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**2020 WINTER STATE EXECUTIVE COMMITTEE MEETING**  
**Saturday, February 29<sup>th</sup> 2020 | McKnight Theater, UNC-Charlotte**  
**PLAN OF ORGANIZATION REVIEW COMMITTEE | 1/23/2020 | RECOMMENDATIONS TO THE SEC**

Additions are underlined and/or in color. Deletions are struck through.

**RECOMMENDATION #1**

Burke County requested this alternative and the PoO committee found it consistent with the intent of the current state plan amended for local use.

**Approve: Alternative Plan of Precinct Organization for Burke County**

**1.00 PRECINCT ORGANIZATION**

1.01 UNIT OF ORGANIZATION The unit of organization of the Burke County Democratic Party shall be the voting precinct or the precinct cluster which consists of two or three adjacent voting precincts.

**1.02 ORGANIZED PRECINCT**

A Precinct is organized and remains organized provided that, at a minimum, an annual or organizing precinct or precinct cluster meeting is held each year at which:

1. There is in attendance a quorum of registered Democrats who reside in the precinct/precinct cluster;
2. The meeting was convened according to notice, access and other requirements of this Plan;
3. The required order of business for election of officers and delegates and for other business is completed at this meeting. And
4. The precinct/precinct cluster chair certifies to the county chair in writing the names of those in attendance, the names of officers and delegates elected, and the names, address, occupation and employer of the contributors. Funds collected are turned in to the County Treasurer.

**1.03 COMPOSITION OF PRECINCT/PRECINCT CLUSTER COMMITTEE**

Precinct/Precinct Cluster Committee. In each precinct/precinct cluster, there shall be a precinct/precinct cluster committee consisting of at least five registered Democrats who reside in the precinct or precinct cluster and who are elected at an organizational meeting of the precinct/precinct cluster. Each precinct in a precinct cluster shall have no less than one registered Democrat that resides in the precinct on the Precinct Cluster Committee. The purpose of the precinct/precinct cluster committee is to elect officers and delegates who represent the precinct/precinct cluster at

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county party meetings and coordinate the grassroots work of the precinct/precinct cluster, including political education, get-out-the vote and campaign activities.

The composition of the precinct/precinct cluster should resemble the make-up of the registered Democrats in the precinct/precinct cluster as to gender, age, race, ethnic background and, where practical, geography. Participation and the opportunity to be elected to office or representation is open to any registered Democrat who resides in the precinct/precinct cluster. All Democratic county and city elected officials and Democratic members of the North Carolina General Assembly residing in the precinct/precinct cluster and in attendance, shall be ex-officio, voting members of the precinct/precinct cluster committee.

Precinct/precinct cluster Officers. The precinct/precinct cluster committee shall have as officers a chair, a vice chair, a secretary/treasurer, no less than two (2) committee members and any others as the body might desire. For the purposes of a precinct cluster, each precinct in the precinct cluster shall have no less than one precinct cluster member elected to one of the three officer positions. The vice chair should where possible be of the opposite gender of the chair and should, where possible, be of a race other than that of the chair. No officers of the precinct/precinct cluster committee shall be from the same immediate family residing in the same household.

Term of Office. The terms of office for precinct/precinct cluster officers and precinct/precinct cluster committee members elected at an annual meeting in an odd numbered year shall be for two (2) years. If elected at another time, the term of the office shall begin upon election. Terms shall end on the date on which the next annual precinct meeting is held in an odd-numbered year or when their successors are elected, whichever occurs first. Should a vacancy occur prior to the end of a term, the officer or committee member elected shall serve the unexpired portion of term.

Vacancy and Succession for Precinct/precinct cluster Officers and Committee Members. Vacancies occurring among the officers or members of the precinct/precinct cluster committee shall be filled within thirty (30) days following creation of the vacancy. If a member of the precinct/precinct cluster committee moves their voting residence outside the precinct, they shall be deemed to have vacated their position. The precinct/precinct cluster chair shall call a meeting of the remaining members of the precinct committee to fill that vacancy and any other vacancies that might be caused by the action of such committee in filling the vacancy. If there is a vacancy of the precinct/precinct cluster chair, the vice chair or the secretary/treasurer, in that order, shall become acting chair, assume duties and responsibilities of the precinct/precinct cluster chair, and shall call a meeting to fill the office of chair, and any other vacancies. If a meeting is not held within thirty (30) days, the county chair or their designee shall call the precinct/precinct cluster meeting to be held for this purpose. The precinct/precinct cluster chair or presider shall certify in writing the results of such elections within five (5) days of this meeting to the county chair.

Resignation. Resignation of any precinct officer shall be in writing and given to the precinct/precinct cluster chair and county chair. In the event that resignation is that of the precinct/precinct cluster chair, the precinct/precinct cluster chair shall give their written resignation to the precinct/precinct cluster vice chair and to the county chair.

Removals. Officers and members of the precinct committee may be removed in accordance with Section 10.00.

#### 1.04 DUTIES OF PRECINCT OFFICERS

Chair. The duties of the precinct chair shall include:



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2.01 COMPOSITION OF COUNTY EXECUTIVE COMMITTEE

Members. There shall be a county executive committee in each county composed of:  
The chair and vice chair of the several precinct/precinct cluster committees in the county;

**The following recommendations (#2-13) are based on suggestions unanimously approved by and referred from the NCDP Executive Council. The changes codify, into the Plan of Organization, the NCDP Code of conduct that was initially approved in 2017. It requires all officers and staff to agree to comply with the code. The changes allow for the violation of the code to be grounds for removal from office in NCDP and/or its Affiliated Organizations and gives the Council of Review jurisdiction over all violations of the Code.**

**RECOMMENDATION #2**

0.02 Encourage Participation

Special efforts shall be made to encourage traditionally under-represented groups to participate in delegate selection processes and in party organizations at all levels to the end that all elected or appointed Democrats to any positions reasonably reflect the Democratic electorate of the unit with regard to status. Encouraging participation includes fostering a culture of inclusion and mutual respect for all registered Democrats by upholding the values of the North Carolina Democratic Party Code of Conduct as adopted by the State Executive Committee.

**RECOMMENDATION #3**

Add new 0.04 Code of Conduct and renumber as needed:

Code of Conduct. All officers, council, committee or subcommittee members of the North Carolina Democratic Party at every level, whether serving by virtue of holding an elected or appointed position shall acknowledge and agree to comply with the letter and spirit of the most recently adopted NCDP Code of Conduct. The Code of Conduct is incorporated by reference herein and shall be posted on the NCDP website. Violation of the Code of Conduct is grounds for removal from office or position from within the party.

**RECOMMENDATIONS #4-8**

1.03 Precinct Officers. The precinct committee shall have as officers a chair, a vice chair, a secretary/treasurer, no less than two (2) committee members and any others as the body might desire. The vice chair should where possible be of the opposite gender of the chair and should, where possible, be of a race other than that of the chair. No officers of the precinct committee shall be from the same immediate family residing in the same household. Officers shall acknowledge and agree to comply with the letter and spirit of the most recently adopted NCDP Code of Conduct.

2.03 OFFICERS OF THE COUNTY EXECUTIVE COMMITTEE.

Add at the end of the section:

Officers shall acknowledge and agree to comply with the letter and spirit of the most recently adopted NCDP Code of Conduct.



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### 3.04 OFFICERS OF THE CONGRESSIONAL DISTRICT EXECUTIVE COMMITTEE

Add at the end of the section

Officers shall acknowledge and agree to comply with the letter and spirit of the most recently adopted NCDP Code of Conduct.

### 4.02 ELECTED OFFICERS

Add at the end of the section

Officers shall acknowledge and agree to comply with the letter and spirit of the most recently adopted NCDP Code of Conduct.

### 4.06 STATE EXECUTIVE COUNCIL

Add at the end of the section

Members shall acknowledge and agree to comply with the letter and spirit of the most recently adopted NCDP Code of Conduct.

## RECOMMENDATION #9

### 4.10 EXECUTIVE DIRECTOR AND STATE PARTY STAFF

A full-time executive director shall be selected by the state chair with the approval of the state executive council to serve at the pleasure of the state chair. The performance of the executive director shall be subject to annual review by the state chair and the state executive council. The other staff of the state party shall be employed by and under the supervision of the executive director.

The duties and responsibilities of the executive director and the staff of the state party shall include:

Add #13

Require employed NCDP staff to sign (including by digital signature) within 10 days of hire or re-hire, an acknowledgment of, and agreement to comply with the letter and spirit of the most recently adopted NCDP Code of Conduct. The Code of Conduct is incorporated by reference herein and shall be posted on the NCDP website. Further, the Executive Director shall ensure that all State Party employees acknowledge and agree to honor the Code of Conduct. The NCDP Executive Director, with reliance on NCDP staff, shall retain a record of those acknowledgments.

## RECOMMENDATION #10

### 9.06 JURISDICTION



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Matters and Disputes arising from any Party Meeting or Convention provided for in this Plan of Organization:

The Council of Review shall assume jurisdiction of all matters and disputes arising from any Party meeting or convention provided for in this Plan of Organization; provided such dispute or grievance is brought to the attention of the chair of the Council of Review within ~~ten (10)~~ thirty (30) days after such meeting or convention was convened or was to have been convened, or within ~~ten (10)~~ thirty (30) days after the Petitioner(s), through the exercise of due diligence, could have discovered the incident or event giving rise to the grievance, whichever is latest. The Council of Review shall have sole discretion to determine whether a dispute or grievance has been timely raised with the Council of Review, but in no event shall the Council of Review consider any incident or event occurring more than six (6) months prior to the alleged grievance. Any grievances arising from such Party meetings or convention not brought to the attention of the chair of the Council of Review within the ~~ten (10)~~ thirty (30) days shall be deemed to have been waived, unless the Council of

Review determines that the incident or event could not have been discovered through the exercise of due diligence within such period of time.

Violations of the Code of Conduct:

The Council of Review shall assume jurisdiction of any allegation of a violation of the most recently adopted NCDP Code of Conduct regardless of whether the alleged misconduct occurred in a Party meeting or convention provided for in this Plan of Organization; provided such allegation is brought to the attention of the chair of the Council of Review within thirty (30) days after the misconduct was alleged to have occurred or within thirty (30) days after the Petitioner(s), through the exercise of due diligence, could have reasonably discovered that this remedy is available through this Plan of Organization, whichever is latest. The Council of Review shall have sole discretion to determine whether an allegation of a violation of the Code of Conduct has been timely raised with the Council of Review, but in no event shall the Council of Review consider any allegation occurring more than six (6) months prior to the alleged grievance. Any alleged breach of the Code of Conduct not brought to the attention of the chair of the Council of Review within the thirty (30) days shall be deemed to have been waived, unless the Council of Review determines this remedy could not have been known to the person alleging this breach through the exercise of due diligence within such period of time.

Methods of Notification of the Chair of the Council of Review:

An aggrieved Democrat shall be deemed to have brought such to the attention of the chair of the Council of Review if written notice was delivered by hand 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 Council of Review within the time limits set forth hereinabove. The Council of Review shall also assume jurisdiction of all matters and disputes referred to it by the state chair.

**RECOMMENDATION #11**

10.01 GROUNDS FOR REMOVAL

Any officer or committee member of the Democratic Party at any level, including the precinct, the county, the congressional district, the prosecutorial district, the state senatorial district, the state house of representatives district,



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the state executive committee, the state executive council or any committee, subcommittee, or council thereof, who directly or indirectly, gives support to, aids or helps any opposing political party or candidate of any opposing party, or either a write-in or unaffiliated candidate regardless of voter registration when there is a Democratic Nominee, or who refuses or fails to perform his or her duties, or violates the applicable NCDP Code of Conduct, or who is convicted of a crime involving moral turpitude, may be removed from office.

**RECOMMENDATION #12**

**10.02 PROCEDURE FOR REMOVAL**

Precinct Officer or Precinct Committee Member as Respondent.

The Except for allegations of violation(s) of the Code of Conduct, the petition shall be submitted in writing to the county chair and shall be signed by three (3) Petitioners. Once a petition has been received by the county chair, the county chair shall provide the Respondents(s) with a copy of the petition and the opportunity to submit a written response to the allegations. The county chair, upon a majority vote of the elected officers of the county executive committee agreeing that the petition has sufficient merit to warrant a full hearing, shall call, pursuant to this Plan of Organization, a meeting of the county executive committee to hear the Petitioner(s), the Respondent(s), and other interested parties or witnesses. A two-thirds (2/3) vote of those members of the county executive committee present and voting shall be necessary to remove a precinct officer or precinct committee member. The decision of the county executive committee shall be final. The county chair shall cause a detailed account of any removal and replacement hereunder to be filed with the state chair.

Petitions alleging violation(s) of the most recently adopted NCDP Code of Conduct shall be submitted to the State Chair as provided in 10.02 All Other Officers or Members as Respondent, below.

**RECOMMENDATION #13**

**Add new 12.14 and renumber as needed:**

12.14 Code of Conduct.

The NCDP shall develop, adopt, and maintain a Code of Conduct, a copy of the most current of which shall keep publicly available on its official website. The Code of Conduct is specifically applicable to Party officers, council, committee or sub-committee members, and officers of Affiliated Organizations recognized by the Party. The Code of Conduct shall not be used to abridge the right of free speech within the party and shall pertain to insulting, threatening, or abusive language or actions to fellow party members.

**RECOMMENDATION #14**

**The current section 3.08 was written when the NCGA shifted all judges to non-partisan races. This change re-creates Judicial Executive Committees to allow the Party to name nominees, for DAs and Judges, if there is a vacancy after the nomination period is complete but before a general election and any other actions required by law.**

**3.08 PROSECUTORIAL DISTRICT EXECUTIVE COMMITTEE**

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PAID FOR BY THE NORTH CAROLINA DEMOCRATIC PARTY. NOT AUTHORIZED BY ANY CANDIDATE OR CANDIDATE'S COMMITTEE.



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Replace the entire section with the following:

3.08 JUDICIAL DISTRICT EXECUTIVE COMMITTEES

Composition. There shall be a Judicial District Executive Committee for each superior court, district court, or prosecutorial district in the state. It shall be composed of two members from each county in the districts. These members shall be elected at their respective County Conventions held in even-numbered years except that Section 3.12 shall apply to single county court districts. When superior court, district court, and/or prosecutorial districts share the same geographic boundaries there shall be one judicial executive committee for those districts.

Vacancies for Judicial District Executive Committee Members. Vacancies among members of the Judicial District executive committee who represent their county on such committee shall be filled within thirty (30) days following the creation of the vacancy by the county executive committee representing that portion of the county in the superior district executive committee.

Voting. The two (2) members shall be entitled to cast, for their county, one (1) vote for each three hundred (300) persons, or major fraction thereof, residing within the county, based upon the last decennial census. In the event that the two (2) members should disagree on how their county's votes shall be cast, then each member shall cast exactly one-half of the votes which their county is entitled to cast. If only one representative of a county is present at a meeting of the Judicial District executive committee and the other member from that county has not designated a proxy, (see Section 12.05), or such proxy is not present, then such representative shall be entitled to cast all of the votes which the county is entitled to cast.

Duties. The Judicial District Executive Committees shall perform those duties imposed and specified by North Carolina General Statutes.

Officers. The congressional district chair and the congressional district secretary shall be ex officio, non-voting members of the judicial district executive committee. Where a judicial district lies in more than one (1) congressional district, the state chair shall designate one of the applicable congressional district chairs and secretaries as chair and secretary of the superior Judicial District executive committee. The congressional district chair shall preside at all meetings of the Judicial District executive committee. In filling vacancies of persons nominated for Superior Court, District Court, or District Attorney, the chair and secretary shall immediately certify the name of the appointee to the State Board of Elections and furnish a copy to the state chair.

**RECOMMENDATION #15**

**In many cases after complying with the demographic requirements of our Plan, newly elected officers may not have the best skill set to complete the tasks assigned by the Plan. These changes (#13 & 14) allow the elected officers to reassign them among themselves as needed.**

2.05 DUTIES OF COUNTY OFFICERS

**ADD New final paragraph:**



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The Officers of the County Executive Committee may meet to assign new duties or reassign existing duties of the County Executive Committee Officers for the remainder of their term. The County Chair shall notify the State Chair and Executive Director of any changes in the duties assignments that are outlined in this Plan of Organization.

**RECOMMENDATION #16**

3.05 DUTIES OF CONGRESSIONAL DISTRICT OFFICERS

**ADD New final paragraph:**

The Officers of the District Executive Committee may meet to assign new duties or reassign existing duties of the District Executive Committee Officers for the remainder of their term. The District Chair shall notify the State Chair and Executive Director of any changes in the duties assignments that are outlined in this Plan of Organization.

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PROPOSED AMENDMENT TO NCDP PARTY PLAN OF ORGANIZATION REVIEW COMMITTEE RESOLUTION  
RECOMMENDATION #12 (Submitted by Respectfully Submitted, Sybil Mann, J.D. Chair, NCDP Council of Review)

The Party Plan of Organization Review Committee is recommending this amendment to Section 10.02 of the Party Plan of Organization, which concerns the removal or vacating of Democratic Party officers and committee members, to set out a procedure for petitions alleging violations of the Code of Conduct:

“Petitions alleging violation(s) of the most recently adopted NCDP Code of Conduct shall be submitted to the State Chair as provided in Section 10.02 All Other Officers or Members as Respondent, below.”

**The proposed amendment to Recommendation #12 will add the following language, (underlined and in red), to Section 10.02:**

10.02. The petition shall be submitted in writing to the state chair and shall be signed by three (3) petitioners. Once a petition has been received by the state chair, the state chair shall provide the Respondent(s) with a copy of the petition and the opportunity to submit a written response to the allegations. If the petition concerns violation(s) of the NCDP Code of Conduct, (t)he state chair, upon a majority vote of the elected officers of the state executive committee agreeing that the petition has sufficient merit to warrant a full hearing, shall arrange for mediation between the parties and shall designate a Democratic Party officer, from a Congressional District other than the District where the grievance arose, to conduct the mediation. If mediation is unsuccessful, the state chair shall call, pursuant to this Plan of Organization, a meeting of the Council of Review to hear the Petitioner(s), the Respondent(s) and other interested parties or witnesses.