. The Committee shall meet prior to the convention at a time specified in county rules or, in the absence of a rule, by direction of the County Chairperson. If a member cannot attend a meeting, he/she may designate a proxy from among the elected delegates from his/her ward or precinct.

#### C. Platform and Resolutions Committee.

1. Members. Unless otherwise provided by County Rules, at the time of election of ward/precinct officers, each ward or precinct shall elect a member to the Committee from among the qualified ward or precinct electors (Rule 19-6.A). Members need not be County Central Committee members although such members may be members of this Committee. Committee members are officers of their ward or precinct and shall serve until a new election of ward/precinct officers is held. A new Committee shall not be elected at ward or precinct meetings preceding a convention. Membership on the Committee is not subject to the requirement of equal division of men and women.

2. Chairperson. The County Chairperson shall appoint a Chairperson of the Committee from among the members. The Committee Chairperson shall participate in the proceedings of the Committee including the making of motions and voting, and shall be counted in determining the quorum (Rule 20).

3. Secretary. The Committee Chairperson shall appoint a Secretary.

4. Powers and Authority. The Committee shall consider resolutions and platform planks reported to it from ward/precinct meetings and formulate resolutions for presentation to the County Central Committee, and resolutions and platform planks to a convention.

5. Meetings. The Committee shall meet prior to each County Central Committee or convention at a time specified in County Rules or, in the absence of a rule, by direction of the County Chairperson. If a member cannot attend a meeting, he/she may designate a proxy from among the qualified electors from his/her ward or precinct.

## RULE 10. COUNTY OFFICERS

10-1. Election of County Officers. The County Chairperson shall call a meeting of the County Central Committee pursuant to the call issued by the State Chairperson for the selection of county officers and State Central Committee members. Publication of notice shall be according to Rule 2-4.E. Officers in order of rank are; (a) Chairperson, (b) a First Vice-Chairperson of the sex opposite that of the Chairperson, (c) if County Rules provide, a Second Vice-Chairperson of the sex the same as that of the Chairperson, (d) Secretary, (e) Treasurer and such other officers as provided for in the county rules. The County Central Committee shall elect the Chairperson and Vice-Chairperson. The Chairperson shall appoint a Secretary and Treasurer. None of the officers need be members of the County Central Committee prior to being selected. The officers shall serve for two years or until their successors are elected or appointed. All voting for officers shall be conducted by non-secret ballot according to Rule 19-6.B.1.

10-2. Challenges. A challenge to a county's election of State Central Committee Members or county officers shall be made in the same manner as challenges to the election of delegates and alternate delegates to the State Convention as provided in Rule 7-2.B. The Judicial Council shall adjudicate the challenge.

### 10-3. Chairperson - Powers and Duties

#### The County Chairperson shall:

- A. be the chief executive of the County Party.
- B. preside over all meetings of the County Central Committee and the County Executive Committee, and shall participate in the proceedings of all other committees

including the making of motions and voting unless otherwise stated in these rules. He/she shall not be counted in determining the quorum (Rule 20) of any committee nor count as one of the specified number of committee members unless otherwise stated in these rules.

C. have general management of all County Party affairs and county election campaigns.

D. have the power to appoint any committees which the Chairperson deems necessary or which the County Central Committee may authorize.

E. apportion the County Central Committee in accordance with Rule 9-2.C.3.

F. refrain from using his/her office to advance the cause of any individual candidate, including himself/herself, for office in the Democratic Primary Election.

H. appoint ward and/or precinct officers and County Central Committee members when new precincts or wards are created in accordance with New Mexico law and applicable Democratic Party Rules (Rule 12-8C).

10-4. Vice-Chairperson(s) - Powers and Duties. The First Vice-Chairperson shall perform all duties assigned by the Chairperson and shall perform the duties of the Chairperson in his/her absence. The Second Vice-Chairperson shall perform all duties assigned by the Chairperson and shall perform the duties of the First Vice-Chairperson in his/her absence.

10-5. Secretary - Powers and Duties

The Secretary shall:

A. record and preserve the minutes of all meetings of the County Central Committee.

B. keep records of the County Conventions and of the County Executive Committee and shall perform other duties that may be required by these bodies.

The Chairperson may appoint an Assistant Secretary.

10-6. Treasurer - Powers and Duties

The Treasurer shall:

A. perform such duties as may be required by the Chairperson and by law.

B. keep full and accurate accounts of all receipts and expenditures subject to the supervision and control of the County Central Committee and make such accounts available for examination by all registered Democrats in the county upon request.

C. administer and assist in the preparation of the budget authorized by the County Central Committee and shall deposit all monies in a bank designated by the County Central Committee or the County Chairperson.

D. present a financial report to the County Central Committee at each of its meetings.

The County Chairperson may appoint an Assistant Treasurer.

10-7. Removal of County Officers and State Central Committee Members

A. Reasons. Any County Officer or County member of the State Central Committee may be removed from such office for any of the following reasons:

1. intentional conduct in violation of these rules or the law.
2. nonfeasance
3. aiding or supporting any political party other than the Democratic Party.
4. aiding or supporting any candidate opposing a nominee of the Democratic Party.
5. conviction of a felony.

B. Procedures. Any County Officer or member of the State Central Committee shall be removed under the following procedure:

1. A written petition shall be filed by any registered Democrat(s) in the county with the State Central Committee by delivery of the original petition to the highest ranking officer of the County Central Committee not named in the petition, with a copy to the County member of the State Central Committee named as violator in the petition.

2. The petition shall name the alleged and specify the conduct constituting the alleged violation. It shall be signed by the petitioner and shall be delivered at least fifteen (15) days prior to any regularly scheduled County Central Committee meeting.

3. The officer receiving the original petition shall present the petition or a copy thereof to the County Central Committee at its next meeting. If no County Central Committee meeting is scheduled, the officer shall call for one to be held within forty-five (45) days from the date of delivery of the original petition to the officer.

4. After a hearing, the County Central Committee shall vote by non-secret ballot to determine if a violation has occurred. For purposes of this vote a quorum shall be three-fourths (3/4) of the entire membership. The County Central Committee shall decide by a two-thirds (2/3) vote of all members present. No proxies shall be permitted in determining a quorum nor in voting. If the County Central Committee determines that a violation has occurred, the officer or State Central Committee member shall be considered removed.

5. Upon the removal of an officer or State Central Committee member, the office shall be declared vacant and filled in the manner as provided in Rule 10-8.

#### 10-8. Vacancies in County Offices and State Central Committee

A. A vacancy exists in a county office or in the State Central Committee when the officer or committee member:

1. is removed in accordance with Rule 10-7.
2. ceases to reside in the county from which the person was elected.
3. resigns or dies.

or when the office in question had not been filled initially at the scheduled election.

B. A vacancy may also occur in the State Central Committee, if county rules so provide, if a State Central Committee member fails to attend more than one State Central Committee meetings without issuing a proxy. In such cases county rules shall govern the procedures for removal and the filling of the vacancy.

C. If a vacancy exists in the office of County Chairperson or First Vice-Chairperson, the highest ranking county officer shall call a meeting of the County Central Committee within sixty (60) days to fill the vacancy.

D. If a vacancy exists in the office of Second Vice-Chairperson, Secretary, or Treasurer, the Chairperson shall appoint a replacement within thirty (30) days.

E. If vacancies exist among twenty percent (20%) or more of the members of the county's State Central Committee delegation, the County Chairperson shall call a meeting of

the County Central Committee within sixty (60) days to fill the vacancies for the unexpired terms, or the vacancies may be filled as otherwise provided in the county rules.

10-9. Executive Committee. The County Central Committee may delegate authority for the conduct of business to a County Executive Committee composed of all the Ward Chairpersons (or Precinct Chairpersons where wards do not exist) plus additional county officers as permitted by county rules. The County Chairperson shall preside at meetings of the Committee at which she/he may make motions and vote and be counted in determining the quorum (Rule 20). Voting by proxy is prohibited.

## RULE 11. COUNTY CONVENTIONS

11-1. Call. As directed by a state call, the County Chairperson shall issue a call (Rule 9-1.A) for a County Convention to be held at a suitable public place on the date and at a time set by the State Chairperson, and shall fix a uniformly proportional number of delegates from each ward (or precinct if wards do not exist), based on a formula consistent with the election of additional State Central Committee members as provided in Rule 9-2.C.3. Publication of notice shall be according to Rule 2-4.E.

Only the State Chairperson may reschedule a state-called County Convention for a particular county if participation would be significantly improved. County-called conventions, for consideration of county matters, may be called by the County Chairperson or by written petition of at least two-thirds (2/3) of a county's Ward Chairpersons (or Precinct Chairpersons where wards do not exist). The scheduling shall be determined by county rules. A County Convention call may be amended only by a three-fourths (3/4) vote of the convention.

11-2. Purpose. County Conventions shall elect delegates to State Conventions, including Pre-Primary Election Nominating Conventions and Post-Primary Election Conventions, adopt resolutions, adopt or amend rules of the County Party organization, and conduct other business pertaining to the county as provided for in the call. If permitted by county rules, all County Convention delegates selected at the ward and precinct levels may, at the County Convention, be certified to be delegates to a forthcoming State Convention without standing for formal election at the County Convention.

### 11-3. Delegates.

A. Certification. Where delegates have been elected at ward or precinct meetings the County Secretary shall certify the names and addresses of the delegates from their respective wards or precincts. The certification shall be delivered to the County Chairperson and the chairperson of the Convention Credentials/Rules Committee, at least twenty-four (24) hours before the County Convention convenes, or such earlier time as county rules may provide.

B. Challenges. A challenge to a ward's (or precinct's) delegates or alternate delegates may be issued only by a registered Democrat within that ward (or precinct if wards do not exist). Any challenge to the certified delegates and alternate delegates to a County Convention shall be made in writing, and delivered to the County Chairperson or any of the Vice-Chairpersons at least twenty-four (24) hours prior to the convention or such earlier time as county rules may provide. Challenges shall be referred to the Convention Credentials and Rules Committee. The challenge shall specify the charges and identify by name and address the challengers and those challenged.

C. Adjudication of Challenges. If challenges have been filed, the Convention Credentials and Rules Committee shall convene no more than twenty-four (24) hours before the convention at a site designated by the County Chairperson with notice to all affected parties. After the hearing, the Committee shall report to the convention the names and addresses of delegates and alternate delegates who it believes are entitled to participate in the convention. No challenged delegation may vote upon its own challenge when the convention considers the report of the

Committee. Each challenge, recommendation and minority report of the Committee shall be considered separately.

11-4. Order of Business. The order of business shall be set by the call and is suggested as follows:

- (1) Call to order by the County Chairperson.
- (2) Reading of the call.
- (3) Report of the Credentials Committee and convention vote thereon.
- (4) Introduction of temporary officers of the convention selected by the County Chairperson and election of permanent officers of the convention.
- (5) Reports of all committees and votes thereon.
- (6) Adoption of a platform, if the convention is a Pre-Primary Election Nominating Convention.
- (7) Selection of delegates and alternate delegates to a State Convention, if required.
- (8) Other business.
- (9) Adjournment.

11-5. Voting.

A. Proxy. An accredited participant in the convention may, after having appeared at the convention and having established credentials, give a written proxy to another accredited participant from the same ward (or precinct), provided that no person may hold more than three (3) proxies at one time.

B. Elections. In the election of delegates and alternate delegates to a state convention, except when delegates and alternate delegates elected at the ward (or precinct) level are merely certified at a County Convention to be delegates and alternate delegates to a state convention, non-secret voting shall be conducted according to Appendix A. The election of delegates and alternates is not subject to the requirement of equal division of men and women (Appendix A).

C. Alternate Delegates An alternate delegate elected to a County Convention may vote if the alternate delegate has been designated by a delegate, elected or automatic, who is from the same ward or precinct and is absent from the convention. The delegate is free to designate an alternate delegate of the delegate's choice. If delegates are absent and have not designated alternate delegates, the alternate delegates shall fill the delegates' positions according to Rule 7-1.D. If the rank ordering of alternate delegates at a County Convention is not determinable, then vacancies that exist for which there have been no designations by the delegates shall be filled by the drawing of lots

11-6. Minority Reports. Upon the vote of ten percent (10%) of the delegates to a convention or members of a committee, a minority report shall be presented to the convention.

11-7. Distribution of Materials. No printed matter shall be distributed at a convention unless it bears the name(s) of the author(s).

## RULE 12. WARD AND PRECINCT ORGANIZATION

12-1. Application to Wards and Precincts and Substitution of Precincts for Wards. This rule shall apply to ward and precinct organization where county rules provide for wards and/or precincts. In counties where wards do not exist, these rules apply to precincts, and the word "precinct" may substitute for the word "ward." A County Party organization may provide in its rules for the replacement of ward meetings with precinct meetings. In such case, wherever the word "ward" appears in the state rules, the word "precinct" shall be substituted.

12-2. Election of Ward Officers and County Central Committee Members. The County Chairperson shall call a meeting of the ward, pursuant to the call of the State Chairperson, for the selection of ward officers who, in order of rank, are: (a) Chairperson (b) Vice-Chairperson (c) Secretary, and (d) Treasurer. Publication of notice shall be according to Rule 2-4.E

Qualified electors of the ward shall elect the ward officer(s). County Central Committee members shall also be elected at this meeting. If a County Chairperson determines for good cause that precinct, ward and County Central Committee meetings should not be held separately as provided in the call of the State Chairperson, then such meetings may be held the same date and place as the scheduled County Central Committee meeting with the approval of the State Chairperson. The election of ward officers and County Central Committee members is not subject to the requirement of equal division of men and women (Appendix A).

12-3. Chairperson - Powers and Duties.

The Ward Chairperson shall:

- A. be the chief executive of the ward.
- B. preside over all ward meetings and shall participate in the proceedings of all ward committees including the making of motions and voting unless otherwise stated in these rules. He/she shall not be counted in determining the quorum (Rule 20) of any committee nor count as one of the specified number of committee members unless otherwise stated in these rules.
- C. have general management of all ward affairs and election campaigns at the ward level.
- D. have the power to appoint committees.
- E. express a personal preference for candidates in the Democratic Primary Election if she/he so desires.
- F. participate, as a member of the County Executive Committee (Rule 10-9), in the appointment of ward and/or precinct officers and County Central Committee members when new precincts or wards are created in accordance with New Mexico law and applicable Democratic Party Rules (Rule 12-8C.).

12-4. Vice-Chairperson - Powers and Duties. The Vice-Chairperson shall perform all duties assigned by the Chairperson, and perform the duties of the Chairperson in the Chairperson's absence.

12-5. Secretary - Powers and Duties.

The Secretary shall:

- A. record and preserve the minutes of all meetings of the ward, such minutes to include the names and addresses of all persons elected at the meetings.
- B. deliver a copy of such minutes to the County Secretary.
- C. perform all duties assigned by the Chairperson and as otherwise provided in these rules.

12-6. Treasurer - Powers and Duties.

The Treasurer shall:

- A. keep full and accurate accounts of all receipts and expenditures and make such accounts available for examination by all registered Democrats in the ward upon request.
- B. present a financial report to the ward at each of its meetings.
- C. perform all duties assigned by the Chairperson.

12-7. Removal of Ward Officers and County Central Committee Members.

A. Reasons. Any ward officer or County Central Committee member may be removed from office for any of the following reasons:

- 1. intentional conduct in violation of these rules.
- 2. nonfeasance
- 3. aiding or supporting any political party other than the Democratic Party.
- 4. aiding or supporting any candidate opposing a nominee of the Democratic Party.
- 5. conviction of a felony..

B. Procedures. A ward officer or County Central Committee member shall be removed under the following procedures:

- 1. A written petition shall be filed by any registered Democrat(s) in the ward with the County Credentials/Rules Revision Committee by delivery of the original petition to the County Chairperson, with a copy to the officer or committee member named as violator in the petition.
- 2. The petition shall name the alleged violator, specifying the conduct constituting the violation, and shall be signed by the petitioner(s).
- 3. The County Chairperson shall call a meeting of the County Credentials/Rules Revision Committee within thirty (30) days to consider the petition.
- 4. After a hearing the County Credentials/Rules Revision Committee shall vote to determine if a violation has occurred. For purposes of this vote, a quorum shall be three-fourths (3/4) of the entire committee membership. The County Credentials/Rules Revision Committee shall decide by a two-thirds (2/3) vote of all members present. No proxies shall be permitted in determining the quorum nor in voting. If the County Credentials/Rules Revision Committee decides that a violation has occurred, the officer or County Central Committee member shall be considered removed.
- 5. Upon the removal of an officer or County Central Committee member the office shall be declared vacant and filled in the manner as provided in Rule 12-8.

12-8. Vacancies in Ward or Precinct Offices or County Central Committee

A. A vacancy exists in a ward or precinct office or County Central Committee when a ward or precinct officer or County Central Committee member:

- 1. is removed in accordance with Rule 12-7.
  - 2. ceases to reside in the respective ward or precinct.
  - 3. resigns or dies.
- or when the office in question had not been filled initially at the scheduled election.

B. If a vacancy exists in the office of ward or precinct chairperson, the ward or precinct vice-chairperson shall succeed to the respective office. If a vacancy exists in any other ward or precinct office or in the County Central Committee, the vacancy shall be filled by the Ward Chairperson within thirty (30) days; if not, by the County Chairperson. Appointments to fill vacancies shall be for the unexpired term, and in accordance with the residency requirements of Rule 3-2.

C. When new precincts or wards are created in a county in accordance with New Mexico law and applicable Democratic Party Rules, ward and/or precinct officers and County Central Committee members shall be appointed by the County Executive Committee within thirty (30) days. A meeting called with reasonable notice for that purpose shall be conducted by the County Chairperson who shall not make motions nor vote nor be counted in determining the quorum. The appointments shall serve until the next election of ward and/or precinct officers and County Central Committee members.

12-9. Ward Meetings.

A. Call. The County Chairperson shall issue a call for ward meetings to be held at suitable public places on the date and at a time set by the State Chairperson. The call shall be furnished to each Ward Chairperson and Vice-Chairperson at least thirty (30) days in advance of the meeting. The call shall specify the date, hour, place and purpose of each ward meeting. Publication of notice shall be according to Rule 2-4.E

If the purpose includes election of delegates and alternates to a convention, the call shall specify the number of delegates to which each ward is entitled on the basis of a formula giving equal weight to the vote for Democratic candidates in the most recent presidential and gubernatorial elections as specified in these rules. The election of delegates and alternates is not subject to the requirement of equal division of men and women (Appendix A). A ward meeting may be called by the Ward Chairperson for consideration of matters pertaining to the ward.

B. Place of Ward Meeting. A ward meeting shall be held in a public building located within the ward, if possible. The County Chairperson shall have the authority to designate clusters of wards to collocate ward meetings if greater efficiency and economy are likely.

C. Conduct of Ward Meetings.

1. Convening. A minimum of two electors are required for a meeting to be convened. The meeting shall be called to order by the Chairperson, or in Chairperson's absence or upon the Chairperson's refusal to act, by the Vice-Chairperson, Secretary or Treasurer. If none of the above officers is present, any elector of the ward may convene the meeting.

2. Presiding Chairperson. The Ward Chairperson shall be the presiding officer of the ward meeting except that the chairperson shall give the electors the opportunity to elect an acting chairperson.

3. Order of business. The order of business, as applicable, for any ward meeting shall be:

- (1) Call to order
- (2) Reading of the call.
- (3) Election of acting chairperson if requested.
- (4) Appointment of Credentials Committee and presentation of challenges.
- (5) Report of Credentials Committee and vote thereon.
- (6) Election of ward officers and County Central Committee members, or election of delegates to a County Convention when either is required.
- (7) Adoption of resolutions if required or desired.
- (8) Remaining business for which the meeting is called.
- (9) Adjournment.

12-10. Voting.

A. Proxy. Voting by proxy is prohibited.

B. Method. In selecting members of the County Central Committee or delegates and alternate delegates to a County Convention the ballots shall be counted according to Rules 18-5 and 18-6.A.2. The balloting shall be secret unless waived by unanimous consent.

C. Ballots. Prior to the beginning of the meeting, the Chairperson shall appoint checkers to verify that the persons present are qualified electors (Rule 3-1). Each elector shall be verified during the meeting. No ballots or other identification shall be issued prior to the time of check-in at the meeting. In the election of ward and/or precinct officers, convention delegates and alternate delegates, and other County Central Committee members, no ballots shall be cast until the report of the credentials committee has been voted upon except as provided in Rule 12-11.

D. Challenged Voters. Persons who are challenged as electors shall have the right to appear before a Credentials Committee appointed by the acting chairperson of the meeting. The Credentials Committee shall consist of two or more ward electors, and shall hear any challenge to the voting qualifications of any person present. No sooner than thirty minutes after the start of the meeting, the Credentials Committee shall report its findings and recommendations to the electors who shall vote to accept or reject each recommendation. Those persons accepted by the electors shall be issued ballots or identification. The acting chairperson shall thereupon announce the total number of sets of ballots or identifications that have been issued, and no more shall be issued.

E. Preserving Ballots. The chairperson of the meeting shall cause all ballots cast in all elections to be preserved for ninety (90) days after the meeting. Failure to do so shall result in the meeting being re-held if there is a challenge to any election held in the meeting.

12-11. Observers. Upon the request of the Ward Chairperson or two (2) other electors in the ward, the County Chairperson shall designate an impartial observer from another ward to assist in the conduct of the ward meeting. The designated observer may vote in the observer's own ward meeting by delivering to the chairperson of the observer's ward prior to the meeting the observer's ballot concerning all matters specified in the call.

12-12. Elections.

A. Ward Elections. If ward elections are to be held, they shall be held according to Rules 19-5 and 19-6.A.1 before the precinct elections. Nominations and election of ward officers shall be in order of descending rank; e.g., Chairperson, Vice-Chairperson, Secretary, Treasurer, and Standing Committee members. The Ward Chairperson is an automatic member of the County Central Committee. The election of ward officers is not subject to the requirement of equal division of men and women).

B. Precinct Elections. In counties where precinct organizations exist, if a precinct is entitled to only one County Central Committee member, precinct elections shall be conducted in the same manner as ward elections, and the elected Precinct Chairperson shall be the County Central Committee member. If a precinct is entitled to more than one County Central Committee member an election shall be held according to Rules 19-5 and 19-6.A.2 as the first order of business. The Precinct Chairperson shall be the person from the list of candidates receiving the highest number of votes in this election. The Vice-Chairperson, Secretary and Treasurer shall be elected according to Rules 19-5 and 19-6.A.1 and need not be County Central Committee members. The election of precinct officers is not subject to the requirement of equal division of men and women (Appendix A).

12-13. Violation of Rules. If these rules or rules of a county are violated at a ward meeting, and such violation(s) are of a nature as to materially change the outcome of the meeting, the meeting shall be re-held under the supervision of unbiased representatives of the County Central Committee appointed by the County Chairperson.

12-14. Failure to Hold Ward or Precinct Meetings. If a ward or precinct meeting is not held pursuant to a call to elect ward or precinct officers and County Central Committee members, the County Chairperson shall reschedule one. If the meeting is again not held, the County Central Committee shall elect the officers and members according to Rule 19-6.A.1 and/or Rule 19-6 A.2. If a ward fails to hold a meeting pursuant to a call to elect convention delegates, the County Chairperson shall reschedule one. If the meeting is again not held, no delegates shall be elected from that ward. However, any automatic delegates from that ward shall be entitled to participate in the convention.

**RULE 13. FILLING VACANCIES FOR NOMINEES FOR PUBLIC OFFICE**

13-1. Vacancies Filled by State Central Committee. If a vacancy on the general election ballot occurs for a federal, state, district, or multi-county legislative district office, the nominee for the office shall be chosen by a vote of those State Central Committee members from the geographical area corresponding to the jurisdiction of the office that has been vacated. The State Chairperson, as presiding officer of the State Central Committee, shall file the name of the nominee selected for the office with the proper filing officer. (Chap. 1, Article 8, Election Handbook of the State of New Mexico, 2005 Edition.)

13-2. Vacancies Filled by County Central Committee. If a vacancy on the general election ballot occurs for a magistrate, county, or a legislative district office where such district is entirely within the boundaries of a single county, the nominee for the office shall be chosen by a vote of those County Central Committee members from the geographical area corresponding to the jurisdiction of the office that has been vacated. The County Chairperson, as presiding officer of the County Central Committee, shall file the name of the nominee selected for the office with the proper filing officer. (Chap. 1, Article 8, Election Handbook of the State of New Mexico, 2005 Edition.)

13-3. Call for a Meeting. A meeting to fill a vacancy according to Rule 13-1 shall be called by the State Chairperson. A meeting to fill a vacancy according to Rule 13-2 shall be called by the County Chairperson.

**RULE 14. JUDICIAL COUNCIL**

14-1. Powers and Duties. The Judicial Council shall adjudicate disputes arising the interpretation or application of Democratic Party Rules at all levels within the state. The decisions of the Judicial Council shall be subject to appeal by an aggrieved party only to a State Convention or the State Central Committee whose decision shall be final. The functions of the Judicial Council shall include but not be limited to the following:

- A. Review challenges concerning the election of:
  - 1. delegates to a State Convention.
  - 2. State Central Committee members.
  - 3. county officers.
  - 4. County Central Committee members.
  
- B. Interpret rules upon the written request of the State Chairperson or at least five (5) County Chairpersons.

Unless otherwise requested by the State Chairperson or at least five (5) county Chairpersons, the Judicial Council shall review on appeal only those challenges that were first presented to a County Central Committee or County Convention for action prior to appeal to the Judicial Council.

14-2. Members. The Judicial Council shall be composed of the following members with each Congressional District being represented by no fewer than three (3) members. Membership on the Committee is not subject to the requirement of equal division of men and women:

A. The State Vice-Chairperson At-Large who shall preside at all meetings.

B. All District Vice-Chairpersons.

C. Three (3) persons, at least one of whom shall also be a member of the State Rules Committee, appointed by the State Chairperson after the election of state officers. The State Chairperson shall also appoint three (3) alternate members of his/her choice to the Council. Members of the Council shall serve for a term of two (2) years. No one whose elected or appointed position is contested may vote on that contest at any meeting of the Council. Vacancies occurring on the council shall be filled for the balance of the term in the same manner as that used in filling the position initially.

14-3 Procedures. The Judicial Council shall review challenges and adjudicate disputes. In each case the Judicial Council shall provide an opportunity for a hearing for all sides of an issue to be presented. The Judicial Council shall issue an order either dismissing or affirming any challenges and directing an appropriate remedy where applicable.

RULE 15. STATE RULES COMMITTEE

15-1 Powers and Authority. The duties of the State Rules Committee shall include the following:

A. Recommend revisions to the DPNM Rules.

B. Assist counties in adopting and amending county rules.

C. Draft the Delegate Selection Plan and such other plans required for submission and approval by the State Central Committee and/or the Democratic Party of the United States.

D. Perform such other duties assigned by the State Chairperson.

15-2 Members. A State Rules Committee, and its Chairperson from among its members, shall be appointed by the State Chairperson and announced at the first State Central Committee meeting following the election of state officers. It shall be composed of eleven (11) members at least one of whom shall be a licensed attorney in the State of New Mexico. Membership on the Committee is not subject to the requirement of equal division of men and women. However, at least four of all the members must be of each gender. Statewide geographic diversity among the members shall be a goal with each Congressional District being represented by at least three (3) members.

15-3 Meetings. The committee shall hold its meetings upon the call of the State Chairperson, the Rules Committee Chairperson, or by a call initiated by petition of three-quarters (3/4) of its members. All voting shall be non-secret. The quorum for meetings is a majority of all the members whether attendance is in-person or by the telephone or video method.

RULE 16. STATE PLATFORM AND RESOLUTIONS COMMITTEE.

16-1 Powers and Authority. In preparation for State Conventions, the State Resolutions Committee shall:

A. Submit recommendations on issues to the State Convention for adoption either as resolutions or as planks in the platform of the Democratic Party.

B. Conduct at least one platform hearing per year in each Congressional District.

C. Invite experts to speak on issues of interest at the hearings and invite the press, the general public, candidates and elected officials to attend.

D. Consider resolutions passed by formal meetings and conventions or proposed by individual Democrats, and draft a platform for submission to the Pre-Primary Election Nominating Convention.

16-2 Members. The State Resolutions Committee shall be composed of fifteen (15) members as follows:

A. The State Chairperson

B. Nine (9) members elected by the State Central Committee after the election of state officers: (a) two (2) members of opposite gender from each Congressional District elected by the respective members of the State Central Committee from each Congressional District, and three (3) members elected at-large.

C. Five (5) members appointed by the State Chairperson. The State Chairperson shall make these appointments within thirty (30) days following the meeting at which the election of the other members takes place. One of the appointees shall be designated as the temporary chairperson of by the State Chairperson and shall serve as such until the committee elects its chairperson at the first meeting.

D. Committee members need not be members of the State Central Committee and shall serve for a period of two (2) years or until the next meeting of the State Central Committee at which an election of committee members takes place

E. Vacancies among elected members shall be filled by alternate members who were those candidates for election to the committee who received votes but were not elected. Ranking for eligibility to fill vacancies shall be in order of votes received, the first ranked being the alternate member with the most votes. Elected positions left vacant for more than thirty (30) days shall be filled by the State Chairperson. In either case, the requirement of proper Congressional District and at-large representation (Rule 16-2.B) shall be fulfilled. Vacancies among appointed members shall be filled by the State Chairperson. The appointment of a committee member to fill a vacancy on the committee shall be posted on the DPNM web site and announced at the next State Central Committee meeting.

16-3. Meetings

A. Meetings may be called by the State Chairperson, the committee chairperson or by a call initiated by a quorum of the committee members. The first meeting shall be called within six (6) weeks after the committee is selected. The committee chairperson shall be elected at that first meeting. A quorum for meetings is a majority of all members, whether attendance is in-person or by teleconference-call.

B. Notice of meetings shall be posted on the DPNM web site at least ten (10) days in advance of the meeting. Committee members shall be notified in writing (postal or email) ten (10) days in advance of the meeting.

Rule 17. BUDGET COMMITTEE

17-1 Purpose

A. To assist the State Central Committee in fulfilling its responsibility regarding financing of the DPNM including, but not limited to:

1. Assuring that the SCC members are provided accurate and adequate financial information to allow them to make an informed decision when asked to approve the proposed DPNM budget,
2. Planning, scheduling and estimating the cost of Party activities with emphasis on grassroots party building,
3. Raising funds for the activities authorized by the SCC,
4. Establishing priorities in the event that funds are not adequate to support all planned activities.

17-2 Powers and Authority

A. Provide advice and consent to a two (2) year budget to begin in January of the year following the year in which party officers are elected. The budget shall be submitted for approval by the State Central Committee at the fall meeting in the year in which party officials are elected.

B. Provide oversight of the financial activities including a review of the quarterly financial report.

C. Prepare a Budget Committee Report for the State Central Committee for the Spring and Fall meetings.

D. Authorize an annual audit of the financial records

17-3 Members The Budget Committee shall be composed as follows:

A. The State Party Treasurer, who shall be the Chair of the Budget Committee.

B. Two (2) members of opposite gender from each Congressional District elected by the respective members of the State Central Committee from the Congressional District.

C. Four (4) members appointed by the State Chairperson. Appointments shall be gender balanced. The State Chairperson shall make these appointments within thirty (30) days following the meeting at which the election of the other members takes place.

D. Committee members serve for a period of two years or until the next meeting of the State Central Committee at which an election of committee members takes place.

E. Vacancies shall be filled in the following manner:

1. for elected positions, the vacancy shall be filled by the Budget Committee Chairperson, and be from the same Congressional District and of the same gender as the vacating member.

2. for an appointed position, the vacancy shall be filled by the State Chairperson, and be of the same gender as the vacating member.

17-4 Meetings The committee shall hold at least two (2) meetings a year at the call of the Committee Chairperson. Meetings may also be held at the call of the State Chairperson, or by a call initiated by a quorum of the committee members. The first meeting shall be called within six (6) weeks after the committee is formed. All voting shall be non-secret. The committee shall keep a record of its proceedings. A quorum of meetings is a majority of all members whether attendance is in-person or by conference-call. If the committee is unable to meet the required quorum at a scheduled meeting the committee may meet as a subcommittee, discuss issues and accept comments from any Democrat who wishes to speak. The subcommittee will make a report to the full committee at the next opportunity.

## RULE 18 PROPORTIONAL REPRESENTATION

The policy of the DPNM is to preserve equitable minority representation at all levels of the convention and meeting processes, and to that end committees and delegations to conventions shall be selected, insofar as reasonably possible, to represent proportionally any vote. Except as otherwise provided in these rules or in rules governing a National Convention there shall be no automatic delegates to any convention.

## RULE 19. ELECTIONS AND VOTING

19-1 Majority Vote. Unless otherwise provided in these rules, all issues and elections shall be decided by majority vote. If runoffs are required in an election, they shall be among those candidates with the greatest number of votes, the sum of which is the smallest majority of all the votes cast.

19-2 Proxy Voting. Except as otherwise provided in these rules, voting by proxy is prohibited.

19-3 Tie Votes . For any election required under these rules which results in a tie between two or more candidates, the winner shall be determined by lot.

19-4 Prohibition of the Unit Rule. Voting by the unit rule, whereby a delegate or committee member is required to cast a vote contrary to her/his expressed preference, is prohibited in all conventions and meetings.

19-5 Secret Ballot. A secret ballot, for issues and elections, shall be required only at ward and precinct meetings where the elector represents himself/herself only, and may be waived only by unanimous consent. A non-secret ballot shall be required when the elector represents one or more other Democrats.

### 19-6 Elections.

#### A. Secret Elections (Ward and Precinct Meetings).

1. Only One Person to be Elected to Office. Each elector votes by secret ballot for only one candidate.

2. More than One Person to be Elected to Office. Each elector votes by secret ballot for only one candidate as when voting for County Central Committee members from precincts or wards (Rule 12-12.B). The candidate with the most votes is declared elected. The candidate with the next most votes is then declared elected and so on until all positions are filled.

B. Non-Secret Elections.

1. Only One Person to be Elected to Office. Each elector votes by elector-identified ballot for only one candidate. In anticipation of runoffs, several differently colored ballots are issued, a single color to be used for each round of voting. All ballots are individually inscribed in advance by the Party with an elector's name and the party subdivision she/he represents; for example, the ward or county. The ballots, including the similarly inscribed ballots of electors voting by proxy, are issued at the time of registration for the meeting or convention.

2. More than One Person to be Elected to Office. Voting shall be conducted according to Appendix A including, if required by these Rules, conformance with the requirement of equal division of men and women.

A non-secret ballot as described above may not be waived in favor of a secret ballot under any circumstances.

RULE 20 QUORUM AND CONDUCT OF MEETINGS

Unless otherwise specified in these rules, a quorum of a body, including written proxies when permitted, shall be 30% of a state body's membership, and 40% of county body's membership. Meetings of state standing committees excluding the Judicial Council – and excluding, as well, all conventions and central committee meetings – may be held by telephone or video conferencing if deemed advisable by the respective chairpersons of these committees.

Elected or appointed persons affected by reason of any challenge who are also members of the body that shall adjudicate the challenge shall not vote in any contest until those persons' credentials are approved. In such cases, for the purpose of quorum, the body adjudicating the challenge shall be deemed reduced in size by the number of positions being challenged.

RULE 21. NATIONAL COMMITTEE MEMBERS AND PRESIDENTIAL ELECTORS

The State Central Committee shall elect for confirmation by the Democratic National Committee a National Committeewoman and a National Committeeman for New Mexico. The election shall be held in the calendar year of the National Convention at a State Central Committee meeting which precedes the election of delegates to the National Convention. In such years a slate of nominees for Presidential Electors shall be submitted for nomination to the Post-Primary Convention by the State Chairperson (Chapter 1, Article 15, paragraphs 3.A and 3.B, Election Handbook of the State of New Mexico, 2005 Edition).

A vacancy occurring for National Committeeman or National Committeewoman shall be filled by majority vote of the State Central Committee. A vacancy among, or absence of, Presidential Electors shall be filled according to Chapter 1, Article 15, paragraphs 6.C and 7, Election Handbook of the State of New Mexico, 2005 Edition.

RULE 22. RESOLUTIONS

Resolutions from the floor of a State Central Committee meeting or State Convention shall require written submission to the chairperson prior to the report of the Resolutions Committee. Before the resolution may be debated, the meeting or convention shall approve by two-thirds (2/3) vote consideration of the resolution. Resolutions from the floor shall be presented after the report of the Resolutions Committee. Rules with respect to limitations as to time allotted for debate, number of speakers, etc. shall be addressed in the standing rules of the meeting or convention.

RULE 23. ROBERT'S RULES OF ORDER

In all meetings and conventions the current Robert's Rules of Order, Revised shall govern except where the matter is covered by these rules or the respective county rules.

RULE 24. DEMOCRATIC CLUBS AND AFFILIATED ORGANIZATIONS

24-1. Authorization. A state-wide or county-wide organization wishing to be identified as a Democratic Club or affiliated organization of the state party or a county party may do so only upon the approval of the State Central Committee or, as the case may be, the County Central Committee where the organization exists. Authorization shall be granted by the appropriate central committee upon the approval of the by-laws of the organization which shall not conflict with The Charter & Bylaws of The Democratic Party of the United States, the state party or the applicable county party, or the laws of the United States and the State of New Mexico.

The by-laws of each such organization shall contain at least:

- (1) the purpose(s) of the organization,
- (2) a description of the membership,
- (3) the officers of the organization and a procedure for electing them and filling vacancies, and
- (4) a statement that the organization shall abide by the Rules of the Democratic Party of the United States, the State of New Mexico and, as the case may be, the County in which the organization exists.

Approval of the by-laws by the State Central committee or a County Central Committee shall not automatically entitle the organization to representation on the applicable central committee.

24-3 Termination and Revocation. An authorized Democratic Club or affiliated organization may terminate its affiliation with the state party or a county Party by majority vote of its membership or as otherwise provided in its by-laws. An organization's affiliation may also be revoked upon a majority vote of the applicable central committee upon a showing of good cause.

## RULE 25. AFFIRMATIVE ACTION COMMITTEE: FULL PARTICIPATION

### 25-1. Purpose

A. To reach out to any and all American Citizens, especially minorities to take an active part in the ongoing political process of the Democratic Party of New Mexico.

B. To insure that the process of selecting delegates to the National Convention of The Democratic Party and to all state and county conventions is open to all minorities.

C. To encourage full participation by all Democrats as described in The Charter & Bylaws of The Democratic Party of The United States.

### 25-2. Powers and Authority

A. Prepare and implement an aggressive Outreach and Affirmative Action Program.

B. Report to the State Central Committee plans and results.

C. Meet the requirements of Article Eight, Full Participation, of The Charter & Bylaws of The Democratic Party of The United States.

25-3. Members The Affirmative Action Committee shall consist of fifteen (15) members. Eight (8) shall be elected by the State Central Committee at which an election of State Officers takes place. Each Congressional District shall be represented by two (2) members and two (2) members shall be elected at-large. Seven (7) shall be appointed by the State Chairperson, one of whom shall be on the staff of the Democratic Party of New Mexico. The State Chairperson shall make these appointments within thirty (30) days of the election of state officers. One of the elected members shall be designated as Temporary Chairperson by the State Chairperson at the

time of the election. At the first meeting of the committee the members shall elect the Committee Chairperson. Committee members need not be members of the State Central Committee. Committee members serve for a period of two years or until the next meeting of the State Central Committee at which an election of committee members takes place. The State Chairperson shall be a non-voting participant. The committee shall have gender diversity (at least seven (7) women and seven (7) men).

25-4. Meetings The committee shall hold meetings upon the call of the State Chairperson, the Affirmative Action Committee Chairperson or by a call initiated by a quorum of the committee members. The first meeting shall be called within six (6) weeks after the committee is selected. All voting shall be non-secret. A quorum of meetings is a majority of all members whether attendance is in-person or by conference-call.

25-5. Temporary Committee In order to have the committee begin operating promptly, the State Chairperson is authorized to appoint seven (7) temporary members as soon as these rules are approved by the State Central Committee. As in 25-3, the State Chairperson shall make these appointments within thirty (30) days of the State Central Committee meeting at which this rule is approved. One of these members shall be appointed Temporary Chairperson by the State Chairperson. This Temporary Committee shall begin seeking nominees for the elected members of the committee, thus allowing a smooth transition to the full committee. The temporary committee may begin other activities related to the Purpose as described in 25-1 and may begin exercising the Powers and Duties as described in 25-2 with the understanding that the full committee take responsibility for approval or change when the full committee becomes constituted.

## APPENDIX A

### PROPORTIONAL REPRESENTATION BY PREFERENTIAL BALLOTING

This appendix describes the method for implementing Rule 19-6.B.2: Elections; Non-Secret Elections; More than One Person to be Elected to Office. Proportional representation (Rule 18) provides a way of conducting elections that insures the accommodation of different points of view in proportion to the numbers of electors reflecting such viewpoints. The preferential ballot further promotes such fairness. When more than one person is to be elected to office, the individual candidates need only gather a certain number of votes (the allocation) to guarantee election as described in detail below. The allocation number is calculated and announced by the presiding officer for the election of the required number of delegates or committeepersons when the total number of electors present is established.

Allocation and Balloting. In anticipation of the need for more than one election, several differently colored ballots are issued, a single color to be used for each round of voting. All ballots are individually inscribed in advance by the party with an elector's name and the party subdivision she/he represents; for example, ward or county. The ballots, including the similarly inscribed ballots of electors voting by proxy, are issued at the time of registration for the meeting or convention. Each elector may list as many candidates, men and/or women, he/she wishes in descending order of the elector's preference. To maximize the effect of proportional representation the elector is encouraged to list many rather than few candidates. To guarantee election a candidate requires a number of votes equal to the allocation **A** defined as **V** divided by **(N+1)**, increased to the next-higher whole number whether **V** divided by **(N+1)** is itself a whole number or fractionally larger than a whole number. **V** is the number of electors present including proxies (not the number of those actually voting), and **N** is the required number of people to be elected to the office. The allocation is therefore:

$$A = \frac{V}{N+1}, \text{ increased to the next higher whole number}$$

Examples:

(a) If 250 electors are to elect 15 people,  $\frac{250}{15+1} = 15.6$ . The increase to **16** yields allocation **A**.

(b) If 220 electors are to elect 10 people,  $\frac{220}{10+1} = 20$ . The increase to **21** yields allocation **A**.

All candidates' names are prominently posted. The chairperson announces the allocation based on **V** and **N** and voting begins. As ballots are filled out they are deposited in a single container. When all ballots are so deposited, they are randomized as, for example, by a shaking of the container. In the presence of observers ballots are withdrawn one at a time, a number is written on each ballot in consecutive order, and the top candidate name along with the name of the elector are announced. A tally mark is placed next to this candidate's name on the ballot and on the posted candidate list and the ballot is set aside, not to be tallied again. A ballot which does not bear a party-inscribed elector's name and party subdivision, or bears an altered or defaced elector's name or party subdivision shall not be counted. (The numbering of the ballots in the order in which they are tallied permits a recount, if necessary, under identical conditions.)

When the accumulated vote for a candidate reaches the allocation, that candidate is declared elected and the result is recorded on the posted list. No further votes shall be accepted for that candidate on subsequent ballots. The process continues with each top choice among those still in contention being counted until all the ballots are tallied.

If all the available positions have not been filled by candidates who have reached the allocation, those with the largest numbers of votes short of the allocation shall be declared elected to the remaining positions.

A non-secret ballot as described above may not be waived in favor of a secret ballot under any circumstances.

Equal Division of Men and Women. In elections where equal numbers of men and women must be elected as specified in these rules or as required by Democratic National Committee Rules for a national convention, the tallies of votes for women and men are considered separately. If **N** is an even number, each sex is entitled to half the positions regardless of how many, or whether any, candidates of either sex achieve the allocation. If **N** is an odd number each sex is entitled, at minimum, to half of **N-1** positions with the one remaining position being filled by the candidate with the highest number of votes among all those not yet elected (men and women together). In the event of a tie Rule 18-3 applies. The result is equal division of women and men within a variance of not more than one.

Additional Elections. If in any of the above cases of elections of more than one person to an office all the positions are not filled, another similarly conducted election is held to fill the remaining positions, the number of which being a smaller value of **N** than in the previous election; **V** might be different as well. A recalculation of **A** is required for such an additional election.

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DPNM RULES COMMITTEE

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Mark Baker  
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