

RULES OF THE DEMOCRATIC PARTY
OF THE STATE OF MONTANA

Revised August, 29th 2009

PREAMBLE

1. All public meetings at all levels of the Democratic Party are open to all members of the Democratic Party of Montana regardless of race, color, creed, sex, age, national origin, religion, ethnic identity, economic status, sexual orientation, or philosophical persuasion. All members of the Democratic Party of Montana shall be encouraged to participate in party affairs.

2. No test of membership in, nor any oath of loyalty to the Democratic Party of Montana shall be required.

3. The time and place for all meetings of the Democratic Party of Montana on all levels shall be publicized fully and in such 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.

4. The Democratic Party, on all levels, shall support the broadest possible political participation without consideration of race, color, creed, sex, age, national origin, religion, ethnic identity, economic status, sexual orientation, or philosophical persuasion.

5. The Democratic Party of Montana shall publicize a complete description of the qualifications for and the procedures to elect all officers of the Montana State Democratic Party. Such publication should be done in a timely fashion so that all prospective candidates or applicants for any elected or appointed position will have full and adequate opportunity to compete for office.

6. The Montana State Central Committee and every county central committee shall before every general election, conduct an intensive effort to inform residents of voter registration procedures and provide all possible assistance in registering new voters.

7. Use of the term 'Congressional District' in these rules, including Montana's Presidential Delegate Selection Plan, means the allocation of Montana's counties to the two Congressional Districts existing as of January 1, 1990.

RULE 1 CITY-COUNTY COMMITTEES

The city, county, and Montana State Democratic Central Committees shall be organized as provided in the laws of Montana, and in these rules.

(a) In each county of the state there is a Democratic County Central Committee which consists of the duly elected or appointed precinct committeemen and committeewomen of each precinct. Precinct committeemen and committeewomen hold such position for a term of two years from the date of their election or in the case of appointment, until the next regularly scheduled election.

(b) Those committeemen and committeewomen who reside within the limits of any incorporated city or town shall constitute ex-officio the city central committee and shall have the same power and jurisdiction as to the Democratic Party in such city affairs as the county central committee has in county matters, except to fill vacancies as provided in Rules 5, 17, 18, 19, and 20.

(c) The county central committee shall meet in county convention between April 15 and May 31 of each odd-numbered year and elect the following officers:

i) a county chair and vice chair, one of whom shall be a woman, and one of whom shall be a man;

- ii) a state committeeman and a state committeewoman;
- iii) four state central committee alternates, two of whom shall be women and two of whom shall be men. These officers serve as alternates to the chair or vice chair, or state committeeman or woman. State central committee alternates shall replace members of the same sex whenever possible. The county convention shall designate first and second alternates;
- iv) a congressional committeeman and a congressional committeewoman;
- v) a secretary; and
- vi) a treasurer.

Only precinct committeemen and precinct committeewomen may vote for officers at the county convention. Officers are not required to be precinct committeemen or precinct committeewomen. The officers elected by the county convention shall constitute the executive committee of the county central committee and are charged with the execution of the county party's policies and programs between meetings of the full committee. They shall be entitled to full voting privileges at all other meetings of the county central committee.

(d) Appointed precinct committeemen and committeewomen shall have the same rights, privileges, duties and responsibilities as elected precinct committeemen and committeewomen.

(e) The county central committee may not adopt any rules or regulations that conflict with the laws of Montana, the rules of the Montana Democratic Party or the rules of the National Democratic Party.

RULE 2 STATE CENTRAL COMMITTEE

(a) There is a Montana Democratic State Central Committee consisting of:

- i) the state chair and state vice chair, one of whom shall be a woman and one of whom shall be a man;
- ii) the county chair and vice chair of each county, or, in their absence, the state central committee alternates;

- iii) the state committeeman and state committeewoman from each county, or, in their absence, the state central committee alternates;
 - iv) the national committee members;
 - v) voting members of the executive board members;
 - vi) the secretary and treasurer of the Montana Democratic State Central Committee;
 - vii) the state president (or in her absence, the vice president) of the Democratic Women's Clubs;
 - viii) the state president (or in the president's absence, the vice president) of the Democratic Students of Montana;
 - ix) the state president (or in the president's absence, the vice president) of the Association of County Democratic Chairs;
 - x) the presiding officer (or, if absent, the vice president) of any organization chartered by the Montana Democratic Party;
 - xi) the state executive officers elected on the Democratic ticket;
 - xii) the Montana Democratic Members of Congress; and
 - xiii) Democratic legislators who hold any of the following positions: Speaker of the House, President of the Senate, Majority Leader of the House and Senate, or the Minority Leader and Whip of the House and Senate.
- (b) The Montana Democratic State Central Committee is the permanent party authority in the State of Montana. The committee is authorized to adopt and promulgate all necessary rules for the conduct of party affairs, including a Presidential Delegate Selection Plan.
- (c) Meetings of the Montana Democratic State Central Committee may be called by the chair, the executive board, or 25 members of the state central committee. Notice of meetings of the state central committee shall be notified at least ten days prior to State Central Committee meeting.

(d) When the Democratic Party at any level is providing financial or technical support to any Democratic nominee for public or party office, in providing that support preference must be given to those candidates who support the party.

RULE 3 EXECUTIVE BOARD

(a) The policies and programs of the Montana Democratic State Central Committee will be directed and conducted by the Executive Board according to these rules and the Montana Democratic State Central Committee. The operations committee may discharge such powers and duties of the executive board as have been delegated to it by the board. It is intended that the operations committee will act only in the case of a true emergency.

(b) Members of the Executive Board are:

i) the state chair and state vice chair;

ii) the immediate past state chair and immediate past state vice chair (a person holds one of these offices if he or she (1) is the person who most recently served as state chair or vice chair in the preceding two years, and (2) does not hold another office entitled to vote, has not been removed from office pursuant to Rule 5, and did not resign the office of state chair or vice chair);

iii) the national committee members;

iii) fourteen board members, consisting of two men and two women from each congressional district, one man and one woman county central committee chair or vice chair from each congressional district, and two other Montana residents, one of whom shall be a man and one of whom shall be a woman;

iv) Democratic legislators holding the positions of Speaker of the House, President of the Senate, and Majority Leader of the House and Senate; or the Minority leader and Whip of the House and Senate;

v) Democrats holding the office of United States Senator, United States Representative, or Governor; or, their designees in the office-holder's absence;

vi) the state chair of the Democratic Students of Montana, and the state presidents of the Montana State Democratic Women's Club and the Association of County Democratic Chairs; and the presiding officer of any other organization chartered by the Montana Democratic Party (or, in their absences, their respective vice presidents).

vii) the secretary and treasurer; and

viii) Democrats holding the office of Lieutenant Governor, Secretary of State, Attorney General, Superintendent of Public Instruction, Auditor, Clerk of the Supreme Court, or Public Service Commissioner as non-voting members. Each of these officials may designate a permanent representative to act in their absence.

(c) In addition to the above positions, there may be no more than five non-voting advisory executive board members, appointed as needed by the state chair. In addition, the executive director shall be a non-voting advisory member of the executive board.

(d) The executive board shall hold regular meetings at least four times a year. Meetings may be called by the state chair or by any five members of the executive board.

(e) Members of the executive board shall be notified at least 10 days prior to executive board meetings. A quorum shall consist of six members of the board.

(f) Members of the operations committee are:

The State Chair

The State Vice-Chair

The National Committee man and woman

The Treasurer, and three members of the executive board elected by the board following each officers convention. A quorum of the operations committee consists of six members of the committee.

(g) Removal for absence. Any executive committee member who fails to attend any three successive meetings of the executive board, after proper notice being given of those meetings, shall be dropped from membership on the executive

board, unless a satisfactory excuse is provided and accepted by a majority vote of the executive board. This does not apply to members listed in Rule 3 b(iv), (v), (viii).

RULE 4 OFFICERS

(a) The officers of the Montana Democratic State Central Committee are the state chair, state vice chair, national committee members, secretary, treasurer and executive director.

(b) The election procedure for state chair and state vice chair is provided in Rule 9. The secretary and treasurer will be nominated by the state chair and confirmed by a majority of executive board members, and shall serve at the pleasure of the chair. The executive director shall be selected according to the procedures in Rule 4 (d).

(c) It is the duty of all officers to support the platform adopted at the platform convention and the Democratic Party nominees who support the Democratic platform. The specific duties of the party's officers include:

i) The state chair shall issue calls for and preside at all meetings and conventions of the Montana Democratic State Central Committee and of the executive board; act as a resource for Democratic Party members, organizations, political candidates and campaigns; speak out publicly on issues with the advice of the executive board; hold chief responsibility with the treasurer and executive director for party finances; perform any duties prescribed by these rules or assigned by the state central committee; and carry into effect the directions of the executive board. The state chair shall appoint committees on finance, rules, platform and affirmative action. The chair may appoint other committees. The State Chair shall be paid a monthly stipend in recognition of the time and effort required to fulfill the responsibilities of the position. This stipend will be set and approved by the State Executive Board.

ii) The state vice chair shall preside at meetings in the temporary absence of the state chair and shall have such other powers and duties as may be assigned by the Montana Democratic State Central Committee or executive board.

iii) The secretary shall be responsible for minutes of the meetings of the executive board and to perform such other duties as may be assigned by the chair or the Executive Board.

iv) The treasurer shall monitor the collection and management of all monies belonging to the Montana Democratic Party, enter into financial agreements as needed with the consent of the executive board, and provide a written accounting of the condition of the treasury at each meeting of the executive board or as requested by the finance committee.

v) The executive director shall manage the office and employees of the Montana Democratic Party and conduct business of the Montana Democratic Party as directed by the state chair, executive board and the Montana Democratic State Central Committee. The executive director shall obtain or provide such expertise as is necessary to collect monies and keep accurate books of account to fulfill legal and political requirements, submit the books to the finance committee for an annual review and keep the executive board informed of the party's financial condition.

(d) The executive director shall be selected according to the following procedure:

i) any opening in the position of executive director shall be advertised by the state chair.

ii) applicants shall be considered by a personnel committee of five executive board members appointed by the state chair.

iii) the personnel committee shall submit a list of approved candidates for consideration by the state chair.

iv) the state chair shall nominate one person from the list of approved candidates to be executive director. The executive board shall approve or disapprove the

nomination. If the board approves the nomination, the nominated person shall be hired as executive director, and shall serve at the pleasure of the state chair.

RULE 5 VACANCIES AND REMOVAL OF OFFICERS

(a) A vacancy exists whenever a precinct committeeman or woman, officer or member dies, resigns, becomes permanently incapacitated or fails to maintain the qualifications of the office. A vacancy also exists whenever the state chair, state vice chair, or any permanent, paid employee of the Montana Democratic party becomes a candidate for or holds any state or national office, excluding the office of state legislator.

(b) Unless specified otherwise in this rule, or in law, vacancies on any committee or board shall be filled by election by members of such committee.

(c) Vacant positions shall be filled as follows:

i) precinct committeemen or committeewomen. Remaining members of the county central committee shall elect a precinct resident to fill the vacancy.

ii) officers of city or county central committees. Vacant seats for officers not filled by an appropriate alternate already provided in these rules shall be filled by a person having the necessary qualifications for the vacant seat and shall be elected by the county central committee, except as provided in Rule 5 (d).

iii) Executive board members. If the state chair position becomes vacant, the state vice chair shall become chair. Vacancies in the positions of state vice chair or board members, including national committee members, shall be filled by a vote of the executive board, subject to the notice requirements in Rule 3 (e).

Nominations must be made by board members, and candidates for vacancies must meet the same qualifications as the person formerly occupying the position.

Election shall be by majority vote of the board members present and voting.

Vacancies in the secretary or treasurer positions shall be filled as provided in Rule 4 (b).

iv) Operations Committee. Vacancies among the three members elected by the executive board shall be filled by the board.

v) vacancies in the position of immediate past state chair and immediate past state vice chair shall not be filled.

(d) If there are no elected or appointed precinct committee persons serving in a county, the state chair shall appoint, with the approval of a majority of the executive board, county central committee officers to form a new committee. The appointed officers, who must be residents of the county, may then fill vacant precinct positions as provided in Rule 5 (c) 1. The appointed officers shall serve until the next county convention.

(e) State party officers may be removed from office for cause by a 2/3 vote of the total membership of the Montana Democratic State Central Committee at a special meeting called on 15 days' written notice. The notice shall contain the charges preferred and be signed by not less than 25 percent of the members of the Committee. Prior to the vote, the accused shall be given a full hearing and the opportunity to face any accusers.

(f) City or county central committee officers may be removed from office according to rules established by each county central committee, or in the absence of county rules, by two-thirds vote of the total membership of the committee.

RULE 6 COUNTY FINANCIAL SUPPORT

(a) The county central committees shall share in the financial support of the work of the state central committee.

(b) The executive board shall determine a fundraising program in which counties shall participate in the benefits and the costs.

(c) Counties not wishing to participate may appeal in writing to the executive board for a waiver of participation.

RULE 7 DEMOCRATIC NATIONAL COMMITTEE MEMBERS

(a) At each state convention to elect delegates to a national presidential nomination convention, a number of national committeemen and national committeewomen as determined by the Democratic National Committee shall be elected. The persons eligible to vote for these officers, and the manner of their election, shall be as provided in Rule 9.

(b) The state chair shall file the names of the national committeemen and national committeewomen with the Democratic National Committee no later than five days from the date of their selection.

(c) The national committeeman and national committeewoman shall serve a four-year term commencing on the day the national convention adjourns and terminating on the day the next national convention adjourns.

RULE 8 PLATFORM CONVENTION

(a) The state chair shall call the platform convention after the primary election and not later than September 15 in even-numbered years to formulate the state platform of the Democratic Party and perform such other business as may properly be brought before such meeting.

(b) Delegates to the state platform convention shall include the Democratic nominees and incumbents for all state elective offices, the United States Senate, the United States House of Representatives, the Montana Legislature, and the Montana Democratic State Central Committee. Organizations that are chartered by the Montana Democratic Party are entitled to five delegates and two alternates from each congressional district. Each chartered organization shall nominate delegates to be elected at the platform convention. Prior to the platform convention, chartered organizations shall present any nominations to the state executive board for verification that such nominations were properly made under the rules of the respective chartered organization.

(c) Persons serving as delegates may hold only one delegate position. Persons eligible to hold more than one delegate position must designate the position for which they desire to serve as a delegate. Vacant positions may be filled by an eligible alternate.

(d) Delegates must register according to procedures established by the state chair.

RULE 9 STATE OFFICERS CONVENTION

(a) The state chair shall call the state officers convention between July 1 and October 31 of each oddnumbered year to elect a chair and vice chair of the state central committee, and members of the executive board.

(b) Delegates to the state officers convention shall include Democratic incumbents for all state elective offices, the United States Senate, the United States House of Representatives, the Montana Legislature and members of the Montana Democratic State Central Committee.

(c) Delegates must register according to procedures established by the state chair.

(d) Officers and executive board members shall hold office for a term of two years or until a successor is elected.

RULE 10 PRE-PRIMARY POLICY

(1) During a statewide or federal election campaign, the Montana State Democratic Party shall expend no funds and provide no tactical support for any candidate except that the Executive Board may by 2/3 vote authorize the expenditure of funds and tactical support for proven incumbents who have consistently demonstrated support of the party platform and issues for incumbents who are running unopposed.

Absent executive board support of a proven statewide or federal incumbent, the state chair, vice chair, executive director and party paid staff shall maintain neutrality throughout any contested primary.

(2) The executive board may expend party funds during a primary campaign for the entertainment of visiting dignitaries from outside the state who may have been invited to appear in the state at the request of the state central committee or the executive board. (3) financial and tactical support, as authorized by the executive board, for candidates who in the judgment of two-thirds of the executive board are or will be unopposed in the Democratic primary by a bona fide Democratic candidate. The state chair, state vice chair, executive director and paid staff of the Montana Democratic Party shall resign these positions if they file to run for elective office in a contested primary.

RULE 11 CONVENTION RULES

All matters pertaining to any state convention not provided for by law or these rules shall be governed by rules adopted by such conventions.

RULE 12 QUORUM

At the platform convention and the state officers convention 40% of the delegates eligible to attend and vote shall constitute a quorum. At any other meeting of the Montana Democratic State Central Committee 20% shall constitute a quorum.

RULE 13 SECRET BALLOT

In any meeting of any committee existing under these rules, a vote by secret ballot shall be ordered by the presiding officer upon request of three members of any such committee; provided, however, that for the election of officers and delegates of the state party, that the election procedure shall be consistent with Democratic National Committee Requirements.

RULE 14 PROXIES

No proxy vote will be recognized at any county, city, district, or state Democratic meeting.

RULE 15 RULES OF ORDER

"Roberts Rules of Order, Revised," shall govern the proceedings of all meetings existing under these rules, except as provided in Rule 11.

RULE 16 AMENDMENT

These rules may be amended at any meeting of the Montana Democratic State Central Committee by a 2/3 vote of those present. Fifteen days written notice of the proposed change shall be given to Montana Democratic State Central Committee members. Notices may be delivered by email.

RULE 17 PROCEDURES FOR FILLING A VACANCY FOR A DEMOCRATIC CANDIDATE FOR AN OFFICE WITHIN ONE COUNTY

(a) Vacancies occurring among Democratic candidates which by law are to be filled by action of the county central committee shall be filled according to the provisions of this rule insofar as they do not conflict with state law.

(b) Appointment of a person to fill the vacancy shall be by a majority vote of the precinct committeemen and committeewomen present at a meeting called for that purpose and publicized throughout the county. The county chair shall provide reasonable written or email notice to committee members unless the deadline for filling the vacancy as determined by the election administrator precludes such notice, in which case notification by telephone shall be required.

(c) At the meeting, nominations of persons qualified to fill the vacancy may be made by precinct committeemen or committeewomen. Following the close of nominations, an election by secret ballot shall be held, with each precinct committeeman and committeewoman voting for one person.

(If more than one vacancy is to be filled at the meeting, separate votes shall be taken for each vacancy.) The person receiving a majority of the votes cast shall be reported by the county chair to the election administrator as the party nominee. If no person receives a majority of the votes cast on the first ballot, the name of the

person receiving the fewest votes shall be stricken from subsequent ballots until one person receives a majority of the votes cast.

**RULE 18 SPECIAL NOMINATING CONVENTION TO FILL A
VACANCY FOR A CANDIDATE FOR A MULTI-COUNTY OFFICE**

- (a) In the event the Democratic Party shall have to nominate a candidate for a multi-county district office, the procedures for such nomination shall be as provided in this rule.
- (b) The state chair shall call a nominating convention. The state chair or his designee shall preside. The convention shall choose a secretary, and may adopt rules for nominating speeches, candidate presentations and other procedural matters.
- (c) The precinct committeemen and committeewomen from precincts within the district shall be delegates to the nominating convention.
- (d) The state chair shall issue a convention call to the county chair of each county within the district. The call shall be issued so as to provide reasonable notice to the delegates. The call shall include at least the following:
- i) the time, date and place of the nominating convention;
 - ii) a list of the counties and precincts within the district;
 - iii) the procedures for certifying the identity of precinct committeemen and committeewomen eligible to participate; and,
 - iv) the qualifications required of the person to be nominated at the convention.
- (e) Any delegate may nominate any Democrat meeting the qualifications provided by law for the vacancy being filled.
- (f) The delegates shall cast secret ballots using weighted votes. Each delegate shall cast a weighted vote equal to one-half the votes cast in his or her precinct for the Democratic candidate for U.S. Representative in the most recent general election.
- (g) The person receiving a majority of the total votes cast shall be declared the party's nominee. If no person receives a majority of the votes cast on the first

ballot, the name of the person receiving the fewest votes shall be stricken from subsequent ballots until one person receives a majority of the votes cast.

**RULE 19 SPECIAL NOMINATING CONVENTION TO FILL A
VACANCY FOR A CANDIDATE FOR A STATEWIDE OFFICE**

(a) In the event the Democratic Party shall have to nominate a candidate for statewide office, the procedures for such nomination shall be as provided in this rule.

(b) The state chair shall call a meeting of the Montana Democratic State Central Committee. Reasonable written notice of the meeting shall be issued unless deadlines imposed by the Secretary of State, the laws of Montana, or other authority shall necessitate shorter notice by telephone. The notice of the meeting shall include:

- i) a statement that the purpose of the meeting is to fill a vacancy for the Democratic Party's candidate for statewide office, and naming the office;
- ii) the date, time and place of the meeting;
- iii) the procedures by which the nominee will be chosen at the meeting;
- iv) the procedures for certifying the election of state central committee members not already on record with the state chair; and
- v) the qualifications required of the person to be nominated at the meeting.

(c) Only members of the Montana Democratic State Central Committee shall be entitled to participate in the meeting, except that the state central committee may adopt rules allowing nominating speeches by other persons, and may agree to hear presentations by candidates for the nomination. Following the close of nominations, the members of the Montana Democratic State Central Committee shall vote by secret ballot. The person receiving a majority of the votes cast shall be declared the party's nominee. If no person receives a majority of the votes cast on the first ballot, the name of the person receiving the fewest votes shall be

stricken from subsequent ballots until one person receives a majority of the votes cast.

(d) The state chair and secretary shall sign a certificate of nomination naming the person selected and shall deliver the original to the Secretary of State.

RULE 20 SUBMISSION OF RECOMMENDATIONS FOR FILLING A VACANCY IN THE LEGISLATURE OR IN A BOARD OF COUNTY COMMISSIONERS

(a) In the event the Democratic Party shall have to recommend to county commissioners a list of candidates to fill a vacancy in the legislature, or in the office of county commissioner, as provided by law, the procedures for compiling such list (and a second list, if needed) shall be as provided in this rule.

(b) Vacancy in a district entirely within one county.

i) following any necessary consultation with the county commissioners, the county chair shall call a meeting of the county central committee, providing reasonable written or email notice, or notifying members by telephone if four days written notice cannot be afforded.

ii) at the meeting, precinct committeemen and committeewomen shall nominate a minimum of three persons qualified to serve in the vacant office. Following the close of nominations, each committeeman and committeewoman shall, by secret ballot, cast a vote for one of the nominees. The names of the three persons receiving the most votes shall be certified to the appropriate body by the county chair as the recommended candidates of the Democratic Party.

(c) Vacancy in a district comprising more than one county.

i) following any necessary consultation with the county commissioners, the state chair shall call a nominating convention in a convenient location in one of the counties comprising the district.

- ii) reasonable written or email notice of the meeting shall be provided to all delegates; notice by telephone will be required unless at least four days written notice can be provided.
- iii) precinct committeemen and committeewomen from precincts within the district shall be delegates to the joint meeting. The state chair or his or her designee shall preside at the joint meeting.
- iv) delegates shall nominate a minimum of three persons qualified to serve in the vacant office.
- v) each delegate shall, by secret ballot, cast a vote for one of the nominees. The weight of each delegate's vote shall be equal to one-half the votes received in that precinct at the last election by the person vacating the office. (The state chair shall have final authority to assign weighted votes in instances where precinct lines, or district lines may have changed since the election, or other circumstances dictate.) Ballots marked with the proper weighted votes shall be distributed by the presiding officer through a roll call of the counties and their precincts.
- vi) the names of the three persons receiving the most votes shall be certified to the county commissioners by the state chair as the recommended candidates of the Democratic Party.

RULE 21 MINORITY ENCOURAGEMENT

(a) It shall be the duty of all delegate selection conventions, and all party officers at every level, to encourage persons from all income levels, young people, women, Native Americans, Hispanics, Asian-Pacific Americans, African-Americans, senior citizens, and other under-represented and minority groups to seek selection as delegates to party conventions and as members of party committees.

(b) The Montana Democratic State Central Committee shall adopt an affirmative action plan to insure equal participation in party affairs, including delegate selection, in keeping with state party rules and rules adopted by the Democratic National Committee. When adopted, such plan is fully enforceable as a rule of the Montana Democratic Party.

RULE 22 APPEALS

In all cases where application of these rules is contested, the aggrieved party must file a timely, written protest with the state chair. The state chair may designate a subcommittee of the state rules committee to investigate and resolve the conflict. The subcommittee's decision is final unless overruled by the executive board.