

CONSTITUTION AND BY-LAWS

of the

DEMOCRATIC PARTY

CUYAHOGA COUNTY, OH

As Amended on December 4, 1993

PREAMBLE

We, the Democrats of Cuyahoga County, Ohio, united in common purpose, hereby rededicate ourselves to the principles which have historically sustained our Party. Recognizing that the vitality of the nation's political institutions has been the foundation of its enduring strength, we acknowledge that a political party which wishes to lead must listen to those it would lead, a party which asks for the people's trust must prove that it trusts the people and a party which hopes to call forth the best nation can achieve must embody the best of the nation's heritage and traditions.

The founder of the Democratic Party, Thomas Jefferson of Virginia, set forth the reasons for the creation of this country and expresses the basic tenets of democratic government:

That all persons are created equal.

That they are endowed by their Creator with certain inalienable rights.

That among these are Life, Liberty, and the Pursuit of Happiness.

That to secure these rights, governments are instituted among people, deriving their just powers from the consent of the governed.

What we seek for our nation, we hope for all people: individual freedom in the framework of a just society and political freedom in the framework of meaningful participation by all citizens. Bound by the United States Constitution and the Constitutions and By-Laws of the National and Ohio Democratic parties; aware that a party must be responsive to be worthy of responsibility, we pledge ourselves to be open, honest and to conduct ourselves in a manner worthy of a society of free people.

Under God, for these ends and upon these principles, we do establish and adopt this Constitution of the Democratic Party of Cuyahoga County, Ohio.

ARTICLE I.

DEMOCRATIC PARTY OF CUYAHOGA COUNTY

Section 1. – Name

The name of this organization shall be the Democratic Party of Cuyahoga County.

Section 2. Membership

Membership in this party shall be open to all residents of Cuyahoga County in the State of Ohio who support the Constitution of the United States of America, the Constitution of the State of Ohio, and the Constitution, By-laws, and principles of the Democratic Party of Cuyahoga County. No person may be a member or may vote on any motion, resolution, nomination, or election at any caucus, convention, meeting, or conference of the Cuyahoga County Democratic Party who does not meet the aforesaid qualifications or who is a member of any other political party at that time.

Section 3. Eligibility for Party Office

Any person who meets the membership requirements of Article I. Section 2, is eligible for election to party office, except as hereinafter limited. There shall be no minimum age requirement for party office save where prescribed by law.

Section 4. Qualifications

In the event that any person's qualifications as a member of the Cuyahoga County Democratic Party or eligibility for party office must be determined, the same challenge procedure shall be followed to determine his or her qualifications as provided by the Election Laws of Ohio.

Section 5. Party Unity

- a. All members of the party, candidates for office, party officers, party committees and organizations, and elected Democratic officials shall support the principles of the Cuyahoga County Democratic Party.
- b. All members of the party, candidates for office, party officers, party committees and organizations, and elected Democratic officials shall support the endorsed candidates and issues of the Democratic Party in General Elections.
- c. Any member of the party, candidate for officer, party committee, organization, or elected Democratic official who fails to support (a.) and (b.) above may be asked to resign from any elected or appointed party position upon the affirmative vote of a majority of the members of the Executive Committee. Further, said members cannot seek a party office for one (1) year from the date of the vote of the Executive Committee. Failing the resignation of said member, the Executive Committee shall remove him from office upon the affirmative vote of a majority of the members.

Section 6. Constitutions and Laws

Nothing herein shall conflict with the Constitution of the United States of America, the laws of the United States of America, the Constitution of the State of Ohio, the laws of the State of Ohio, and the Ohio and National Democratic Party Constitutions and By-Laws. Any matter which conflicts with any of the aforesaid shall be of no force and effect. All constitutional provisions and laws of the United States and the State of Ohio are hereby incorporated by reference and made a part hereof. Each clause of this constitution and By-Laws shall be considered separately and the illegality or unenforcibility of any clause shall not affect any other clause.

ARTICLE II.

CENTRAL COMMITTEE

Section 1. Controlling Committee

The controlling committee of the Cuyahoga County Democratic Party shall be the County Central Committee consisting of such membership as shall be elected according to the laws of the State of Ohio. The County Central Committee shall provide for a County Executive Committee which shall have such powers as are granted it by the County Central Committee, as are provided by law and by this Constitution and By-Laws.

Section 2. Election Meeting

The members-elect of the party's Central Committee shall meet not earlier than six (6) nor later than fifteen (15) days following the date of the primary election at a suitable place and time in Cuyahoga County, Ohio, to be designated by the retiring Chair of the Committee. Notice of such meeting, giving the place and time, shall be sent to each member-elect by the retiring Secretary of the Committee by mail, and a copy of the notice shall be posted in the office of the Board of Elections of Cuyahoga County at least five (5) days prior to any such meeting. If the retiring Secretary does not issue the call within the time provided by law, such meeting shall be called according to the statutes of the State of Ohio. The meeting shall be called to order by the retiring Chair or Secretary or if there is no such officer or if such officer is absent, then as provided for by the laws of the State of Ohio. A temporary Chair and Secretary shall be chosen and the Committee shall proceed to organize by the election of a Chair, a Treasurer, a Secretary, and such other officers as the Committee may desire.

Section 3. Cooperation

The Central Committee persons shall consult with and cooperate with the Cuyahoga County Democratic Executive Committee and its Chair on all matters relating to the business of the Cuyahoga County Democratic Party in their respective areas of jurisdiction.

Section 4. Officers

- a. The Chair, the Vice-Chair, the Secretary and the Treasurer of the Central Committee shall hold the same offices in the Executive Committee.
- b. The Chair, the Vice-Chair, the Secretary and the Treasurer shall be members ex-officio of all standing committees of the Central Committee.
- c. All officers of the Cuyahoga County Central Committee shall be required to take an oath of office to support the Constitution of the United States of America, the Constitution of the State of Ohio, and the Constitutions and By-Laws of the National, Ohio, and Cuyahoga County Democratic Parties.
- d. In the event of a vacancy in the office of Chair, the Central Committee shall meet to choose a successor within thirty (30) days of the existence of such vacancy. In the event of a vacancy in the offices of Treasurer or Secretary, the Chair shall appoint a successor to serve until the next regular or special meeting of the Central Committee.

Section 5. Meetings

- a. In addition to the biennial meeting prescribed by law of the Central Committee, there shall be other meetings of the Central Committee as may be called by the County Chairman for a specific purpose.
- b. Special meetings may be called upon receipt by the County Chair or the Secretary of a written petition signed by no less than twenty (20) percent of the Central Committee Members and stating specifically the purpose for which the meeting is sought. The Secretary shall mail to all Central Committee persons written notice of the call for the special meeting to be held not earlier than fifteen (15) nor later than thirty (30) days after the giving of the notice. The notice shall be issued promptly after receipt of the written petition containing the required signatures.
- c. A quorum of the Central Committee shall consist of fifty (50) percent of the Central Committee Members elected in the manner prescribed by law.

Section 6. Election Procedures

- a. Central Committee members shall be credentialed with proper picture identification and will sign a sworn Affidavit verifying they are entitled to vote. The total number of Committee Members present and eligible to vote shall be announced by the Chairman. After the announcement by the Chairman, the doors will be closed and no one will be admitted.
- b. All Committee Members shall sit by designated City/Ward. Ward leaders who are not Central Committee Members are allowed to sit with their City/Ward Committee Members but cannot vote.
- c. Nominations will be taken from the floor. At the close of nominations, each City/Ward will proceed with a Caucus (10 minutes) to vote openly on each candidate or issue. The Caucus will consist only of Ward Leaders and Central

Committee Members of that particular City/Ward. In cases where no Ward Leader is present, the Committee Members will elect a representative among themselves for the purpose of reporting the vote from their City/Ward at this meeting.

- d. At the end of the Caucus, the Chairman shall call the name of each City/Ward in alphabetical order and announce the number of Committee Members present and eligible to vote. The Ward leader or elected representative shall announce the number of votes cast for each candidate. The Chairman shall announce the results of the election. Committee Members should not leave the meeting room until each City/Ward has reported its vote and the final election results are announced by the Chair.
- e. This procedure will be followed for each office or position and every vote of the Executive Committee.

ARTICLE III.

EXECUTIVE COMMITTEE

Section 1. Composition

- a. The Precinct Committee Members of each ward or other political subdivision where there is no ward shall be entitled to elect from among their own number members of the Executive Committee as follows: each political such subdivision shall be allowed one (1) Executive Committee member per number of Democrats registered in such political subdivision as is equal to one four-hundredth (1/400) of the total number of Democrats registered in Cuyahoga County. In such cases where the subdivision does not have the required number of registered Democrats to qualify for one representative, they shall be grouped contiguously in order to reach the requisite number. Residual numbers shall be assigned for each political subdivision in descending numerical order, with one committee representative being assigned to each division in the same descending order until the requisite four hundred (400) representatives have been assigned.
- b. The Precinct Committee members of the wards or other political subdivision where there is no ward shall elect from among their own numbers, within sixty (60) days after the election of the officers at the biennial Central Committee Convention, The Executive Committee Members to represent the political subdivision from which they are elected. Should a tie vote result, the County Chair shall cast the deciding vote, excepting where the tie occurs in the political subdivision in which a County Chair resides. In that event, the Secretary shall cast the deciding vote.
- c. The Chair may appoint to the Executive Committee three hundred fifty (350) members, who may or may not be Precinct Committee members. These

- appointments shall be broadly representative of all various elements of the party.
- d. Members of the Executive committee shall be members in good standing upon payment of their dues to the Executive Committee prior to the meeting at which they desire their votes to be counted. Any member three (3) months or more in arrears in payment of Executive Committee dues may be removed by the Chair from membership on the Executive Committee.
 - e. All members of the Executive Committee shall act in accordance with the statutes of the State of Ohio and the Rules and Regulations duly adopted by the Executive Committee. For any matters not covered by the foregoing, Robert's Rules of Order shall prevail and take precedence over any other custom, rule, or precedent.
 - f. Unexpired terms of Executive Committee members caused by whatever reason shall be filled in the same manner as the positions were originally filled.
 - g. Each elected Executive Committee Member shall be encouraged to meet regularly with the Precinct Committee Members from his or her political subdivisions and shall report directly to them concerning the Executive Committee meetings.
 - h. Within seventy-five (75) days after the biennial convention of the Central Committee, the members of the Executive Committee shall meet.

Section 2. Chartered Codes

- a. The Cuyahoga County Democratic Executive Committee shall have the sole authority for issuing official Charters to Democratic Ward or District Clubs and all other Democratic Clubs. A majority vote of the members of the Cuyahoga County Democratic Executive Committee, upon finding that a Ward Club has failed to abide by the laws of the United States, the State of Ohio, or the Constitutions of the National Democratic Party, Ohio Democratic Party, or the Democratic Party of Cuyahoga County, Ohio, may revoke the charter of any Ward, District, or other Democratic Club.
- b. A majority of the members of the Cuyahoga County Democratic Executive Committee, upon finding that a Ward Club has failed to abide by the laws of the United States, the State of Ohio, or the Constitutions of the National Democratic Party, or the Democratic Party of Cuyahoga County, Ohio, may revoke the charter of any Ward, District or other Democratic Club.
- c. The Cuyahoga County Democratic Executive Committee, through its Treasurer shall hold such funds of any chartered club in trust until the creation of another chartered club for the same geographic or political area in the event of a dissolution or revocation of the Charter of such club. In the event such a new club is not chartered within a period of one year, the funds of such club shall revert to and become the property of the Cuyahoga County Democratic Executive Committee.

- d. The Executive Committee Members, Ward Leaders, Presidents, and officers of the various chartered Democratic Clubs shall consult with and cooperate with the Cuyahoga County Democratic Executive Committee and its Chair on all matters relating to business of the Cuyahoga County Democratic Party in their respective areas of jurisdiction.

Section 3. Endorsements

The Executive Committee as a representative body of the Precinct Committee Members in Cuyahoga County shall have the sole right to make party endorsements. It may endorse Democratic candidates upon the affirmative vote of sixty (60) percent of the members of the Executive Committee present. Due consideration shall be given to the recommendations of the Precinct Committee Members, Ward Leaders, Ward Clubs, municipal-wide clubs, and district-wide clubs.

Section 4. Officers

The Chair, the Vice-Chair, the Secretary, and the Treasurer of the Central Committee shall hold the same offices in the Executive Committee.

Section 5. Chair

- a. The Chair's duties shall be those of chief executive officer and shall be subject to the direction of, and responsible to, the County Executive Committee. The Chair may appoint such committees as he or she deems necessary. The Chair may provide for the employment of any office personnel necessary. All employees shall serve at his or her pleasure.
- b. The Chair shall head the delegation at the Biennial Ohio Democratic Party State Convention and in his or her absence shall appoint a substitute leader who shall be the Vice-Chair of the Executive Committee.
- c. The Chair of the Cuyahoga County Democratic Executive Committee shall consult with and cooperate with the various Ward Leaders and Presidents of all Democratic Clubs chartered by the Cuyahoga County Democratic Executive Committee.
- d. The Chair of the Cuyahoga County Democratic Committee or his or her duly selected representative shall have the right to inspect the books and records of all chartered clubs.
- e. The Chair may be removed by the affirmative vote of a majority of the Central Committee Members.

Section 6. Secretary

The Secretary shall be a member ex-officio of the Executive Committee and of all standing and special committees of it and of the Central Committee. The Secretary shall keep a true and accurate record of the minutes of all meetings of the Central Committee and of the Executive Committee, keep the roll of members and the attendance at

meetings of the committees, and shall perform generally all of the functions usually incumbent upon secretaries, together with such other duties as may be delegated to the position by the committee and as are prescribed by law.

Section 7. Treasurer

- a. The Treasurer shall have custody of the funds of the party and shall render up-to-date financial reports to each meeting of the County Executive Committee and to each County Convention. He and any other party officer or employee responsible for the handling of party funds shall be under sufficient bond, the amount to be determined by the Chair.
- b. Each calendar year the Treasurer shall make available a full and complete financial report in writing to the Executive Committee.

Section 8. Ex-officio

The Chair, Secretary, and Treasurer shall be members ex-officio of all standing and special committees of the Executive Committee.

Section 9. Vice Chair

The Vice-Chair will, in the absence of the Chair, assume the duties and responsibilities of the Chair, as herein provided.

Section 10. Oath of Office, Prohibitions

- a. All officers for the County Executive Committee shall be required to take an oath of office to support the Constitution of the United States of America, the Constitution of the State of Ohio, and the Constitution, By-Laws and principles of the National, Ohio, and the Cuyahoga County Democratic Parties.
- b. No officer shall lobby, as that term is defined by state of law, for pay.

Section 11. Party Cabinet

- a. The Chair, Secretary, Treasurer, Vice-Chair, the Democratic Congressmen or his or her designee, all elected Democratic county officials, the ranking Democratic member of the Ohio State Senate from Cuyahoga County, the ranking Democratic member of the Ohio House of Representatives from Cuyahoga County, the Chair of the Cuyahoga Democratic Party's Finance Committee and ten Ward Leaders elected by the Ward Leaders (in a meeting called by the Chair) shall constitute the Party Cabinet and shall meet monthly. Additional members may be selected by the Chair.
- b. The Party Cabinet shall, in addition to their duties of advising the Chair, constitute the Rules Committee of the Democratic Party, and said Rules Committee shall formulate and recommend to the Executive Committee proposed Constitutions and By-Laws for the operations of said Executive Committee and all other organizations chartered by the Cuyahoga County

Democratic Party. The Recommendations of the Rules Committee, upon the approval of the Executive Committee, shall be binding upon all chartered organizations of the Cuyahoga County Democratic Party.

- c. The rules and regulations proposed by the Rules Committee shall not be inconsistent with the Cuyahoga County Democratic Party Constitution and By-Laws. The rules and regulations proposed by the Rules Committee shall be binding upon the Executive Committee, upon affirmative vote of a majority of the members of the Executive Committee present and in good standing at the meeting at which said rules and regulations are proposed.

Section 12. Meetings

- a. Regular meetings of the Cuyahoga County Democratic Executive Committee shall be held twice a year.
- b. Special meetings may be called by the County Chair or on the filing with the County Chair or Secretary of a written petition bearing the signatures of twenty (20) percent of the Executive Committee Members. The business of such special meeting shall be limited to the subject matter specified in the call.
- c. The call for each meeting shall be given in writing by the Secretary and mailed to Executive Committee members not less than five (5) days before the date of the meeting. The County Chair or the Secretary shall give notice of each special meeting promptly upon the filing of a petition containing the necessary signatures.
- d. Regular and special meetings of the Executive Committee shall require the presence of a majority of the Executive Committee Members of record to transact business. A majority of the members present at a meeting of the Executive Committee may act legally upon all matters properly before the assembly.
- e. The Chair of the meeting may appoint such parliamentarians, sergeants-at-arms, and other assistants as deemed necessary for the proper conduct of the meeting.
- f. Only bona fide members of the Executive Committee in good standing are entitled as a matter of right to be present and vote at the meetings of the Executive Committee.

Section 13. Audit

A professional audit of party financial records by an accredited accounting firm shall be conducted at least once a year, and upon the death, resignation, or replacement of either the Chair or the Treasurer.

Section 14. Powers of the Executive Committee

- a. The Executive Committee shall have all the powers and shall exercise all authority for the Democratic Party in Cuyahoga County, as provided by statute for all County Central Committees, and shall have complete management and

control of all matters and business of the Central Committee and the Democratic Party in relation to all matters which by law or custom devolve upon the Central Committee or the County Executive Committee provided that the Central Committee shall reserve unto itself the power to fill all vacancies in public offices other than such vacancies as may occur in the membership of the Central Committee and the Executive Committee.

- b. The Chair of the Central and Executive Committees shall be authorized to act for and on behalf of such Committees and shall be empowered to conduct the business of the Democratic Party in Cuyahoga County, to operate, expend monies for, and direct such offices and personnel as may be established or hired for the conduct of the activities of the Party and to administer the affairs of the Party.
- c. All acts and conduct of the said County Executive Committee and the executive officers of the Party are hereby authorized, ratified, and approved.
- d. Said Executive Committee shall have full authority to adopt and enforce such rules and regulations relating to the government and administration of the Democratic Party as it may deem necessary and appropriate.

ARTICLE IV.

AMENDMENTS

This Constitution and By-Laws may be amended by a majority of the members of the Central Committee of the Cuyahoga County Democratic Party at any meeting called for that purpose or by two-thirds (2/3) of the members of the Executive Committee. Amendments proposed under this section must be submitted in writing and copies thereof made available to members of the said Committee at a reasonable time prior to the meeting.

ARTICLE V.

PREVIOUS CONSTITUTIONS AND BY-LAWS

This Constitution and By-Laws supersede any and all other previous Constitutions and By-Laws of the Cuyahoga County Democratic Party and shall take effect immediately upon its adoption.