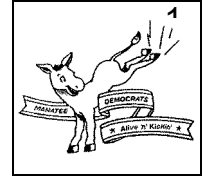


MANATEE COUNTY DEMOCRATIC PARTY
Democratic Executive Committee



MANATEE COUNTY DEMOCRATIC PARTY
CONSTITUTION AND BY-LAWS
March 19, 1998
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Prepared by the By-laws Committee
Russ Yerkes, Chair
Richard Carter, Co-chair

CONSTITUTION AND BY-LAWS OF MANATEE COUNTY DEMOCRATS AND THE DEMOCRATIC EXECUTIVE COMMITTEE OF MANATEE COUNTY

ARTICLE I. NAME, AUTHORITY, POWERS, and PURPOSE

Section 1. Members of the Florida Democratic Party who reside in Manatee County shall be known as Manatee County Democrats or alternatively as Democrats of Manatee County.

Section 2. Representatives of the Manatee County Democrats shall meet together to speak for them and to discharge the party's affairs within the county. The name of this organization shall be the DEMOCRATIC EXECUTIVE COMMITTEE OF MANATEE COUNTY, herein called the DEC.

Section 3. Purpose. The purpose of this organization shall be:

1. To represent the interests of the members of the Democratic Party among the citizens of the county;
2. To promote understanding and true principles of the Democratic Party among the citizens of this county;
3. To stimulate an active interest in the policies and organization of the Democratic Party and in governmental affairs in order to formulate a better government by and for the people;
4. To promote harmony and progress among members of the Democratic Party;
5. To aid and cooperate with the State Democratic Executive Committee and the National Democratic Executive Committee;
6. To assist the Democratic Party in electing party nominees and to urge qualified persons to become candidates of the Democratic Party;
7. To encourage contributions to the Democratic Party;
8. To sponsor and promote Precinct Leadership Training courses to teach members of the Committee the techniques and procedures for effectively organizing their respective precincts.

Section 4. Any clause, section or article of this constitution and by-laws is void if it shall be in conflict with the Florida statutes or the charter, by-laws or rules of the Florida Democratic Party, and as the same are amended from time to time; furthermore, said charter, by-laws, rules and statutes are hereby adopted by reference thereto.

Section 5. The DEC shall exercise all rights and duties accorded to or reserved by local Democratic executive committees with regard to the conduct of party nominations or candidate selection including, but not limited to, a party caucus, a primary election, an investigation or a recommendation as authorized by the Florida Democratic Party.

ARTICLE II. MEMBERSHIP

Section 1. Membership in the DEC shall consist of the following:

A. **Elected members.** Each precinct in the county shall be represented on the DEC by a precinct committeeman and a precinct committeewoman, who must be registered Democrats and reside in their respective precincts. These representatives shall qualify in accordance with Florida statutes and be elected at the first primary in a presidential election year for the subsequent four years. Their term of office will commence on December 1 following the presidential election and run until November 30 following the subsequent presidential election. As an option, precincts having more than 1,000 registered voters may be represented by an additional committeeman and committeewoman on the DEC.

B. **Members elected by the DEC.** In case no precinct committeeman or precinct committeewoman is elected to represent a precinct, or if a vacancy occurs from any other cause on the DEC, such a vacancy shall be filled by a

registered Democrat residing in the respective precinct, elected by a majority vote of the DEC present and voting during a regular or special meeting. Nominations shall be accepted from the floor via motions from members. Alternatively, the candidate shall be presented by the chair of the precinct development committee, who shall move to approve the candidate for DEC membership. The DEC member thus elected shall serve for the unexpired term and shall have the same rights as a member elected during the primary of a presidential year.

C. Appointed at-large members. The Chair of the DEC may, with the approval of the DEC, appoint additional members at-large up to 10% of the total potential elected DEC membership. The at-large members shall serve until the anniversary of their appointment or until the end of the term of the DEC, whichever occurs sooner. At the discretion of the Chair and the DEC, they may be reappointed at any time after the initial organizational meeting which starts a new term of the DEC. At-large members have the same voting and other privileges as elected members, including serving as working committee chairs, but shall not serve as officers of the DEC. At-large appointments shall be approved by the majority of the DEC present and voting during a regular or special meeting.

D. Automatic members. Democratic members of the Florida legislature who reside in Manatee County automatically become members of the DEC. Additionally, the following residents of Manatee County shall become members of the DEC, but only if and after they execute the oath required for all DEC members by the Florida Democratic Party: elected officials who are Democrats, Presidents of Democratic Clubs, the President of the Women's Club, the Presidents of the Black and Hispanic Caucus, and the Presidents of the Manasota (or Manatee) Young Democrats. Automatic members serve on the DEC concurrently with their terms of office. They have the same voting and other privileges as elected members, but shall not serve as officers of the DEC. Automatic members are relieved from attendance requirements.

E. Special at-large members. At any time after his (her) election, any officer of the DEC shall have the option to request special at-large status by notifying the membership chair. The membership chair shall present the request at the next regular or special meeting of the DEC. If the motion is approved by a majority of the DEC present and voting, the officer is relieved from precinct duties and a vacancy is created in the respective precinct. The vacancy is filled in accordance with Article II, Section 1 B, above. The special at-large position is not included in the quota for appointed at-large members. Furthermore, if an elected DEC member moves out of the precinct from which elected, and no vacancy exists in the precinct to which the member moved, the member shall become automatically a special at-large member for the rest of her (his) term of office without losing the status of elected member and without being counted against the quota for appointed at-large members.

Section 2. Oaths. Candidates for membership on the DEC shall execute oaths required by Florida statutes, which attest support of the U.S. and Florida constitutions and certify membership in the Democratic Party. Additionally, the candidates shall execute the oath required by the Florida Democratic Party. Only candidates who have executed both oaths may vote in any DEC business.

Section 3. A vacancy on the DEC shall exist and a new member may be elected or appointed to the DEC under the following circumstances:

A. When a precinct is not covered by a precinct committeeman or -woman or both, or when the quota for at-large appointments is not filled.

B. When an incumbent dies, moves out of the precinct, obtains a special at-large status, moves out of the country, or resigns. Resignations shall be provided either in writing or orally.

C. When an incumbent is removed from office. Removal from office is warranted if:

(1) An incumbent is convicted of any felony.

(2) An incumbent fails to attend, without sufficient reason, three DEC meetings, regular or special, in any one calendar year. A request to be excused, together with the reason for it, shall be made to the Chair of the DEC, to the Chair of the precinct development committee, or to the secretary. These excuses shall be approved or not approved by the DEC at the meeting involved.

(4) An incumbent demonstrates a persistent pattern of failure to discharge the responsibilities of her (his) office, shows incompetence, is permanently unable to perform official duties, shows malfeasance or misfeasance, or is otherwise not worthy to continue as a member of the DEC. Any member of the DEC shall have the option to raise the issue of an incumbent's performance by submitting a signed, written statement to the Chair of the membership committee. Initial determination of the facts shall be made by the precinct development committee, which shall present the case to the steering committee. If the steering committee approves, the membership Chair shall cause notification of the proposed removal to be made to the DEC members at least 10 days prior to a regular or special meeting and shall present the case to the full DEC, which shall then void the election or appointment and remove the incumbent from office by a two-thirds majority vote of the members present and voting, not including automatic members.

(5) An incumbent violates her (his) oath(s) of office. The determination of the facts and the incumbent's removal shall proceed as in Article II, Section 3 C (4) above. According to Florida statutes, the member thus removed has the option to seek redress in circuit court. If the removal is upheld, the removed party shall be liable for all reasonable attorney's fees and court costs.

ARTICLE IV. RESPONSIBILITIES OF DEC MEMBERSHIP

Members have the following responsibilities:

A. To maintain contact with Democrats in their respective precincts (or within the particular groups they represent), organizing the most active Democrats to assist during campaigns with their time, money, and skills, and energizing them to further the purposes stated in this constitution and by-laws.

B. To represent their constituents at regular and special meetings of the DEC, to participate in the committee's discussions, programs, and decision making, and to execute or assist actively in executing the decisions of the DEC.

C. To assume positions of leadership and responsibility in the DEC's divisions, sectors, working committees, projects, or fund raisers, when appointed to do so by the Chair of the DEC.

D. To participate in the life of the Democratic Party and its clubs, fund raisers, registration drives, campaigns, and other activities.

ARTICLE V. OFFICERS

Section 1. The following officers shall be elected by a majority vote at the organizational meeting of the DEC from among the elected members. A slate of officer candidates shall be presented by the nominating committee at the organizational meeting. Any voting DEC member, with the consent of the person to be named, offer other nominations at that meeting. If more than two persons are running for the same office and no one receives a majority in the first election, a second election between the top two nominees shall be held. No one may hold more than one elected office. Officers shall serve terms concurrent with their term of membership on the DEC, up to four years. The officers shall have the following powers and responsibilities:

A. Chair

(1) Serves as chief executive of the DEC.

(2) Presides at meeting of the DEC.

(3) Calls and presides at meetings of the steering committee.

(4) Has authority to make decisions between meetings of the steering committee and the DEC, consistent with this constitution and by-laws, the charter and by-laws of the Florida Democratic Party, and relevant Florida Statutes, reporting these decision to the steering committee and the DEC.

(5) Authorizes the expenditures of DEC funds as directed by the DEC and this constitution and by-laws. The expenditures shall be subsequently be reported to the DEC.

(6) Makes committee appointments and serves as ex-officio member on all committees except the nominating committee.

(7) Serves as official spokesperson for the DEC and Manatee County Democrats and represents them whenever necessary.

(8) Exercises general supervision of and organizes support for Democratic clubs chartered or affiliated with the DEC, and is an ex-officio member of the clubs. Payment of club dues is waived for the Chair.

(9) Performs such other duties as prescribed by Florida Statutes, the Florida Democratic Party's charter and by-laws, this constitution and by-laws, or are usual to such office.

B. Vice-Chair

(1) Is of the opposite gender from the Chair, unless such office is filled after the resignation of the incumbent.

(2) Serves as the principal assistant of the Chair in the performance of her (his) duties.

(3) In the absence of the Chair assumes her (his) duties and responsibilities.

(4) Performs such other duties as shall be assigned by the Chair or prescribed by Florida statutes, the Florida Democratic Party's charter and by-laws, and this constitution and by-laws.

C. State Committeewoman and State Committeeman

(1) Serve as members of the State Executive Committee and other state party organs when appointed or elected to the latter, and represent the interests of the Manatee County Democrats and the DEC.

(2) Serve on the DEC campaign committee.

D. Secretary

(1) Keeps minutes of DEC meetings and provides a copy of the minutes to the Florida Democratic Party as specified in its by-laws. The secretary may be relieved of this responsibility temporarily by the appointment of a recording secretary by the Chair.

(2) Maintains a correspondence file for the DEC and maintains other records as requested by the Chair.

(3) Reports attendance to the membership Chair and the DEC.

(4) Receives and files all committee reports and proxies and notifies the Chair thereof.

(5) Promptly delivers the DEC records in her (his) possession to the newly-elected secretary.

(6) Calls the roll at DEC meetings and certifies a quorum when directed by the Chair.

(7) Performs such other duties as shall be assigned by the Chair or prescribed by Florida statutes, the Florida Democratic Party's charter and by-laws, and this constitution and by-laws.

E. Treasurer

(1) Is the custodian of all funds of the Executive Committee, receives and deposits such funds in a duly constituted banking institution in Manatee County, and disburses them as authorized by the DEC, the Chair, and this constitution and by-laws.

- (2) Keeps an accurate, complete and permanent record of all receipts and disbursements of such funds of the DEC.
- (3) Countersigns, with one other elected officer, checks drawn against funds of the DEC.
- (4) Makes a reports of receipts, disbursements and balance of funds at each meeting of the steering committee and the DEC.
- (5) Prepares the financial reports on committee funds for the Supervisor of Elections as required by Florida statutes and submits them to the supervisor in accordance with reporting time tables established in Florida statutes.
- (6) Serves as an ex-officio member of the budget and finance committee and of the fund raising committee.
- (7) Obtains adequate bonds within thirty days after taking office and maintains the bonds for the Chair and herself (himself) as prescribed by Florida statutes.
- (8) Promptly delivers all DEC records to the newly-elected Treasurer.
- (9) Arranges for an annual audit made by a qualified examiner of the DEC's financial condition for each calendar year, and for furnishing copies of the audit to the Supervisor of Elections and the Chair of the Florida Democratic Party before April 1 of the ensuing year.
- (10) Performs such other duties as shall be assigned by the Chair or prescribed by Florida statutes, the charter and by laws of the Florida Democratic Party, and this constitution and by-laws.

F. Other Officers

Section 1. The DEC shall have the option to appoint from time to time such other officers as deem necessary to conduct orderly business, such as a sergeant - at - arms or parliamentarian. The officers shall be appointed on a motion approved by majority vote of members present and voting and shall serve at the pleasure of the DEC during the current term of the DEC.

Section 2. Officers shall have the option to tender their resignations from office at any time without losing status as an elected DEC member. The Chair tenders her (his) resignation to the Vice-Chair, who causes a notice of vacancy to be sent to the Chair of the Florida Democratic Party. A DEC meeting shall be called within forty-five days with a least fifteen days written notice to the membership. The requirement of having the Chair be of the opposite gender as the Vice-Chair shall be waived in this case.

Section 3. Any officer shall be removed from office for similar reasons and in the same manner as any DEC member unless a further action by the DEC otherwise decrees.

Section 4. Where a vacancy occurs in any office, it shall be filled by a majority vote of the DEC membership present and voting at a regular or special meeting.

Section 5. If an officer seeks a Democratic nomination for public office she (he) must take a leave of absence from the DEC, commencing at the time of qualifying for that office and extending for the duration of the Primary campaign. The vacancy thus created may be filled for the interim period by action of the DEC.

ARTICLE VI. PROCEDURES FOR MEETINGS OF THE DEC

Section 1. Meetings

A. The DEC shall hold regular meetings at the time and place designated by the Steering Committee, but at least one (1) business meeting shall be held in any one quarter of a calendar year.

B. The DEC shall hold special meetings at any place and date designated by the Chair, provided the membership is furnished notice regarding said meeting at least five (5) days prior. The Chair, upon receipt of a written petition signed by at least twenty percent of the members, must call a special meeting of the DEC within twenty days.

C. Within the month of December of any presidential election year, the outgoing Chair of the DEC shall call an organizational meeting of the newly elected DEC, after appointing a nominating committee from among the elected members of the newly elected DEC. The outgoing Chair shall preside over the organizational meeting.

Section 2. Quorum. At any meeting of the DEC, a quorum shall be forty percent of the current membership with automatic members not counted toward the computation of the quorum.

Section 3. Order of Business

A. The normal order of business of all regular meetings at which the DEC conducts business shall be as follows:

- (1) Call to Order.
- (2) Roll call and quorum check.
- (3) Prayer.
- (4) Pledge of Allegiance.
- (5) Approval of the Agenda, which may be changed at any meeting by means of a main motion or order of the Chair, if there is no objection.
- (6) Introduction of guests and candidates (if any).
- (7) Reading and approval of the minutes of the last meeting.
- (8) Communications.
- (9) Chair's (vice-chair's) report.
- (10) State committeeman/woman's report.
- (11) Treasure's report.
- (12) Committee and/or other reports.
- (13) Old business.
- (14) New business.
- (15) Good of the Party.
- (16) Adjournment.

B. The Chair of the DEC shall have discretion to modify the order of business and the agenda for any regular or special meeting, or to accommodate a special topic, or to reflect an absence of business.

C. The order of business for the organizational meeting shall be as follows:

- (1) Invocation.
- (2) Pledge of Allegiance.
- (3) Roll call.
- (4) Credentials report
- (5) Election of the Chair.
- (6) Election of the State Committeewoman.
- (7) Election of the State Committeeman.
- (8) Election of the Vice-Chair.
- (9) Election of the Secretary.
- (10) Election of the Treasurer.

Section 4. Any meeting place shall be accessible by physically handicapped persons.

Section 5. Conduct of Meetings. The latest edition of Revised Robert's Rules of Order shall govern all meetings unless modified by this constitution and by-laws or by majority vote of the DEC membership present and voting. The Chair shall declare all votes; shall have the discretion to call for a vote on any question by voice, by show of hands, or by standing, but upon division of the house, shall call for a roll call vote.

Section 6. Proxies. Any member who for any reason is unable to attend any meeting of the DEC has the option to execute a written proxy. Proxies shall be in a form approved by the Florida Democratic Party, obtainable from the DEC secretary, or shall be in substantially similar form. The holder of such proxy shall be given all the rights of a member in the proceedings of the specific meeting. Alternatively, a member has the discretion to limit the proxy to specific topics, which shall be indicated in writing on the proxy form. Holders of proxies must be registered Democrats in Manatee County, and must also come from the same precinct as the member. In the case of appointed or automatic members, proxy holders must reside in area of jurisdiction of the member-at-large. Proxies must be notarized or verified by two DEC members. Holders of proxy must present them to the DEC secretary before the meeting for which the proxy is executed. Proxies shall not count for more than ten percent in determining a quorum.

Section 7. Guests. Meetings of the DEC are open to all Democrats, and registered Democrats are encouraged to attend as guests. The Chair shall have the discretion from time to time to invite special guests to address the meetings on topics of interest.

ARTICLE VII. ORGANIZATION OF THE DEC: ITS WORKING COMMITTEES

Section 1. In order to facilitate supervision, leadership, and communication within the DEC, the Chair shall have the option, upon recommendation of the membership Chair, to organize the DEC into divisions and the later into sections of the approximately equal number of precincts. The Chair shall appoint Division Directors with the concurrence of the DEC, and shall appoint Section Leaders. Division directors shall be chosen from among the elected members. Section leaders shall either be elected or at-large members. Division directors and section leaders shall be responsible for two-way communication within their organization, for the execution of action plans, and for the recruitment of precinct committeemen and women.

Section 2. The Chair of the DEC shall appoint the Chairs of all standing and ad-hoc working committees and shall be an ex-official member of all DEC working committees. Appointment of the committee members shall be at the discretion of the Chair. The nominating committee shall be an exception, selecting its own Chair.

Section 3. Registered Democrats who are not members of the DEC may become members of DEC working committees in the same way DEC members are appointed. They shall have consultative voice, but only DEC members shall have the right to vote a report out of committee.

Section 4. The DEC shall have the following standing committees:

A. The Steering Committee. The steering committee shall be composed of the elected officers of the DEC, with such other members of the DEC as co-opted. It shall meet in each calendar month and at the call of the Chair. In the event of a special, called meeting, five days notice is required. The Chair of the DEC shall preside. In the absence of the Chair, the Vice-Chair, State committeewoman, state committeeman, treasurer, or secretary, in that order shall preside. The steering committee shall have the powers of the DEC between DEC meetings, but shall report its decisions to the DEC at the next scheduled regular meeting where business is conducted. The steering committee shall be responsible for the development and subsequent execution of a yearly action plan, and the budget that supports it. The steering committee shall submit the budget for approval by the DEC at the first regular meeting of each calendar year. It shall recommend to the DEC the certification, re-certification, or de-certification of any Democratic Club, organization, or caucus chartered or wishing to be chartered in Manatee County.

B. The Budget and Finance Committee. The budget and finance committee, with the treasurer as an ex-officio member shall formulate a yearly budget, based on the steering committee's action plan. The budget shall be prepared so that it shall be presented by the first regular DEC meeting of the calendar year. Any amendments to the budget shall be approved by the Steering committee and ratified by the DEC before becoming effective.

C. Affirmative Action Committee. The Affirmative Action Committee shall study, report and recommend to the DEC such methods and manner of encouraging membership in the organization and participation in government and political affairs by ethnic, racial, physically disabled and other minority persons and groups in Manatee County and to otherwise demonstrate through affirmative conduct that the objectives of the Democratic Party are compatible with the rights of minority. The affirmative action committee is mandated by the Florida Democratic Party and shall work in conjunction with the affirmative action committee of the Florida Democratic Party.

D. The Young Democrats Committee. As mandated by the Florida Democratic Party, this committee shall work with the Florida Young Democrats. The committee shall assist in forming and maintaining Young Democrats' clubs in the county, keep abreast of and support their activities, and together with the president(s) of the Young Democrats club(s), represent the views, desires, aspirations of the young people of the DEC.

Section 5. In addition, the DEC may have the following standing committees:

A. Precinct Development Committee. The Precinct Development Committee shall be responsible for checking legal qualifications of candidates for Precinct Captains in the DEC, for recruiting qualified Democrats to serve in seats left vacant, for maintaining accurate rosters of membership, and for providing such rosters to the Supervisor of Elections and to the Florida Democratic Party as appropriate.

C. The Fund-raising Committee. The Fund-raising committee is responsible for planning and executing fund raising activities to support the budget of the DEC. The Treasurer and Chair of the finance committee shall serve as ex-officio member of this committee. All contributions and receipts from fund raising activities shall be transferred to the treasurer as receive.

D. The Issues Committee. The issues committee's goal is to identify and research issues of importance to the Democratic Party and its candidates.

Section 6. Ad-hoc Committees. Whenever the need arises special or ad-hoc committees shall be appointed by the Chair of the DEC. These might include, but not be limited to: The by-laws committee, the special activities committee, the campaign committee, the candidate search committee, property committee, nominating committee, and advisory committee.

ARTICLE VIII. CLUBS

Section 1. Any organization, club, or caucus that wishes to have the name "Democratic" or any derivative of it in its title must apply to the DEC for certification, unless it is of the type that can be chartered by the Democratic National Committee or by the Florida Democratic Party. All clubs, organizations, and caucuses, however chartered, are accountable to the DEC. The chartering of a Democratic club, organization and caucus or any county chapter of a state-chartered caucus is within the jurisdiction of the DEC. Clubs chartered by and through the DEC shall operate in accordance with these constitution and by-laws and the charter and by-laws of the Florida Democratic Party. Chartered organizations may be de-chartered by action of the DEC.

ARTICLE IX. FINANCES

Section 1. Florida statutes hold the Chair and Treasurer of the DEC accountable and jointly liable for the funds of the DEC and their proper and authorized expenditure. The Treasurer ensures that both officers post the requisite bond with the Supervisor of Election. No funds of the DEC shall be expended or committed without authorization of the DEC Chair.

Section 2. All checks shall be signed by the treasurer and one other elected officer of the DEC, preferably the Chair. In the absence of the treasurer, the Chair and one other elected officer shall countersign a check, but only if the timeliness of the expenditure is critical.

Section 3. No DEC funds shall be distributed among its members.

Section 4. The treasurer is responsible for having an annual audit made by a qualified examiner of the DEC's financial condition for each calendar year, and for furnishing copies of the audit to the Supervisor of Elections and to the Chair of the Florida Democratic Party before April 1 of the ensuing year..

ARTICLE X. ADOPTION AND AMENDMENTS

Section 1. Adoption of the constitution and by-laws shall require the affirmative vote of two thirds of the DEC members present and voting at any regular or special meeting convened after at last ten days notice has been given and

such notice has informed members that its adoption is on the agenda. Automatic members shall not be counted in determining the two-thirds requirement.

Section 2. Amendments to this constitution and by-laws shall be done by a two-thirds vote of the members present at any meeting of the DEC, provided, however, there has been written notice of the meeting at least ten days prior to the meeting. Editorial changes and corrections, however, and minor changes which bring the by-laws in consonance with Florida statutes or the charter and by-laws of the Florida Democratic Party shall be approved by a majority of the DEC present and voting.

ARTICLE XI. IMPLEMENTATION

The implementation of this constitution and by-laws shall be thirty days after the approval by the DEC, provided there shall be no objection by the Florida Democratic Party. The forgoing rules are ordained and established by the DEC as its permanent and continuing rules. The foregoing rules shall continue in effect until rescinded or amended.

APPROVED ON -----

ATTEST-----

Secretary