



# Rules

*As amended*

**May 22, 2021**

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## **I. INTRODUCTION**

The South Carolina Democratic Party shall publish and make readily available and accessible party rules which prescribe the delegate selection process and all other processes and procedures of the South Carolina Democratic Party with sufficient detail and clarity to make known to all members of the South Carolina Democratic Party the rules and procedures thereof.

At the Convention of the Democratic Party of South Carolina begun and held in Columbia on the 29<sup>th</sup> day of March in the year of 1972, and revised at the 1974, 1982, 1988, 1990, 1996, 1998, 1999, 2000, 2001, 2003, 2005, 2006 and 2007, 2009 and 2010, 2019, 2020 and 2021 State Democratic Conventions, the following rules are ordained and established.

## **II. DEFINITIONS**

The words and phrases used in these rules, shall, unless the same be plainly inconsistent with the context, be construed as follows:

- (a) "County Committee" means the County Executive Committee
- (b) "County Chair" means the Chair of the County Executive Committee
- (c) "State Committee" means the State Executive Committee
- (d) "State Chair" means the Chair of the State Executive Committee
- (e) "Primary" means the primary election of the Party
- (f) "General Election" means the general election held in November in even numbered years
- (g) "Club District" means the territory of the general election voting place or precinct in which the political party club is formed by law, whether a ward or a township or a subdivision thereof
- (h) "Precinct" or "Precinct Organization" means the Party's official organization in a voting precinct. Also referred to in SC Law as a Precinct Club.
- (i) "The Party" means the Democratic Party of South Carolina
- (j) "Rules" means the Rules of the Democratic Party of South Carolina
- (k) "Inhabitants" means the number of inhabitants according to the Federal census last taken
- (l) "Member" means a member of the Democratic Party of South Carolina
- (m) "Election cycle" means the period of time from the day following a regularly scheduled general election through the next regularly scheduled general election.

## **III. MEMBERSHIP QUALIFICATIONS**

The qualifications for membership in the Party, and for voting at a Party Primary Election, Caucus, Meeting, or Convention shall include the following: the applicant for membership or voting shall be eighteen years of age or shall become so before the succeeding general election

and shall possess a valid registration certificate issued under the Constitution and Statutes of the State of South Carolina as may be provided for under Federal Law. For participation in a Precinct Meeting, it is not required that the applicant shall have been a registered voter for any period of time

During the same election cycle no person who is or becomes an officer, delegate, candidate or representative (such as party pollworker/volunteer) at any level of another political party may serve as an officer or delegate at any level of the SC Democratic Party. If serving as an officer, committee member, or delegate at any level of the Party, the person will be removed from the position by majority vote at the State Executive Committee.

In conducting any business at any level, including the election of Party officers and the selection of Delegates and Alternates to County, State and National Conventions, the State Committee, the State Convention and the Congressional District Caucuses, the County Conventions and Precinct Meetings are urged to encourage the full participation of all citizens of South Carolina including members of both sexes, members of all racial groups, members of all age groups, all economic groupings and people of varying levels of educational attainment. In particular, it is encouraged that in the selection of delegations the proportion of women, youth and members of minority groups be selected so that they are represented in each delegation in proportions, which reflect appropriately their numbers in the entire population.

### **Six Basic Elements**

The six basic elements adopted by the Democratic National Committee as official policy statements, January 1968, shall be implemented at all levels of the South Carolina Democratic Party.

- (1) All public meetings at all levels of the Democratic Party in each State should be open to all members of the Democratic Party regardless of race, color, creed, national origin, age, gender, or sexual orientation.
- (2) No test for membership in, nor any oaths of loyalty to, the Democratic Party in any State 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 on the grounds of race, color, creed, national origin, age, gender or sexual orientation.
- (3) The time and place for all public meetings of the Democratic Party on all levels should be publicized fully and in such a 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.
- (4) The Democratic Party on all levels should support the broadest possible registration without discrimination on grounds of race, color, creed, national origin, age, gender or sexual orientation.
- (5) The Democratic Party in each State 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 a 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.

- (6) The Democratic Party in each State 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 for all officers and representatives of the State Democratic Party. Such publications should be done in a timely fashion so that all prospective candidates or applicants for any elected or appointed position within the State Democratic Party and each county will have full and adequate opportunity to compete for office.

#### **IV. STATE PARTY ORGANIZATION**

##### **IV.1. OFFICERS**

In each odd-numbered year, at the annual State Convention, a Chair and three Vice Chairs shall be elected for a two-year period. The First Vice Chair shall be of a gender different from the Chair, the Second Vice Chair shall be of a race different from the Chair, and the Third Vice Chair shall be between the ages of 18 and 36 years of age. At the first meeting of the State Party Executive Committee, the remaining two officers, Secretary and Treasurer, shall be elected. The officers shall be residents and voters in the state of South Carolina. No person who has been convicted of a state or federal crime related to voting or the conduct of an election shall hold office at any level of the South Carolina Democratic Party.

The State Party Executive Director shall be selected by the State Party Chair subject to the advice and review of the Executive Committee. The Executive Director's duties will include, but are not limited to, maintaining an appropriate staff, communication and coordination with county parties, planning and scheduling party meetings, and overseeing the party budget, and other activities as directed by the State Party Chair.

##### **IV.2. EXECUTIVE COMMITTEE**

On any issue not addressed in these Rules, the State Executive Committee shall conduct its meetings as Mass meetings as defined in the latest edition of Robert's Rules of Order.

- A. The State Executive Committee shall be composed of two Members, one man and one woman, from each county, to be elected by the biennial County Conventions. Each county may elect two Alternate Members, one man and one woman, who shall represent the county in the absence of the Executive Committee Members. Each county shall have one vote on the Committee. When both Members from a county are present, each shall be

entitled to one half (1/2) vote. When only one Member is present, that Member will cast the whole vote from that county. A county's Alternates may vote only when neither Member is present; if two Alternates are present from a county and neither Member is present each will cast 1/2 vote. If no Member and only one Alternate is present that Alternate will be entitled to cast a whole vote.

Also members of the State Committee are the State Chair and three State Vice-Chairs elected by the State Convention every odd-numbered year; provided, that in case the office of State Chair or State Vice Chair shall become vacant, the State Committee shall have the power to fill the vacancy until the organization of the next regular State Convention. Those persons who are members of the Democratic National Committee shall also be members of the State Committee. The State Committee shall choose its other officers, including a Secretary and a Treasurer, who are not necessarily members thereof but become Executive Committee members upon their election as officers. The State Chair shall vote only in case of a tie. Vacancies on the State Committee shall be filled by the respective County Executive Committees. No one person shall have more than one vote on the State Committee even though he/she may have been elected to more than one position which is entitled to a vote (or is serving as an Alternate to such position).

The Presidents of the South Carolina Young Democrats organization, the South Carolina Democratic Women's Council, College Democrats, and the South Carolina Stonewall Democrats shall be ex officio members of the State Committee without votes, providing those organizations meet the requirements spelled out in IV. 2. B. below.

The State Committee is charged with the execution and direction of the policy of the Party of this State, subject to these rules, the principles declared in the platform, and such instruction, by resolution or otherwise, as a State Convention may from time to time adopt, not inconsistent with these rules. The State Committee may make any rules or regulations for the purpose of enforcing these rules not inconsistent herewith.

The State Committee shall nominate presidential electors. Any vacancy in the state ticket of electors, or in the State's representatives on the National Committee of the Party, shall be filled by the State Committee, all by a majority of the votes present by a roll call vote.

The State Committee is authorized to investigate all charges of fraud and illegal practices.

The State Committee shall insure that County Executive Committees publicize fully and in such manner as to assure notice to all interested parties a full description of the dates, times and places of all meetings at which Party Officers and representatives, including Delegates to County, State and National Conventions, will be selected. This notice shall include methods and procedures for selecting these officers and representatives. Publication of this information shall be carried out through a news story or paid advertisement on radio or in a local newspaper of general circulation and in such a manner that present and prospective members of the Party will be fully informed of the information relating to the selection

process; and so that all candidates or applicants for any elected or appointed Party position will have full and adequate opportunity to compete for office at precinct, county, and state levels.

*B.* Auxiliary organizations (SC Democratic Women’s Council, SC Stonewall Democrats, College Democrats and SC Young Democrats) entitled to *ex officio* positions on the State Executive Committee shall have such representation only if recognition is granted by the State Executive Committee. Such recognition can only be granted if the following requirements are met:

1. An organization shall annually, no later than January 30, submit its constitution, charter, and/or bylaws and amendments to its bylaws to the State Executive Committee.
2. An organization shall annually, no later than January 30, submit a list of its current membership and its officers to the State Executive Committee.
3. An organization shall submit the minutes of any meeting at which officers are elected to the State Executive Committee, including the list of those attending, no later than 30 days after the date of such meeting.
4. An organization shall submit, by January 15 of each year, a list of its local affiliates together with the names and addresses of the officers of those affiliates.

*C.* **Caucuses.** Caucuses are established by a process approved by the State Executive committee in compliance with DNC rules and regulations. Each Caucus must have Bylaws as approved by the State Executive Committee prior to becoming an official Caucus. The Chair of each Caucus, duly established by the SCDP Executive Committee, shall be an *ex officio* member without vote of the SCDP Executive Committee, providing the Caucus Chair is elected in accordance with the Bylaws of the Caucus approved by the SCDP Executive Committee. The State Executive Committee may set additional rules for Caucuses and Caucus officers.

Caucuses established prior to the acceptance of the 2020 revision of this rule will have their compliance with this rule reviewed by the SCDP Executive Committee and any remediation steps, if necessary, identified to bring the Caucus into compliance with this rule.

### **IV.3. EXECUTIVE COUNCIL**

The State Committee shall elect from among its members an Executive Council at its first meeting following the State Convention in each even numbered year. The Council shall be composed of two members, a man and a woman, from each Congressional District and the Chair of the State Party who shall be Chair of the Council. Other State Party Officers, including members of the Democratic National Committee, shall serve as *ex officio* members of the Council. Of the members representing Congressional Districts, no more than one may be from any one county.

No person or entity shall obligate the State Party for any non-budgeted expenditure of more than \$25,000 without the express authorization of the Executive Council. Should any such person or entity obligate the Party to a non-budgeted expenditure of \$5,000, such person or entity shall notify the Executive Council within seven days. No person or entity shall borrow money or bring any legal action in the name of the Party without the express authorization of the Executive Council. Anyone violating this rule shall be removed by 2/3 vote of the Executive Council, from their position unless they present evidence acceptable to the Executive Council that the violation was for the good of the Party.

The Party's budget and spending of state monies, an itemized financial report of expenditures, contributions and totals assets in each SCDP Bank account shall be available for inspection and review to any State Executive Council or Executive Committee member. Executive Council members shall receive by certified mail a copy of the annual proposed budget at least ten (10) days prior to the budget meeting.

Powers and duties of the Council shall include:

- A.* Establishing rules and procedures for the conduct of its affairs, including financial management of the State Party, subject to the policies of the State Committee.
- B.* Performing such duties as may be authorized by the State Committee.
- C.* Advising the Chair and Executive Director on Party matters.
- D.* The Executive Council shall designate check-signing authority for the State Party as recommended by the Chair and Treasurer.
- E.* Adopting an annual operating budget to be followed by the State Party staff. Amendments to the Party's budget must be approved by the Executive Council.

Meetings of the Executive Council may be held in conjunction with Executive Committee meetings or held on a separate date.

#### **IV.4. MEETINGS**

The State Committee shall meet at the call of the State Chair or any eighteen members, and at such time and place as he/she or they may appoint. Notice by e-mail and robo call shall be given to Executive Committee members, Alternate members, and County Chairs a minimum of ten days prior to the meeting date; provided however that notice shall be given by first class mail a minimum of ten days prior to the meeting date to any County Chair or Executive Committee member or alternate who requires notice by US mail. The ten-day notice is waived for meetings held specifically for election protest hearings but not less than 24 hours but as much notice as possible will be given as to the possibility of protest hearings.

Party Staff will develop a rule and procedure that will permit Party members to determine whether their mailings will come by mail or email.



Mailing of official notice of meetings may be waived and only email used for those members who agree in writing to this form of notice. Electronic notices may be given so long as verification is received from the addressees that they have received the notice.

Regular meetings of the State Executive Committee shall be held a minimum of five times a year with dates determined at the first meeting. The first meeting shall be in January. Special meetings will not replace regular meetings and only business that is of an urgent and specific nature will be considered at a special meeting.

The use of proxies will not be permitted in conducting the business of the State Committee, except that when only one member from a county is present that member will vote that county's whole vote. All questions shall be decided by a majority of the votes represented at the meeting.

Notices and minutes of all meetings of the State Committee shall be prepared and distributed to the members of the Committee, including Alternate members.

County Chairs and Executive Committee members and alternates may attend SCDP Executive committee meetings by electronic means if technologically feasible and if all attendees are able to be heard simultaneously.

A Parliamentarian will be present and advise the Chair at all official SCDP Executive Committee meetings.

#### **IV.5. RESIGNATION AND/OR VACATION OF POSITION BY STATE PARTY OFFICERS**

In case the office of State Chair or State Vice-Chair shall become vacant, the State Committee shall have power to fill the vacancy until the organization of the next regular State Convention. Vacancies on the State Executive Committee shall be filled by the respective County Executive Committees.

If any County shall be unrepresented by either Committee Member or an Alternate at three meetings of the State Committee in a calendar year, the Committee Member(s) shall be deemed to have vacated his/her position(s). The Secretary shall notify the State Party Chair of the attendance record, the County Chair, and the Alternate, representing that county shall be notified in writing by the State Party Chair.

Any State or County or Precinct Official of the Party who publicly supports, endorses, or works for a candidate for public office who opposes a candidate nominated in the primary of the Democratic Party shall be considered to have vacated his/her position as a Party official. The person being replaced may not be re-elected or appointed until the next regular election for such said office.

The respective State or County Executive Committee shall fill the vacancy at its next special or regular meeting, unless the office vacated is that of a State or County Executive Committeeperson or Club President, in which event the vacancy shall be filled by the person serving as the Alternate Committee Member or First Vice-President and that person will be replaced by the appropriate committee with notifications being made to all necessary parties.

Any State, County, or Precinct Officer of the Party who is indicted for a crime involving moral turpitude shall be considered to have vacated his/her position as Party Official. The respective State or County Executive Committee or the members of the Precinct shall appoint a temporary successor to the office at the next special or regular meeting. If the indicted Party Official is exonerated during the term of his/her office, he/she shall be immediately reinstated in his/her office without any further action by the appropriate Executive Committee or precinct organization. If the indicted Party Official is convicted, a permanent successor to the office shall be appointed by the appropriate Executive Committee or the Precinct organization.

## **V. COUNTY PARTY ORGANIZATION**

### **V.1. OFFICERS**

- A. A County Chair and three Vice Chairs shall be elected at the County Convention held in the even numbered years for a two year period based on the same diversity indicated in Section IV.1. above. The officers shall be residents and voters in the county.

The County Conventions shall also elect two members, a man and a woman, to serve on the State Executive Committee, along with two Alternates, a man and a woman. These members shall be considered officers of the County Party.

The office of County Chair and the office of State Committee Member(s) shall be separate and the same person shall not occupy both offices. Any officer of the County Party may not hold more than one County Party office.

No person who has been convicted of a state or federal crime related to voting or the conduct of an election shall hold office at any level of the Party. Reinstatement may be granted upon request by the person after completing their sentence.

No county party shall adopt rules and by-laws counter to the SCDP Rules and By-Laws.

- B. Beginning in 2020, an alternative plan may be adopted by a county party Executive Committee. Such a plan must require that the county chair, vice chairs, secretary and treasurer elected in a specific even-numbered year will serve a term of only one year. At the end of that year, the previous county convention will be recalled for the purpose

of electing officers who will serve for a two year term; the secretary and treasurer will be elected by the county Executive Committee at its first meeting after the county convention. Subsequent to this, county conventions using this alternative will meet in both even and odd numbered years, electing their officers in the odd years. Precinct meetings will be held in election years, and the county convention delegates chosen at such meetings will serve for two years. No county will be required to follow this alternative plan. A county adopting this plan must notify the State Party Chair at least 3 months before implementing it. A county party that implements this alternative may not revert to the traditional schedule, spelled out in V1 A above, for a period of six years. Members of the State Executive Committee will continue to be elected in even numbered years.

## **V.2. EXECUTIVE COMMITTEE**

The Committee, when elected, shall elect a Secretary and a Treasurer who shall not necessarily be members of the Committee. The County Executive Committee may elect a County Finance Director whose duties shall include assisting the County Party Chair and Treasurer in soliciting financial contributions and providing adequate financing for the County Party. If a Finance Director is elected, the person will be an officer of the county party. The term of the County Finance Director will be for two years and will coincide with that of the County Chair, provided that no person shall hold the position of County Chair and County Finance Director.

The precincts in each county shall operate under the control of a County Executive Committee, which shall consist of one County Executive Committee member from each precinct, to be elected by respective precincts and shall also include the State Executive Committee member(s) from such county. Any officer of the County Executive Committee shall be entitled to vote on any question, except the Chair and then only in the case of a tie vote. If the elected County Executive Committee member from a precinct or Alternate is not present then the Precinct President shall be entitled to vote. If there is a vacancy in the office of the Executive Committee Member or Alternate then the Precinct President shall be entitled to vote until such vacancy is filled.

The tenure of officers and members of the Committee shall be until the next regular reorganization of precincts and county convention, at which time the newly elected Committee Members shall take office. A county Executive Committee meeting will be held not more than 30 days after the County Convention to elect the remaining County Officers.

The County Executive Committee shall meet at the call of the County Chair or twenty (20) percent of the members thereof, but not fewer than five (5) members, at such time and place as he/she or they determine. A minimum of four meetings of the County Executive Committee shall be held each year. At least ten days' notice to all County Officers, Executive Committee Members and Alternates shall be given by first class mail for all meetings of the County

Executive Committee. Mailing of official notice of meetings may be waived and only email used for those members who agree in writing to this form of notice.

Each County Committee shall adopt a set of rules for conducting its business; such rules shall remain in effect until amended by a majority vote of Committee members present at a meeting for which ten days written notice has been given. If a County Committee fails to adopt such rules its business must be conducted using the latest edition of Robert's Rules of Order. No rules may be adopted that are in conflict with the duly adopted Rules of the SC Democratic Party.

### **V.3. PRECINCTS**

One party club shall be organized in each general election voting precinct provided for by law, and each of such precincts shall have a distinct title: "The Precinct of the Democratic Party of South Carolina," and shall elect a President and one or more Vice-Presidents, a Treasurer, a Precinct Secretary, County Executive Committee Member and an Alternate Committee Member, and may have such working committees as to each precinct may seem expedient. In the event the precinct has no officers, a County Party Chair may recruit and nominate individuals who have consented in writing to serve for election by the County Party Executive Committee at a duly called meeting.

In case of a vacancy in any office other than that of precinct president or in case of his/her inability to act, unless it is otherwise provided in these rules, the Precinct President shall designate another member of the Precinct to fill that office until the next Precinct reorganization meeting. Any changes in precinct officers must be reported in a timely fashion to the County and State Democratic Parties.

In the absence of the President, or in the case of his/her inability to act, the Precinct First Vice-President shall assume the duties of the President; or in the absence of a First Vice-President, the members shall elect a precinct President.

Members of the Democratic Party shall belong to the precinct in the voting precinct set forth in their respective registration certificates. No person shall take part in any precinct meeting or vote in any primary or be elected a Delegate to any County Convention except in the voting precinct set forth in her/his registration certificate. There shall be in no case more than one voting place for each precinct provided by law. Federal, State, and County Officers temporarily residing at or near the capitol or county seat may retain their membership and voting rights in their former home precincts if they so desire.

The President or five members shall have the power to call all special meetings of the precinct (except for reorganization provided in the first paragraph of this section).

#### **V.4. INFORMATION REPORTED TO COUNTY CLERK OF COURT**

All County Party Officers shall be reported by County Party Chairs to the Clerk of Court of the County and to the Secretary of State prior to the State Convention. The reports shall be public record.

#### **V.5. MEETINGS**

The time and place for all precinct meetings of the Democratic Party of South Carolina shall be publicized fully and in such a manner as to assure timely notice to all interested persons. Such meetings shall be held in places accessible to all Party members and large enough to accommodate all interested persons. No voting by proxy shall be permitted in any level of organization, including Precinct meetings, State and County Conventions and Executive Committee meetings.

The precincts shall meet for reorganization during the time period specified by state law. The State Executive Committee retains authority to set these times to conform with state law and party rules. Precinct reorganization meetings held in even- numbered years under SC law shall be scheduled for a common date and time throughout the state. In case any existing precinct shall fail to reorganize on the day fixed, the County Chair may fix a day for such precinct to meet for reorganization by giving two weeks' notice.

#### **V.6. RESIGNATION AND/OR VACATION OF POSITION BY COUNTY PARTY OFFICERS**

In the event that the office of County Chair, any County Vice Chair, or any Alternate State Executive Committee person shall become vacant, the County Executive Committee shall have the power to fill the vacancy until the organization of the next County Convention. In the event that the office of the State Executive Committee Person shall become vacant, the Alternate Executive Committee person of the same gender as the vacating Executive Committee person shall become the replacement Executive Committee person to the State Executive Committee. In the absence of the Secretary at two consecutive meetings, or in case of his/her inability to act, unless it is otherwise provided in these rules, the County Executive Committee may elect another member of the committee to take his/her place.

Any State, County, or Precinct official of the Party, including delegates to county and state conventions, who publicly supports, endorses, or works for a candidate for public office who opposes a candidate nominated in the primary of the Democratic Party shall be considered to have vacated his/her position as a Party official, upon finding a violation of this rule and majority vote of the County Executive Committee. The respective State or County Executive Committee shall fill the vacancy at its next special or regular meeting, unless the office vacated is that of a State or County Executive Committee person or Precinct President, in which event the vacancy shall be filled by the person serving as the Alternate Committee member or First

Vice-President. The person being replaced may not be re-elected or appointed until the next regular election for such said office.

Any State, County, or Precinct officer of the Party who is indicted for a crime involving moral turpitude shall be considered to have vacated his/her position as Party official. The respective State or County Executive Committee or the members of the precinct shall appoint a temporary successor to the office at the next special or regular meeting. If the indicted Party official is exonerated during the term of his/her office, he/she shall be immediately reinstated in his/her office without any further action by the appropriate Executive Committee or precinct organization. If the indicted Party official is convicted, a permanent successor to the office shall be appointed by the appropriate Executive Committee or the Precinct organization.

## **VI. CONVENTIONS**

### **VI.1. COUNTY**

Every general election year County Conventions shall be called by the County Executive Committee in accordance with state law. The State Executive Committee retains authority to set these times to conform with state law and party rules. The South Carolina Democratic Party Chair may grant permission to individual county parties to schedule county conventions on the same day at the precinct reorganization meeting.

Should the Executive Council of the SC Democratic Party find that the Democratic Party in any county has not reorganized at either the precinct or county level by the prescribed time, the State Party Chair and Executive Council must take such action in good faith as they deem necessary to reorganize the Democratic Party in that county. Proper notice must be given before any step in the reorganization process.

The Convention must be composed of Delegates elected from the precincts in the county, one Delegate for every twenty-five members and major fraction thereof, based upon the number of votes polled in the first primary of the preceding general election year or based upon the number of votes from the precinct for presidential electors at the last preceding general election as determined by the State Committee. The same basis must be used in all precincts; or if the last preceding nominations were by Convention, the representation must be based upon the number of votes from the precinct for presidential electors at the last preceding general election. The list of Delegates certified by the President and Secretary of each precinct shall constitute the temporary roll of the County Convention. Where new precincts have been created or where the areas of precincts have been redefined; the Party Executive Committee of the affected counties shall apportion Delegates to be elected from those precincts.

In advance of the convention, the county chair shall appoint a committee on credentials, which shall consist of at least five delegates, and he/she shall in his/her appointment direct them to meet before the convention for the purpose of assembling the temporary roll and taking up challenges. The county chair shall call the county convention to order, and the convention shall

proceed to elect a temporary president and a temporary secretary. When so organized, it shall elect a permanent president, a secretary and a treasurer. It shall also elect the county chair and three vice-chairs who shall satisfy the following criteria: the first vice-chair shall be a person of a gender not the same as the chair; the second vice-chair shall be a person of a race not the same as the chair; and the third vice-chair shall be a person between the ages of 18 and 36. The

convention shall also elect the county's member of the state executive committee and alternate, in addition to whatever other officers the convention may designate or may be directed by state law. No county convention may elect delegates to the state convention in double the number to which it is entitled and grant them half-votes unless the state executive committee shall have already determined that all counties must use that system that year. The secretary of the convention shall keep a record of the proceedings in the minute book. When the business has been concluded it shall adjourn sine die. Provided, further, the County Chair shall have power to call the convention into special session at any time when he/she shall deem that the interest of the party demands it.

The time and place for all meetings of the Democratic Party of South Carolina on all levels shall be publicized fully and in such a manner as to assure timely notice to all interested persons. Such meetings shall be held in places accessible to all party members and large enough to accommodate all interested persons. No voting by proxy shall be permitted in any level of organization, including precinct meetings, state and county conventions and executive committee meetings. Every county convention shall, after it elects its temporary president, adopt the rules by which it shall operate.

In case any county convention shall fail to meet on the day fixed, the state party chair may fix a day for such county to meet for reorganization by giving two weeks' notice.

## **VI.2. STATE**

The State Convention shall meet at Columbia every year. The State Executive Committee will determine the date, time, and location for the meetings of the State Convention as provided by state law.

In the year preceding each general election year (odd numbered years), the State Convention shall convene to elect officers for the State Party, which officers shall serve until the subsequent convention in the year next preceding the general election. (This is an election for a two year term with the elections being held in odd numbered years.) Those persons who were selected as delegates and alternates to the State Convention during the general election year shall be the delegates and alternates during the subsequent convention in the odd numbered year. County Chairs may move Alternates to fill Delegate vacancies and add Alternates with the approval of the County Executive Committee if a Delegate is incapacitated or unable to serve, so long as the total number of Delegates and Alternates is not exceeded; provided however, that no Alternates may be added during the period starting on the tenth day prior to the date of any State Convention and ending upon the conclusion of that State Convention.

## **A. DELEGATES**

The Convention shall be composed of delegates elected by the county conventions, each county to be entitled to the number of delegates prescribed by state law or by an appropriate formula devised by the State Executive Committee.

## **B. ORDER OF BUSINESS**

When the State Convention assembles, it shall be called to order by the Chair of the State Committee, and shall then elect a state convention president/chair, secretary, and a treasurer and adopt rules for the convention. After its organization, the Convention shall proceed immediately to the election of permanent state party officers and to the transaction of business. . When the business has concluded it shall adjourn sine die, or may recess, provided that the State Chair shall have power to recall the State Convention into special session at any time as she/he deems wise.

Upon the vote of 25 percent of the delegates present and voting at any convention, county or state, or upon the demand of percent or more of the members of any convention, a minority report on any questions before any committee shall be prepared and presented to the floor of the convention along with the majority report; and the majority vote of the convention shall be final on any such question. Amendments to any question or report shall be considered from the floor of a precinct, county, or state convention, provided that the amendment is seconded by at least 25 percent of the delegates to the convention present and voting.

## **C. ELECTION OF STATE PARTY OFFICERS**

The State Convention in every odd-numbered year shall elect a State Chair, a first Vice-Chair, who will be of a gender different from the State Chair, a second Vice-Chair who will be of a race different from the Chair, a third Vice-Chair who shall be 36 years of age or younger. One man and one woman, as members of the Democratic National Committee from South Carolina, shall elected by the State Convention in Presidential election years, and when elected shall be *ex officio* members of the State Committee. All Candidates for state party office must submit written notice of their candidacy for that office to the Executive Director of the South Carolina Democratic Party 30 days prior to the Convention.

The State Officers shall be reported to the Secretary of State within fifteen days of their election and the reports shall be public record.

## **D. ELECTION OF DELEGATES TO NATIONAL CONVENTION**

In presidential election years, the State Convention shall elect the delegation to the National Convention. The number of delegates and alternates to the National Convention, as assigned to



the State by the Democratic National Committee, shall be indicated, and their method of nomination and election described, in the announcement or call of the State Convention by the State Committee.

Procedures for electing delegates and alternates to National Democratic Conventions may be adopted by the State Committee and shall be binding, provided that said procedures do not violate any other provisions of these Rules and are in accordance with directives of the Democratic National Committee. Such procedures will be incorporated into the Call of the State Convention and will be given maximum feasible distribution to Democrats throughout South Carolina.

#### **E. CREDENTIALS AND RULES COMMITTEE**

Each County Democratic Chair shall designate two of the delegates elected to the state convention as a member and an alternate as members of the Committee on Credentials and Rules for a two-year cycle. When both are present at a meeting of the committee, they may both participate to the extent permitted by the committee chair, but only the member may vote. In no case may a county have more than one vote in a committee meeting; an alternate may vote only in the absence of the member from the same county.

It shall be the duty of the State Chair to call the members of said committee to meet in Columbia, South Carolina, at least once within the month before the convention and no later than on the day before the State Democratic Convention. The Chair of the State Party within 15 days after the last county convention is held shall appoint the chair or co-chairs of this committee, who shall serve two consecutive state conventions. The Committee shall select its own secretary. The Credentials Committee shall proceed to hear and determine any contest or contests in such manner as said Committee shall decide upon, and shall report their findings to the State Convention as soon as the temporary organization is perfected. These meetings shall be announced to the Executive Committee, Alternates, and County Chairs so they may submit, in writing, prior to the meetings, any recommendations to be considered by the committees.

This Committee shall also adopt a report to the Convention detailing rules for the conduct of the Convention and any proposed changes to the Rules of the SC Democratic Party.

#### **F. CHALLENGE TO CREDENTIALS OF DELEGATES**

The county chair from each county in the State in which there is no contest shall certify to the State Chair of the Democratic Party the names of Delegates and Alternates from that county.

In the case of a contest as to election of delegates, the Chair of the county shall notify the State Chair of such contests, giving names and addresses of all parties claiming to be delegates.

Any Democrat may challenge any delegate or alternate to the State Democratic Convention by notifying the State Democratic Chair in writing to be received at least one week prior to the

date of the State Convention. A copy of said challenge shall be sent by the challenger to the delegate or alternate who is challenged and to the chair of the county party from which the delegate or alternate being challenged was elected.

This copy will be sent by registered mail. The challenge shall include the name and address of the delegate or alternate so challenged and the grounds upon which the challenge is based. The chair shall send all challenges to the chair of the committee on credentials and to the challenged person immediately upon receipt of said challenge. The chair of the committee on credentials shall convene the committee for the purpose of hearing the challenge not later than twenty-four (24) hours to the opening date of the convention.

The Committee on Credentials and Rules shall consider any statements from the challenger and from the delegate or alternate being challenged and take further testimony from any other person who wishes to testify in this regard. The committee on credentials may allot a period of time for the presentation of the challenger and the delegate or alternate challenged in equal

proportions and may otherwise provide for the full hearing of the challenge and maintain order at said hearing.

#### **G. PLATFORM AND RESOLUTIONS COMMITTEE**

Each County Democratic Chair shall designate two of the delegates elected to the state convention, in each year the party is reorganized, as a member and an alternate of the Committee on Resolutions to serve for a period of two years. When both are present at a meeting of the committee, they may both participate to the extent permitted by the committee chair, but only the member may vote. In no case may a county have more than one vote in a committee meeting; an alternate may vote only in the absence of the member from the same county.

It shall be the duty of the State Chair to call the members of said committee to meet in Columbia at least 21 days before the State Convention each year and at such other times as the committee's chair or co-chairs deem necessary. The Chair of the State Party shall appoint the chair or co-chairs prior to the first meeting of the committee after the last County Convention in a year the party is reorganized, and the chair or co-chairs shall serve for a period of two years, ending at the close of the last County Convention in a year the party is reorganized. The Committee shall select its own secretary. These meetings shall be announced to the State Executive Committee and County Chairs so they may submit, in writing, prior to the meetings, any recommended resolutions to be considered by the committee.

The Committee shall determine its own process and rules, provided there is no conflict with these Rules, and shall study, adopt, and report on the resolutions for the State Convention each year. County-designated Committee Members are to serve as liaisons between their County Party and the State Resolutions Committee, and they are required to transmit the Resolutions adopted by their County Convention to the State Resolutions Committee Chair or Co-Chairs

within 7 days after the close of the County Convention but in no event later than 24 hours prior to the next scheduled Committee on Resolutions meeting.

No later than 21 days prior to the State Convention, the Committee members shall meet to vote on and report its recommendations for the resolutions to be placed before the State Delegates.

No later than 7 days prior to the State Convention, the Committee report should be made available online to all delegates.

Copies of the resolutions are to be placed before the Convention delegates the day of the Convention and at least two hours prior to any action being taken on the resolutions. Any resolutions originating from the State Convention shall be submitted in writing. Consideration and adoption of resolutions shall comply with the rules of the State Convention.

Platform and Resolution Committee will also meet after the National Convention every four years to adopt a State Party platform no less than 30 days prior of the State Convention. The State platform will not conflict with the national platform.

## **VII. DEMOCRATIC NATIONAL COMMITTEE**

In Presidential election years, the State's representatives (one man and one woman) on the National Committee of the Party shall be elected by a majority of delegates present and voting at the State Convention. Vacancies will be filled by a majority of the votes present at a meeting of the State Committee.

## **VIII. PRESIDENTIAL ELECTORS**

The State Committee shall nominate presidential electors and any vacancy in the state ticket of electors by a majority of the members present.

## **IX. MUNICIPAL PRIMARIES**

Upon a petition of a representative number of Democrats in any incorporated town or city in this State being filed with the county chair, there shall be organized a municipal Democratic Precinct in such city or town.

- (a) Party primary elections to nominate party candidates for municipal offices shall be held under the provisions of the South Carolina Election Laws as it may be applicable, *mutatis mutandis*, and the rules promulgated in reference thereto by the city party convention.
- (b) In every political primary election held by any political party, organization, or association in any of the cities or towns of this State for the purpose of choosing candidates for offices therein, or the election of delegates to conventions thereof, the decision of any protest or contest that may arise shall be subject to appeal to the

Board of State Canvassers of Municipal Primaries of this State, herein provided for, and upon such appeal it shall be the duty of the committee of canvassing officers, from whose decisions such appeal may be made, to transmit to said Board of State Canvassers any protest and all papers relating to the election, with a copy of any evidence taken before them, within ten days from their first meeting to canvass the returns of managers of such election.

- (c) The State Committee shall, immediately after its appointment, elect from its body a committee of one from each congressional district, which shall constitute the Board of State Canvassers for Municipal Primaries, each of whom, before hearing any appeal, shall take and subscribe an oath that he/she will fairly and impartially and honestly decide such appeal, from the person or persons making the same, to decide as judicial officers all cases under protest or contest that may come before them, on appeal from any decision of said committees and canvassing officers, upon the papers transmitted to them by said committees or canvassing officers. The person or persons declared by State Board of Canvassers for Municipal Primaries to be nominated at such election shall be the nominee or nominees in the respective elections for which such nominations were made.
- (d) Any vacancies in said Board of State Canvassers of Municipal Primaries, of whom a majority shall be a quorum, shall be filled by the State Committee, or in case they

should not be in session, by the Chair of the State Committee, and the members of said Board shall serve until the meeting of the next State Committee.

## **X. REMOVAL OF OFFICERS**

### **X.1. ALL LEVELS**

Any state, county, or precinct official of the party who publicly supports, endorses, or works for a candidate for public office who opposes a candidate nominated in the primary of the Democratic Party shall be considered to have vacated his/her position as a Party official. The person being replaced may not be re-elected or appointed until the next regular election for such said office. The respective State or County Executive Committee shall fill the vacancy at its next special or regular meeting, unless the office vacated is that of a State or County Executive Committee person or club president, in which event the vacancy shall be filled by the person serving as the alternate committee member or first vice-president.

Any state, county, or precinct officer of the Party who is indicted for a crime involving moral turpitude shall be considered to have vacated his/her position as Party Official. The respective State or County Executive Committee or the members of the Precinct shall appoint a temporary successor to the office at the next special or regular meeting. If the indicted Party Official is exonerated during the term of his/her office, he/she shall be immediately reinstated in his/her office without any further action by the appropriate Executive Committee or precinct organization. If the indicted party official is convicted, a permanent successor to the office shall be appointed by the appropriate Executive Committee or the Precinct organization.

No person who has been convicted of a state or Federal crime related to voting or the conduct of an election shall hold office at any level of the party.

## **X.2. COUNTY**

County officers are subject to recall by a petition of forty percent (40%) of the delegates to the most recent county convention. This petition is presented to County Executive Committee, which shall, only after the endorsement of ten (10) members of the County Executive Committee, call a meeting of the County Executive Committee specifically for the consideration of the motion to recall the officer. By their endorsement, the ten members of the county #Executive Committee are certifying that the signatures on the petition are those of the duly elected and accredited delegates from the most recent county convention. Upon notification by the ten members calling the special meeting to recall a county party officer, the State Party Chair shall designate a member of the State Executive Committee, not from the county requesting the meeting, who will serve as chair for the special meeting. The motion for recall shall be the sole business of the meeting. This motion shall require a majority vote in the affirmative to recall the officer. If the motion for recall is adopted, the County Executive Committee shall immediately hold an election to fill the vacancy.

The presiding officer at the meeting shall notify the state party Chair and Executive Director in writing within forty-eight hours of the results of the recall and election (if election is necessary) and shall notify the Clerk of Court of these results within (7) days as is required by law.

## **XI. CANDIDATE FILING – NOMINATIONS – PRIMARY ELECTION**

Candidate filing, nominations, primary elections, and election protests shall be governed by the laws of the State of South Carolina. The South Carolina Democratic Party shall notify County Party Chairs on candidates filing for office in their respective counties.

The South Carolina Democratic Party Chairman in consultation with the SCDP Executive Council reserves the right not to certify a candidate who has filed for a Democratic Party primary election and currently serves or recently served (within 1 year) as an officer or official in another political party; and/or has demonstrated intent to mislead voters and party officials regarding that candidate's support and allegiance to the Democratic Party and the Party's values.

## **XII. VIOLATION OF THESE RULES**

If a group of Democrats believe that their county party, or an officer or committee member at any level, has taken an action in violation of these Rules or of SC election or ethics law, that action may be appealed to the State Executive Committee, provided that:

- All remedies that can be sought within the county must have been exhausted.
- Such appeal must be filed in writing, enumerating the reasons and evidence for the appeal.

A majority vote of the State Executive Committee is required to hear such an appeal. The State Executive Committee must establish its own procedure for handling appeals, which will become an appendix to these rules and may be amended by the committee only when no appeal is pending. If an appeal is heard, its disposition must be decided by majority vote of the members present.

Penalties, if imposed, are at the discretion of the State Committee and may include, but are not limited to, removal from office, referral back to the appropriate county party body, state party takeover of the county party, mandatory training for officers, etc. A county party or its officers failing to abide by the decision of the State Committee may be further sanctioned.

## **XIII. HEADQUARTERS AND PROPERTY**

At no point may any South Carolina Democratic Party Officer or any agent acting on behalf of the South Carolina Democratic Party use the real property located at 1929 Gadsden Street, 700 Calhoun Street and 708 Calhoun Street as collateral for mortgages, debt or credit without the approval of three-fourths of the Executive Council and two-thirds of the Executive Committee.

The Don and Carol Fowler Center, the permanent headquarters of the South Carolina Democratic Party located at 1929 Gadsden Street may only be sold if a two-thirds of the membership of the South Carolina Executive Council and a two-thirds of the membership of the Executive Committee vote to do so. Such a vote may not be taken unless a legal agreement is in place to purchase another property that, in the opinion of the Committee, more adequately meets the needs of the South Carolina Democratic Party for its headquarters. A minimum of ninety percent of all proceeds from selling 1929 Gadsden Street must be used to pay for the new building.

Further, all documents relating to mortgages, debt or credit must be signed by the state party chair, secretary, and treasurer.

#### **XIV. AMENDMENTS TO RULES**

These rules may be amended or altered at the annual convention or any State Convention called especially for that purpose, provided notice to amend is given to the State Chair at least five (5) days before such a special State Convention.

Nothing in these rules shall be construed to vary the express provisions of the South Carolina Election Law, and any matter not specifically covered by these rules shall be governed by the provisions of the said election law.