

Memorandum

20 September 2019

TO: Lorraine Miller and Jim Roosevelt, RBC Co-Chairs
DNC Rules and Bylaws Committee Members

FR: Harold Ickes
Member of the OPA Team for Alabama

RE: Draft of proposed amended Bylaws of the Alabama State Democratic Committee as submitted on 18 September 2019 by Democrats for Reform to the RBC for its review and approval.

Yesterday, the DNC Party Affairs staff transmitted to you a draft of proposed amended Bylaws of the Alabama Democratic Party (“ADP”) submitted by a group of members of the State Committee (“Democrats for Reform” or “Reformers”) who are deeply concerned about the lack of any cooperation and progress over the past seven months by state Democratic Party Chairwoman Nancy Worley in revising state Party Bylaws and to hold new elections for Chair and First Vice Chair. These Reformers seek the RBC’s approval of these draft proposed amended Bylaws which are consistent with the Order of the DNC, dated 17 February 2019, which Order resulted from the challenges to the 11 August 2018 elections of Worley and First Vice Chair Randy Kelley.

The DNC’s February Order required the State Committee to amend its Bylaws so as to be consistent with the Charter and Bylaws of the National Party, and to hold new elections for Chair and First Vice Chair.

Due to the continuing delay and noncooperation by Worley to propose amendments to the Bylaws that conform to the Charter and Bylaws, her continuing refusal to schedule a meeting of the State Democratic Executive Committee (“SDEC” or “State Committee”), the governing body of the ADP, to adopt amended Bylaws and a subsequent meeting to conduct elections for Chair and First Vice Chair, the Credentials Committee, at its 22 August 2019 meeting in San Francisco, unanimously voted to revoke the credentials of Worley and Kelly as members of the DNC, which action was adopted by the DNC on 24 August 2019.

If the RBC approves these proposed amended Bylaws, the Democrats for Reform intend to transmit them to Chairwoman Worley requesting that she mail them to every member of the approximately 256 State Committee and to convene a meeting of the State Committee no earlier than Tuesday 1 October 2019 and no later than Saturday 5 October 2019 to adopt amended Bylaws, as provided by Article XI, Section 2 of the current Bylaws. Amendments to Bylaws may be adopted by a majority of State Committee members present and voting, a quorum of at least 30 members being present.

Assuming the proposed amended Bylaws are adopted by the SDEC by 5 October, the Democrats for Reform will seek the convening of a second meeting of the SDEC, no later than Saturday 19

October 2019, to elect Diversity at-large members to the State Committee and to the Executive Board and to conduct elections for the Chair and First Vice Chair, all as provided for in these proposed amendments.

Below is some background about the State Party and a summary of the proposed amendments:

I: Background:

The Alabama State Democratic Executive Committee (“SDEC” or “State Committee”):

The core membership of the State Committee consists of 210 equally divided members elected from the state’s 105 legislative districts in the Democratic primaries held every 4 years, the most recent being in June 2018. Additional voting members of the SDEC include 8 officers and 3 other members of the DNC, and 35 Black at-large members elected by the Minority Caucus in August 2018 (to ensure that the number of Black members of the SDEC as a percentage of the 210 membership of the SDEC is not less than the percentage that Black voters constituted of the total vote for the Democratic presidential nominee), which is estimated at between 60% and 70% for 2016.

The current approximately 256-member State Committee includes 163 Black members (120 elected from the legislative districts, 35 at-large members elected by the Minority Caucus in August 2018, and 8 Black officers) constituting approximately 63% of the total State Committee.

Executive Board: Has a core membership of 25, plus several Black at-large members elected by the Minority Caucus. It is responsible for managing the day-to-day affairs the State Committee between the infrequent meetings of the latter.

Minority Caucus: The primary function and role of this long standing, very effective Caucus of the State Committee is to elect Black at-large members to the State Committee and the Executive Board to ensure that the number of Black members on both bodies as a percentage of each body approximate the percentage that Black votes constituted of the total vote for the Democratic presidential nominee. The current approximate membership of this standing Caucus is 163, which includes all of the approximately 120 Black members of the SDEC elected from the legislative district, and the 35 at-large members elected in August 2018, and the 8 Black officers and other DNC members.

The Hearing Officer appointed by the DNC Credentials Committee in connection with the challenges to the credentials of Worley and Kelley found that although Black members have long been very well represented on the State Committee and the Executive Board, other diversity constituencies, including Asian Americans and Pacific Islanders, Hispanics, disabled individuals, LGBTQ + individuals, Native Americans, and youth have been given very “short shrift” over the decades.

After a thorough review by the Office of Party Affairs Team (“OPA Team”), designated by Chairman Perez in March to work with Worley and other leadership of the State Committee to prepare amendments to the Bylaws and conduct elections, the OPA Team proposed that the Bylaws be amended as follows.

1. To include an Affirmative Action Committee and an Affirmative Action Plan and Outreach Program.
2. To establish 6 separate Diversity Caucuses (Asian Americans & Pacific Islanders, disabled individuals, Hispanics, LGBTQ+, Native Americans, and youth), modeled on the very successful, effective, long-standing Minority Caucus, to ensure inclusion in the membership of the State Committee and the Executive Board of those diversity constituencies in sufficient numbers and to reflect their support for the Democratic presidential nominee or their presence in Alabama's population, whichever is higher. Due to lack of sufficient data about current members of the SDEC and Executive Board who are disabled, the Disabled Persons Caucus will not become operational until after 2019. Article III, Sec. 2(i).
3. The Minority Caucus remains unchanged.
4. The Minority Caucus and the 6 new Diversity Caucuses are authorized to nominate, but not elect, candidates for membership on the SDEC and Executive Board. The SDEC may reject one or all nominees of any Caucus, in which event, the affected Caucus is to nominate additional candidates.
5. Inclusion of certain well-established parliamentary and other provisions to facilitate the orderly and transparent management of SDEC and other Party meetings.

II: Specific provisions of the proposed amended Bylaws:

1. Article II, Sec. 5: This new section includes a number of key definitions, few of which are new.
2. Article II, Sec. 5(a)(6): Gender non-binary: A new provision.
3. Article II, Sec. 5(b): Affirmative action outreach: A new provision.
4. Article II Sec. 5(d)(22): Diversity goals: Defines how the diversity goals are to be determined and fulfilled.
5. Article III, Sec.1: State Committee: Describes the Democratic State Committee. No substantive changes.
 - The 35 members of the SDEC elected in August 2018 “are determined to be elected At-Large Members of the SDEC.” Article VI, sec. 8(a).
6. Article III, Section 2: Diversity Caucuses: This describes the 7 Standing Caucuses: Minority, youth, Hispanic, LGBTQ +, Asian American/Pacific, Native American, and disabled persons. The 6 new Standing Caucuses are modeled on the Minority Caucus and are authorized to nominate candidates for Diversity at-large positions on the SDEC and Executive Board, to be elected by the SDEC.

- The Minority Caucus remains the same as it has always been.
 - The 6 additional Standing Caucuses are new.
 - Membership of a particular Diversity Caucus are the members of the SDEC elected from the legislative districts who are of, or self-identify with, the particular constituency group represented by the Caucus and those at-large members elected from the nominees of the Caucus. For example, currently the Minority Caucus has approximately 163 members (120 elected from the legislative districts, + 35 elected at-large in August 2018 + 8 of the offices and other DNC members).
 - Each Caucus will elect its Chair or Co-Chairs.
 - Each Caucus is to meet 3 hours before the every 4-year SDEC organizational meeting which takes place in August after the June primaries to nominate at-large candidates for the SDEC and Executive Board.
 - The nominees of each Caucus to be equally divided.
 - The Disability, LGBTQ+, and Youth Caucuses shall make reasonable efforts that a percentage of their nominees who are Black individuals reflect the percentage that Black votes composed of the total vote for the Democratic nominee.
 - A Caucus may nominate more than the minimum targeted goal of at-large, and the SDEC may elect more Diversity Constituency at-large members than the targeted goal.
 - The Caucuses have the exclusive jurisdiction to nominate at-large candidates. Nominations may not be made by any other entity or person, and may not be made from the floor of the SDEC meetings other than by the relevant Caucus.
 - Nominees from the caucuses shall be elected by the SDEC unless a specific motion to reject one or more nominee is adopted by two thirds (2/3) vote of those present and voting. Article. III, Sec. 2(m).
 - Only members of the SDEC elected from the legislative districts may vote at the organizational meeting to elect at-large members to the SDEC and Executive Board. Article VI, Sec. 4(d).
 - Terms of office for at-large members begins upon their election by the SDEC and end on the date of the every-4 years Democratic primaries in June. Article III, Sec. 1(c).
7. Article III, Sec. 1(b), 6th paragraph: This provides how the minimum number of at-large candidates to be nominated by each of the Diversity Caucuses are determined. For example, if Black votes were 60% of the total vote for the Democratic nominee for president and Blacks make up 29% of Alabama's population, then the higher percentage becomes the standard to determine the minimum number of Black members who should be members of the SDEC and the Executive Board. Applying the 60% to the 210 core membership of the SDEC results in a minimum of 126 Black members who should be on the SDEC. But if only 120 Black members were elected to the SDEC from the legislative districts in the June primaries, then the Minority Caucus is to nominate not less than 6 Black individuals for the SDEC to consider electing to membership on the SDEC, to bring the total Black membership up to 126.

If, however, the number of Black members elected from the legislative districts was 126 or higher, then no additional Black at-large members need to be nominated. Of course, in this situation, the Minority Caucus could nominate Black at-large candidates and the SDEC could elect one or more, bringing the total to over 126.

The same methodology and calculations are to be applied to the core 25 membership of the Executive Board, as well as to Congressional District Party Committees, County Party Committees, and Municipal Party Committees.

8. Article III, Sec. 2(l): Under this section, each of the Standing Caucuses has the exclusive jurisdiction for nominations of at-large candidates for the SDEC and the Executive Board, to be elected by the SDEC, but the SDEC may reject one or all nominees, in which event, the affected Caucus is to nominate additional candidates.
9. Article III, Sec. 2(m): The nominees of a Caucus are to be elected by the State Committee unless a specific motion to reject one or more nominees is adopted by two thirds (2/3) present and voting; in which case the affected Caucus shall reconvene promptly that same day and nominate additional candidates who shall be voted on by the SDEC at that same SDEC meeting. The maker of motions to reject must state the reasons the nominees should not become members of the SDEC or Executive Board.
10. Article III, Sec. 6: General provisions applicable to all Party committees:
 - (a) Equal division.
 - (b) All Party meetings to be open to the public and subject to affirmative action outreach.
 - (c) No secret ballots and no unit rule.
 - (d) Standards and rules for full participation.
 - (e) Membership of all Party committees to conduct affirmative action outreach.
11. Article III, Sec. 7: Affirmative Action Committee and Affirmative Action Plan and Outreach Program: Applicable to the SDEC, Executive Board, and SDEC Standing Caucuses and committees. The SDEC is to encourage every Congressional District Party Committee, County Party Committee and Municipal Party Committee to adopt and implement an Affirmative Action Plan.
 - Under Article IV, Sec. 4(a), in 2022 one of the Co-Chairs of the Affirmative Action Committee will serve as a Vice Chair for Affirmative Action on an annual rotating basis. This new Vice Chair will also become a member of the Executive Board, and will increase the number of Vice Chairs from the current 5 to 6.
12. Article VI: Procedures. Not all of the following are new to the Bylaws:
13. Article VI, Sec. 1(a): Applicability: Procedural provisions of these Bylaws to apply to the State Committee, Executive Board, the Standing Caucuses and all other bodies of the State Committee.

14. Article VI, Sec. 2(a): Quorum: Instead of the current quorum requirement for the State Committee of 30 individuals, the new quorum requirement will be 40% of the total membership of the State Committee including officers and all at-large members. If in doubt, upon request of 25% of those present, a roll call shall be had to establish the sufficiency of a quorum.
15. Article VI, Sec. 2 (b): Quorums for Diversity Caucuses: 40% of the total membership of a caucus.
16. Article VI, Sec. 3: Order of business: Provides for the order of business of the SDEC, including that nominations and elections to fill vacancies on the State Committee membership elected from legislative districts shall precede the election of at-large members to the State Committee.
17. Article VI, Sec. 4(a) - (c): Credentials and seating: Provides for the orderly signing in and seating of members of the State Committee, before business is conducted.
18. Article VI, Sec. 4(d): Only members elected from legislative districts may vote on at-large members at organizational meetings.
19. Article VI, Sec. 5: Rules and procedures: Provides for certain well-established parliamentary rules and other procedures, including the order of motions, calling the previous question, suspension of rules, roll call to settle disagreement, motions to require roll call and paper ballots, and appealing rulings of the Chair.
20. Article VI, Sec. 6: Parliamentarian; minutes and video or audio recording of meeting: Requires the presence of a parliamentarian for each meeting of the State Committee and the Executive Board; provides the procedures for minutes and video/audio recordings of the meetings of the State Committee, the Executive Board and Diversity Caucus; and for the publication of such minutes and recordings.
21. Article VI, Sec. 7: Voting: Provides for the order of voting; counters/talliers to represent proponents and opponents of a question; no electronic voting; no secret ballots; provides for regular USPS mail balloting and email balloting under certain circumstances; for telephonic meetings for the Executive Board, standing committees and caucuses of the SDEC; proxies not permitted for meetings of the SDEC, or any District, County or Municipal Party meeting;
22. Article VI, Sec. 8: Certain procedures for the SDEC meetings in 2019 to adopt amended Bylaws and conduct elections for Chair and First Vice Chair.
 - Article VI, Sec. 8(a): The 35 members of the SDEC elected in August 2018 “are determined to be elected At-Lage Members of the SDEC.”

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