

# SD Democratic Party Constitution

## Preamble

We, the members of the South Dakota Democratic Party (hereafter referred to as “the party”), in order to further the principles of our party, are dedicated to the welfare, opportunity and security of all South Dakota citizens, and, holding an unwavering confidence in the founding principles of the United States, do hereby establish this Constitution for the governance of the party.

## Article I: General Provisions

**Section 1:** Any person 18 years of age, who is a registered Democrat in South Dakota may participate fully in any public party meetings and be elected to any party office, except where specifically prohibited by law.

**Section 2:** All meetings of the party state and county central committees shall be open to all members of the party.

**Section 3:** The time and place for all public meetings of the party at all levels shall be publicized fully and in such a manner as to assure timely notice to all interested persons. Such meetings shall be held in places accessible to all party members and large enough to accommodate all interested persons.

**Section 4:** The party on all levels shall support the broadest possible voter registration.

**Section 5:** The party shall publicize fully, and in such manner as to assure notice to all interested parties, a complete description of the legal and practical qualifications and duties for all officers and representatives of the party. Such publication shall be done in a timely manner so that all prospective candidates for elected or appointed positions within the party will have full and adequate opportunity to compete for office.

**Section 6:** The party in all its endeavors will strive to contribute to the growth and influence of the party, to develop leadership, to increase party effectiveness, and to promote unity within the party.

**Section 7:** It shall further be the policy of this organization to foster and encourage political activity among the voters of this state and those approaching voting age and to acquaint all people with the programs and principles of the party. In furtherance thereof, South Dakota voters registered as Democrat or Independent may cast a vote in the Democratic primary election.

**Section 8:** The organization within the party shall be:

- a) Precinct Committeewomen and Committeemen,
  - b) County Central Committees,
  - c) Legislative District Chairs,
  - d) Regional Representatives,
  - e) State Central Committee and
  - f) State Executive Board,
- all of whom shall be registered Democrats.

## Article II: Precinct Committeewomen & Committeemen

**Section 1:** The officers of a precinct shall consist of a precinct committeewoman and a committeeman.

**Section 2:** The precinct committeewoman and committeeman shall be selected at a county caucus including the registered Democratic voters of the county at a called and publicized meeting to be held between January 1 and April 1 of even numbered years. In counties encompassing more than one district, individual caucuses may be held in each district under the direction of the district chair. If vacancies remain subsequent to the election they may be filled by the county central committee from the county at-large. If no one is available from a precinct, person(s) from another precinct may be selected by the group as a whole, as long as all precinct representatives reside in the district and county in which the precinct is located. Public notice of the meeting must be made 14 days prior to the scheduled.

**Section 3:** The election of precinct committeewomen and committeemen shall be conducted according to the guidelines in this constitution, and in accordance with rules and procedures to be specified by the state executive board and provided to all district and county chairs. A current list of precinct committeewomen and committeemen shall be provided to the state party office by the county party secretary or other official designated by the county executive board.

**Section 4:** Precinct committeewomen and committeemen shall hold office for a term of two years.

**Section 5:** The position of precinct committeewoman or committeeman shall be deemed vacant if no one is elected, or if an incumbent precinct committeewoman or committeeman dies, moves to another county or district or resigns. Vacancies shall be filled as provided in this constitution.

**Section 6:** The duties of the precinct committeewoman and committeeman shall be to

- a) represent the precinct at county and district meetings,
- b) participate in the election of their county and district officers,
- c) actively work with the county and district officers to elect Democrats at the district, county and statewide levels, and
- d) such other duties as requested or assigned by the county or district chairs.

## Article III: County Central Committee

**Section 1:** The county central committee shall be composed of all elected or appointed precinct committeewomen and committeemen, the state central committeewoman and committeeman, and the county officers, who shall each have one vote, if present.

**Section 2.** The role of the county central committee will be to:

- a) comply with state laws regarding election oversight including appointments of election overseers,
- b) assist county and local candidates with campaigns,
- c) assist district and precinct chairs in grassroots organization, and
- d) organize fund raising activities.

**Section 3:** The executive board of the Democratic Party in each county shall consist of the following: chair, vice chair, secretary, treasurer (or secretary-treasurer), state central committeewoman, state central committeeman and other such persons as the county central committee designates.

**Section 4:** The county executive board shall be the policy-making body of the party at the county level. The county committee shall have the primary responsibility of election of county Democratic candidates, and shall assist in providing support for the state party.

**Section 5:** The county central committee, as defined in Section 1, together with the elected Democratic county and legislative officeholders, shall meet at a public meeting between April 1 and May 31 of odd-numbered years to elect a county chair and vice chair (who should be of the opposite gender if possible), a secretary-treasurer or a secretary and a treasurer; a state committeewoman and a state committeeman, all of whom shall hold their offices for two years or until a successor is elected. The nominees for these offices need not be elected precinct committeewomen or committeemen. A majority vote of those present shall constitute an election which shall be certified within 30 days to the county auditor, except that the election of the state committeewomen and committeemen and the county chair shall be certified to the SD Secretary of State.

**Section 6.** If a county central committee includes no precinct committeeman or committeewoman, election of the county officers as listed above shall be by a majority vote of the registered Democrats that are registered to vote in the county and attending a public meeting set between April 1 and May 31 of odd-numbered years.

**Section 7:** Each county central committee shall attempt to achieve geographic diversity in the selection of state central committee members.

**Section 8:** The duties of the county officers (chair, vice chair, secretary, treasurer (or secretary-treasurer)) shall be the same as set forth for the corresponding state officers in this constitution, but on a county level. The chair and vice chair shall support the goals and policies of the state party, including fundraising.

**Section 9:** The duties of the state central committeewoman and committeeman shall be to represent the county at the state party meetings, to serve on the executive board of the county party, and to support the goals and policies of the state party, including fundraising.

**Section 10:** If a county party fails to have a county party election as called for in this article of the constitution, the state party chair may deem that county inactive. In

such case, the state chair may call a public meeting of registered Democrats in the county in order to recruit county officers and precinct committeewomen and committeemen. Election of the county officers shall be by a majority vote of registered Democrats attending said public meeting. The state chair may appoint a temporary county chair until such time as the new county officers are elected. Term of the appointed chair shall not exceed one (1) year.

#### **Article IV: Legislative District Chair and Vice Chair**

**Section 1:** Legislative district chairs and vice chairs, who should be of the opposite gender if possible, shall be elected at a district caucus including the Democratic legislative candidates from the district in the last general election, precinct committee men and women, and county party officers living within the district. Such elections shall take place between April 1 and May 31 of odd-numbered years. The date and location shall be set by the district chair and the meeting shall be open to all registered Democrats within the district.

**Section 2:** The legislative district chair may hold meetings of the county officers, elected Democratic state legislators and precinct committee persons within the district for purposes of election planning and he or she shall preside over those meetings.

**Section 3:** The legislative district vice chair, in the absence of the chair, shall preside at the district meetings.

**Section 4:** The duties of the legislative district chair and vice chair shall be to:

- a) serve on the state central Committee and vote at meetings in non-weighted votes,
- b) coordinate the recruiting and election of legislative candidates in the district, and
- c) assist all Democratic candidates with their general election campaigns within the district.

**Section 5:** The boundaries of and the number of districts shall be the same as the districts of the state legislature.

#### **Article V. Regional Representatives**

**Section 1.** The state executive board shall divide the state into seven regions after each legislative re-districting, with five districts in each region. In doing so, efforts shall be made to maintain each county within one region to the extent possible. The final division shall be determined by majority vote of the state executive board.

**Section 2.** State central committee members from within each region shall elect two regional representatives who shall serve as members of the state executive board. The regional representatives may also meet upon call of the state chair to serve as an elections advisory committee.

**Section 2.** The representatives may call regional meetings during the year for purposes of planning and sharing information regarding election strategies. Regional meetings shall include the regional representatives, district chairs and vice chairs, county chairs and vice chairs and state legislators from within the region.

**Section 3:** The regional representatives shall work with the county and district chairs within the region to recruit persons to fill party positions at the county and district levels.

**Section 4:** In consultation with the county and district chairs the regional representatives may call a pre-convention caucus of the region in even-number years for the purpose of proposing platform planks and nominating persons to the various platform committees. No action of a caucus will be final unless approved by the convention as a whole.

#### **Article VI: State Central Committee**

**Section 1:** The state central committee shall be composed of all state executive board members, the county state central committeewomen and committeemen, the chairs and vice chairs of each county, and legislative district chairs and vice chairs.

**Section 2:** The state party officers shall consist of chair, vice chair, secretary and treasurer.

**Section 3:** State party officers shall be elected by the state central committee between January 1 and April 30 of odd-numbered years.

**Section 4:** The votes for the state party officers shall be weighted. Each county shall cast the number of votes equal to the county's proportionate vote for the Democratic candidate for governor in the last gubernatorial election. The county members of State Central Committee present and allowed to vote at the election of state party officers shall equally split the votes entitled to the county.

**Section 5:** The terms of office of the chair, vice-chair, secretary and treasurer shall be four years, or until successors are elected and installed. Officers shall take offices on the first day of May following their election.

**Section 6:** The national committeewoman and committeeman shall be elected at state convention in the year of a U.S. Presidential election. The term of office for the national committeewoman and committeeman shall be four years or until his or her successors are elected and qualified.

**Section 7:** The state central committee shall be the governing body of the Party and shall be responsible for the proper financing of the party. The state central committee shall be primarily responsible for the elections of the constitutional candidates. The central committee serves to communicate and act upon policies recommended by the executive board.

**Section 8:** At the state central committee meetings all members shall have a vote in any matter brought before such meeting. Each member present shall have one vote and a majority of those present carries any issue before the meeting. However, when voting for presidential electors, state party officers, and the national committeewoman and committeeman voting shall be as provided in this constitution.

**Section 9:** State central committee members representing at least eight counties may require the state chair to call a state central committee meeting within 30 days after the chair receives notice of such action. An

advanced notice of 10 days shall be given to members of the State Central Committee.

**Section 10:** A quorum of the state central committee meeting shall consist of not less than 14 counties. No business shall be conducted without the said quorum being present. For quorum purposes, every central committee member represents the county in which they are registered to vote.

**Section 11:** The state chair may convene a meeting of the state central committee by electronic means, in which members are connected by audio, video or both. The state central committee may use such meetings for all purposes in connection with any meeting within the committee's responsibilities. All votes taken during an electronic meeting shall be by roll call. During the meeting, at least a quorum of the members of the central committee shall participate from locations within the state. Agendas shall be posted via internet and shall provide information on how to access the meeting by electronic means. The constitution and the South Dakota Democratic Party policies, procedures and bylaws shall apply equally to meetings that are conducted electronically.

**Section 12:** The state central committee may authorize the appointment of party positions prescribed in South Dakota law.

#### **Article VII: Duties of State Party Officers and National Committeewoman and Committeeman**

**Section 1:** The state chair shall preside at all meetings of the state central committee and state executive board, serve as a member of the Democratic National Committee, and with any limitations stated in this constitution, act for the affairs of the party as its chief administrative officer. However, the chair shall consult with the state executive board on all major policy matters and abide by the vote of the majority of such board. The state chair may recommend creation of committees and appointments to committees and to the executive board subject to approval by the state central committee.

**Section 2:** The state vice chair shall preside over the state central committee and state executive board meetings in the absence of the chair, serve as a member of the Democratic National Committee, act for the chair when the chair is absent from the state or otherwise disqualified, act conjointly with the chair under the direction of the state central committee in the direction and control of all campaigns and in promotion of party policies and financial affairs, and perform such other duties as may be prescribed by state law or assigned by the chair.

**Section 3:** The state secretary shall maintain and keep record of the meetings of the state central committee and the state executive board, file them as permanent records in the party state headquarters.

**Section 4:** The state treasurer shall receive and disburse all funds of the party and shall make all necessary reports covering the financial conditions of the party, as required by state and federal law. A bi-annual audit

shall be made and prepared for the state central committee and the state executive board.

**Section 5:** The national committeewoman and committeeman, state party chair and vice chair shall represent the Democratic Party of South Dakota at national, regional and other meetings of the Democratic Party, serve as members of the Democratic national committee, and perform such other duties as may be prescribed by state law. They shall consult with the executive board of the state central committee as members of the board on all matters pertaining to the welfare of the party on the state and national levels.

**Section 5:** Other positions not prescribed by state law, such as executive director, finance director, special assistants and office personnel, may only be appointed by the state chair with the approval of the state executive board.

**Section 7.** The executive director shall manage the day-to-day operations of the organization and shall be subject to an annual review by the executive committee. The director shall not be an elected official of the party at any level. The state party chair shall serve as the immediate supervisor and liaison with the executive director and may terminate the director with approval of the executive committee (state chair, vice chair, secretary and treasurer).

#### **Article VIII: State Executive Board**

**Section 1:** The executive board of the Party shall consist of the: state chair, state vice chair, state secretary, state treasurer, national committeewoman, national committeeman, two regional representatives from each of the seven regions, the president of the SD Young Democrats and the president of the SD College Young Democrats.

The seven regions shall be as specified in this constitution.

**Section 2:** It shall be the duty of the executive board to:

- a) supervise the expenditures and administration of the party between meetings of the state central committee and
- b) act upon policy decisions necessary for the functioning of the party until the next state central committee meeting at which time such policy shall be subject to the approval of the state central committee.

**Section 3:** The state executive board shall submit to the state central committee for approval the

- a) annual budget and
- b) recommendations of the party policy.

**Section 4:** The state executive board shall meet not less than four times each calendar year and shall otherwise meet at the call of the chair or at the call of any other three state executive board members.

**Section 5:** Any meeting called by the state chair or three members of the state executive board shall be called by written or electronic notice to each member of the executive board at least five days in advance of the meeting, said notice shall clearly state and describe the principle matter of business to be considered at

said meeting; provided, however, that the notice requirement shall not restrict action on other business matters.

**Section 6:** A quorum of the executive board shall consist of a majority of members in section 1 of this article and no business may be conducted without the said quorum being present.

**Section 7:** The state executive board of the party shall have the power to call a meeting of the state central committee whenever, in their discretion, the interest of the party may demand.

**Section 8:** With consent of the state executive board, individuals will be appointed to standing committees in order to conduct the business of the party. Committee members are to be appointed at the beginning of each calendar year and will serve one year. All business conducted by the committee will be upon approval of the state executive board. The standing committees will act on the items referred to them by the state executive board. The standing committees are the annual audit committee, the finance committee, and the coordinated campaign committee.

**Section 9:** The state central committee may establish committees, councils, caucuses, task forces and partnerships to encourage constituent participation in the state central committee and state executive board. The state chair may appoint a representative to the executive board from each of such groups subject to approval by the state central committee. Groups established by the Democratic National Committee shall be represented on the state party executive board in the same manner as they are represented at the Democratic National Committee. Appointed representatives shall have one vote on the executive board. Members so appointed by the authority under this section shall not be counted for the quorum requirement and shall serve until their successors are appointed.

**Section 10:** In addition to the members listed previously in this article, all Democrats who are currently serving as an elected statewide constitutional officer, an elected member of the public utilities commission, the floor leader of the SD Senate and House, or as a member of the U. S. Congress shall have voting privileges on the executive board. Members listed in this section shall not be counted for the quorum requirement. The members listed in this section may appoint a designee to act on their behalf. If they desire to appoint a designee, the name of the designee shall be provided to the state chair in writing.

#### **Article IX: Biennial State Party Convention**

**Section 1:** The State Democratic Party Convention shall be held within a reasonable time after each biennial primary election. The state central committee shall determine the time of holding such convention. The state chair or his or her designee shall notify the **SD** Secretary of State at least 30 days prior to the date chosen. The location of the convention, in accordance

with principles of an open Democratic Party, should be publicized fully and in such manner as to assure timely notice to all interested persons. The convention shall be held in places accessible to all party members and large enough to accommodate all interested persons.

**Section 2:** Each county central committee shall send to the state convention delegates. Each County shall be entitled to a minimum of four delegates, one being the county chair or the next higher officer and three being elected. In addition, the county shall elect one delegate for every 1,500 votes (or major fraction thereof) over 4,000 cast in that county in the last general election for the Democratic candidate for governor. The state party chair has authority to appoint delegates from inactive counties.

**Section 3:** Each county central Committee shall elect a minimum of three alternates. The alternates shall be ranked and certified to the state party office at least five days prior to the convention.

**Section 4:** All members of the state executive board as counted for a quorum and all legislative district chairs shall be automatic voting delegates to the state convention.

**Section 5:** Democratic party candidates for the South Dakota legislature whose names are to appear on the general election ballot shall be automatic voting delegates to the state convention.

**Section 6:** At the state convention, if an elected delegate from a county shall not be present, an elected alternate shall be certified by the credentials committee in place of the absent delegate.

**Section 7:** As prescribed by South Dakota law SDCL12-5-18, such delegates shall vote the number of votes equal to his or her proportionate representation as all delegates present from that county bears to the number of votes in his or her county at the last general election for the Democratic Party candidate for governor.

**Section 8:** The state party chair shall designate the temporary offices of the convention, consisting of a chair, secretary and other such officers as the chair shall designate. Notice of the appointments shall be given at least 20 calendar days prior to the opening of the convention.

**Section 9:** On the date and at the hour chosen and fixed, the convention shall be called to order by the state chair who shall announce the temporary officers. These temporary officers shall then proceed with the permanent organization of the convention.

**Section 10:** At least 20 days before the date set for the meeting of the convention, the state chair shall select from the delegates to the state convention as certified by the state party secretary by the SD Secretary of State, the following committees consisting of at least five members, one of whom shall be named chair thereof: (1) Credentials, (2) Rules, (3) Order of Business and Permanent Organization, (4) Platform, and (5) Resolutions. The state chair shall publicize the appointment of such committees and the times and places of their meetings prior to the convention as shall

be necessary to advise the public and the members of the committee thereof.

**Section 11:** Each standing committee of the convention shall meet in advance of the convention at a time and place designated by the state chair, to consider all matters properly coming before such committee, and submit a written report to the state chair prior to the opening of the convention. Such reports shall be made available to each delegate. The committee on Order of Business and Permanent Organization shall fix the temporary order of business governing the convention.

**Section 12:** No rule shall be adopted or enforced, the effect of which would be to restrict or prohibit the convention from consideration of matters not recommended by the several committees.

**Section 13:** The convention delegates shall adopt a state party platform.

**Section 14:** The state convention shall nominate candidates for lieutenant governor, public utilities commissioner(s) and other state constitutional offices in the year these offices are to be elected. In the years when a President of the United States is to be elected, the convention shall nominate presidential electors and national committeewoman and committeeman of the state party.

**Section 15:** Nominations shall be made by majority vote of the votes cast, and shall be certified to the SD Secretary of State by the officials of the convention, immediately at the close of the convention.

**Section 16:** The secretary of the state convention shall immediately, upon writing the minutes of the state convention, which shall be complete within 60 days following the convention, turn over to the state executive board the minutes and all other records of the convention.

#### **Article X: National Convention Delegate**

The state central committee shall adopt a specific plan of affirmative action and delegate selection for national convention delegates in compliance with South Dakota law and the rules of the Democratic National Committee.

#### **Article XI: Recall and Vacancies**

**Section 1:** Any elected officials of the party may be recalled by the following procedure: one-half of the members eligible to vote for the position must sign a recall petition and present it at an official meeting of the body of the elected party officer. A vote to recall the officer must be held within 30 days of the presentation of the petition and two-thirds vote of those eligible to vote and present are required for recall.

**Section 2:** Appeal of a recall or declared vacancy may be brought before an appeals committee whose members shall be recommended by the state chair and approved by the executive board. Members of the appeals committee shall serve until their successors are appointed. A vacancy caused by recall shall be filled according the procedures set out in this constitution. Precinct committeewomen and committeemen are not

subject to recall, but can be removed in accordance with this constitution.

**Section 3:** Vacancies occurring in a precinct or other county position by reason of death, resignation, or otherwise, shall be filled by the county central committee.

**Section 4:** Vacancies occurring in a legislative district chair or vice chair position by reason of death, resignation, or otherwise, shall be filled by a special meeting of the district caucus called by the state chair. Such caucus shall include the Democratic legislative candidates from the district in the last general election and precinct committee men and woman and county party officers living with the district.

**Section 5:** A vacancy occurring in any state position, such as national committeewoman or committeeman, state chair, by reason of death, resignation, or otherwise, shall be filled by a vote of the state central committee.

**Section 6:** A vacancy occurring in any of the fourteen regional representatives to the executive board positions shall be filled at a meeting called by the state chair of the state central committee members of the region in which the vacancy occurs.

#### **Article XII: Miscellaneous**

**Section 1:** Neither the state central committee, the state executive board nor any county central committee shall finance or endorse the candidacy of any person seeking the nomination of the party in a contested primary election.

**Section 2:** *Robert's Rules of Order* shall govern the proceedings of all areas in which there is no provision governing this constitution.

**Section 3:** No vote shall be cast by proxy at any meeting of the county central committee, state central committee, state or county executive boards or state convention of the party.

**Section 4:** It is the policy of the party to encourage all elected officials responsible for recommending or making policy level appointments to consult with the state chair, who shall in turn consult with the county or district chair concerning the qualifications of all such prospective appointees.

#### **Article XIII: Conflicts**

**Section 1:** The organization shall be guided, in all its operations, by the applicable laws of the state of South Dakota pertaining to political party organization; by the party in convention assembled; by state party officers, functioning with the advice and consent of the state central committee of the party as provided by this constitution.

**Section 2:** Any portion of this constitution that conflicts with South Dakota law shall be deemed amended to conform to South Dakota law and the remainder of the constitution shall remain in effect.

#### **Article XIV: Amendments**

This constitution may be amended by a sixty percent vote of those present at a meeting of the state central committee of the party at any meeting called with written

notice having been given of such proposed change at least 30 days prior to the meeting. If adopted, any amendments shall not take effect until the state party secretary shall certify to and file with the secretary of state a copy of the party constitution and amendments thereof within 30 days of their approval. The chair is authorized to make editorial revisions for purposes of grammar or style.