

## **PLAN OF ORGANIZATION REVIEW COMMITTEE SUBCOMMITTEE ON AUXILIARIES AND CAUCUSES REPORT**

*Plan of Organization Review Committee Secretary's Note: This document is the Subcommittee on Auxiliaries and Caucuses Report with amendments in final form as approved for the Plan of Organization by the full Plan of Organization (PoO) Review Committee as of July 15, 2018. This is new language to the Plan of Organization.*

### **X.07 AFFILIATED ORGANIZATIONS REVIEW COUNCIL**

**Purpose of the Affiliated Organizations Review Council:** The Affiliated Organizations Review Council hereby established for the purpose of hearing and rendering fair and impartial decisions on such disputes and controversies which may arise within the Affiliated Organizations of the N.C. Democratic Party and cannot be resolved by the internal resolution mechanisms of any approved Affiliated Organization or when the same disputes and controversies are made known, in writing, to said Review Council by the state chair or a President of an approved Affiliated Organization.

#### **Composition:**

**Members.** The Review Council shall consist of one (1) member from each approved Affiliated Organization who shall be elected in even number years by the various Affiliated Organizations, and five (5) members at-large to be appointed by the State Chair. No person may be a member of the Review Council who also serves as a President or Chair of a county or district chapter or as an elected or appointed officer of the state Affiliated Organization.

**Officers.** The State Chair shall appoint a chair and a secretary of the Review Council from among the members of the Review Council.

**Terms.** Terms for members of the Review Council shall begin upon the date of their election or appointment and end on the date their successors are elected or appointed.

**Removal of Members.** The State Executive Council shall have the right to remove from office any member of the Review Council upon two-thirds ( $\frac{2}{3}$ ) of the State Executive Council present and voting being satisfied that the Review Council member has been disloyal to the Party, has refused or failed to perform his or her duties, or is guilty of any misconduct which is not in keeping with his or her high position of honor in the Democratic Party.

Vacancies. A vacancy in the membership of the Review Council shall be filled by the Affiliated Organization from which vacating member originated from, except that vacancies in members at-large appointed by the state chair shall be filled by the state chair.

## Rules, Procedures and Jurisdiction:

Rules. Forty percent (40%) of the entire membership of the Review Council shall constitute a quorum. All decisions concurred in by a majority of the Review Council present and voting shall be final and binding upon all Affiliated Organizations of the N.C. Democratic Party meetings and officials, except that any decision of the Review Council decided by less than a two-thirds ( $\frac{2}{3}$ ) majority of those present and voting may be appealed to the State Executive Council. The Review Council is further empowered and directed to adopt necessary and appropriate rules to assure that each dispute and grievance is settled impartially, equitably and according to rules of justice and fairness.

Procedures. Procedures for Review Council shall be consistent with the Procedures of the NCDP Council of Review as defined in this Plan of Organization as set out in section 9.09.

Jurisdiction. The Review Council shall assume jurisdiction of all matters and disputes arising from any meeting, convention, or decision by an officer of an approved Affiliated Organization; provided such dispute or grievance is brought to the attention of the Chair of the Review Council within thirty (30) days after such meeting or convention was convened or was to have been convened, or within thirty (30) days after the Petitioner(s), through the exercise of due diligence, could have discovered the incident, or event, or decision giving rise to the grievance, whichever is latest. The Review Council shall have sole discretion to determine whether a dispute or grievance has been timely raised with the Review Council, but in no event, shall the Review Council consider any incident, event or decision by an officer of an affiliated organization occurring more than six (6) months prior to the alleged grievance.

Any grievances arising from such meetings or convention not brought to the attention of the chair of the Review Council within the thirty (30) days shall be deemed to have been waived, unless the Review Council determines that the incident or event could not have been discovered through the exercise of due diligence within such period of time. An aggrieved Democrat shall be deemed to have brought such to the attention of the chair of the Review Council if written notice was delivered by hand, email or mailed with a postmark imprinted by the United States Postal Service or a postage meter approved in accordance with a permit issued by the United States Postal Service, to the chair of the Review Council within the time limits set forth hereinabove. The Review Council shall also assume jurisdiction of all matters and disputes referred to it by the State Chair or President of an approved Affiliated Organization.

**X.06 REVOCATION OF CHARTER** An auxiliary or caucus may be subject to revocation as an affiliated organization under the following circumstances:

1. An annual meeting has not been held and/or officers have not been elected at the time prescribed in the organization by-laws, thus becoming “unorganized”.
2. When party recognition status is disputed, is unresolved by internal methods and results in a lack of clear lines of leadership and accountability or becomes disruptive to the business of the party, disputing parties shall be subject to binding arbitration by an arbiter agreed to by both at the expense of the disputing auxiliaries or caucuses. If one of the parties to the dispute refuses to participate in arbitration or refuses to accept the result of arbitration, the chair, in consultation with the Executive Council and Affiliated Organizations Committee shall name the president of the participating organization as the representative of the organization on the State Executive Committee and/or State Executive Council.
3. If a national organization has authority to revoke the charter of an affiliated state organization and has revoked the charter of the state organization.
4. Following Adjudication of a hearing held before the Review Council an order to revoke the charter of an approved Affiliated Organization.

Upon revocation or suspension of a charter, all representatives of an affiliated organization shall lose their standing. The Chair of the North Carolina Democratic Party, after consultation with the Affiliated Organizations Committee and State Executive Council, shall have authority to determine that an auxiliary or caucus is suspended or no longer recognized when any of the above occurs. Nothing in these policies prevents a group from seeking restoration of recognition when criteria as an Affiliated Organization of the state party has been met.

#### X.04 REPRESENTATION AND VOTING ON COUNTY, DISTRICT, STATE EXECUTIVE COMMITTEES AND STATE EXECUTIVE COUNCIL AND POLICY COMMITTEES

Affiliated Organizations with by-laws approved by the State Executive Committee are represented on executive committees and policy committees in the following manner:

**County Executive Committees:** Duly organized chapters wholly within a county shall have a designated ex-officio, voting member on the county executive committee. The member must reside in the county. These representatives are entitled to one vote. The respective presidents of the state Affiliated Organizations shall determine those duly organized chapters within a county and certify the name of the county organization president or chosen representative to the state party chair. Such ex-officio members serve on this committee until their term expires. When a club has formed within a county and is not affiliated with a state recognized Affiliated Organization, the county executive committee shall determine what constitutes a duly organized Democratic Club of the county in which these are organized. The designated representative of the club shall be an ex-officio member of the County Executive Committee. The County Executive Committee shall determine if the club has a vote.

**District Executive Committees:** A congressional district representative, who resides in the district, of each state Affiliated Organization is an ex-officio, voting member of the district executive committee. The by-laws of each state Affiliated Organization shall provide for a method of choosing each such representative. Should a county chair or first vice chair be elected as a district representative of that state auxiliary or caucus organization, some other member residing in the district shall be certified as the representative of that Affiliated Organization to the congressional district executive committee. These representatives are entitled to one vote except when voting for the nominating procedures under North Carolina General Statutes, when they shall be non-voting members. Such ex-officio members serve on this committee until their term expires. Democratic Clubs not currently recognized at the state level may be recognized at the district level at the discretion of the executive committee in the district in which these are organized. The District Executive Committee shall determine if the club has a vote.

**State Executive Committee:** The presidents or designated representatives of all state affiliated organizations with by-laws approved by the state executive committee shall be ex-officio voting members of the state executive committee. The term of office will expire when their successors are elected and successor takes office. **State Executive Council:** State presidents of affiliated organizations that have been approved by the State Executive Committee are ex-officio, voting members of the State Executive Council. Such ex-officio members serve on this committee until their successor takes office.

**Policy Committees:** The state presidents or designated representatives of chartered Affiliated Organizations shall serve as voting members of the Resolutions and Platforms Committee and State Legislative Policy Committee. Such ex-officio members serve on this committee until their term of auxiliary office expires. Any state affiliated organization may submit proposed platform recommendations or resolutions to the Resolutions and Platform Committee.

**Council of Review:** Presidents of Affiliated Organizations are not eligible for membership on the Council of Review. However, members of an auxiliary or caucus may be elected from congressional districts or appointed by the state chair to serve on this committee.

**THE AFOREMENTIONED LANGUAGE WAS APPROVED BY THE PLAN OF ORGANIZATION REVIEW COMMITTEE ON JULY 15, 2018.**