

DEMOCRATIC PARTY OF VIRGINIA

# DEMOCRATIC PARTY OF VIRGINIA PARTY PLAN

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DEMOCRATIC PARTY OF VIRGINIA PARTY PLAN

# DEMOCRATIC PARTY OF VIRGINIA

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# DEMOCRATIC PARTY OF VIRGINIA PARTY PLAN

## ***PREAMBLE***

The Democratic Party of Virginia exists to facilitate and encourage the full participation of all Virginians in choosing their elected officials and controlling their political destiny. It is dedicated to the preservation of all the rights enumerated in Article One of the Constitution of Virginia. The Democratic Party of Virginia exercises full equality with Democratic parties in other states in controlling the activities and establishing the principles of the National Democratic Party.

## ***ARTICLE 1. THE DEMOCRATIC PARTY OF VIRGINIA***

### **Section 1.1 Statement of Principle**

The Democratic Party of Virginia endorses the principles contained in the Charter of the Democratic Party of the United States of America, bound always by the United States Constitution and the Constitution of the Commonwealth of Virginia.

### **Section 1.2 Cooperation with Democratic National Party**

The Democratic Party of Virginia pledges full cooperation with all rules and requirements promulgated in connection with any Call to the Democratic National Convention or Democratic Party Conference. This pledge is made both to the substance and to the spirit of the Call.

## ***ARTICLE 2. MEMBERS OF THE DEMOCRATIC PARTY***

### **Section 2.1 Membership**

Every resident of the Commonwealth of Virginia who believes in the principles of the Democratic Party is hereby declared to be a member of the Democratic Party of Virginia.

### **Section 2.2 Participation**

Every person who participates as a voter in a Democratic primary, convention or caucus must be qualified to vote in the next ensuing general election or special election. No person shall participate in a Democratic primary, convention or caucus who intends to support a candidate opposed to any Democratic nominee in that general or special election.

## ***ARTICLE 3. FULL PARTICIPATION AND REGISTRATION***

### **Section 3.1 Full Participation**

The Democratic Party shall not discriminate on the basis of sex, race, age (if of voting age), color, creed, national origin, religion, economic status, sexual orientation, gender identity, ethnic identity, or disability. Every Democratic committee shall adopt and implement an outreach program to encourage Democrats to participate in all organizations at every level and in all delegate selection processes. Particular concern should be undertaken regarding young people, women, African Americans and other ethnic minorities, persons with disabilities and other constituent groups. Every Democratic committee, as well as every member and officer thereof, shall make efforts to include young people, women, African Americans and other ethnic minorities, persons with disabilities and other constituent groups in all Democratic committees and delegations to Democratic conventions and other party affairs. Mandatory quotas, however, shall not be imposed at any level of the delegate selection process or in any other party affairs.

### **Section 3.2 Registration**

The Democratic Party of Virginia supports the broadest possible registration of voters without discrimination on the basis of race, sex, age (if of voting age), color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity, economic status, or disability.

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## **ARTICLE 4. DEMOCRATIC STATE CENTRAL COMMITTEE**

### **Section 4.1 Membership**

There shall be a Democratic State Central Committee (herein the Central Committee) composed of twenty (20) members from each congressional district. In addition, the following persons shall be voting members of the Central Committee:

- the State chair;
- the vice-chair for organization (first vice-chair);
- the vice chair for rules (second vice-chair);
- the vice-chair for technology and communications;
- the vice-chair for finance;
- the vice-chair for outreach;
- the secretary and the treasurer of the Central Committee;
- the Virginia members of the Democratic National Committee elected by the State Convention, and any other member of the National Committee elected under the national charter and rules who resides in Virginia;
- the Democratic members of the United States Congress from Virginia;
- the Democratic Governor, Lieutenant Governor and Attorney General;
- the President Pro Tempore of the Senate and the Speaker of the House of Delegates, provided they are Democrats;
- the Senate and House of Delegates Majority or Minority Leaders, provided they are Democrats;
- the chairs of the Democratic caucuses of the Senate and the House;
- the president, national committeeman and national committeewoman of the Virginia Young Democrats;
- the president and first vice-president of the Virginia Democratic Women's Caucus;
- the chair of the Association of Democratic Chairs;
- the chair of the Association of Democratic Elected Officials;
- the chair of the Virginia Young Democrats College Caucus;
- the chair of the Virginia Young Democrats Teen Caucus;
- the chair of the Virginia Young Democrats County/City Caucus; and
- representatives from recognized caucuses identified pursuant to Section 4.19

In addition, those members of the General Assembly and those chairs of county and city committees who are elected as provided in Section 6.2 of this Plan will be voting members. All members of the Central Committee shall be members of their respective congressional district committees.

### **Section 4.2 Election of Central Committee**

The twenty (20) members of the Central Committee from each congressional district shall be nominated in congressional district conventions between the 4<sup>th</sup> Quarter meeting in a gubernatorial election year, and the 1<sup>st</sup> Quarterly Meeting in the following year. Elected by the State Convention, each member shall serve a term of four (4) years.

### **Section 4.3 Equal Division**

The membership of the Central and district committees elected pursuant to Sections 4.2 and 6.2 shall be as equally divided as practical between men and women (determined by gender self-identification), with a variance not exceeding one (1). Non-binary members shall not be factored into the variance.

### **Section 4.4 Election of State Party Officers**

The State Convention held in the year following a gubernatorial election shall elect a State chair, vice-chair for organization, vice-chair for rules, vice-chair for technology and communications, vice-chair for finance, vice chair for outreach, the secretary and the treasurer, herein the officers of the Central Committee. Each officer shall serve a term of four (4) years.

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## **Section 4.5 Election of National Committee Members**

The State Convention held in the year of a presidential election shall elect the members of the Democratic National Committee allocated to Virginia, each member to serve a term of four (4) years.

## **Section 4.6 Vacancies**

The Central Committee shall fill any vacancy in the offices set forth in Section 4.4 and 4.5 above. The State chair, in the event of a vacancy in the position of any officer, may appoint an “acting” officer to serve until the vacancy is filled by the Central Committee or a State Convention. Should any officer be temporarily unable to fulfill his or her duties due to extended illness or absence, the State chair may appoint a “temporary acting” officer to serve until such time (not to exceed 120 days) as the officer is able to resume his or her duties. Should the position of State chair become vacant, or should the State chair have an extended absence, the first vice-chair shall serve as temporary chair pending the election of a new State chair by the Central Committee.

## **Section 4.7 Central Committee Meetings**

The Central Committee shall meet at least four times a year. Under extraordinary circumstances (e.g. weather), meetings may be held by teleconference. However, Central Committee meetings must occur at least once every six months. In years of a State Convention, the State Convention shall be counted as one of the four meetings of the Central Committee. Meetings may be called as follows:

- A. by the State chair; or
- B. by written call signed by any five (5) Congressional District chairs if the signed call is filed with the secretary of the Central Committee at least fifteen (15) days before the proposed meeting date; or
- C. by written call signed by twenty percent (20%) of the membership of the Central Committee if the signed call is filed fifteen (15) days before the proposed meeting date; or
- D. by a vote of the Central Committee at a properly convened meeting of the Committee.

## **Section 4.8 Quorum**

Thirty five percent (35%) of the membership of the Central Committee shall constitute a quorum.

## **Section 4.9 Duties of the Central Committee**

The Central Committee shall have entire charge and full control of all party matters arising throughout the Commonwealth. All powers that inhere in the Democratic Party of Virginia or in a State Convention shall be vested in the Central Committee at such times as the State Convention is not in session. It shall be the duty of the Central Committee, as well as each officer and member thereof, to perfect the organization of the Democratic Party throughout the Commonwealth and to do all within its power to aid in the victory of the Democratic Party’s nominees in all elections.

## **Section 4.10 Removal from Central Committee**

The Central Committee shall remove from office and membership any member who shall miss three (3) consecutive meetings without cause or who shall be guilty of willful neglect of any duty imposed upon such member. Such action shall be taken only on the recommendation of the Steering Committee. Before making a recommendation of removal, the Steering Committee shall provide the member with ten (10) days written notice of the charges and with an opportunity for a hearing before the Steering Committee.

## **Section 4.11 Chair of the Central Committee**

The Chair of the Central Committee, herein “State chair”, shall be chief officer of the Central Committee. The State chair may appoint and dismiss any and all personnel of the staff of the Central Committee, including Sergeant-at-arms; Parliamentarian; and other deputies, assistants, committees, counsel (including chair of the DPVA Voter Protection Council), and staff as are needed to manage the operations for the Democratic Party of Virginia, subject to ratification by the Steering Committee. Notification of any vacancies shall be given to the Steering Committee and advertised for at least two weeks. The Chair shall appoint a personnel committee to screen non-executive positions and screen and interview applicants for the position of executive director and senior staff. The personnel committee shall consist of at least one Vice Chair and three members of the Steering Committee, and the highest ranked member of staff. The State chair shall oversee the work of the vice chairs and other officers.

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## **Section 4.12 Vice Chairs of Central Committee**

The vice-chair for organization (first vice-chair) shall preside at meetings when the State chair is absent and shall serve as “acting” State chair in the event of a vacancy in the position of State chair, or in an extended vacancy of the State chair, pending election by the central committee of a new State chair. In addition, the vice-chair for organization shall be responsible for strengthening county and city democratic committees, increasing their membership and activities, perfecting their organization, providing necessary training, and acting as a liaison to congressional district and county and city democratic committees regarding statewide coordinated campaign activities.

The vice-chair for rules (second vice-chair) shall preside over meetings in the absence of the State chair and first vice-chair, shall be responsible for preparing the Party Plan and other rules, and shall be responsible for drafting amendments to the Plan, delegate selection plans and calls to convention and advising the State chair and other appropriate entities as to their implementation. The vice-chair for rules shall also serve as the chair of the standing committee on resolutions (or, in conjunction with the State chair, appoint such a chair for the committee) as provided in Section 4.17.

The vice-chair for technology and communications shall be responsible for, and shall assist congressional district, county and city committees with, implementation of technologies for identifying and mobilizing voters, maintaining records, and communications within party organizations and to the public.

The vice-chair for finance shall be responsible for raising those funds necessary for meeting the annual budget needs of the Party, and, in conjunction with the treasurer, shall work with the finance director to implement a fundraising plan. The vice-chair for finance shall also work with congressional district, county and city committees to assist in their fundraising efforts.

The vice-chair for outreach shall serve as chair of the standing outreach committee, as provided in Section 4.21, shall work with the congressional district, county and city committees to develop outreach plans and strategies for their jurisdictions, shall be responsible for outreach to the various constituencies of the Democratic Party and shall serve as liaison with statewide organizations supportive of the Democratic Party. The vice-chair for outreach shall also be responsible for overseeing the Party’s voter registration activities.

All vice chairs may be assigned duties and projects by the State chair. Regular reports of the activities of the vice chairs shall be made to the Steering and Central Committees.

## **Section 4.13 Secretary of Central Committee**

The secretary shall keep and make available to members the minutes of the Central Committee and Steering Committee meetings and shall formally certify actions and resolutions of the Central Committee.

## **Section 4.14 Treasurer of the Central Committee**

The treasurer shall safely keep all funds of the committee and shall keep a detailed account of all contributions, other receipts and disbursements. The treasurer shall submit to the members of the Central Committee an oral financial report at each meeting of the Central Committee and an audited report annually. The treasurer shall work with the vice-chair for finance to prepare the annual budget and to conduct quarterly budget reviews. The Democratic Party of Virginia fiscal year will run concurrent with the calendar year. The budget for the ensuing fiscal year must be approved by the Steering and Central Committees prior to the start of the fiscal year, that is, January 1. The Executive Director shall provide to the Steering Committee a proposed draft budget seven days in advance of consideration by the Steering Committee. The treasurer shall be the signatory on Federal Election Commission and State Board of Elections required financial reports.

## **Section 4.15 Dues**

As a part of the annual budget adopted by the Central Committee, dues shall be collected from each county and city committee. Such assessment of dues shall be made by the treasurer of the Central Committee and based on a formula that uses the number of delegates apportioned to each county and city in the most recent State Democratic Convention. Should a state convention not be held in any year, then the treasurer, using the apportionment formula for the most recent such convention, but inserting updated voting statistics, shall prepare an

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apportionment of delegates for each county and city. Such apportionment shall then be used to determine dues for the current calendar year. Notice of dues shall be forwarded to county and city chairs on or before December 15 of each year. The chair of each county and city shall have the responsibility of insuring that dues are paid in a timely manner between January 1 and March 15 following notice from the Central Committee treasurer. Congressional District Committee Chairs shall assist in the collection of such dues.

### **Section 4.16 Amendments to Party Plan**

This Party Plan may be amended by an absolute majority of the Central Committee at any time or may be amended by a majority of the Central Committee members present and voting if notice is given and if the proposed amendment is mailed to the membership at least fifteen (15) days before the vote on the amendment. Proposed party plan amendments shall be clearly so designated in the mailing to the State Central Committee. For informational purposes, proposed party plan amendments shall at the same time be mailed to the chairs of the Democratic county and city committees.

### **Section 4.17 Standing Committee on Resolutions**

The Central Committee shall have a standing committee on resolutions which shall be appointed every four years following the election by the state convention of new Central Committee officers and members. The State chair shall designate the resolutions committee members who shall be elected as outlined herein.

The committee's membership shall be fifteen (15), including its chair who shall be the vice-chair for rules (or the designee of the State chair and the vice-chair for rules) of the Central Committee as a part of the duties set forth in Section 4.12; eleven (11) members with one (1) elected by each congressional district committee; three (3) at large members nominated by the Central Committee chair, and elected by the Committee, one of whom shall be a county or city chair, and one (1) of whom shall be a Steering Committee member. At-large members shall serve one year terms.

The resolutions committee shall establish rules and procedures that clearly define its operations, including the regular conduct of any needed meetings or hearings to receive information on any subject or resolution. The committee's chair shall plan and coordinate its work. Any member of the Central Committee may offer a resolution. All resolutions, except those of strictly memorial or commendatory nature, shall be presented to the committee at least thirty (30) days prior to a scheduled meeting of the Central Committee. Resolutions approved for the Central Committee shall be mailed to all its members at least ten (10) days before such scheduled meeting. The Resolutions Committee shall submit its report, including identification of all resolutions considered, for consideration by the Central Committee.

The Resolutions, Central and Steering Committees may approve resolutions by a majority of those members present and voting. Only the Steering Committee may send any resolution to the Central Committee for consideration without prior approval by the Resolutions Committee.

### **Section 4.18 State Central Committee Elections in the Absence of a State Convention**

In the year following a gubernatorial election in which a State Convention will not be held, the provisions of this Section shall supersede any conflicting provisions in the Party Plan pertaining to the reorganization of the Central Committee.

In a gubernatorial election year in which the Democratic Party of Virginia chooses nominees for statewide offices in a primary election, the State Central Committee may decide not to conduct a state convention. Whenever the State Central Committee decides not to conduct such a convention, the twenty (20) members of the State Central Committee representing each congressional district shall be elected in congressional district conventions. The State Central Committee, at its fourth meeting in the gubernatorial year, shall adopt a method of allocation for delegates to congressional district conventions, as set forth in Section 15.2 of this Plan.

The Congressional District Committee shall issue a call to its district convention, as specified in Section 15.2 of this Plan. The notice provisions of Article 9 shall apply.

Delegates to a Congressional District Convention may be elected at caucuses held within a jurisdiction that

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is part of the Congressional District or immediately prior to the Congressional District Convention at the same location as the Congressional District Convention. Each caucus electing delegates to a congressional district convention shall certify the roll of delegates so elected to the Chair of the Congressional District Committee in the manner provided in Section 15.4.

The newly elected congressional district committees shall meet to elect officers and additional members (as provided in Section 6.2) prior to the first meeting of the newly elected State Central Committee.

The newly elected State Central Committee shall meet within the first ninety (90) days of the year following a gubernatorial election to elect the Party officers enumerated in section 4.4 of the Plan.

### **Section 4.19 Central Committee Caucuses**

Members of the Central Committee may form caucuses. Such caucuses may provide an organizational focus for members of a constituency group; present issues and act as an advocate for members of the group within the Virginia Democratic Party; provide contacts to members of the public who are not yet active in party affairs; assist in the Democratic Party's commitment to outreach to members of the group and encourage them to participate in party affairs at the local, state and national levels; assist in the Democratic Party's commitment to encourage persons who are members of the group to register to vote and become informed about public issues; assist in the Democratic Party's efforts to energize and mobilize members of the group to vote for and support Democratic candidates; encourage the development of group members who may be candidates for public office; raise money to be used for outreach, party building and election activities; and provide a state contact for the Democratic National Committee and other national and state organizations.

Members of the Central Committee may form recognized caucuses that shall:

1. be comprised of Democrats who are registered voters;
2. include Central Committee members who represent a minimum of three percent of the Central Committee general membership and represent at least four Congressional Districts;
3. adopt bylaws that are consistent with the party plan, and that shall include:
  - a. a statement of the purpose of the caucus;
  - b. membership qualifications that include an affirmative act by the Democrat join the caucus;
  - c. procedure for the regular election of officers;
4. be approved by a majority of Steering and Central Committee membership;
5. represents an historically underrepresented constituency that shares an inherent and/or immutable traits, not a concern about an issue or a cause;

Notice of a vote to approve a caucus shall be mailed to Central Committee members 10 days prior to the meeting at which a vote occurs.

Caucuses who do not have a representative on the Steering Committee pursuant to Section 5.1 shall have one representative on the Central Committee.

The Outreach Committee shall review the caucuses' applications, subject to final review by the Steering and Central Committee. Applications must be received at least 30 days prior to a Central Committee meeting to be reviewed by the Outreach Committee for that meeting.

Every Caucus that has been approved by the Steering and Central Committees shall:

1. maintain and submit to the Democratic Party of Virginia by June 30<sup>th</sup> of every year, its current bylaws, membership list, officers list, and an action plan for mobilizing its constituency for elections, which must include evidence of recent past activity in Democratic organizations or campaigns; and
2. provide to the Democratic Party of Virginia a list of current outreach events, organizations, and events within Virginia related to its constituency.

Caucuses that have been approved by the Central Committee shall notify the State Party of their intent to reorganize 30 days prior to reorganizing.

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The Virginia Young Democrats, the Association of Democratic Chairs and the Association of Elected Democratic Officials shall submit to the Democratic Party of Virginia their current bylaws, membership list, and officers list, and an action plan by June 30<sup>th</sup> of each even numbered year.

## Section 4.20 Outreach Committee

The Central Committee shall have a standing committee on outreach, which shall be appointed every four years following the election by the state convention of new Central Committee officers and members. The committee's membership shall be comprised of the following:

- Its chair who shall be the vice-chair for outreach;
- eleven members with one elected by each congressional district committee;
- five at-large members nominated by the Central Committee chair, and elected by the Central Committee, one of whom shall be a county or city chair; and
- one member designated by each officially recognized caucus of the Democratic Party of Virginia.

At-large, caucus representative members shall serve one-year terms.

The Outreach Committee's duties including the following: (1) Develop and implement an outreach plan for the Democratic Party. After each Central Committee election, the committee shall review and update the plan after consultation with candidates and local committees. (2) Receive and act on all applications by caucuses for official recognition by the Democratic Party, and shall present its recommendation for approval or denial to the Steering and Central Committees. (3) Perform any other outreach activities designated by the Committee.

The Outreach Committee shall establish rules and procedures that clearly define its operations, including the regular conduct of any needed meetings or hearings to receive information on any subject. The committee's chair shall plan and coordinate its work and seek to insure that any Democratic Party member has opportunity to present information or comments.

## ARTICLE 5. STEERING COMMITTEE

### Section 5.1 Members of the Steering Committee

There shall be a Steering Committee of the Democratic State Central Committee composed of:

- the State chair;
- vice chair for organization (first vice-chair);
- vice chair for rules (second vice-chair);
- vice-chair for technology and communications;
- vice-chair for finance;
- vice-chair for outreach;
- secretary;
- treasurer;
- immediate past chair of the State Central Committee;
- the Virginia members of the Democratic National Committee elected by the State Convention, and any other member of the National Committee or Executive Committee elected under the National Charter and rules who resides and is a registered voter in Virginia and so requests in writing to the State Party Chair;
- the Congressional District chairs;
- the President of the Virginia Young Democrats;
- the President of the Virginia Democratic Women's Caucus;
- the chair of the Association of Democratic Chairs;
- *the chair of the Democratic Black Caucus;*
- *the chair of the Democratic Latino Organization of Virginia Caucus;*
- *the chair of the Lesbian, Gay, Bisexual and Transgender Caucus;*
- *the chair of the Veterans and Military Families Caucus;*
- *the chair of the Democratic Labor Caucus of the Central Committee;*
- *the chair of the Dis.Ability Caucus; and*

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- *the chair of the Democratic Asian Americans of Virginia Caucus; and*
- *the chair of the Democratic Rural Caucus; and*
- *the chair of the Small Business Caucus.*

The officers of the Central Committee shall be the officers of the Steering Committee. All members of the Steering Committee shall be members of the Central Committee and members of their respective district committees.

### **Section 5.2 Duties of Steering Committee**

The Steering Committee shall have entire charge and full control of all party matters arising throughout the Commonwealth between meetings of the Central Committee. All powers that inhere in the Central Committee shall be vested in the Steering Committee at such times as the Central Committee is not in session and its actions shall be final unless overruled by the Central Committee or a Democratic Convention, with the following exceptions:

1. the Steering Committee may not amend the Party Plan,
2. the Steering Committee may not change the assessments upon county or city committees,
3. the Steering Committee may not determine the method of nominating Democratic candidates for any public office, except in cases when the nominated candidate dies, withdraws, refuses candidacy or if the nomination is set aside for any reason,
4. the Steering Committee may pass resolutions by a two-thirds majority of all of its members,
5. when vacancies occur among the elected officers of the State Party, the chair may recommend and the Steering Committee may elect "Acting" officers; the Central Committee shall be convened within 120 days of the occurrence of a vacancy to elect permanent replacements unless a state convention occurs within that period, and
6. the Steering Committee may not fill vacancies to the Democratic National Committee.

Notices of Steering Committee meetings, including specific agenda, shall be mailed to all members of the State Central Committee at least ten (10) days prior to all Steering Committee meetings, except in cases of emergency when the Steering Committee has to be notified by telephone. When a meeting of the Steering Committee is not followed within eight (8) days by a meeting of the Central Committee, the minutes of Steering Committee meeting, including details of all actions taken, but not necessarily of the discussions, shall be mailed to all Central Committee members within thirty (30) days after the Steering Committee meeting.

At each State Central Committee meeting, the actions taken by the Steering Committee since the previous Central Committee meeting shall be reported, questions shall be taken about any such actions, and the chair shall ask if there are any motions to alter or overrule any action taken by the Steering Committee.

### **Section 5.3 Steering Committee Meetings**

Meetings of the Steering Committee may be called as follows:

- A. By the State chair
- B. By any five (5) members of the Steering Committee if the signed call is filed with the secretary of the Steering Committee at least ten (10) days before the proposed meeting date; or
- C. By a vote of the Steering Committee at a properly convened meeting of the Committee. All meetings shall be open unless the Steering Committee specifically votes otherwise.

A majority of the members of the Steering Committee shall constitute a quorum.

### **Section 5.4 Designation of Substitutes**

If the chair of a district committee or caucus cannot attend a meeting of the Steering Committee, he or she may designate another member of their respective organization to attend the meeting in his or her place. The chair shall inform the chair of the Central Committee of the designation. Such designees shall be counted in determining a quorum and shall be a full voting member of the Steering Committee for that meeting.

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## **Section 5.5 Appeals**

The Steering Committee shall constitute an appeals committee for appeals provided in this plan from constitutional officer committees, legislative district committees, senatorial district committees and congressional district committees. The decision of the Steering Committee acting as an appeals committee shall be final unless overruled by the Central Committee or a Democratic State Convention. Appeal procedure shall be as provided in Article 11.

## **Section 5.6 Complaints**

The Steering Committee shall receive and investigate complaints relating to alleged discrimination in party affairs on the grounds of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity, economic status, or disability. Any Democrat aggrieved by such alleged discrimination may file a complaint with the secretary of the Steering Committee. Upon filing of a complaint, the State chair shall appoint a subcommittee of the Steering Committee to review the complaint. If the subcommittee determines that there is a reasonable basis for the complaint, it shall immediately begin an investigation of the complaint in accordance with Article 11. The subcommittee shall complete its investigation and file a written report within thirty (30) days of the filing of the complaint. Within (30) days of receiving the subcommittee report, the Steering Committee shall act on the complaint and provide such remedies, as it deems appropriate.

## **Section 5.7 Executive Committee**

The Central Committee or the Steering Committee may by resolution or bylaw establish an Executive Committee to be composed of the chair and such other persons as the resolution or bylaw may direct, in any event, the Executive Committee to be composed of not more than seven (7) persons, a majority of whom shall be district chairs. The Executive Committee shall exercise such powers as may be allocated to it from time to time by resolution or bylaw and may exercise all the powers of the Steering Committee between meetings of the Steering Committee with its actions to be final unless overruled by the Steering Committee or the Central Committee. The resolution or bylaw shall set forth the method of selection of members of the Executive Committee, which method shall provide for reasonable geographical balance among the members who are district chairs.

## **Section 5.8 Steering Committee Caucus Representation**

The Central Committee may amend the Party Plan (pursuant to Section 4.16) to add a representative to the Steering Committee of a Caucus recognized under Section 4.19 that reflects inherent and/or immutable traits. In evaluating whether to provide representation to such a Caucus, the Central Committee may consider the following criteria: The caucus represents a constituency which constitutes a significant part of Virginia's population; the constituency has a proven record of supporting Democrats; the constituency is historically underrepresented in the party structure; the caucus is a longstanding group with a proven record of working hard to elect Democrats and build the Party; and the Caucus is represented on the DNC Executive Committee. If a Caucus with Steering Committee representation fails to maintain its status as a Caucus (under Section 4.19), its representative shall no longer be considered a voting member of the Steering Committee.

## ***ARTICLE 6. DEMOCRATIC CONGRESSIONAL DISTRICT COMMITTEES***

### **Section 6.1 Membership**

The members of the Democratic State Central Committee or their successors, who are residents of a congressional district, shall comprise the Democratic congressional district committee for that district.

### **Section 6.2 Additional Members**

The district committee, upon its organization and two years thereafter, shall elect one Democratic member of the General Assembly and three county or city representatives. A "county or city representative" shall be a resident of the congressional district who is (a) a county or city committee chair or vice chair, (b) a magisterial district chair, (c) a ward chair or (d) a county or city committee member proposed by his or her county or city committee to the district committee. The additional members identified in this section shall be members of the Central Committee. Members so chosen shall be counted in determining a quorum and shall be voting members of the district committee as soon as elected by the district committee. Confirmation of the election of the General Assembly member and the county or city representatives shall be made by the Central Committee. If for any reason a Democratic member of the General Assembly or a county or city representative cannot fill these positions, they

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shall be filled by the district committee. If for any reason such additional members vacate the office(s) they hold which entitle them to this membership, then the seat(s) shall become vacant. In selecting these additional members, any district committee may choose to use these positions to insure that the equal division requirement of Section 4.3 is met. If such procedure is utilized, the secretary of the Central Committee shall be so advised when the district's complete list of members is submitted. The total number of the district committee members elected pursuant to section 4.2 and this section shall be equally divided pursuant to Section 4.3.

### **Section 6.3 Officers**

Each district committee shall organize by electing from its membership a chair, a secretary and such officers, as it deems appropriate.

### **Section 6.4 Congressional District Committee Meetings**

District committees shall hold periodic meetings at publicized locations and times. Notice of such meetings shall be provided to all Democratic city and county committees within the Congressional District. Notice shall also be provided to the Virginia Young Democrats District Chair and the Virginia Democratic Women's Caucus District Representative and other Democratic groups within the district. Meetings of the congressional district committee may be called as follows:

- A. By the chair; or
- B. By any five (5) members of the congressional district committee, if a signed call is filed with the secretary of the district committee at least ten (10) days before the proposed meeting date; or
- C. By a vote of the district committee as a properly convened meeting of the committee.

### **Section 6.5 Vacancies**

Vacancies in any district committee shall be filled by the remaining members of the committee, subject to confirmation by the Central Committee at its next meeting. Members so chosen shall be voting members of the district committee as soon as elected by the district committee. The district chair shall make reasonable efforts to notify each county and city committee chair of any existing vacancy.

### **Section 6.6 Duties**

Each district committee shall have entire charge and full control of all matters relating to congressional nominations and elections within its district. It shall be the duty of each district committee to perfect the Democratic organization within its district, and see to the proper discharge of their duties by county and city committees or other constituent committees within the congressional district. Committee members should know and understand their responsibility under Section 10.8 and the exception stated in Section 10.9.

### **Section 6.7 Removal from District Committee**

Each district committee may remove from office and membership on the Central Committee and the district committee any member who shall miss three (3) consecutive meetings without cause or who shall be guilty of neglect of any duty imposed upon such members.

Before making a recommendation of removal, however, the district committee shall provide the member with ten (10) days written notice of the charges and an opportunity for a hearing before the district committee. The decision of the district committee may be appealed to the Steering Committee.

### **Section 6.8 Nomination of Candidates for House of Representatives**

It shall be the duty of each district committee to fix the time, place and method of nominating in its congressional district a Democratic candidate for the United States House of Representatives. Such nomination shall be made by primary. Whenever a district committee determines that such nomination shall be by the primary method, the primary shall be held in conformity with the Party Plan of the Democratic Party and applicable Virginia election laws. Should no candidate properly file by the prescribed deadline, the appropriate district committee may decide to nominate their candidate by convention or caucus. Whenever such nominations are to be made by convention, the appropriate district committee shall fix the basis of representation for such convention. The district committee shall advise State headquarters in writing of the method of nomination for any office within seven (7) days of the decision.

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In the case of a special election, or where a primary is not possible, the appropriate district committee may decide to nominate their candidate by convention or caucus.

### **Section 6.9 Oversight Duties**

By January 15 of every even numbered year, each district committee shall ascertain that all Democratic county and city committees within its jurisdiction have reorganized as required in Section 8.1. If a county or city committee has not properly reorganized, the district committee shall immediately cause an election to be held in each non-complying county or city to select a new committee and to have officers elected in the manner provided in this Plan.

### **Section 6.10 New County and City Committee Elections**

When a county or city committee fails to carry out its duties as specified in the Party Plan, the district committee acting upon an appeal of any member of the county or city committee or of any ten (10) Democratic voters of the county or city may cause an election of a new county or city committee to be held; provided, however, no such election shall be held without an opportunity for a hearing by the Steering Committee or any appeal under Article 11 from the action of the district committee.

### **Section 6.11 Supervisory Authority**

Whenever a district committee orders the election of a county or city committee pursuant to the provisions of the Party Plan the district committee shall be charged with the authority and responsibility for supervising such election as provided in the Party Plan.

### **Section 6.12 Appeals**

Any member of a district committee may appeal any decision, deadlock, or the failure of the district committee to act, to the Steering Committee.

### **Section 6.13 District Committees and Reapportionment**

Whenever redistricting occurs or on January 1 of the year following any reapportionment of the congressional districts, and until the next Democratic State Convention at which a new Central Committee is elected, all members of the Central Committee shall become members of the district committee for the congressional district in which they reside. Where, as a result of such reapportionment, a district committee contains more resident members than the specified number to which it is entitled, each such member's vote on the Central Committee shall be the fraction that is obtained by dividing the specified number by the numbers of members of the new district committee. Where, as a result of such reapportionment, fewer than the specified number of the Central Committee reside in a congressional district, the difference in number specified shall be deemed vacancies on the Central Committee and shall be filled as provided for in the Party Plan.

### **Section 6.14 Special Elections - House of Representatives**

Whenever a special election is called to fill a vacancy in the United States House of Representatives, the members of the Central Committee residing in the congressional district as defined for purposes of that election shall be deemed the district committee for that election.

## ***ARTICLE 7. DEMOCRATIC CONSTITUTIONAL OFFICER AND GENERAL ASSEMBLY DISTRICT NOMINATING COMMITTEES***

### **Section 7.1 Definition of Committees**

For the purpose of prescribing the method of nominating candidates, there shall be Constitutional Officer and General Assembly (House of Delegates and State Senate) District Nominating Committees (herein the nominating committee) for every such election district in the Commonwealth, provided, however, when such district lies wholly within the boundaries of one county or city, the county or city committee shall exercise all authority relating to the method of nomination.

### **Section 7.2 General Assembly Nominating Process**

Nominations for General Assembly shall be made by primary. Such primary shall be held in conformity with this Plan and applicable Virginia election laws. Should no candidate properly file by the prescribed deadline,

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the appropriate nominating committee may decide to nominate their candidate by convention or caucus. Whenever such nominations are to be made by convention, the appropriate nominating committee shall fix the basis of representation for such convention. The nominating committee shall advise State headquarters in writing of the method of nomination for any office within seven (7) days of the decision.

In the case of a special election, or where a primary is not possible, the appropriate nominating committee may decide to nominate their candidate by convention or caucus.

### **Section 7.3 Constitutional Officers Nomination Process**

Nominations for Constitutional Officers shall be made by primary, convention or caucus. Whenever any nominating committee determines that such nominations shall be by primary, then such primary shall be held in conformity with this Plan and applicable Virginia election laws. Whenever such nominations are to be made by convention, the appropriate nominating committee shall fix the basis of representation for such convention. The nominating committee shall advise State headquarters in writing of the method of nomination for any office within seven (7) days of the decision.

### **Section 7.4 Composition of Nominating Committees**

Except as provided in Section 7.1, the General Assembly District Committees shall consist of the chairs of the county or city committees in whose counties or cities the district lies. In the event any chair does not reside within the General Assembly district, such chair shall designate a member of his or her county or city committee who does reside within the district to serve on the district committee. In the event no member of such county or city committee resides within the district, the county or city chair shall designate a Democrat residing within the district to serve.

### **Section 7.5 Voting**

The weight of each member's vote on such nominating committee from each county or city shall bear the same relation to the total vote of the nominating committee as the combined vote in such member's county or city, or part thereof, which is contained in said district for the Democratic candidate who was a candidate in all precincts of the district and who received the highest number of votes in the most recent general election bears to the total vote cast for such candidate in the entire district.

### **Section 7.6 Officers and Organization**

Each nominating committee shall organize by the election of a chair and secretary and such other officers, as it deems necessary. The committee shall meet between January 1 and January 15 of each appropriate election year, and upon the election of a chair and secretary, shall advise the State Party headquarters by February 1 of each year of the names and addresses, and phone numbers of the committee members and officers. Any two (2) members of such district committee may call a meeting of such committee. Any member of such committee may call a meeting if there are less than three (3) members of such committee.

### **Section 7.7 Appeals**

Any member of a nominating committee may appeal any decision, action or failure to act by the committee to the district committee in which such Constitutional Officer or General Assembly District is located. In the case of a Constitutional Officer or General Assembly District that is located in more than one congressional district, the appeal provided in this paragraph shall be made to the Steering Committee.

## ***ARTICLE 8. DEMOCRATIC COUNTY AND CITY COMMITTEES***

### **Section 8.1 Time of Election**

A Democratic Committee shall be elected for each county and city by the Democratic voters during the period between December 1st in odd numbered years and the 15th of the following January. City and county Democratic Committees must determine the date of their reorganization meeting and communicate that information to the State Party by November 15th of each odd numbered year.

### **Section 8.2 Caucuses**

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Caucuses for the purpose of the election of such committees shall be held on Saturday or, if provided by county or city committee bylaws, on any other weekday evening. Any waiver of this requirement as to the time for elections must be granted by the State Party Chair or the Steering Committee.

### **Section 8.3 Committee Membership**

The existing committee shall in each case determine the basis of representation of the committee; however, each precinct shall be represented by at least one full voting member of the committee who shall be at the time of his or her election a resident of that precinct.

### **Section 8.4 County and City Committee Elections**

County and city committees shall elect their members by caucus. Any candidate for election to the county or city committee who has duly filed and who is unopposed shall be declared elected. A caucus shall be held to vote on the candidates in contested elections for the remaining positions on the county or city committee.

### **Section 8.5 Appeals**

Any ten (10) Democratic voters of a county or city who feel that the Democratic committee for that county or city has been elected in a manner inconsistent with the Party Plan may, within fifteen (15) days after such election, appeal in writing to the chair of the congressional district committee for the district in which the county or city is situated. If the county or city is divided into two or more congressional districts, the chairs of these district committees shall meet and establish a procedure for considering such appeal. The district committees may jointly hear the appeal, establish a subcommittee composed of equal members from each committee to conduct a hearing and make recommendations to the full committees, or designate one district committee to hear the appeal. The district committee(s) may sustain the election of the county or city committee, or order a new election in which case said election shall be held under the direction of the district committees. The decision of the district committee(s) may be appealed to the Steering Committee.

Any person aggrieved by any decision, action or failure to act by a county or city committee may appeal to the district committee for the congressional district in which the county or city is situated, disposition of such appeal shall follow the procedure outlined in the previous paragraph when the county or city is divided between two or more districts. The decision of the congressional district committee(s) may be appealed to the Steering Committee.

### **Section 8.6 Officers**

Following the election of its members as provided herein, each new county or city committee shall elect a chair, secretary, treasurer, and such other officers as it deems necessary no later than January 15th. The date, time and place of the meeting where the election of officers will occur shall be made known to committee members in advance following the notice requirements in Section 9.5. Should the meeting take place immediately following adjournment of the caucus to elect committee members, or within 7 days thereafter, notice of the meeting shall be included in the public advertisement for the caucus. All officers elected by the committee shall be residents of and registered to vote in the jurisdiction of the committee holding the election. The secretary shall submit to State Party headquarters within five (5) days of his or her election the names, addresses, emails and telephone numbers of the officers and members of the committee. The secretary shall submit a list of any changes to the committee list every 6 months thereafter until the next committee election.

### **Section 8.7 Bylaws**

Each county or city committee shall have a set of bylaws available for its membership upon request. Such bylaws shall be submitted to State Party headquarters for review as to form and consistency with this Plan. It shall be the responsibility of the county or city committee chair to submit such bylaws to State Headquarters within ninety (90) days of his or her election as chair.

### **Section 8.8 Responsibilities**

It shall be the duty of every county and city committee, as well as each officer and member thereof, to seek the registration of voters, to perfect the Democratic organization within the county or city, and to do all within their power to aid in the victory of the Democratic Party's nominees in all elections. Committee members should know and understand their responsibility under Section 10.8 and the exception stated in Section 10.9.

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## **Section 8.9 Removal**

A county or city committee may remove from both office and membership any person found guilty of neglect of any duty imposed upon him or her. Such action shall not be taken without at least ten (10) days written notice to the accused member and an opportunity for him or her to refute such charges in a hearing before a subcommittee of the county or city committee. The decision of the county or city committee may be appealed to the district committee.

## **Section 8.10 Vacancies**

Each county and city committee shall fill any vacancy occurring in its membership.

## **Section 8.11 Meetings**

All meetings of the county or city committee shall be open to the public. Such meetings may be called as follows:

- A. upon call of the chair of the committee; or
- B. by at least ten percent (10%) of the members of the county or city committee if the signed call is filed with the chair at least fifteen (15) days before the proposed meeting date; or
- C. by a vote of the county or city committee at a properly convened meeting of the committee.

## **Section 8.12 Nomination**

The Democratic Party's official method of nomination for county, city, and local offices shall be a primary election administered by the Commonwealth of Virginia, consistent with applicable law.

A different method of nomination, such as a caucus or convention, may only be used when a primary is not available under Virginia law, including:

- A. When no candidate qualifies to appear on the primary ballot by the deadline set by law;
- B. When a special election is called and state law does not permit a primary; or
- C. In other circumstances where state law explicitly provides for an alternative method.

The committee shall notify the State Party in writing of the method of nomination within seven (7) days of making such determination or, at least, seven (7) days before the filing deadline, whichever is sooner.

## **Section 8.13 Nomination Conventions**

In the election of delegates and alternates to any county, city, district or state convention, it shall be the duty of the county or city committee to prescribe whether such election shall be by precinct, magisterial or equivalent district, ward, county or city caucus or convention. The county or city committees shall also determine the number of delegates and alternates to which each precinct, magisterial or equivalent district, or ward shall be entitled pursuant to the Call to Convention and Delegate Selection Plan issued for said Convention.

## **Section 8.14 Dues**

Every county and city committee shall be responsible for paying to the treasurer of the Central Committee in a timely manner the annual dues provided for under Section 4.15 under this Plan. Congressional District Chairs shall assist in the collection of such dues.

## **Section 8.15 Ex-Officio Members**

Each member of the Central Committee shall, upon election, become a voting ex-officio member of the Democratic committee of the county or city in which he or she resides. Such members shall pay any required filing or membership fees unless waived by the county or city committee.

## **Section 8.16 Combination of County and City Committees**

Any county or city committee may be joined with any contiguous county or city committee and

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operated jointly under the following conditions and the following procedures:

- A. each committee to be joined must vote for the combination by a two-thirds majority of the members present and voting; or
- B. the proposed combination must be ratified by a two-thirds vote in a duly announced caucus to be held in each of the counties or cities to be combined; and
- C. the county or city desiring to combine must present to the Steering Committee a petition requesting approval of the combination.

If the required two-thirds majority is obtained in each of the committees to be combined or in each of the caucuses for the counties or cities to be combined, upon approval by the State Steering Committee, the functions of such county and city committees shall be combined in one joint committee. However, the combination of committee functions shall not include the nominating process for candidates for city, county, and local offices. For such nominations, only the representatives of the counties or cities served by the office in question shall participate in setting the method of nomination or in nominating such candidates.

Upon the petition of any ten (10) Democrats from any county or city served by a combined committee, the Steering Committee, after consideration, may dissolve the combined committee and order separate reorganization of the committees.

### ***ARTICLE 9. NOTICE REQUIREMENTS***

#### **Section 9.1 Notice Requirements**

Whenever any Democratic committee shall determine that committee members, delegates and alternates to any convention, or Democratic nominees for any office, are to be selected by any method other than primary, notice of the time, place and method of selection shall be given at least seven (7) days prior to the date of such selection. Where a caucus/convention process is used and the initial notice provides information as to the time and place of the convention, a second notice is not required.

Committees shall post this notification using channels of communication typically used by the committee, and which shall provide the widest possible dissemination within its jurisdiction. Committees are required to post this notification on either their own committee web site, congressional district web site, or the DPVA web site and provide a press release to all relevant newspapers of general circulation.

Committees are encouraged, but not required, to use other opportunities to disseminate this information to all interested parties, as they are able, including a variety of social media, e-mail databases and distribution to relevant television and radio outlets.

#### **Section 9.2 Declaration of Candidacy**

Notice of the need to file a declaration of candidacy for selection as a committeeperson, delegate or alternate shall be given at least seven (7) days, but not more than two (2) weeks, prior to the deadline for filing such declaration. Such notice shall include the substance of the declaration and the time and place and declaration must be filed. Filing declaration of candidacy by mail or messenger shall be permitted as long as such declaration is received before the filing deadline and is signed personally by the prospective candidate. The deadline for filing declaration of candidacy shall not be set for more than ten (10) days prior to the first day of the start of any selection process for the office sought.

#### **Section 9.3 Full Participation**

Notice requirements as provided in this article shall be construed as minimum requirements to encourage full participation by all Democrats in all phases of convention, committee and nominating procedures. Comprehensive affirmative action programs such as informational fliers for general distribution, radio or television public announcements, print and electronic media news stories, press releases, newsletters, efforts to contact interested individuals and organizations, and any other means deemed appropriate to achieve full participation are strongly encouraged. The appropriate enforcement committee (i.e., credentials, steering or full committee), established by the convention calling such a meeting shall consider all affirmative action taken to encourage such participation when deliberating as to the validity of meeting notice requirements.

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## **Section 9.4 Filing Notice**

A copy of the required notice shall be mailed to the Secretary of the Central Committee on or before the day it is to be published or distributed. Such notice shall be kept on file for at least one year thereafter at State Party headquarters and shall be made available at reasonable times to any Democrat.

## **Section 9.5 Meetings**

The time and place of all meetings of the Democratic Party of Virginia at all levels shall be publicized fully and in such manner as to assure timely notice (at least seven (7) days before said meeting date) to all interested persons. Notice may be given through paid advertisements, press releases, web site notice or other reasonable method. Such meetings shall be open to all members of the Democratic Party, shall be held in places easily accessible to all Democrats and large enough to accommodate all interested persons. The public may attend all such meetings as observers.

## **Section 9.6 Special Election Waivers**

The chair of any committee responsible for the nomination of a candidate in a special election may apply to the chair of the State Central Committee for a waiver of the notice requirements and declarations of candidacy set forth in Sections 9.1 and 9.2 above. The application shall be in writing and shall state the type of notice that will be given and the reasons that notice complying with the provisions of Sections 9.1 and 9.2 cannot be given. If the chair of the State Central Committee finds that compliance with Sections 9.1 and 9.2 is impractical, then the chair may issue a waiver excusing noncompliance with the notice provisions of these sections, and requiring such notices as are practical under the circumstances.

## ***ARTICLE 10. GENERAL PROVISIONS***

### **Section 10.1 Proxy Voting**

In no committee, convention or other representative body of the party shall any person be permitted to vote by proxy.

### **Section 10.2 Bylaws**

All Democratic committees shall adopt bylaws, rules or regulations deemed necessary for the proper operation of such committee. Such bylaws, rules or regulations when not in conflict with law or this Plan, shall be considered valid and binding. Such bylaws, rules or regulations shall be mailed to State headquarters within fourteen (14) days of approval by any Democratic committee and shall be kept on permanent file and made available for public viewing.

### **Section 10.3 Unit Rule**

Use of the unit rule, or any rule or practice whereby all members of a Party unit or delegation may be required to cast their votes in accordance with the will of a majority of the body, is prohibited in all stages and levels of Democratic proceedings. This provision does not prohibit slates authorized elsewhere in this Plan.

### **Section 10.4 Binding Delegates**

Except as provided in this section no caucus, convention, or party rule may bind any delegate selected by such caucus or convention to vote in a particular way on any matter or for or against any candidate. This section shall not alter the binding obligation of Democratic electors when elected to vote for the Democratic candidates for President and Vice President. In addition, this section shall not prohibit a committee, caucus or convention from requiring delegates and alternates elected to such caucuses or convention to be bound to vote for the candidate to whom they have pledged or are elected to vote for in a committee, caucus or convention.

### **Section 10.5 Quorum**

A quorum of thirty percent (30%) of the members of any Democratic committee or convention shall be required to take any action, except to adjourn a meeting to another time or place, unless a committee votes to set a higher quorum requirement, which shall not exceed forty percent (40%).

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## **Section 10.6 Failure to Nominate a Candidate**

If no candidate is nominated through a primary election administered by the Commonwealth of Virginia, or if an authorized caucus or convention fails to nominate a candidate for elective office, the committee responsible for the nomination may thereafter nominate a candidate by another method, as permitted by Virginia law.

This includes, but is not limited to:

- A. Situations where no candidate qualifies for the primary ballot by the state deadline;
- B. Special elections where state law does not permit a primary; or
- C. When a caucus or convention fails to produce a nominee.

The committee shall notify the State Party in writing of the method of nomination within seven (7) days of making such determination or, at least, seven (7) days before the filing deadline, whichever is sooner.

## **Section 10.7 Special Election**

In the event of a special election called to fill a vacancy, the Steering Committee may provide reasonable deadlines with respect to any requirement of this Party Plan and may waive those herein provided.

## **Section 10.8 Party Support**

No Democratic committee member or officer of any Democratic committee shall publicly support, endorse, or assist any candidate opposed to a Democratic nominee. If a Democratic committee member is accused of undertaking such public activity, the appropriate Democratic committee shall vote on whether the member has undertaken such public activity. The member's removal from the committee shall be automatic if the committee finds that the member has engaged in such public activity. Such action shall not be taken without at least ten (10) days written notice to the accused member and an opportunity for him or her to refute such charges.

## **Section 10.9 Candidate Support**

The obligations and duties imposed on any county, city or district committee or the Central Committee and their members in this Plan shall not be deemed to require support of any candidate who is publicly supporting a nominee on the ticket of any other political party in any general election where Democratic candidates for office appear on the ballot, or who publicly supports any other candidate opposed to a Democratic nominee.

## **Section 10.10 Public Information**

The procedures governing caucuses, county or city conventions, district conventions and state conventions, shall be furnished to all members of the Central Committee and each county and city chair, and shall be furnished, or otherwise made available, to any other Democrat requesting such information. Copies of this Plan and the rules or bylaws of every county and city committee shall be furnished without charge to any Democrat requesting such documents.

## **Section 10.11 Party Endorsements**

The Democratic Party of Virginia, and any of its components, including county and city Democratic committees, Congressional district committees, the State Central Committee, the State Steering Committee, and State Party caucuses, may not formally endorse contested candidates for office prior to their nominations. The aforementioned groups also may not endorse during the reorganization process or officer elections at any level of the Democratic Party of Virginia.

## **Section 10.12 Secret Ballots**

Secret ballots are prohibited in all votes by individuals elected or appointed to serve in a representative capacity within the Democratic Party of Virginia. This includes, but is not limited to, votes taken by the State Central

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Committee, Steering Committee, Congressional District Committees, Local Democratic Committees, State and Congressional District Conventions, officially recognized Constituency Caucuses, Nominating Committees, and Magisterial Committees.

This rule does not apply to votes cast by registered voters participating in nomination processes (such as primaries or mass meetings) conducted pursuant to Virginia law or DPVA procedures, where secret balloting is specifically provided for or required.

### ***ARTICLE 11. APPEALS***

#### **Section 11.1 Appellant Filing**

The Appellant shall file with the chair of the appellant committee (Steering or congressional district committee) the following information:

- A. a statement of the decision, action or failure to act from which the appeal is taken;
- B. the points on which the appeal is based;
- C. the individual(s) for whom the appeal is taken;
- D. what provisions of the Party Plan have been violated or disregarded; and
- E. what relief, correction or other action is sought by the appellant.

#### **Section 11.2 Notice**

The chair of the appellant committee shall determine to whom notice of the appeal and copies of the petition shall be furnished by the appellant. At least ten (10) days written notice shall be given to all persons affected by such appeal.

#### **Section 11.3 Hearings**

The persons thus notified shall answer the petition within a reasonable time, to be fixed by the chair of the appellant committee. The chair of the appellant committee shall fix a time and place for a hearing within at least ten (10) days written notice on said appeal, at which time the appellant committee shall determine the validity of the appeal, either upon the petition and answer, or after the taking of evidence as in its discretion it may see fit. Appellants and other interested parties may be represented by counsel in the appellant process.

### ***ARTICLE 12. METHODS OF NOMINATION***

#### **Section 12.1 Nominations of Statewide Candidates**

Democratic Party candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General shall be nominated by a primary election administered by the Commonwealth of Virginia, consistent with applicable law.

A different method of nomination, determined by the Central Committee, such as a convention, may only be used when a primary is not available under Virginia law, including:

- A. When no candidate qualifies to appear on the primary ballot by the deadline set by law;
- B. When a special election is called and state law does not permit a primary; or
- C. In other circumstances where Virginia law explicitly provides for an alternative method.

#### **Section 12.2 Nominations of Congressional Candidates**

Democratic Party candidates for the United States House of Representatives shall be nominated by a primary election administered by the Commonwealth of Virginia, consistent with applicable law.

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A different method of nomination, determined by the congressional district committee, such as a caucus, convention, or other process permitted by Virginia law, may only be used when a primary is not available, including:

- A. When no candidate qualifies to appear on the primary ballot by the deadline set by law;
- B. When a special election is called and state law does not permit a primary; or
- C. In other circumstances where Virginia law explicitly authorizes an alternative method.

The committee shall notify the State Party in writing of the method of nomination within seven (7) days of making such determination or, at least, seven (7) days before the filing deadline, whichever is sooner.

### **Section 12.3 Nominations of General Assembly Candidates**

Democratic Party candidates for the State Senate and House of Delegates shall be nominated by a primary election administered by the Commonwealth of Virginia, consistent with applicable law.

A different method of nomination, such as a caucus, convention, or other process permitted by Virginia law, may only be used when a primary is not available, including:

- A. When no candidate qualifies to appear on the primary ballot by the deadline set by law;
- B. When a special election is called and state law does not permit a primary; or
- C. In other circumstances where Virginia law explicitly authorizes an alternative method.

The method of nomination shall be determined as follows:

- If the election district includes more than one locality, the General Assembly District Nominating Committee shall determine the method.
- If the election district lies entirely within a single county or city, the appropriate county or city committee shall determine the method.

The committee shall notify the State Party in writing of the method of nomination within seven (7) days of making such determination or, at least, seven (7) days before the filing deadline, whichever is sooner.

### **Section 12.4 Nominations for City and County Constitutional Officers and Other Local Elected Officials**

Democratic Party candidates for county or city offices shall be nominated by a primary election administered by the Commonwealth of Virginia, consistent with applicable law.

A different method of nomination, such as a caucus, convention, or other process permitted by Virginia law, may only be used when a primary is not available, including:

- A. When no candidate qualifies to appear on the primary ballot by the deadline set by law;
- B. When a special election is called and state law does not permit a primary; or
- C. In other circumstances where Virginia law explicitly authorizes an alternative method.

In the case of constitutional offices covering multiple Democratic committees, those committees shall

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coordinate as described in Sections 7.3 and 7.4.

The committee shall notify the State Party in writing of the method of nomination within seven (7) days of making such determination.

### **Section 12.5 No Democratic Nominee**

Nothing in the foregoing sections shall preclude any Democratic Committee at a meeting to determine the method of nomination for any office from deciding that a Democratic Party nominee will not be selected in a particular election and that no Party nominating procedure will be scheduled, or from including a provision in the Call to Convention or Caucus that the option of selecting “No Candidate” will appear on the convention or caucus ballot.

### **Section 12.6 Supervisory Authority**

Each Democratic Party committee responsible for determining the method of nomination shall be responsible for directing the conduct of any caucus or convention held under this article.

### **Section 12.7 Vacancies**

If a nominated candidate dies, withdraws, or refuses candidacy or if the nomination is set aside for any reason, or if no candidate qualifies as such for a primary, convention or caucus, then the committee having responsibility of determining method of nomination shall determine the manner by which a new candidate shall be nominated.

### **Section 12.8 Unopposed Nominees**

If the number of persons qualifying as candidates in a primary, convention or caucus does not exceed the number of nominations to be made for a particular office, then the qualified candidate or candidates may be declared the nominees of the Democratic Party.

## ***ARTICLE 13. DEMOCRATIC PARTY PRIMARIES***

### **Section 13.1 Procedures for Primaries**

Primaries held under this Plan shall be governed by those provisions of the state’s election laws, as detailed in the Code of Virginia, as to requirements, procedures, and notice applicable to Party primaries. The appropriate committee chair shall carry out the duties outlined in both this Plan and the law whenever a primary is selected as the method of nomination.

Each nominating committee chair shall receive the required notice of candidacy, petitions and receipts for filing fees in a timely manner, and shall insure that all Democratic candidates know where such filings shall occur. If only one candidate for a particular office shall file by the deadline, he or she shall be declared the nominee and no primary will be conducted.

Nothing herein shall be construed to diminish the Party’s control over the process of selecting candidates of the Party.

### **Section 13.2 Encouraging Voters**

It shall be the affirmative duty of each officer and member of county or city, district and state Democratic Committees to encourage Democrats and voters who may favor Democratic nominees in general elections to participate in primary elections used to select such nominees.

## ***ARTICLE 14. CONVENTIONS AND CAUCUSES GENERALLY***

### **Section 14.1 Nominating Procedures**

The Central Committee, district committees, nominating committees and county and city committees established pursuant to this Plan may call a convention or caucus within their respective jurisdiction for any purpose which is not inconsistent with this Plan. Any such committee calling for nominations or delegate selection by a caucus may utilize the unassembled caucus.

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## **Section 14.2 Call to Convention**

The Central Committee shall meet and issue a timely call in any year a state convention is approved by the Committee or required by this Plan.

Any committee issuing a Call to Convention or to a caucus:

- A. shall specify the time, place, and purpose of the convention or caucus;
- B. may restrict the convention or caucus to the purpose stated in the call notice;
- C. shall make all convention and caucus arrangements; and
- D. shall state the conditions for cancellation of the caucus or convention, if so desired;
- E. shall state that all conventions or caucuses shall be held in a location that is ADA accessible; and f) shall ensure that the convention or caucus is held in accordance with the Plan

## **Section 14.3 Selection of Delegates**

Delegates to any Democratic convention shall be elected at a convention or caucus called by the county or city committee. If a county or city committee decides to hold a convention for election of delegates to a state convention, then the delegates to the county or city convention shall be elected at caucuses within the county or city. In addition, the committee calling any convention may designate as ex-officio delegates Democrats holding elective office in that county or city provided such ex-officio delegates will not exceed ten percent (10%) of the total number of delegates to the convention.

## **Section 14.4 Fees**

No fee of any kind may be charged for the right to attend and vote at a caucus. A voluntary administrative fee may be requested for participation in any convention. However, no party member shall be excluded from participation in a convention because of not paying a fee. Any Democrat who desires to participate in a convention but who chooses not to pay the requested fee shall be permitted to participate.

## **Section 14.5 Slates**

In any convention or caucus, any individual or group of Democrats may sponsor or endorse a slate of candidates for delegates to any convention. However, no slate may receive preferential treatment or a preferential place on a delegate selection ballot, nor may any slate be publicly identified on the ballot or otherwise as the "official slate." A committee calling a convention or caucus may allow voting by slate, but participants must also be permitted to vote for individual delegate candidates. All individuals and slates must meet identical qualifying requirements for appearing on a ballot at all levels of the delegate selection process. Any committee choosing to permit slate voting shall provide in their Call to Convention or Caucus detailed information on when to file slates, how the names are to be listed, how each slate will be designated on the ballot, and anything required to make the procedure clear to all participants.

## **Section 14.6 Caucus Cancellation**

Caucuses in which alternates are selected as the "next-highest-vote-getters after the delegates" may only be cancelled provided the number of individuals filed by the deadline does not exceed the number of delegates to be elected. Caucuses in which delegates and alternates are to be elected on separate ballots may only be cancelled provided the number of individuals filed for delegate does not exceed the number of delegates to be elected and the number filed for alternate does not exceed the number of alternates to be elected. Should the condition(s) for cancellation occur, the chair of the nominating committee shall be responsible for deciding whether to cancel or conduct the caucus, making public notice of such decision, and advising those individuals who filed of their election.

## **ARTICLE 15. DELEGATE SELECTION AND DELEGATE ALLOCATION**

### **Section 15.1 Allocation of Delegates**

Delegates to any state Democratic convention may be allocated by one of the following methods:

- A. a formula giving equal weight to population and to the average of the Democratic vote in the most recent elections for Governor, United States Senator, and United States President;
- B. a formula giving equal weight to population and to the average of the Democratic vote in the most recent elections for Governor, Lieutenant Governor, and Attorney General;
- C. a formula giving equal weight to the Democratic vote in the most recent elections for Governor, United

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- States Senator and United States President;
- D. a formula giving equal weight to the Democratic vote in the most recent elections for Governor, Lieutenant Governor, and Attorney General.

However, in a presidential election year a different allocation formula shall be followed if required by the National Democratic Party. Delegates to any congressional district, General Assembly district (Senate and House of Delegates) or county or city convention may be allocated by the committee issuing the Call by using the Democratic vote in the most recent election held for the offices for which the nominating process is being established.

### **Section 15.2 Filing of Delegates**

If candidates for delegate or alternate are required to file as candidates before a convention or caucus, then the committee calling the convention or caucus shall prepare sufficient copies of a written ballot listing the names of all candidates who have filed as required. In conventions and caucuses for which filing is required, voting for delegate candidates shall be by written ballot unless the convention or caucus votes to conduct the election of delegates in a different manner. The deadline for filing as a delegate candidate shall not exceed ten (10) days prior to the convention or caucus. The Committee may establish a final deadline for filing consistent with the need to prepare ballots for such convention or caucus.

### **Section 15.3 Declaration of Candidate Preference**

The committee calling a convention or caucus may determine whether candidates for delegate and alternate are required to make known their preference with respect to candidates for nomination by the Party. If disclosure of candidate preference is required, the delegate candidates may alternatively declare themselves to be uncommitted. If a delegate candidate fails to indicate preference for all offices to be nominated on a filing form, the committee shall list such persons as “uncommitted” rather than declaring the filing as invalid. For state conventions, the Central Committee may determine whether delegates to a state convention will be bound to vote in accordance with their announced candidate preference on one or more ballots. Candidate preferences or uncommitted status shall be indicated for each delegate candidate on the written ballots used in the convention or caucus.

### **Section 15.4 Certification of Delegates**

Within five (5) days of the election of delegates and alternates to a convention, the chair of the Democratic committee responsible for the election shall certify a list of the delegates and alternates to the secretary of the committee that called the convention. The list shall include names, addresses and telephone numbers, and candidate preference where applicable, of each duly elected and accredited delegate and alternate.

### **Section 15.5 Disclosure of Filing**

Any Democrat may inspect, at reasonable times and in a reasonable manner, lists of filed candidates for delegate or alternate and lists of duly elected and accredited delegates and alternates to any convention.

### **Section 15.6 Delegate Selection**

Unless a caucus is cancelled pursuant to Section 14.6 and except for ex-officio delegates provided under Section 14.3 of this Plan, all delegates and alternates for any convention shall be elected on the basis of the number of votes received. The committee calling a convention or caucus shall provide procedures governing the votes at any stage in the election process.

### **Section 15.7 Alternates**

The committee calling the convention shall determine whether alternates will be elected separately from delegates or whether the alternates shall be those persons receiving the next highest number of votes after the persons elected as delegate.

### **Section 15.8 Succession of Delegates and Alternates**

If a delegate is unable to undertake or continue in his or her duties as delegate, he or she shall select an alternate to succeed to delegate status or may designate the chair to select the alternate; failing either, the delegation may select the alternate. Whenever the number of alternates is less than the allowable number, the delegation may

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elect alternates to fill the vacant positions from persons within the congressional district.

Election of delegates and alternates under this section may occur after reasonable notice to the delegation if a quorum of forty percent (40%) assembles for the election. If the convention call requires announcement of candidate preference, new delegates and alternates shall have the same candidate preference as the delegate or alternate they replace.

### **Section 15.9 Filling Vacancies**

Any vacancy occurring in the delegation after the caucus election shall be filled by the delegation. Such action may be done prior to the district or state convention at a scheduled and publicized meeting. Alternatively, it may be done by a majority of the delegation at the district or state convention. Alternates should first be moved to the position of delegate and additional alternates elected. The newly elected alternates should be of the same gender and candidate preference as the delegates they replace.

## ***ARTICLE 16. ROLL OF THE CONVENTION AND CHALLENGES TO CREDENTIALS***

### **Section 16.1 Challenges to Credentials**

Any participant in a Democratic caucus may challenge any delegate or alternate elected in the county or city in which he or she resides by written notification to the chair of the committee calling the caucus for election to a convention. Any such challenge must be filed within ten (10) days of the election and shall contain the information required in Section 16.3. Any challenge not timely filed and lacking such information shall not be considered by the Temporary and/or Permanent Credentials committee established for any convention.

### **Section 16.2 Temporary Credentials Committee**

The committee calling the convention shall establish a temporary credentials committee for such convention. For state conventions, the Temporary Credentials Committee shall meet at least six (6) weeks before the convention to hear timely filed challenges, but the Call to Convention may provide for a different schedule to insure that fair consideration of all challenges may be accomplished.

### **Section 16.3 Content of Challenge**

A challenge to a delegate or alternate must include at least the following:

- A. the names of the specific delegate(s) and alternate(s) being challenged;
- B. the precise nature of the challenge including a factual statement justifying the challenge;
- C. the provision(s) of the Party Plan, Call to Caucus or Convention, Delegate Selection Plan, or rules being relied upon as the basis for such challenge; and
- D. the specific relief requested with respect to the challenge, including the exact number of delegates or alternates to be awarded and, unless a new caucus or convention is requested, their identities.

### **Section 16.4 Powers of Temporary Credentials Committee**

If the temporary credentials committee sustains a challenge to a delegate or alternate, the committee may take any of the following actions:

- A. include the challenged delegate or alternate on the temporary roll;
- B. strike the challenged delegate or alternate from the temporary roll;
- C. recommend that the committee calling the convention order a new election with respect to the challenged delegate or alternate position;
- D. substitute the name of another candidate in the position of delegate or alternate on the temporary roll; or
- E. such other action not inconsistent with this Plan as the committee determines to be appropriate.

### **Section 16.5 New Caucuses or Conventions**

Upon the recommendation of the temporary credentials committee, the Steering Committee or any other committee calling a convention may order a new convention or caucus for election of delegates or alternates to replace challenged delegates or alternates.

### **Section 16.6 Temporary Roll**

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The secretary of the committee calling a convention shall make a temporary roll of the convention including names certified to the secretary as amended by the temporary credentials committee of the convention.

### **Section 16.7 Report of the Temporary Credentials Committee**

For state conventions the temporary credentials committee shall report to the temporary credentials committees of congressional district conventions affecting any challenges for their conventions, and to the permanent committee of the state convention. Any minority report of the committee must be supported by at least twenty-five percent (25%) of its members present.

## ***ARTICLE 17. RULES, RESOLUTIONS, AND OTHER CONVENTION COMMITTEES***

### **Section 17.1 Selection**

The local or Congressional District committee calling a convention shall select a temporary rules committee and such other temporary committees as are determined to be appropriate.

For state conventions, a Resolutions Committee, a Rules Committee, an Arrangements Committee, and Credentials Committee shall be selected. These committees, Rules, Arrangements, Credentials and Resolutions shall be named at the 1st quarterly meeting of the year in which the Convention is to be held. Each committee, with the exception of Arrangements, shall be composed of one member from each Congressional District, with that individual named by the Congressional District chair, and two members for each committee named by the Party Chair. The Arrangements Committee, consisting of five individuals, shall have a majority from the Congressional District where the Convention shall be held, and shall be chosen by the Congressional District chair. The remaining Committee members shall be chosen from the Central Committee and shall be appointed by the Party Chair.

The chairs of the Rules Committee, the Credentials Committee, the Resolutions Committee, and the Arrangements Committee shall be appointed by the Party Chair from among the members of the Committees, and they shall serve as Chair of both the temporary Committees and the permanent Committees.

### **Section 17.2 Reports**

For state conventions, the temporary resolutions committee shall hold hearings in various areas of the Commonwealth at least thirty (30) days prior to any convention to receive views and ideas for resolutions that might be considered by the convention. Proposed resolutions must be submitted to the committee at least twenty (20) days in advance of the convention unless the committee, by vote of sixty-seven percent (67%) of its members, agrees to receive a proposed resolution at a later time, except that all resolutions adopted by district conventions shall be considered if presented to the committee prior to its final meeting which shall be not later than one (1) week before the State Convention. The committee shall report to the convention and no other resolutions shall be considered by the convention. No floor amendments or substitutes shall be allowed, and floor notes shall be only on the majority or minority reports of the committee. Minority reports of the committee must have the support of at twenty-five percent (25%) of its members present and voting.

The State chair may appoint a Drafting Committee composed of the Chair of the Temporary Resolutions Committee (who shall chair the Drafting Committee), a representative of each statewide campaign, two members at large, and the State Chair (as an ex-officio member). The Drafting Committee will be responsible for preparing a draft majority report to be considered by the full Temporary Resolutions Committee at its meeting prior to the State Convention. State Party staff shall provide support to the Drafting Committee and the full Committee. The report of the Temporary Resolutions Committee shall be distributed in advance of the State Convention to all congressional district chairs, preferably at least 48 hours prior to the Convention but not later than 24 hours prior to the Convention's convening.

The report of the committee shall be distributed to all delegates when they register for the convention and shall be presented to the convention at the time specified in the agenda by the convention rules committee which shall be no later than 2 p.m. on the second day of any convention. The rules committee shall prescribe the procedure for consideration of the report on the convention floor, including the consideration of any minority reports.

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Notwithstanding any other provisions of this Plan, the temporary resolutions committee shall also serve as the permanent resolutions committee of any state convention, (regardless) of whether its members are convention delegates. Adoption of resolutions by the convention shall require a sixty percent (60%) vote of the delegates present and voting, a quorum being present.

### **Section 17.3 Additional Committees**

If temporary committees other than the credentials, rules and resolutions committees are established, such committees shall report to any corresponding permanent committees of the convention, or to the Steering Committee for state conventions.

### **Section 17.4 Temporary Rules**

The temporary rules committee shall meet and issue its report as soon as possible after the issuance of the Call to Convention. The temporary rules adopted pursuant to this section shall govern conduct of the convention until adoption of permanent rules by the convention. The Rules Committee may be available to provide counsel regarding the execution of those Rules through the Convention that will govern the process of the Convention and be available to assist the Convention Chair in making rulings and determinations in the instance of any Rules questions or challenges that are raised.

Matters of a procedural nature that arise during a convention shall be governed by the most recent edition of Roberts' Rules of Order.

## ***ARTICLE 18. COUNTY AND CITY CONVENTIONS AND CAUCUSES***

### **Section 18.1 Caucus**

The first step in selection of delegates for any convention shall be a caucus in a convenient public place accessible to the Democrats in such county or city. The date for caucuses to be held shall be established by the committee calling the convention.

### **Section 18.2 Notice of Caucuses**

Notice of any caucus shall satisfy all notice requirements of this Plan. In addition, the notice shall clearly identify the purpose of the caucus and any convention for which the caucus directly or indirectly elects delegates.

### **Section 18.3 Participation in Caucuses**

Each person participating in a caucus must provide written certification that he or she:

- A. is a Democrat;
- B. is a registered voter within the county or city for which the caucus is held;
- C. believes in the principles of the Democratic Party; and
- D. does not intend to support any candidate who is opposed to a Democratic nominee in the next ensuing election.

All such persons present at the caucus at the time stated in the notice are entitled to participate in the caucus if they sign the required certification. The permanent chair of the caucus shall not be elected until all persons entitled to participate have had a reasonable opportunity to complete their written certification.

### **Section 18.4 Temporary Rules for Caucuses**

The chair of the committee calling the caucus shall prepare the temporary rules of the caucus. The temporary rules of the caucus shall be available at least one (1) week before the caucus for inspection and copying by any interested Democrat. The temporary rules shall govern the caucus until adoption of permanent rules, which shall be the first order of business following the election of the permanent chair and appointment of the permanent secretary. The foregoing applies to assembled caucuses. If a committee decides to use an unassembled caucus, it shall provide in its call to convention for establishment of permanent committees on credentials, rules, and other such committees as may be required.

## ***ARTICLE 19. CONGRESSIONAL DISTRICT CONVENTIONS***

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## **Section 19.1 Generally**

Before each state convention, separate district conventions may be held. The delegates to these district conventions shall be the delegates to the State Convention from that congressional district.

## **Section 19.2 Time of Convention**

If the Central Committee does not determine the time and place for holding district conventions, each district committee shall determine a convenient and accessible time and place for the district conventions.

## **Section 19.3 Temporary Officers**

The chair of each district committee shall choose the temporary chair and temporary secretary of the district convention.

## **Section 19.4 Roll of the Convention**

The permanent roll of each district convention shall consist of the delegates from that congressional district on the temporary roll of the State Convention. The chair of each congressional district shall prepare the temporary rules for the convention. Other than as provided in this Article, district conventions shall be governed by the provisions of this Plan applicable to other conventions.

## **Section 19.5 Permanent Committees for State Convention**

Each district convention preceding a state convention shall nominate three (3) members to each of the permanent committees established for the State Convention; with the exception of the resolutions committee where members selected for the temporary committee shall serve as permanent committee members.

## ***ARTICLE 20. CONVENTIONS FOR NOMINATING A PRESIDENTIAL CANDIDATE***

### **Section 20.1 Priority of Calls**

In cases where any procedures delineated in this Plan are inconsistent with the call to a national convention issued by the Democratic National Committee, the call of the National Committee shall prevail. All rules of the Democratic National Committee regarding candidate eligibility and all decisions, directions, or instructions of the Democratic National Committee or its officers shall be binding on the Party.

### **Section 20.2 District Conventions and Presidential Elections**

Where the call notice directs, each district convention held before a state convention shall elect the number of delegates and alternates to a Democratic National Convention allocated by the Central Committee. Each district convention shall elect at least one (1) Democratic presidential elector. All disputes or contests regarding elections by the district convention shall be resolved by the state convention. The presidential electors shall be deemed to be nominees and candidates of the Democratic Party of Virginia. Should they be elected in the general election following, they shall cast their votes in the Electoral College for the presidential nominee of the National Democratic Party.

### **Section 20.3 State Convention**

The State Convention may elect such national delegates and national alternates, "at-large", to a Democratic National Convention as Virginia is entitled to by decision of the Democratic National Committee, over and above those delegates and alternates allocated to the district conventions. National at-large Delegates and national at-large alternates are to be elected by the State Convention at large and shall be nominated from the floor of the convention. The State Convention in a presidential year shall also elect the members of the Democratic National Committee, divided evenly by gender as prescribed by the national Party. Those individuals will be elected by plurality vote, unless the Convention adopts rules that provide otherwise. Any person choosing to run for Democratic National Committee shall obtain the signatures of fifty registered voters in Virginia representing at least six Congressional Districts.

### **Section 20.4 Limitations**

No person shall participate and/or vote in the nominating process for the Democratic presidential candidate who also participates in the nominating processes of any other party for the corresponding election

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year.

## **Section 20.5 Presidential Preference**

All candidates for delegate or alternate in caucuses, conventions, committees and/or primary ballots during the presidential nomination process shall be identified as to presidential preference, uncommitted or unpledged status.