

**BYLAWS**

**Of the**

**DEMOCRATIC PARTY**

**Of**

**WEST VIRGINIA**

**Adopted as Amended by  
The West Virginia State Democratic Executive Committee  
West Virginia**

**May 13, 2023**

**Table of Contents**

**PREAMBLE.....2**

**PARTY NAME AND EMBLEM.....2**

**INTRODUCTION TO BYLAWS.....2**

**ARTICLE ONE.....2**

**ARTICLE TWO.....3**

**ARTICLE THREE.....4**

**ARTICLE FOUR.....4**

**ARTICLE FIVE.....5**

**ARTICLE SIX.....11**

**ARTICLE SEVEN.....13**

**ARTICLE EIGHT.....16**

**ARTICLE NINE.....17**

**ARTICLE TEN.....17**

**ARTICLE ELEVEN.....18**

**ARTICLE TWELVE.....18**

## **PREAMBLE**

It shall be the policy of the Democratic Party of the State of West Virginia to foster equal opportunity for all individuals to participate and serve in party offices and functions regardless of sex, age, race, color, creed, religion, sexual orientation, gender, national origin, gender identity, ethnic identity, ancestry, economic status, and persons with disabilities.

## **PARTY NAME AND EMBLEM**

The Party's name shall be "The Democratic Party of the State of West Virginia" and its official continuing governing body shall be known as "The West Virginia State Democratic Executive Committee" or "WVSDEC" or "State Executive Committee." The emblem of the "Party" shall be the donkey.

## **INTRODUCTION TO BYLAWS**

These Bylaws shall govern the organization and conduct of the business of the Democratic Party of the State of West Virginia. The Democratic Party of West Virginia shall conduct its affairs in accordance with the Democratic National Committee Charter and Bylaws. These Bylaws shall be formally adopted by all county organizations in the state and shall control all levels of party organization in all counties. Each county organization may adopt such supplementary bylaws as they deem necessary, in so far as they do not conflict with the state party bylaws and do not abridge the lawful political rights of any person. In the absence of other provisions, Robert's Rules of Order (as most recently revised) shall govern the conduct of all Democratic Party meetings.

## **ARTICLE ONE**

### **The Six Basic Elements of an Open Party**

(The Democratic National Committee reaffirms its commitment to the 1964 resolution, and requires the national and state parties to incorporate the Six Basic Elements, as updated, into their Party rules and to take appropriate steps to secure their implementation.)

**Element 1.** All public meetings at all levels of the West Virginia Democratic Party should be open to all members of the Democratic Party regardless of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity and expression, economic status or disability (hereinafter collectively referred to as "status").

**Element 2.** No test for membership in, nor any oaths of loyalty to, the West Virginia Democratic Party should be required or used which has the effect of requiring prospective or current members of the Democratic Party to acquiesce in, condone or support discrimination based on "status."

**Element 3.** The time and place for all public meetings of The West Virginia Democratic Party on all levels should be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.

**Element 4.** The West Virginia Democratic Party, on all levels, should support the broadest possible registration without discrimination based on "status."

**Element 5.** The West Virginia Democratic Party should publicize fully and in such a manner as to assure

notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party officers and representatives on all levels.

Publication of these procedures should be done in such fashion that all prospective and current members of each State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization. The West Virginia Democratic Party should develop a strategy to provide education programs directly to voters who continue to experience confusing timelines for registration, changing party affiliation deadlines, or lack of awareness of the process for running for delegate, to ensure all Democratic voters understand the rules and timelines and their impact on voter participation.

**Element 6.** The West Virginia Democratic Party should publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical qualifications of all positions as officers and representatives of the state Democratic Party. Such publication should be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within the West Virginia Democratic Party will have full and adequate opportunity to compete for office.

## **ARTICLE TWO**

### **General Provisions**

#### **Section 1. Open Party**

The Party shall be open to all Democrats who desire to support the Party and who are registered as Democrats. The Party shall afford all Democrats full, timely and equal opportunities to participate in all Party affairs. All Party affairs shall mean all activities of each official Party organization commencing at the lowest level and continuing up through the West Virginia State Democratic Executive Committee. Such activities shall include, but not be limited to, the processes in which delegates are selected to the National Democratic Convention; Party officials are nominated, elected, appointed or selected; candidates for public office are supported; Party policy, platforms and rules are formulated; including regular programs of voter registration, public education and public relations.

#### **Section 2. Discrimination is prohibited**

Discrimination in the conduct of Democratic Party affairs, as defined in the national Party Charter and DNC Bylaws, 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 is prohibited.

#### **Section 3. Effective Notice**

The time and place for all public meetings of the Democratic Party on all levels shall be publicized at least fourteen (14) calendar days preceding the meeting, except where nominations or elections for Party office and positions and amending the bylaws in which case thirty (30) days' notice will be provided unless otherwise stated in these Bylaws or as needed for a committee or individual to comply with WV State Code requirements.

Such meetings must be held in places accessible to all Party members. Additionally, notice of meetings shall be sent to a confirmed email or regular mail of all members of the respective committees, caucuses or recognized organizations, however, organizational meeting notice shall be sent by United States Postal Service ("USPS") mail and also by email if there is a confirmed email on file and be in compliance with Article Five, Section 5.

#### **Section 4. Open Meetings and Unit Rule**

All meetings at all levels of the WV Democratic Party, including organizations recognized by the WVDP, shall be open to the public, and votes shall not be taken by secret ballot or use of the unit rule.

#### **Section 5. Executive Session**

All meetings of executive committees and other Party committees, caucuses, subcommittees, and recognized organizations shall be open to the public. However, by motion stating the specific topic and with a majority vote of the members present and voting, such meetings may go into Executive (members only) Session to discuss legal, personnel, discipline, and strategy or other confidential matters. All votes must be held in public session.

#### **Section 6. Equal Division**

The WVSDEC and all official state Party conventions, committees, commissions and like bodies shall be equally divided as practicable between men and women (determined by gender self-identification) meaning that the variance between men and women cannot exceed one (1). Gender non-binary committee members shall not be counted as either a male or female, but the remainder of the committee shall be equally divided.

### **ARTICLE THREE**

#### **Qualifications of Participants**

**Section 1. Participation** No person shall take part in a meeting or be an officer, delegate or official at any level of the party structure, whether precinct, ward, county, district or state, unless they are a qualified registered member of the Democratic electorate of the political subdivision in which they participate; unless acting as a proxy for an elected member in which case they must be a registered Democrat in the state of West Virginia, or invited by the committee.

**Section 2. Nominations** For the purpose of nominating candidates for any federal, state, district, county, municipal, or other public office in any primary election held in West Virginia, the Democratic Party will allow individuals who are not affiliated with any existing recognized party to participate in the election process by receiving and voting a Democratic ballot if they so request.

### **ARTICLE FOUR**

#### **Powers of the State Executive Committee**

##### **Section 1. General**

The West Virginia State Democratic Executive Committee is the supreme governing authority of the Democratic Party in West Virginia and shall have control and supervision over all matters relating to or affecting the Party organizations and campaigns. All other political committees, clubs and organizations, incorporated or unincorporated posing as a segment of the Democratic Party within the state or within any political subdivision thereof, shall be subordinate thereto and under its direction.

##### **Section 2. State Convention**

The WVSDEC shall determine all matters regarding time, place, notice and apportionment and selection of delegates of the State Convention, as set forth in Article Seven.

##### **Section 3. Amendment and Revision of Bylaws**

The WVSDEC shall have the authority to revise and amend these Bylaws in any manner that does not violate the laws of the State of West Virginia and the United States.

##### **Section 4. Financial credibility and long-term viability**

The WVSDEC is responsible for maintaining the financial credibility and long-term viability of the West Virginia Democratic Party and shall create an audit committee to support and ensure the integrity and the financial competency of the WVDP.

## **Section 5. Standing and Ad Hoc Subcommittees**

- (a) The WVDP Executive Committee shall have the power to create any subcommittees and all central and campaign committees and organizations that may be deemed necessary related to party affairs and any political campaign.
- (b) In addition to standing subcommittees, the WVSDEC shall have the power to create any ad hoc (temporary) subcommittee to accomplish a particular goal. An ad hoc committee shall meet regularly until they have accomplished their objective after which they shall dissolve and cease to exist.
- (c) All standing and ad hoc subcommittees created shall meet at least twice per year. Subcommittee members shall be equally divided by gender and congressional district, and should be diverse in status.
- (d) All subcommittee quorum requirements are the same as the WVSDEC of the current membership of the committee.
- (e) Vacancies in subcommittees shall be filled at any meeting of the WVSDEC with required notice to elect a new member to the unexpired term. The term for subcommittee membership and officers is for a four (4) year term.
- (f) Standing subcommittee members shall be elected at the organizational meeting for a term of four (4) years and serving until one (1) day before the new term's organizational meeting, or until June 30th of the year of the election of a new committee, whichever comes first. However, the outgoing subcommittee Chair may provide a report to the incoming executive committee.
- (g) The WVSDEC's standing subcommittees shall be:
  - (i) Audit Committee
  - (ii) Rules & Bylaws Committee

## **Section 6. Board of Appeals**

The WVSDEC, through the Board of Appeals as set forth in Article Eight shall have jurisdiction over all controversies arising out of any political convention and all contests for delegates, officers, or official positions on the WVSDEC or the executive committees created and existing in any political subdivisions in the state and shall have jurisdiction over any controversy, the outcome of which will affect the interests of the Party in West Virginia.

## **Section 7. Nominations**

Subject to the provisions of West Virginia Code, Chapter 3, Article 5, Section 19, the WVSDEC shall fill any vacancy existing in the Democratic nomination in any office to be voted for by the electorate of the state at large by reason of the death or withdrawal of a candidate, failure to nominate at the primary election, or other cause, which cannot be filled at a primary election, and shall certify such nomination to the Secretary of State of the State of West Virginia.

# **ARTICLE FIVE**

## **Organization of the State Democratic Executive Committee**

### **Section 1. Membership**

#### **(a) Committee Members**

The members of the WVSDEC shall be elected pursuant to the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9, and as provided for in these Bylaws. Following such elections, the WVSDEC shall appoint three (3) voting at-large members. The outgoing Chair of the WVSDEC, if not reelected, shall automatically become one of the three (3) members at-large so appointed ("Appointed at-large").

Membership of the WVSDEC shall include:

- 68 members elected in Democratic primary elections from the 17 senate districts.
- 7 Ex-officio members

- 3 Appointed at-large members
- 6 At-large members recommended by the Affirmative Action Committee, selected equally among each congressional district
- 2 Democratic National Committee members
- 15 Officers (Note that officers who are also elected from the senate districts shall only be counted once)

**(b) Ex-officio members**

It is further provided that the duly elected President of the County Chairs Association, President of the West Virginia Young Democrats, the President of the West Virginia Federation of Democratic Women, and a leader from both the House of Delegates and the State Senate or their designee be ex-officio voting members of the WVSDEC. Two Associate Chairs, of different genders, shall be elected by the WVSDEC to oversee and assist County Chairs.

**Section 2. Quorum**

Forty percent (40%) of all voting members of the WVSDEC shall constitute a quorum and a majority of those members present, either in person or by proxy, shall be necessary to carry out any motion or resolution or transact any business of the WVSDEC.

**Section 3. Voting**

Any member of the Committee who is unable to attend in person any meeting of the Committee shall appoint by proxy a Democratic elector who is a resident of the same political subdivision. Such absent member shall specify in writing, on the proxy, limitations on the scope of the proxy. Elected members' proxies shall be from the same senatorial district. All officers' proxies shall be statewide. Such proxies shall be filed and preserved by the Recording Secretary of the Committee. No member present and available at any meeting of the Committee may withdraw therefrom, without reasonable cause while it is in progress, and appoint a proxy for the remainder of the meeting. Secret ballots are also prohibited at all proceedings of county, city, congressional, senatorial and house of delegate district executive committees.

**Section 4. County Chairs Association**

At the time of the organizational meeting of the WVSDEC, the County Chairs Association ("CCA"), the membership of which shall be the chairs of the Democratic County Committees, shall elect its president from among the county chairs for a term of four (4) years or until their successor is elected. The CCA shall meet not less than three (3) times a year. Minutes of its meetings shall be kept.

**Section 5. Organizational Meeting**

**(a) General:** The Chair shall call the organization meeting as soon as possible, and shall fix the date and place of holding such meeting, giving each individual member of the WVSDEC written effective notice (as provided for in Article Two, Section 3) thereof by mailing same to the last known post office address of each and emailing to a confirmed email address, at least thirty (30) days before such meeting is to be held, and at the same time releasing a story to the major newspapers of the State, specifying the time and place of holding such meeting. Meeting notices shall also be posted on the WVDP website thirty (30) days in advance.

**(b) Order of Business:**

- Call to Order by Chair
- Calling of the Roll
- Election of At-Large Members
- Reading of Minutes of Last Meeting or Meetings
- Appointment of Appointed At-Large Members
- Filling of Vacancies

Election of New Chair  
Election of Other Officers  
Good of the Order  
Adjournment

## **Section 6. Officers**

**(a) General:** Officers shall be elected within thirty (30) days after the election of the State Executive Committee. The officers shall consist of a Chair, a First Vice Chair of a different gender than the Chairperson, a Second Vice Chair, two Associate Chairs of different genders; Congressional District Vice Chairs, per District, of different genders; a Recording Secretary, an Associate Secretary, a Treasurer, a Parliamentarian and such other officers as the Committee or the laws of West Virginia may create. The officers shall be elected in accordance with the provisions of West Virginia Code, Chapter 3, Article 1, Section 9, and serve until their successors are chosen. Such officers may or may not be chosen from the duly elected members of the Committee. Any Committee member shall have the right to cast their vote on any question that may come before the Committee. If the Chair is not a duly elected member of the Committee, they may only vote in case of a tie. The Chair, First Vice Chair and Second Vice Chair shall be from different counties.

The officers shall serve for a term of four (4) years or until their successors are chosen. This rule only applies to the Committee Officers. NOTE: For the year 2020 only, all officers shall be elected to a two (2) year term. The additional Associate Chair and District Vice- Chairs shall be elected upon passage of this amendment and shall serve until the next election.

### **(b) Duties of the Officers:**

(i) The Chair shall preside at all meetings of the Committee and the Board of Appeals. The Chair shall issue calls for all meetings of the Committee and shall give written notice to all members and officers at least fourteen (14) days prior to the date of the meeting. The Chair may call special meetings at any time at their discretion and shall call special meetings of the Committee upon the written request of more than thirty-three (33%) percent of the members of the Committee. If the Chair shall fail or refuse to call such meetings within five (5) days after receiving such written request, the members making the request may call such meeting.

The Chair shall have the authority to appoint an Executive Director, and a Resident Secretary and such subcommittees as may be deemed necessary. All such appointments shall serve at the Chair's will and pleasure. The Chair shall conduct all state campaigns by and with the advice of the committee.

The Chair shall notify the members and officers of any vacancies and take proper action within Article Five, Section 8 for the filling of same.

The Chair shall lobby as a representative of the Democratic Party regarding Democratic Party issues and not any issues in direct conflict with the Party.

(ii) The First Vice- Chair shall, in the absence of the Chair, preside at all meetings of the Committee and the Board of Appeals and perform all necessary functions of the Chair. The First Vice-Chair must be the different gender than the Chair.

The First Vice- Chair shall have, in addition, any duties which the Chair, at his or her discretion, shall designate.

(iii) The Second Vice -Chair shall, in the absence of the Chair and the First Vice Chair, preside at all meetings of the Committee and the Board of Appeals and perform all necessary functions of the Chair.

The Second Vice- Chair shall have, in addition, any duties which the Chair, at his or her discretion, shall designate.

(iv) The Associate Chairs, of different genders, in the absence of the Chair and the Vice Chairs, shall preside as co-chairs at meetings of the Committee and the Board of Appeals and perform all necessary functions of the Chair.



(v) The Congressional District Vice- Chairs, of different genders per District, shall establish a line of communication between the State Democratic Executive Committee and each County Executive Committee in their Districts and endeavor to coordinate activities between the two (2).

(vi) The Recording Secretary shall keep an accurate record of the meetings and proceedings of the Committee. Such records shall be kept on file in the office of the Chair of the Committee.

(vii) The Associate Secretary, in the absence of the Recording Secretary, shall serve as the Recording Secretary.

(viii) The Treasurer shall receive all committee funds and shall disburse same on order of the Committee or Chair. They shall make a report of all receipts and disbursements at each regularly scheduled Committee meeting.

(ix) The Parliamentarian shall advise the Chair and the Committee of any interpretation of these Bylaws.

(x) The Executive Director shall have such duties as the Chair at his or her discretion may Designate.

(xi) The Resident Secretary shall be in attendance at the Committee headquarters and shall keep a record of the names, addresses and contact information of the members and officers of the Committee and all members and officers of Party committees and organizations at all levels of party organization. Any member of the Committee shall have access to such records and lists at

## **Section 7. Regular Meetings**

Regular meetings of the WVSDEC shall be at least two (2) face to face meetings and two (2) conference calls via telephone, electronic, or virtual meetings each calendar year. In exigent circumstances, the WVSDEC may use virtual meetings instead of the face to face meetings referenced above. The Chair may combine and call the Organizational Meeting, in accordance with Article Five, Section 5, with the Regular Meeting, pursuant to this subsection within the times prescribed herein. Notice shall be sent to the members and officers of the WVSDEC in accordance with Article Five.

## **Section 8. Vacancies**

**(a) Members:** Vacancies in the membership of the WVSDEC shall be filled by the WVSDEC from the qualified Democratic electorate of the Senatorial District wherein the vacancy occurs. Nomination may be by any member of the WVSDEC, and the WVSDEC as a whole shall proceed to fill such vacancy by a majority vote.

**(b) Officers:** Vacancies in any of the offices of the WVSDEC shall be filled by a majority vote of the members. Nominations may be made by any member of the WVSDEC. Such officers shall serve until their successors are duly elected and installed at the next organizational meeting.

**(c) Chair:** In case of a vacancy in the office of Chair, the First Vice Chair shall call a meeting of the WVSDEC to fill the vacancy. If the First Vice Chair has failed to call such a meeting within four (4) weeks after the vacancy occurs, the Secretary may issue a call for such a committee meeting. If both the First Vice Chair and the Secretary fail or refuse to issue a call for such a meeting, then one-third (1/3<sup>rd</sup>) of the voting members may sign a call for such a meeting. Upon such a call being presented to the Resident Secretary, they shall furnish notice of such meeting in accordance with Article Five, Section 5 and Article Two, section 3. If the Resident Secretary fails or refuses to send such notice, any one of the members signing the call may do so.

## **Section 9. Subcommittees**

### **(a) Audit Subcommittee**

(i) Purpose: The Audit Committee (“AC”) shall be responsible for helping to maintain the overall integrity, financial credibility, and long-term viability of the West Virginia Democratic Party. The AC shall assist WVSDEC in its financial duties and shall report to the WVSDEC at all regular meetings and as requested.

(ii) Members and officers: The AC shall consist of five (5) members who shall be elected by the

WVSDEC. Two (2) shall be from each congressional district and one shall be at-large. It is encouraged that members be financially literate or have training or experience in management or finance. If no elected member has finance or management training, the Chair shall recommend a Democrat within the state with financial training and expertise as a non-voting member. Such a member shall be ratified by the WVSDEC. No member shall have any conflicts of interest. The Chair and a Secretary of the AC shall be elected by the AC membership from among their elected members. The term annually and year in this section refer to a fiscal year of July 1 - June 30.

(iii) Duties: The AC shall have the following responsibilities:

1. Maintain the integrity of the Party's Federal and State financial reporting, financial statements, budgets and internal controls to ensure compliance with legal and regulatory requirements and ethical financial practices
2. Maintain the integrity of the Party's financial transactions as reported to State and Federal regulators and the WVSDEC, including receipts, expenditures, assets and liabilities;
3. Developing and recommending financial policies, procedures, and practices to the WVSDEC;
4. Selecting and appointing an independent certified public accountant ("CPA") to examine the Party's financial accounts, internal controls, and statements.
5. Arrange a compilation, review, or audit with any additional special procedure's reviews done by an independent CPA based on the following:
  - a. There shall be an annual compilation unless a review or audit is being conducted in the same fiscal year.
  - b. There shall be a review every third year beginning in the fiscal year 2023-2024, unless an audit is deemed necessary.
  - c. There shall be a compilation, review or audit when deemed necessary by the AC.
6. Pre-approving all audit, review and compilation engagement fees and terms, and pre-approving any non-audit service provided to the Party by the independent CPA;
7. Discussing with the independent CPA any issues, problems or difficulties, management's response, and the Party's risk assessment and management policies;
8. Reviewing the Party's internal system of financial controls and the results of any internal and any independently conducted compilations, reviews and audits;
9. Reviewing, with the Treasurer and other relevant officers, the Party's financial reporting and accounting standards and principles, significant changes in such standards or principles or in their application, and the key accounting decisions affecting the Party's financial statements, including alternatives to and the rationale for the decisions made;
10. Reviewing, with the independent CPA, the qualifications and performance of the Party's finance personnel;
11. Reviewing at least annually any formal written report from the independent CPA delineating the accounting firm's internal quality-control procedures and any material issues raised within the preceding five years by the accounting firm's internal quality-control reviews, by peer reviews of the firm, or by any governmental or other inquiry or investigation relating to any compilation, review or audit conducted by the accounting firm;
12. Maintaining minutes of its activities and records of attendance of its members; and
13. Conducting such other activities as may be requested or assigned by the WVSDEC or as set forth in these Bylaws.

(iv) Meetings. The AC shall meet at least four times per year with the Treasurer and at least annually with the independent CPA. The AC may invite such members of management, employees, individuals associated with the independent CPA or outside legal counsel, or others to its meetings as it deems desirable or appropriate.

1. The AC shall report its minutes and recommendations to the WVSDEC after each committee meeting. If the AC becomes aware of any financial improprieties or malfeasance, it shall promptly notify

the WVSDEC and take appropriate action as necessary, including initiating a compilation, review, audit or special procedures review by the independent CPA or other investigations.

2. Informing of and Filling Vacancies: In the event of a vacancy in the AC, the Chair, or if the Chair resigns, a member, shall inform the WVSDEC as soon as possible, but no later than fourteen (14) days of the vacancy. Vacancies shall be filled according to Article Four, Section 5(e) of these Bylaws.

#### **(b) Rules and Bylaws Committee**

(i) Purpose: The purpose of the Rules and Bylaws Committee (“RBC”) is to review, draft, and recommend rules and bylaws as well as interpret, amend, and institute best practices into the rules and bylaws of the West Virginia Democratic Party, and address any other rule related task referred to the subcommittee by the WVSDEC or the State Party Chair. Rules and bylaws may be on any matter of Party business and must be consistent with the national Democratic Party Charter and DNC Bylaws as well as the WV State Code.

(ii) Members and officers: The RBC shall consist of at least eight (8) members elected by the WVSDEC. The RBC Chair and a Secretary shall be elected by the RBC committee members at their first meeting following their election; however for the 2022-2026 term, the members shall be the eight (8) members of the special rules and bylaws committee elected from the August 27, 2022 State Executive Committee meeting. The RBC Chair shall be responsible for coordinating the committee's activities and reporting to the WVSDEC.

(iii) Duties: The duties of the RBC shall include, but not be limited to, the following:

1. Review and draft rules and bylaws: The RBC shall review and draft rules and bylaws on any matter of Party business, as directed by the WV Democratic Party Chair or the WVSDEC, and upon a quadrennial review of the bylaws.

2. Recommend rules and bylaws: The RBC shall recommend rules and bylaws to the WVSDEC for adoption, rejection, or amendment.

3. Compliance with Charter and Bylaws: The RBC shall ensure that all rules and bylaws recommended by the RBC are consistent with the national Democratic Party charter and bylaws, as well as the WV State Code.

4. Reporting: The RBC Chair shall report to the WVSDEC on the activities of the RBC at each regular meeting or as needed, including any recommended rules and bylaws and any other matters as directed by the WVSDEC Chair or the Executive Committee.

5. Records: The RBC shall maintain accurate records of its activities, including attendance at meetings, copies of recommended rules and bylaws, and any other documents or materials related to its work.

(iv) Meetings. The RBC shall meet at least twice a year.

(v) Informing of and Filling Vacancies: In the event of a vacancy in the RBC, the Chair, or if the Chair resigns, a member, shall inform the WVSDEC as soon as possible, but no later than fourteen (14) days after the vacancy. Vacancies shall be filled according to Article Four, Section 5(e) of these Bylaws.

#### **Section 10. Removal and Disqualification of Members and Officers**

**(a) Disqualification:** The WVSDEC itself shall be the judge of the qualifications and disqualifications of its members. No person who is not a Democratic elector of the political subdivision which they expect to represent shall serve on the WVSDEC, and removal of residence of the member from the political subdivision will automatically result in a vacancy.

**(b) Removal of a Member:** Any member of the WVSDEC may be removed from membership by the affirmative vote of at least three-fifths (3/5) of the voting members. Action to initiate the removal procedure shall be instituted upon the showing of good cause by affidavits of two or more members of the WVSDEC .

The two or more members making such an affidavit must be present and subject to questioning at the

special or regular meeting at which such removal is to be considered. Notice of such meeting shall be given to the member whose removal is to be considered at least fifteen (15) days prior to the date of such meeting, at which time and place said member shall have the right to be heard on the matter of his or her removal. Upon determination of guilt, the Chair shall declare the position immediately vacant and shall proceed forthwith to fill the vacancy as provided in Article Five, Section 8 of these Bylaws.

Good cause shall include, but not be restricted to 1) willful and intentional conduct in violation of these Bylaws; 2) aiding and/or supporting an opposing political party or candidate of any opposing political party; 3) conviction of a felony.

Should such charges be brought against the Chair, the First Vice-Chair shall preside at such regular or special meeting. If at any time the First Vice-Chair refuses to act in a case of this kind, the Second Vice-Chair shall preside. If the Second Vice-Chair refuses to act in a case of this kind, one of the Associate Chairs shall preside.

**(c) Removal of Officer from office but not from Membership:** Any officer of the WVSDEC may be removed from office with cause by the affirmative vote of at least three-fifths (3/5) of the voting members. Should an officer be removed by such a vote, the office shall be immediately vacant and an election shall be held in accordance with Article Five, Section 8(b) of these Bylaws to fill the office.

Notice of a meeting at which the removal of an officer is proposed shall be given to the officer whose removal is to be considered at least fifteen (15) days prior to the date of such meeting at which time and place said officer shall have the right to be heard on the matter of his or her removal.

Should the Chair be removed, the next ranking officer in attendance shall preside until a successor Chair is elected.

**(d) Removal of County Officer by State Executive Committee:** The WVSDEC may remove any State or County Executive Committee officer from office but such removal shall not have the effect of removing such officer from membership. The removal herein shall be only for good cause as provided in Article Five, Section 10(b) of these Bylaws and shall be initiated by the filing of an affidavit with the Resident Secretary by two (2) or more members of the WVSDEC stating good cause therefore. Removal shall be effective only upon an affirmative vote of at least three fifths (3/5) of the voting members of the WVSDEC. Should an officer be removed by such a vote, the office shall be immediately vacant and an election shall be held in accordance with Article Five, Section 8(b) to fill the office.

**(e) Automatic Removal:** Any State or County Committee member or officer shall be immediately and automatically removed from membership and/or from the office held, upon a showing that such member has been convicted of a felony; provided, that such removal may be suspended by majority vote of the committee to which such member belongs or for which they serve until such time as an appeal of such conviction has been exhausted.

## **ARTICLE SIX**

### **District, County and City Committees**

#### **Section 1. Congressional District Committees**

**(a) Membership:** The Congressional District Executive Committee shall be elected in accordance with the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9.

**(b) Duties:** Subject to the provisions of West Virginia Code, Chapter 3, Article 5, Section 19, the Congressional District Committee shall have full control of vacancies in Congressional nomination on the Democratic ticket. The Chair shall in the case of such vacancy name a Chair from among the membership of the Congressional District Committee in which the vacancy occurs. The Congressional District Committee Chair shall then call a meeting of the District Committee, giving no less than fourteen (14) days written notice to the members. At such a meeting, the District Committee shall nominate, and by majority vote choose the nominee to fill the vacancy on the ballot and shall certify such nomination to the Secretary of State.

**(c) Appeal:** Any appeal from this Committee shall be to the Board of Appeals.

## **Section 2. State Senatorial District Committees**

**(a) Membership:** The members of the State Senatorial District Committees shall be elected in accordance with the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9.

**(b) Duties:** Subject to the provisions of the West Virginia Code, Chapter 3, Article 5, Section 19, such committees shall have full control of vacancies existing in the nomination of their district offices according to the procedure set forth in Article Six, Section 1(b).

**(c) Appeal:** Any appeal from this committee shall be made to the Board of Appeals.

## **Section 3. County Committees**

**(a) Membership:** The County Executive Committee shall be composed of two persons of different genders from each magisterial or executive committee district of the county; except that in counties having three executive committee districts there shall be elected four members, equally divided by gender as members of the party's executive committee from each magisterial or executive committee district. The members of such a committee shall be elected in accordance with the provisions of the West Virginia Code, Chapter 3, Article 1, Section 9. All such members shall reside in the district from which they are chosen. In addition to the elected positions, the committee shall be comprised of the President of each Federation of Democratic Women's and Young Democrats Clubs within a county as ex-officio members, with the right to vote on all issues not covered by state code.

**(b) Officers:** County Committees shall elect the following officers: Chair, Secretary and Treasurer. In the event that the Chair is not present, the Secretary shall serve as Chair Pro Tem, or as interim chair if the office of Chair is vacant. Additionally, County Committees may choose to elect a Parliamentarian. All offices shall be equally divided related to gender. **The bylaws in this paragraph shall go into effect at the start of the new term in 2026.**

**(c) County Bylaws:** County Committees may adopt and amend bylaws in accordance with Article Twelve of these Bylaws, that are not in conflict with the Charter, DNC Bylaws, WVDP Bylaws or WV State Code. Such bylaws may allow for the creation of additional offices. County Committee bylaws shall be provided to each member and the WVDP State Executive Committee within one (1) month of their adoption and/or amendment.

**(d) Duties:** The County Committee shall be governed by the procedures set forth in Article Five, unless otherwise noted in this Section, and the members and officers shall have such powers and duties within the county as the State Executive Committee has within the state.

Subject to the provisions of West Virginia Code, Chapter 3, Article 5, Section 19, the County Committee has the further duty to fill vacancies existing on the Democratic ballot in the county by a majority vote of the membership and shall certify the same to the Secretary of State.

If in the election of a Chair or any other officer of the County Executive Committee there is a tie vote and it cannot be settled by the members of the Committee themselves within forty (40) days from the date fixed for their first meeting, then in that event the deciding vote shall be cast by the Chair of the State Executive Committee, or by someone appointed by them for that specific purpose. Such a deciding vote may be cast in writing to a confirmed email address or mailed to a confirmed USPS address to all members and contested candidates, and shall be final.

**(e) Meetings:** The County Committee shall meet at least one (1) time during each quarter of the calendar year. Effective notice of such meeting shall be given to the local newspaper and posted on the state Party website; provided, in case of emergency meetings, not allowing sufficient notice, such notice shall be as reasonable as possible.

Special meetings may be called by the Chair, a majority of the duly elected officers, or more than thirty-three (33%) present of the duly elected committee members.



**(f) Vacancies:** If a County Executive Committee fails to meet its obligation to fill a vacancy on the committee within sixty days of the vacancy occurring the State Chair may appoint a replacement.

**(g) Appeal:** Any appeal from this committee shall be made to the Board of Appeals.

#### **Section 4. City Committees**

**(a) Membership:** The City Committee shall consist of one male and one female member from each ward in such city. The members shall be elected at the municipal primary election, and their terms of office shall coincide with those of their respective city officers.

**(b) Duties:** Subject to the provisions of the West Virginia Code, Chapter 3, Article 5, Section 19, such a committee shall have full control of vacancies existing in the nominations of their district according to the procedure set forth in Article Six, Section 1(b).

**(c) Appeal:** Any appeal from this committee shall be made to the Board of Appeals.

### **ARTICLE SEVEN**

#### **The State Nominating Convention**

##### **Section 1. Selection of Delegates to Conventions**

**(a)** At least ninety (90) days prior to the date fixed for holding any State Convention, the Chair shall cause to be delivered to the Chair of the Executive Committee of each county in the state, a copy of the resolutions fixing the date, time, and place of holding the convention and prescribing the number of delegates from each county to such convention.

Within ten (10) days after receipt of the copy of such resolutions, the County Executive Committee shall meet and by resolutions apportion the delegates to the State Convention among the several magisterial districts of said county. Said delegates shall be divided equally between male and female, whenever possible.

The members of the political party in mass convention shall meet on the date fixed by the State Delegate Selection Plan to elect the number of delegates to which the magisterial district is entitled. The meeting place shall be as central and convenient as possible. All registered members of the political party shall be entitled to participate in any such convention and in the selection of delegates. The selection of delegates shall be apportioned by magisterial districts as provided herein. In cases where there is a lack of participation by magisterial districts, the nonparticipating magisterial district's delegates shall be equally allocated to other participating districts.

Notice of the time and place of holding the convention and of the person who shall act as temporary chair thereof shall be given by publications in at least two issues of a newspaper with the widest distribution in the county; the first publication to be not more than fifteen (15) days and the second publication to be not less than five (5) days prior to the date fixed for holding the county convention. If no such newspaper is published in the county, notice may be given by posting the same in at least one (1) conspicuous place in each magisterial district, at least ten (10) days before the date of the mass convention. The notice published or posted shall specify the number of delegates which each magisterial district in the county is entitled to elect to the state and county conventions.

**(b)** Upon assembling, the mass county convention of each county district shall choose a Chair and a Secretary, who, within five (5) days after the holding of such convention, shall certify to the State Chair and the Chair of the County Committee, the names and addresses of the individuals selected as delegates to the state convention.

**(c)** All conflicts over the selection of delegates to either of said conventions shall be heard and determined by the Executive Committee of the county from which the delegates are chosen. Such County Executive Committee shall meet for this purpose within ten (10) days after the holding of such mass convention. The Circuit Court of the county and the Supreme Court of Appeals of the State shall have concurrent original jurisdiction to review, by mandamus or other proper proceeding, the decision of a County Executive Committee in any contest.

## **Section 2. Certification of Delegates and Resolutions from Mass Conventions of Magisterial Districts**

(a) Pursuant to the provisions of Section 21, Article 5, Chapter 3 of the Code of West Virginia, in these Bylaws, providing for certification by the Chair and Secretary of the county mass conventions to the Chair of the WVSDEC, of the delegates and alternates selected from such magisterial district to the State Convention, such delegates and alternates shall be certified to such State Chair through the Chair of the County Executive Committee of their respective Counties.

(b) The Chair and Secretary of each mass convention shall, in addition to certifying the names and addresses of the delegates, and any alternates thereof to the chair of the various executive committees as provided in said Section 21, as above referred to, shall also certify to such Chair a copy of all resolutions which in anyway relates to the rights and duties of such delegates and alternates.

(c) The county mass convention shall select only the number of delegates and alternates apportioned to it and no more. Any attempt to select a larger number and give each a fractional part of a vote is hereby prohibited. Should any such mass convention undertake to violate this paragraph, the convention which such delegates and alternates are to attend shall refuse to seat any greater number of delegates and alternates than was apportioned to such magisterial district by the County Executive Committee.

## **Section 3. Calling of State Convention**

(a) The State Convention shall be held in each presidential election year at which nominations shall be made for presidential electors, District Level Delegates and Alternates to the National Convention, the adoption of a Democratic Party platform, and the transactions of such other business as may properly come before the Convention.

(b) Such convention shall be called by the Democratic State Executive Committee. It shall fix the date during the month of June, July or August, name the place of holding such convention, and likewise fix the basis of representation thereto. It shall also prescribe the number of delegates to such convention and apportion them among the various counties of the State on the basis, aforesaid, and shall designate the offices for which candidates are to be nominated at such convention. In all instances the vote for the Democratic nominee for governor at the last General Election at which a Governor was elected shall be used as the basis for fixing such representation.

(c) The Chair of the State Executive Committee shall name a temporary Chair for such convention, who shall preside thereafter until the convention itself elects a permanent Chair.

(d) The convention shall name the following committees: Credentials, Rules, Resolutions and Platform. Committees shall meet prior to the opening session of the Convention.

(i) Credentials, Rules and Resolutions Committees shall be composed of one member from each county, which shall be selected from and by the delegates at the county conventions.

(ii) The Platform Committee shall consist of members of the State Executive Committee and members of the Affirmative Action Committee.

(e) Seating of Delegates: In seating the delegations of the in the convention hall, it shall be so done that those counties composing a congressional district shall be contiguous to each other.

## **Section 4. Order of Business for Convention**

Calling of Convention to Order by State Chair

Invocation

Pledge

Welcome by State Chair

Committee Reports

1. Credentials

2. Rules

Calling of Temporary Chair to Chair

Election of Permanent Chair

Recess for Congressional District Caucuses to Meet

1. Each Caucus will Elect a Chair
2. Elect District Delegates and Alternates to the National Convention
3. Recommend District Presidential Elector candidates

Calling to Order

Report of Caucus Elections

Adoption of Party Platform

Nomination of presidential electors

Resolutions Report and Action

Nominations/election of Presidential Electors-at-large

Unfinished Business

Adjournment

**NOTE:** The State Chair shall adjust the schedule for the Keynote and all other speakers.

### **Section 5. Temporary Chair of Convention**

(a) The Chair of the Executive Committee having jurisdiction over any convention, which is about to be held, shall name a temporary Chair for such convention, who, in turn, shall name a temporary Secretary, a Sergeant-at-Arms, and such assistants deemed necessary.

(b) Whenever the delegates to any such convention are assembled at the appointed time and place, the Chair of the Executive Committee as aforesaid, or, in the event of his or her inability to act, the Vice Chair, the Associate Chairs, or such member of that committee as the Chair may designate, shall call such convention to order and preside over the same until taken over by the temporary Chair, who, in turn, shall preside until it is duly organized, and the permanent officers are duly installed.

### **Section 6. Selection of Delegates and Alternates**

Whenever the number of delegates to any convention has been fixed by the State Executive Committee, the congressional, senatorial, county or city executive committee, and the same has been apportioned by said State Executive Committee, congressional, or senatorial district committee to the various counties in the State or district and in turn the County Executive Committee has apportioned such delegates and alternates to the various magisterial districts of the respective county, such magisterial district mass conventions shall elect the number of delegates and alternates apportioned to them and no more, and every county and magisterial District is forbidden to elect any larger number of delegates and alternates and specifying that each such delegates and alternates shall have a fractional part of a vote, and the convention for which such delegates are elected shall seat only such number of delegates fixed and no more.

### **Section 7. Delegates and Alternates**

Any delegate appointed or elected to a state, congressional, senatorial, county or city convention, who is unable to attend such convention in person, shall be permitted to designate from the list of alternates selected for such convention from his or her political subdivision, an alternate to act for him or her at such convention. Such designation shall be in writing, signed by the delegate making same and attested by a witness. Should both the delegate and his or her designated alternate be absent from such convention, then the alternate present whose name appears nearest the top of the list of alternates certified to the convention, from the political subdivision of the delegate, shall be seated as such delegate.

### **Section 8. Changing Place of Holding Convention**

If in the judgment of the Chair of the State Executive Committee, good and sufficient reasons have arisen why the convention should be held at a different time and/or place from that set out in the original call to the convention, the Chair shall have the authority to select a different time and/or place for holding the convention, but



must give adequate notice of any change through the public press and to Executive Committee members and State Delegates as soon as possible under the circumstances.

### **Section 9. Contested Delegations**

All contested delegations to any convention shall be heard first by the county executive committee of the county from which such delegates are chosen, and in accordance with provisions therefore contained in Section 21, Article 5, Chapter 3 of the West Virginia Code.

### **Section 10. Unit Rule**

In no instance shall a "Unit Rule" be permitted during State Convention proceedings.

### **Section 11. Presidential Electors**

The State Convention shall, by majority vote, nominate one presidential elector from each Congressional District and two at large. Recommendation of candidates for the Congressional District electors shall be made by caucus of the delegates from each county in the district. Nominations for electors at large shall be made by the convention as a whole.

### **Section 12. Nominations**

All nominations made at the State convention shall be certified within fifteen (15) days thereafter, by the Chair and the Secretary of the convention, to the Secretary of State, who shall certify them to the clerk of the county commission of each county concerned, in the State and the names of the persons so nominated shall be printed upon the regular ballot to be voted at the ensuing general election. The name of any candidate nominated at any such county convention shall be certified, within fifteen (15) days thereafter, by the Chair and Secretary thereof to the clerk of the county commission of the county, and the name of each candidate shall be printed upon the official ballot to be voted at the ensuing general election.

## **ARTICLE EIGHT**

### **Board of Appeals**

#### **Section 1. Membership**

The Board of Appeals shall consist of one member of each Congressional District of the State, one member-at-large, and the Chair of the State Executive Committee, who shall also serve as Chair of the Board of Appeals. The Chair shall preside but have no vote except in case of a tie. The members shall be appointed by the Chair before January 15 of each calendar year and shall serve for a term of one (1) year, subject to re-appointment.

#### **Section 2. Duties**

The Board shall hear and determine by a majority vote all decisions and controversies appealed from any club, organization, committee or convention, incorporated or unincorporated, posing to act as a segment of the Democratic Party.

The party contesting the outcome of the controversy or the decision shall within thirty (30) days file written notice thereof, with the Chair. The Chair, or if he or she fails or refuses to do so, a member of the Board of Appeals shall within thirty (30) days call a meeting of the Board to hear the controversy and shall give at least five (5) days written notice of such meeting to the members of the Board and to the parties involved.

Any party to the controversy, who fails to appear at the duly called meeting without good cause sufficient in law, shall be deemed to have abandoned his or her case, and a decision will automatically be entered against him or her.

#### **Section 3. Appeal**

The decision of the Board of Appeals shall be final, unless overruled by a two-thirds (2/3) vote of the State

Executive Committee at any regular or special meeting.

## **ARTICLE NINE**

### **Diversity**

#### **Section 1. Affirmative Action Committee**

To encourage full participation by all Democrats, with particular concern for minority groups, African Americans, Native Americans, Asian American/Pacific Islanders (“AAPI”), Latine, women, youth (under 36 years old), LGBTQ+, seniors, and persons with disabilities in the delegate selection process and in all Party affairs, as defined in the DNC Charter and Bylaws, the Executive Committee shall establish an Affirmative Action Committee (“AA Committee”).

The AA Committee shall consist of the two (2) Co-Chairs of different genders elected by the members from each of the following currently existing diversity caucuses: AAPI, Black, Latine, LGBTQ+, persons with disabilities, seniors, women, and youth; as well as a Native American caucus should it form, upon approval of the WVSDEC. The Co-Chairs of each diversity caucus will be chosen by the members of that diversity caucus.

Two (2) Co-Chairs of different genders shall be elected by the members of the AA Committee at its first meeting just prior to the organizational meeting, to terms of four (4) years, to expire at the election of their successors. There are to be no more than one (1) Co-Chair from the same diversity caucus.

#### **Section 2. Affirmative Action and Outreach Plan**

The Affirmative Action shall draft, and the Executive Committee shall promptly adopt an Affirmative Action and Outreach Plan to implement a program that will increase opportunity and diversity in the WVDP. The program will provide for representation on the Executive Committee as nearly as practicable of the aforementioned groups, as indicated by their presence in the Democratic electorate based on data derived by the DNC. This program shall include specific goals and timetables to achieve this purpose.

#### **Section 3. Diversity on the State Executive Committee**

The Co-Chairs of the Affirmative Action Committee shall be voting members of the WVSDEC. In addition, the AA Committee shall recommend, and the WVSDEC shall appoint six people divided among Congressional Districts to the Executive Committee as voting members to help the party achieve affirmative action goals.

## **ARTICLE TEN**

### **National Committee Members**

#### **Section 1. Members by Office**

The Chair and the highest-ranking officer of a different gender of the State Executive Committee shall, by virtue of their offices, be members of the Democratic National Committee.

#### **Section 2. Elected Members**

The WVSDEC shall, within the calendar year of the Presidential election year, elect the additional National Committee Members to which the State is entitled under the Charter of the Democratic Party of the United States. Such additional Members shall be elected so that they shall be divided as equally as practicable by gender. Such additional members shall be elected by a majority vote of the Committee members present and voting. The terms shall be until their successors are elected. Vacancies shall be filled by the State Executive Committee for the unexpired term.

**ARTICLE ELEVEN**  
**Delegates to the Democratic National Convention**

**Section 1. Delegate Selection Plan**

Delegates to the Democratic National Convention shall be apportioned in accordance with the West Virginia Delegate Selection Plan adopted by the WVSDEC. The Chair shall certify the plan to the Secretary of State no later than the first Monday in January in the year in which delegates to the National Convention are selected.

**Section 2. Interim Convention Committees' Members**

The WVSDEC shall elect persons to serve on the Credentials, Rules and Platform Committees for the Democratic National Convention serving until such time as the elected Delegates to the National Convention meet and elect members of said committees in the manner prescribed by Article Eleven, Section 1.

**ARTICLE TWELVE**  
**Amendments**

**Section 1.** The Bylaws may be amended by a two-thirds (2/3) majority vote of the members present at a Committee meeting, provided that written notice setting forth the proposed amendment has been given to all Committee members at least thirty days (30) prior to the date of the meeting.

**Section 2.** These Bylaws shall be in full force and effect upon their adoption and shall supersede all rules, motions, and policies of a contrary nature.

###