



# Rules of the Indiana Democratic Party

**PLEASE NOTE:**

In December 2020, the State Central Committee passed two supplemental rules regarding reorganization that can be found in the accompanying 2021 Reorganization Guide on the IDP website where these rules are found. Those should be viewed in conjunction with these rules when planning for 2021 Reorganization meetings. These supplemental rules relate (generally) to timing of county reorganization meetings and proxies at county reorganization meetings.

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# Rules of the Indiana Democratic Party

The Indiana Democratic Party shall be governed by the following Rules:

## I. Party Structure

### Rule 1. Party Composition

- (a) The Indiana Democratic Party (“Party”) shall consist of the state central committee (“State Committee”), the congressional district committees, the county committees, and the precinct committees.
- (b) Ward, township, city, and town committees, consisting of the precinct committeepersons and vice committeepersons residing within the area designated for any such committee, may be created as provided in these Rules.

## II. Party Governance

### Rule 2. Applicability of Rules

- (a) The precinct, county, district, and state Democratic committees shall organize and be governed in accordance with these Rules.
- (b) Ward, township, city, and town committees shall be governed by all rules applicable to county committees.

### Rule 3. State Committee Authority Over Rules

- (a) State Committee shall have the authority to promulgate all Rules necessary for governing Party affairs.
- (b) State Committee shall have the power to file and prosecute suits in its own name to enforce obedience to its Rules.
- (c) These Rules may be amended, repealed, or supplemented at any properly called State Committee meeting.
- (d) A written copy of any proposed rule change must be distributed to State Committee members forty-eight (48) hours prior to the meeting.

### Rule 4. Adoption of Supplemental Rules

All Party committees may adopt supplemental Rules deemed necessary, provided they do not violate these Rules.

### Rule 5. Rule Conflicts Between Committees

If the Rules of any two interdependent committees conflict, the rules of the committee with the higher jurisdiction in the Party shall prevail.

### Rule 6. Rules of Order

Except where inconsistent with these Rules or any promulgated under Rule 4, Roberts’ Rules of Order shall govern the procedure of all Party committee meetings.

### Rule 7. Acceptance of Rules

Any person accepting election or appointment in the Party agrees to accept the privileges and penalties provided for by Indiana law and these Rules.

### **III. Membership & Party Office**

#### **Rule 8. Eligibility for Membership & Party Offices**

- (a) Any legally qualified Indiana voter who supports the purposes of the Party may be a member.
- (b) Except where prohibited by law or these Rules, any bona fide Party member may participate fully in Party meetings and be elected to Party office.
- (c) A Party member may only be a candidate for precinct committeeperson or state convention delegate if:
  - (1) His or her most recent primary election in Indiana in which the candidate voted was in the Democratic party primary; or
  - (2) The Democratic Party county chair of the county in which the person resides certifies that the person is a Democrat.
- (d) A candidate is not disqualified for not having previously voted in a primary Election if:
  - (1) The candidate is not yet of voting age, but will be 18 by the date of the upcoming general election; or
  - (2) The candidate is a newly registered voter.
- (e) *A person who has been disqualified under Rule 19 may not serve in the Party in any capacity during the disqualification term.*

### **IV. Statements of Principle**

#### **Rule 9. Gender Equality**

- (a) All gender identities are eligible for all offices and appointments provided for by Indiana election law and these Rules.
- (b) To preserve equality of representation in all Party committees, the chair and vice chair or committeeperson and vice committeeperson shall not be of the same gender identity. This Rule does not apply to other officers, but Party members are encouraged to make determined efforts to create equal gender representation in their committees. In instances where an individual is non-binary, the alternate position shall be of another gender identity.
- (c) If a vacancy in the office of chair or committeeperson is filled with an individual of the same gender identity as the vice chair or vice committeeperson, the lesser office shall be automatically vacated by operation of Rule 9(b) above.
- (d) If approved by the county chair, a vice committeeperson may be a relative of a committeeperson who resides in the same household.

#### **Rule 10. Party Access**

- (a) *Open Meetings*

All public Party meetings shall be open to Party members, regardless of their race, sex, age, color, creed, national origin, religion, ethnic identity, economic status, sexual orientation, gender identity; physical, intellectual or cognitive disability; or philosophical persuasion.
- (b) *Accessible Locations and Fair Notice*

All public Party meetings shall be held in places that respect the diversity of Party members. Meeting locations shall be accessible to all Party members, regardless of their physical attributes, and large enough to accommodate all interested persons. The time and place of said meetings shall be publicized in a manner providing timely notice to all interested persons.
- (c) *Prohibition on Discriminatory Oath*

The Party may not use any membership test or loyalty oath that requires prospective or current members to condone or support discrimination on the grounds of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity, physical condition, or economic status. (As

amended August 27, 2005)

*(d) Open Registration*

The Party shall vigorously support registration without discrimination on grounds of race, sex, age, color, creed, national origin, religion, ethnic identity, sexual orientation, gender identity, physical condition, or economic status. (As amended August 27, 2005)

*(e) Fair Notice of Officer Qualifications and Elections*

The Party shall publicize a full description of the selection procedures for all Party offices and the qualifications for such offices in a manner that permits all prospective and current Party members to be fully informed in time to participate in each of the Party's selection procedures, including delegate selection.

## **V. Party committees**

### **Rule 11. Precinct Committees**

*(a) Committee Designation*

Each precinct of the state shall have a Democratic committee designated by the (a) number of the precinct and ward; (b) name of the city or township; and (c) county in which it is located.

*(b) Committee Composition*

Each precinct committee shall consist of the duly elected or appointed precinct committeeperson and vice committeeperson.

*(c) Elections of Committee persons*

Precinct committeepersons shall be elected by ballot at the primary election held on the first Tuesday after the first Monday in May of 2018 and every four years thereafter.

*(d) Qualifications for Committee person*

- (1) A person may not be a candidate for precinct committeeperson unless he or she:
  - (A) is a Party member, as set forth in Rule 8(c);
  - (B) is a qualified voter; and
  - (C) resides in the precinct in which he or she is a candidate.

*(e) Committeeperson Election and Tie Votes*

The candidate for precinct committeeperson receiving the highest vote total in the primary election shall be deemed elected. The county chair shall decide any tie between candidates for precinct committeeperson before six p.m. on the Friday immediately following the primary election. The county chair must select the winner of the tie from among the candidates who received the same number of votes.

*(f) Vacancies Filled by County Chair*

If no candidate has filed for committeeperson in a precinct, the office shall be vacant as of the primary election date, and the county chair may fill the vacancy by appointment up until thirty (30) days prior to the county reorganization meeting of a person who:

- (1) is a Party member, as set forth in Rule 8(c)
- (2) is a qualified voter; and
- (3) resides in the county.

Any appointee shall serve until the next primary election at which committeepersons are elected. (As amended August 27, 2005)

*(g) Appointment and Notification of Vice Committeepersons*

- (1) Each precinct committeeperson elected in a primary shall appoint a qualified voter and Party member of the precinct, who is of the opposite sex, as vice committeeperson.
- (2) The precinct committeeperson shall have until the third Wednesday following the election to provide notice to the county chair. Notice shall be defined as sending

notification via any method of delivery with a written or electronic receipt, or proof of mailing.

*(h) Forfeiture of Right to Appoint*

- (1) An elected committeeperson who fails to appoint and properly certify a vice committeeperson forfeits the right to make such appointment to the county chair, who shall have until thirty (30) days prior to the county reorganization meeting to make such appointment. The chair shall notify each appointee by first-class mail.
- (2) The Chair must appoint a vice committeeperson who:
  - (A) is a Party member, as set forth in Rule 8(c)
  - (B) is a qualified voter; and
  - (C) resides in the county.

Any appointee shall serve until the next primary election at which committeepersons are elected.

*(i) Vice Committeeperson Vacancies*

- (1) If a vacancy occurs in the office of vice committeeperson, the precinct committeeperson has ten (10) days to submit the name of a nominee to the county chair.
- (2) The county chair shall appoint either the nominee or another qualified voter from the county to fill the vacancy.

*(j) Rights of Appointed Precinct Officers*

A committee person or vice committee person appointed by the county chair shall have the same rights and privileges as one elected or selected by a committeeperson, except that any such appointee shall serve at the pleasure of the county chair. (As amended, January, 2005)

*(k) Duties of Precinct Officers*

- (1) Inside his or her precinct, the precinct committeeperson's duties include:
  - (A) Polling residents;
  - (B) Registering voters;
  - (C) Maintaining a current poll list of voters;
  - (D) Identifying and assisting absentee voters to register;
  - (E) Promoting Party candidates;
  - (F) Operating an election day organization;
  - (G) Encouraging voting by persons preferring Democratic Party candidates;
  - (H) Recommending persons for the precinct election board;
  - (I) Recruiting volunteers for the Party;
  - (J) Attending training and other party-building activities sponsored by State Committee;
  - (K) Reporting periodically on the state of the Party to the county chair or his or her designee.
- (2) The precinct vice committeeperson shall assist the precinct committeeperson with these duties.
- (3) The precinct committeeperson is encouraged to appoint chairs for polling, voter registration, social activities, and finance.

*(l) Resignation of Committeeperson upon Change in Residency*

- (1) If a committeeperson moves out of his or her precinct and the County chair has knowledge of the same, the chair shall notify said committeeperson by certified mail of his or her retirement in absentia as committeeperson.

- (2) If the committee person challenges such action in writing within seven (7) days of receipt of notice, the chair shall schedule a review before the county central committee. Following this review, the committee shall vote to uphold the chair's action or find that the committee person is still duly qualified. A majority vote of the officers present and voting shall constitute final action.

*(m) Precinct boundary changes*

- (1) In the case where a precinct boundary change results in two (2) or more precinct committeemen in the same precinct, the following shall occur:
  - (A) In the case where one or more precinct committeemen are appointed, the appointments of any or all of them is deemed terminated as of the date of the boundary change.
  - (B) All elected precinct committeemen may remain throughout the remainder of their term, and may vote in all County Committee meetings and caucuses.
- (2) Regarding elected precinct committee persons who remain in office under this rule, the County Chair may designate one of the remaining elected committee persons to perform election-related duties.

*NOTE: While Section 13 of these rules covers county parties, it is recommended that Rule 13(p) be reviewed in conjunction with Rule 11(m). (Added August 5, 2020)*

## **Rule 12. Town and city committees**

*(a) Committee Designation*

For each city in his or her county, the county chair may authorize the creation of a democratic town or city committee, known and designated by the name of the city. This Rule shall govern such committees.

*(b) Committee Composition*

This committee shall consist of the duly elected or appointed precinct committee persons and vice committee persons who represent precincts within the city.

*(c) Creation and Dissolution of Town or city committees*

- (1) The county chair may create a town or city committee at his or her discretion. Once created, a county chair may dissolve a town or city committee at any time, but only for just cause.
- (2) Except as provided in (c)(1), a town or city committee exists until thirty (30) days after a city election, at which time the town or city committee shall expire and all funds shall be turned over to the treasurer of the county committee.
- (3) The county chair may, at his or her discretion, permit the town or city committee to continue its existence and to retain funds it has raised or received.

*(d) Organization*

(1) **Deadline for Committee Formation**

If authorized, a town or city committee shall be reorganized no later than June 15 in the year of a municipal election or at the time fixed by the county chair.

(2) **Reorganization Meeting Procedures**

The county chair or a member of the county central committee appointed by the chair shall preside at the town or city committee reorganization meeting until a chair is elected. The secretary of the county central committee or a person appointed by the county chair shall act as secretary until a secretary is elected.

(3) **Notice of Reorganization Meeting**

The county chair shall notify all committee members of the time, place, and purpose of the town or city committee organization meeting in the manner provided for with county committee quadrennial reorganization meetings. However,

such notice shall be given not fewer than five (5) days before such meeting.

(4) Election of Officers

- (A) The town or city committee members shall elect a chair, vice chair, secretary, and treasurer in that order. Said officers need not be town or city committee members.
- (B) If provided for in its rules, the town or city committee may elect other officers and may provide for the election or appointment of subcommittees, as deemed necessary to perfect its organization

(5) Effect of Committees Failure to Elect a Chair

If the town or city committee is unable to elect a chair within twenty-four (24) hours of the time designated in the meeting notice, the committee shall stand adjourned. Within three days (3) thereafter, the county chair shall appoint any democratic voter of the city as the city chair and shall notify all committee members of this appointment in writing. Within ten days of his or her appointment, the now city chair shall call a meeting of the town or city committee to elect its other officers.

(e) *Vacancies in Committee Offices*

(1) Voting Procedure

The town or city committee shall fill vacancies at any meeting called for such purpose upon due notice to all committee members. Such vacancies shall be filled by election by a majority of the eligible votes present at such meeting. Those elected shall serve the unexpired term of those vacating office.

(2) Notice

(A) Deadline for Providing Notice

Any town or city committee meeting held to fill a vacancy in any office of such committee shall be called by the remaining officers by notice issued not more than five days after such vacancy occurs. If such officers fail to timely call such meeting, the county chair shall call for such meeting within five days after the original period expires. If the county chair fails to call the meeting within the time specified, the district chair shall issue a call within five (5) days after the second period has expired. If said district chair also fails to call such meeting within the said time, the state chair shall a call for such meeting to be held within thirty (30) days after a vacancy occurs.

(B) Form of Notice

Notice of the time, place, and purpose of the meeting shall be given to the committee members in the manner prescribed for the notice of the organization meeting of such committee. However, at least five (5) days' notice shall be given.

(3) Meeting Procedure

The officer calling such meeting shall preside. The vacancy shall be filled by a majority of the members of the committee present and voting.

(f) *Multiple residents in same precinct*

If two or more committeepersons or vice committeepersons who are members of the county committee reside in the same precinct as it exists for a city election, the committee shall designate which members of the county committee shall be committeepersons and vice committeepersons.

(g) *Duties of Officers*

The chair, vice chair, secretary, and treasurer of the city central committee shall have the same powers and duties as the State Committee officer with the same title.

(h)



- (1) Any town having a population of less than 3,500 (“small” town) as of the last decennial census not entirely or partially within a county having a consolidated city (Marion County), and where the town council did not adopt a resolution requiring the county election board to conduct a May primary election on behalf of the “small” town not later than January 1 of the municipal election year, must comply with the rules here to form a town committee for this purpose, and should adopt Rules of Procedure included as an appendix to these rules.
- (2) Those wishing to participate as a voter in a “small” town convention must comply with the Indiana Democratic Party rules and any state law regarding eligibility.
- (3) Rules of Procedure for small town nominating conventions (mentioned in (h)1.) are included as Appendix A to these rules.

## **Rule 13. County Committees**

### *(a) Committee Designation*

In each county of the state, there shall be a Democratic county central committee, known and designated by the name of the county committee.

### *(b) Committee Composition*

This committee shall consist of the duly elected or appointed precinct committeepersons and vice committeepersons within said county. The officers of the that committee shall be known as the county central committee.

### *(c) Qualifications for County Central Committee Officer*

- (1) A person may not be a candidate unless he or she:
  - (A) is a Party member, as set forth in Rule 8(c);
  - (B) is a qualified voter; and
  - (C) resides in the county in which he or she is a candidate.

### *(d) Notification of Vice Committee Appointments*

Not later than the last day in May immediately following the primary election, the county chair shall notify each vice committeeperson of his or her appointment.

### *(e) Reorganization Meeting*

#### (1) Meeting Date

On the first Saturday in March, 1997 and every four (4) years thereafter, at no later than one p.m., local time, such precinct committeepersons and vice-committeepersons shall meet in the county seat at a location selected by the retiring county chair and shall organize the county central committee by electing officers. (As amended, August 27, 2005)

#### (2) Notice of Meeting

The call for the organization meeting shall be sent by first class U.S. mail not later than fifteen (15) days prior to the date of the meeting, and shall be sent to each committeeperson and vice committeeperson on the list filed with State Committee. This list shall be filed no later than noon, thirty (30) days prior to the county committee reorganization meeting. (As amended, January, 2005)

#### (3) Prohibition on Filling Vacancies

Any committeeperson or vice committeeperson vacancy may not be filled during the thirty-day period preceding the county reorganization meeting.

#### (4) Candidate Filing Requirement for Officers

The county chair may require persons desiring to be elected to county committee office to indicate that desire by filing notice of candidacy with the

secretary of the county committee at least ten (10) days prior to the organization meeting. If a filing deadline is imposed that fact, the name and address of the secretary, and the date and time of the filing deadline shall be stated in the meeting notice.

(5) **Presiding Officers**

The county chair or an officer acting as chair under these Rules shall preside at the reorganization meeting until a chair has been elected. The presiding officer shall cast any tie-breaking vote in the election for chair, even if he or she has already cast a ballot as a committeeperson. The retiring secretary of the county committee shall act as secretary of the reorganization meeting. Only voting officers of the county central committee may preside at reorganization meetings. This shall be the chair unless the chair recognizes one of the other officers of the county committee to preside.

(6) **Voting Procedures**

The county committee shall elect a chair, a vice chair, a secretary, and a treasurer, in that order. If voting machines are used in the election, the offices shall be listed on the machines in that order. The person receiving a majority of the eligible votes present and voting shall be declared elected. Once a chair is elected, he or she shall cast any necessary tiebreaking votes. If a filing deadline is announced under section (d)(4) above no person may be nominated who has failed to timely file his or her candidacy unless permitted to do so by a vote of two-thirds (2/3) of the members of the county committee present and voting.

(7) **Effect of Failure to Elect Chair**

- (A) In the event no county chair is elected prior to one p.m. on the Sunday immediately following the first Saturday in March, said Committee shall stand adjourned, and State Committee, after its organization, shall direct the State Chair, or his/her designee, to conduct a new election in that county within thirty days to elect the chair and other officers of said county committee.
- (B) In the event no county chair is elected by the county committee through the process described in sub-section (A) above, then the State Committee shall elect the Chair of the county committee at its next regularly scheduled meeting.
- (C) If no county chair is elected by the county committee on the first Saturday in March, that county shall have no vote in the organization of the district committee. (As amended, March, 2005)

(8) **Multiple Ballots**

If no candidate gets a majority in an election of three or more candidates, the lowest vote getter shall drop out of subsequent ballots.

*(f) Prohibition on Filing Fees*

Candidate filing fees for reorganization meetings are prohibited.

*(g) Notification of New Officers*

The county chair, or in his absence the retiring secretary of the county committee, shall send by certified mail to the State Committee secretary the names of the newly and elected officers of the county committee. Said certification shall be deposited in the U.S. Mail not later than one p.m. on the Monday following said organization meeting. The secretary of the county committee shall also forward a copy to the district chair. (As amended August 27, 2005)

*(h) Terms of Office*

The officers elected at the reorganization meeting or at subsequent meeting to fill a vacancy shall serve until the county committee's next quadrennial reorganization meeting.

*(i) Assumption of Duties for Vacant Offices*

If the county chair is absent or a vacancy occurs in said office, the vice chair shall

assume the chair's duties. If there is no vice chair, the secretary shall assume said duties. For all other vacancies, the chair shall appoint another officer of the committee to assume the duties of the vacant office. The successor shall discharge said duties until the vacancy is filled by an election.

*(j) Filling Officer Vacancies*

*(1) Voting Procedure*

The county committee shall fill any officer vacancies occurring in the committee by election at any meeting called for such purpose upon due notice to all members provided in section (j)(2) below. The person receiving a majority of the eligible votes present and voting at such meeting shall be declared elected. A person so elected to fill a vacancy shall take office immediately.

*(2) Notice*

Any meeting of the county committee for the purpose of filling a vacancy in any office of such committee shall be called and chaired by one of the remaining committee officers in the order of the chair, vice chair, secretary or treasurer. Notice must be issued not more than ten (10) days after the vacancy has occurred. The meeting to fill such vacancy shall be held within thirty (30) days from the date the vacancy occurred. E-mail or USPS mail shall be considered as adequate notice.

*(3) Failure to Call a Timely Meeting*

If committee officers fail to timely call such meeting, the district chair shall issue a call not more than five (5) days after the expiration of said original period. If the district chair fails to timely call such meeting, the state chair shall issue a call within five (5) days after the expiration of the period during which the district chair could have called it. Notice of the time, place and purpose of any such meeting shall be given to the members of any such committee in the manner in section (i)(2) above. At least five (5) days notice of such meeting shall be given. The officer calling such meeting shall preside.

*(k) Resignation of Officer*

If a county officer retires or moves out of the county, he or she must send a written resignation to the county secretary. If no resignation is submitted, the county chair or vice chair (in the chair's absence) shall send a notice of vacation of office by certified mail to said officer with the stipulation that notice be returned within seven (7) days, or said officer is retired in absentia.

*(l) Procedure for Regular Meetings*

The chair may call regular meetings of the county committee at any time or upon written notice signed by a majority of all members of the county committee. The county chair shall preside at such meetings and shall cast any tiebreaking votes. Written notice of such meetings shall be given to each member of the committee as provided in section (j)(2) above not fewer than seven (7) days before the meeting date.

*(m) Committeeperson's Notice and Voting Rights*

All precinct committeepersons and vice committeepersons shall be given notice of all meetings. Except as for provided in these Rules, all eligible committeepersons and vice committeepersons may vote on all matters raised at any county committee meeting.

*(n) Filling Precinct Vacancies*

The County Chair shall fill any vacancy in a precinct committeeperson or vice committeeperson position by appointment.

*(o) Forfeiture of Committeeperson Position for Serving in Other Party's Office*

(1) If a precinct committeeperson or vice committeeperson accepts or retains any office or appointment under any officer, office holder, or appointee of any political party other than the Democratic Party, the county committee, by majority vote of the members present at any meeting, may declare a vacancy in the office of such committeeperson or vice committeeperson.

- (2) Nothing in this Rule prohibits a precinct committeeperson or vice committeeperson from accepting, with the consent of the county chair, an appointment that must by law be held by a member of a party other than that of the appointing authority.

(p) *Effect of Precinct Boundary or Name Changes*

- (1) Should precinct boundary or name changes occur, and thereafter only duly elected or appointed, and acting, committeeperson and/or vice committeeperson resides in the precinct, such committeeperson and/or vice committeeperson shall continue to serve in his or her elected or appointed capacity for the remainder of his or her original elected or appointed term. (As amended February 4, 2006)
- (2) Should precinct boundary or name changes result in two or more duly elected and acting committeepersons or vice committeepersons residing in the same precinct, the county chair shall select the committeeperson or vice committeeperson who shall serve the newly formed precinct until the next election by committeepersons and vice committeepersons as provided by law. (As amended February 4, 2006)
- (3) If the duly elected committee person serving in a precinct with multiple committee people, as a result of a changed boundary, resigns, dies or vacates the position in any way, such position shall not be deemed vacant and shall be deemed eliminated and shall not be filled pursuant to these rules regarding vacancies. (added August 5, 2020)

(q) *Precinct Review Committee*

(1) *Formation Date*

After the election of officers at the reorganization meeting, the newly elected county chair shall appoint, with the approval of a majority of the other officers of the committee and consistent with affirmative action goals of the Party, the members of the precinct review committee.

(2) *Composition of Committee*

The precinct review committee shall be composed of a number of members equal to ten (10) percent of the number of precincts in the county, but in no case shall have fewer than five (5) or more than twenty-one (21) members. Appointed members of the precinct review committee shall be precinct committeepersons. In addition to the appointed members, the county chairperson and the county vice chairperson shall serve as ex-officio members and shall be entitled to vote on all matters before the committee. The county chair shall appoint a precinct review committee chair who shall serve at the pleasure of the county chair.

(3) *Filling Vacancies*

Vacancies on the precinct review committee shall be filled by appointment by the county chair with the consent of a majority of the other members of the county central committee.

(r) *Ward and Township Chairs*

The county committee may establish the offices of area chair, ward chair, and township chair. Such officers shall not gain voting membership in the county committee by virtue of appointment to the office, but may participate in all meetings of the county committee. These officers shall serve at the pleasure of the county chair. The county committee may establish by rule alternative procedures for the selection and removal of such officers.

(s) *Duties of County Chair*

The duties of the County Chair include:

- (1) submitting the following to the State Chair upon request:
  - (A) current county committee membership lists, including a listing of officers, which shall be provided within thirty (30) days of the request, or in the case of the precinct committeeperson elections and appointments, ten (10) days thereafter;
  - (B) any computer files of voter information to which the county chair has access;

- (C) all county election results;
  - (2) recruiting Democratic Party candidates for all offices at each election;
  - (3) filling promptly by appointment any vacancy in any office at each election;
  - (4) filling promptly by appointment any vacancy in the office of committeeperson or vice committeeperson of any precinct;
  - (5) developing and implementing a polling, registration, and get-out-the-vote plan;
  - (6) participating in training and other workshops;
  - (7) administering county committee finances; and
  - (8) enhancing the visibility of the county party.
- (t) *County Committee List*

In all matters in which the State Committee, a district committee, the State Chair, or a district chair must call a meeting of a county committee or a caucus of committeepersons, the list most recently filed with the State Chair shall be the authoritative list of committeepersons and vice-committeepersons, except that the list of newly-elected and newly-appointed committeepersons shall be used after a primary election and before a new list is filed, and during the thirty days prior to a reorganization meeting of county committees.

Since county finance reports are filed with the county clerk and the Indiana Election Division, the county committee shall have a copy of the reports on hand for examination by committee members at their request.

(u) *Duties of Other Officers*

The vice chair, secretary, and treasurer of the county committee shall, in addition to any powers and duties specified in this Rule, have the same powers and duties with respect to the county committee as the same officer of State Committee.

## **Rule 14. District Committees**

(a) *Designation of Committee*

Each congressional district shall have a committee known as the “district committee” and designated by the district number.

(b) *Composition of Committee*

The district committee shall consist of the county chairs and vice chairs of each of the counties comprising the district. The officers of that committee shall be known as the “district central committee.”

(c) *Qualifications for District Central Committee Officer*

- (1) A person may not be a candidate unless he or she:
  - (A) is a Party member, as set forth in Rule 8(c);
  - (B) is a qualified voter; and
  - (C) resides in the congressional district in which he or she is a candidate.

(d) *Reorganization Meeting*

(1) *Purpose and Time of Meeting*

Each district committee shall meet on the Second Saturday in March of 2001 and every four (4) years thereafter, no later than one p.m. local time, for the purpose of electing officers.

(2) *Notice*

The district chair, in a manner he or she deems proper, shall notify all committee members of the meeting’s purpose, time and location, which must be within the district. Notice must be provided ten (10) days prior to the meeting.

- (3) *Candidate Filing Requirements for Officers*  
The district chair may require persons desiring to be elected to district committee office to indicate that desire by filing notice of candidacy with the secretary of the district committee at least seventy-two (72) hours prior to the organization meeting. If a filing deadline is imposed, that fact, the name and address of the secretary, and the date and time of the filing deadline shall be stated in the meeting notice.
- (4) *Voting Procedures*
- (A) A chair, vice chair, a secretary, and a treasurer shall be elected in that order by a majority of members present. The retiring district chair shall preside until a chair has been elected and shall cast the tiebreaking vote in the election of chair.
- (B) If otherwise eligible, an individual need not be a county chair or vice chair in the district to be elected to a district office.
- (5) *Prohibition on "Redistricted" Officers*  
District officers who are "redistricted" (i.e., who no longer live within the district), may remain in office until the next reorganization but may not seek re-election, even if a portion of their county remains in the congressional district.
- (6) *Notification of Results*  
The district chair shall notify the State Committee chair of the election results by phone as soon as they are known and shall immediately deposit written notice in the U.S. mail.
- (e) *District Chair and Other District Central Committee Officer Vacancies*
- (1) *Assumption of Duties*  
In case of either a chair's absence or a vacancy in that office for any reason, the vice chair shall assume the chair's duties. If there is no vice chair, the secretary shall assume said duties. For all other vacancies, the chair shall appoint another officer of the committee to assume the duties of the vacant office. The successor shall discharge said duties until the vacancy is filled by an election.
- (2) *Meeting to Fill District Chair or Other District Central Committee Officer Vacancy*  
If a vacancy in the office of district chair occurs, the vice chair shall call a meeting of the district committee by giving notice of the meeting's time and place, which must be within the district, in a manner he or she deems proper. Such meeting shall be held not fewer than seven (7) and not more than thirty (30) days after such vacancy occurs. The district vice chair shall preside and shall cast any tiebreaking votes for district chair. If there is a vacancy in any of the remaining district central committee officers, the district chair shall call a meeting as specified in this section.
- (3) *Effect of District Committee's Failure to Fill Vacancies*
- (A) *State Chair Duties*  
If the district committee fails to timely fill any vacancy in its offices, the State Chair shall call a district committee meeting for that purpose and shall give each committee member at least five (5) days' written notice of the time, place, and purpose of the meeting. The State Chair shall preside at the meeting and shall cast any tiebreaking vote.
- (B) *Time for Calling Meeting*  
The State Chair shall call such meeting within at least thirty days after the vacancy occurs, or the district fails to elect.
- (C) *Second Failure to Elect Officers*  
In the event such committee again fails to elect a chair, vice chair, secretary, or treasurer, and notice of said failure is filed by the State Chair with State Committee within three (3) days after such meeting is called by the Chair, State Committee shall elect, by a majority vote of the members, a qualified Democratic voter, residing in said district, to any vacant office in such district committee. The officer so elected shall have all the authority and duties delegated under the law and these Rules.

*(f) Meeting and Notice Generally*

The district committee may be convened at any time upon call of the chair, or upon written call of a majority of the members of said committee. The call of such meeting may be in any manner the chair deems proper, but must be given to all committee members. All meeting notices shall state the time, place, and purpose of such meeting, shall be in writing and signed by the chair or the members joining in such call, and shall be delivered to all members not joining therein at least seventy-two (72) hours before the meeting.

*(g) Minimum District Committee Meeting Requirements*

Each District Committee shall meet in person at least twice per calendar year. Such meetings shall include the reorganization meeting, in reorganization years, a meeting within ten (10) days before each State Convention, and such other meetings as may be called by the State Chair or by the committee.

*(h) Duties of District Chair*

The district chair may exercise any privileges or perform any duty that a county chair or vice chair fails or refuses to exercise.

*(i) Duties of Other Officers*

The district vice chair, the secretary, and the treasurer shall, in addition to any powers and duties specified in this Rule, have the same powers and duties with respect to the district committee as the same officer of the State Committee.

## **Rule 15. State Committee**

*(a) Committee Designation*

There shall be a permanent committee for the entire state which shall be known as the Indiana Democratic State Central Committee ("State Committee"). Subject only to the Party as assembled at the State Convention, the State Committee shall be the supreme party authority in Indiana.

*(b) Committee Composition*

This State Committee shall consist of the elected and appointed officers of the committee, the district chairs and vice chairs, National Committee members from Indiana, two representatives of the Indiana Young Democrats, representative(s) of each recognized caucus who carry one total vote on the Committee, and other appointed voting and non-voting officers as nominated by the State Chair and ratified by the State Central Committee. Certified Councils may also appoint a non-voting representative to serve on the State Central Committee in an advisory capacity. (As amended Sept. 29, 2020)

### Certified Caucuses

- (1) A caucus shall be classified as a "recognized caucus" upon the recommendation of the State Chair and approval by a majority of the State Committee. (As amended February 4, 2006)
- (2) A recognized caucus shall comply with the criteria outlined below as well as all IDP rules and state and federal law. If it fails to do so, it can lose its "recognized" classification and be removed from the State Committee upon the recommendation of the State Chair and approval by a majority of the State Committee or alternatively, upon a vote of two-thirds (2/3) of all State Committee members (As amended 2016).
  - i. Each recognized caucus shall maintain a statewide presence.
  - ii. Each recognized caucus shall maintain written bylaws that do not conflict with IDP Rules. A copy of the bylaws shall be on file with the State Party and each recognized caucus shall provide the State Chair or the Secretary of the State Committee with written notice of any change in its bylaws within 30 days of the change occurring.
  - iii. If a recognized caucus holds an election of its officers or State Committee representative(s) on a separate timeline other than the quadrennial reorganization of the State Committee, such caucus shall provide the State Chair or the Secretary of the State Committee with written notices of such

- election at least 30 days before the date of the election.
- iv. Each recognized caucus shall provide the State Chair or Secretary of the State Committee with written notice of any change of its State Committee representation within three days of the change occurring.
  - v. The term of a State Committee representative of a recognized caucus shall end no later than 30 days after the date of the next quadrennial reorganization of the State Central Committee that follows such representative's election. The term length is otherwise determined at the discretion of each recognized caucus.

### Certified Councils

1. Certified councils shall be formed to offer advocacy and serve as a resource for issues important to the Indiana Democratic Party. In order to become certified, a council must file an application with the Secretary of the State Committee, be approved by a majority vote of the State Committee, sign a compliance agreement and serve a 12-month probationary period in order to become certified. To remain certified following reorganization, a certified council shall file a recertification application agreement. Certified status may be revoked by a majority vote of the State Committee. (Amended in Sept. 29, 2020)

#### *(c) Voting Rights*

- (1) The Legal Counsel, Parliamentarian and CPA shall not vote on any matter before the Committee.
- (2) All members shall have only 1 vote on all matters before the Committee. The bylaws of the Caucuses shall determine how the Caucus vote shall be allocated on the Committee.
- (3) Representatives of certified councils shall serve in an advisory capacity and shall not have a vote on the Committee. (Amended in Sept. 29, 2020)
- (4) Deputy Chairs are not eligible to vote for any office at reorganization or in the event of a vacancy of any State Committee officer. (Amended Dec. 12, 2020)

#### *(d) Location of State Committee Headquarters*

State Committee shall be headquartered in Indianapolis, Indiana. Subject to State Committee approval, the Chair must furnish and pay for suitable rooms for the use and occupancy of State Committee members.

#### *(e) Reorganization Meeting Date*

The state committee shall meet in Indianapolis on the third Saturday in March of 2001 and every four (4) years thereafter, no later than one p.m. local time, for the purpose of reorganizing the Committee and transacting other business as may be brought before the Committee.

#### *(f) Reorganization Meeting Procedures*

- (1) At the reorganization meeting, the retiring State Chair shall preside. Officers shall be elected by majority vote in the following order: Chair, Vice Chair, Secretary and Treasurer. The retiring Chair shall break the tie votes.
- (2) After the election of officers, the State Chair shall nominate, with consent of a majority of State Committee, one person to the office of Finance Chair and five persons to the office of Deputy Chair. The five Deputy Chairs shall not be all of the sex and each Deputy Chair shall represent a different region of the state. (As amended March 21, 2009)

#### *(g) Filling Deputy Chair Vacancies*

Vacancies in the office of deputy chair may be filled by appointment by the State Chair, subject to approval by a majority of the State Committee in its next meeting.

#### *(h) State Chair as Sole Binding Agent*



The State Chair is the only person empowered to incur liability binding on State Committee.

(i) *Duties of State Chair*

The duties of the chair shall be:

- (1) to call meetings and to preside at all meetings of the committee; (2) to cast the deciding vote in the case of a tie;
- (3) to supervise and assist in the management of political campaigns during his or her term of office;
- (4) with the advice of the State Committee, to carry into effect the directions of the Committee;
- (5) to perform any duties prescribed by these Rules or assigned by State Committee;
- (6) to exercise such discretionary powers as may be necessary and proper in the interest of the citizens of Indiana and the Democratic Party;
- (7) to prepare and distribute to the State Committee an agenda and minutes of the previous meeting prior to any meeting of the Committee;
- (8) to appoint legal counsel and a parliamentarian with approval of the State Committee;
- (9) to direct preparation of an annual budget by the budget committee and present it to the State Committee for approval;
- (10) to submit to State Committee copies of all state and federal campaign finance reports and other reports that the Committee may require;
- (11) to appoint the chair and the members of all standing and special committees except where otherwise provided by these Rules;
- (12) to serve as ex-officio member of all committees of the State Committee;
- (13) to be responsible for maintaining the records of the office, voter files, lists of contributors, party membership lists, computer files, records, committee reports, and all other records of the State Committee, and pass on such records in good order to the succeeding chairperson;
- (14) to be responsible for the filing of all reports that required to be filed with the proper authorities and by the prescribed deadlines;
- (15) to have the overall responsibility for state party affairs, and to be the sole official spokesperson for the party, subject only to the State Committee and State Convention when it is in session;
- (16) to report annually to the State Committee the attendance of national committee members at meetings of the National Committee.
- (17) to hire, supervise, promote and discharge employees as necessary to carry out his or her duties as State Chair; provided, however, the Chair shall not discriminate on the basis of race, color, religion, sex, national origin, ancestry, age, disability, ethnic identity, economic status, sexual orientation or gender identity. The Chair will conduct a thorough background check on each person employed by the Party.  
(As amended May 5, 2007)

(j) *Duties of Vice Chair*

The duties of the Vice Chair shall be:

- (1) to preside at any State Committee meeting at which the State Chair is absent;
- (2) to perform all of the Chair's duties while acting in such capacity; and
- (3) to perform duties delegated to him or her by the Chair.

(k) *Duties of Secretary*

The duties of the Secretary shall be:

- (1) to keep proper records of State Committee proceedings and of the organization of the Party throughout the state;
- (2) work with State Party staff when necessary on the drafting of correspondence;

- (3) to perform such other duties delegated by the State Chair or assigned by the Committee.

*(l) Duties of Treasurer*

The duties of the Treasurer shall be:

- (1) work with State Party staff to ascertain the best procedures for the collection and custody of all money belonging to the State Committee;
- (2) to act as chair of the budget committee;
- (3) work with State Party staff to ensure that an accounting of the condition of the treasury is provided at each meeting;
- (4) work with State Party staff when necessary to review all payments of bills as directed by the State Chair or by the budget committee;
- (5) ensure that the State Chair submits his or her books for inspection, examination, and audit when required to do so by the State Committee;
- (6) to assist with fundraising;
- (7) to comply with the campaign finance provisions of the laws of the State of Indiana and of the United States;
- (8) to make all records of Committee expenditures available for inspection to all members upon written request by any State Committee member. Such reports are confidential and may not be disseminated;
- (9) to work with the Party CPA to conduct analysis of the financial procedures of the Indiana Democratic Party as determined appropriate by the Budget Committee and report all findings to the State Committee. (As amended August 5, 2020)

*(m) Duties of the Finance Chair*

The duties of the Finance Chair shall be:

- (1) to serve as chair of the finance committee;
- (2) to assist the Chair in fundraising;
- (3) to comply with all federal and state campaign finance laws;
- (4) to recruit members to the finance committee;
- (5) to report to the State Committee all updates from the finance committee. (As amended January 31, 2009)

*(n) Duties of Deputy Chairs*

The duties of each state Deputy Chair shall be:

- (1) to represent the State Chair as deemed necessary;
- (2) to advise the Chair on matters as deemed necessary; and
- (3) to perform duties delegated by the Chair.
- (4) tenures of Deputy Chairs conclude at the beginning of State Central Committee reorganization and/or following a State Chair resignation or vacancy. (Amended Dec. 12, 2020)

*(o) Composition & Duties of Budget Committee*

- (1) The budget committee referred to in section (i)(9) above shall be composed of the State Chair or his designee and four members of the State Committee selected by that Committee.
- (2) The budget committee shall assist in the formation and prepare the State Party budget and shall determine all necessary and appropriate expenditures.

*(p) State Chair Vacancy*

*(1) Assumption of Duties*

If there is no Vice Chair to assume a vacant State Chair's duties, then the Secretary shall assume those duties until such vacancy is filled.

*(2) Call for Meeting to Fill State Chair Vacancy*

An officer who assumes the chair's duties must call a State Committee meeting to elect a new chair within two (2) weeks of assuming the chair's duties. That officer

shall provide each committee member notice of the time, place, and purpose of meeting by certified mail, not fewer than five (5) days before the meeting date.

(3) *Deadline for Filling Vacancy*

A State Chair vacancy must be filled within thirty (30) days.

(4) *Meeting Procedure*

The officer issuing the call shall preside at the meeting until a State Chair is elected by a majority vote of the members present. The presiding officer shall break any tie votes.

(q) *Vacancies in Other Offices*

(1) Notwithstanding sections (p) and (g), if a vacancy in any other office occurs for any reason, the chair shall appoint another officer of the committee to assume the duties of the vacant office. The successor shall discharge said duties until the vacancy is filled by an election.

(2) A successor must be elected at any subsequent regular or called meeting. The person elected shall complete the term of his or her predecessor.

(r) *Terms for Officers Filling Vacancies*

Any officer elected to fill a vacancy shall complete the term of his or her predecessor.

(s) *Convening State Committee Meetings*

State Committee meetings may be convened at any time upon the call of the State Chair or a majority of Committee members. Notice shall be given to each Committee member by mail, email, or fax, signed by the person or persons calling such meeting at least seven (7) days prior to the meeting. All State Committee meetings must be posted on the Indiana Democratic Party website at least seven (7) days prior to this meeting and must include location, date and time of the meeting.

(t) *Recognition of Local Clubs and Parties*

No club, council, society, or organization, other than the committees authorized by these Rules, shall be regarded as an official organization of the Party unless and until it has been approved as to its form, methods, and purposes by a majority vote of State Committee. Any organization failing to receive State Committee or failing to display such approval in its headquarters, publication or upon its stationary, including the date that such approval expires, is unauthorized to function in the name of the Party.

(u) *Liabilities*

(1) *Approval Needed to Incur Liability*

State Committee shall not, directly, or indirectly, assume the payment of, or responsibility for, the indebtedness or liability of any person, or committee, or other entity unless the State Committee approved of such action at a meeting properly called under these Rules at least ten (10) days before the indebtedness or liability was incurred.

(2) *Approval Needed to Incur Debt*

State Committee shall not, directly or indirectly, borrow money or services or assume or otherwise incur any indebtedness or other liability during the period beginning sixty (60) days prior to each general election and expiring at midnight on the day of each general election, without prior approval of not less than two-thirds (2/3) of State Committee members, as expressed at a regular or special meeting called on notice given pursuant to these Rules.

(3) *State Chair as Sole Binding Agent*

Even if approval has been provided to incur a debt or liability, the State Chair is the only person empowered to incur liability binding on State Committee.

(4) *Disputes between State Chair and Treasurer*

Any dispute between the Treasurer and Chair concerning the payment of committee obligations shall be resolved by State Committee.

(v) *Annual Convention of County Officers*

State Committee shall hold an annual convention of all county party officers within ten days of the State Convention in even-numbered years and at a date of its choosing in odd-numbered years.

(w) *Minimum State Committee Meeting Requirements*

- (1) State Committee shall meet at least six (6) times per calendar year. Such meetings shall include the reorganization meeting, in reorganization years, a meeting within ten days before each State Convention, and such other meetings as called by the State Chair or by a majority of Committee members. At least one meeting per year shall occur in the northern part of the state, and at least one meeting per year shall occur in the southern part of the state.
- (2) No more than two (2) meetings per year may be conducted by teleconference. Meetings whose purpose is to elect or remove officers must be conducted in person.

## **Rule 16. National Committee**

(a) *Committee Composition*

Three (3) National Committeepersons shall be elected to represent the Party on the Democratic National Committee ("DNC"). The State Chair and Vice Chair shall also serve on the DNC with one vote each. The elected National Committeepersons, State Chair, and Vice Chair shall collectively be known as the "DNC members." (As Amended August 27, 2005)

(b) *National Committeeperson Election Procedure*

Such National Committeepersons shall be elected by a majority vote of the Committee present and voting at the State Committee meeting held immediately prior to the National Convention.

(c) *Terms of National Committeeperson*

National Committeepersons shall serve a four-year term beginning at the time specified by DNC Rules and until their successors are elected by the State Committee and confirmed by the Democratic National Convention held following such election.

(d) *Filling Vacancies*

If a vacancy in the office of National Committeeperson occurs, the same shall be filled at any State Committee meeting. Notice of time, place and purpose of such meeting shall be given to all Committee members not fewer than seven (7) days before the meeting date.

(e) *Duties of National Committeepersons*

Every National Committeeperson elected by State Committee is duty bound to attend all regular meetings of the State and National Committees. The State Committee may remove any National Committeeperson it elected for failing to attend at least sixty (60) percent of the regular meetings of the State and National Committees during any twelve (12) consecutive-month period.

## **VI. The State Convention**

### **Rule 17. State Convention**

(a) *Convention Organization and Operation*

(1) *Convention Governed by Party Rules*

All matters pertaining to the holding of the State Convention shall be governed by these Rules and by such rules as may be adopted by such Convention.

(2) *Time of Convention*

The Party shall hold a State Convention biennially at a time and place set by the State Committee.

(3) *Call to the convention*

At least thirty (30) days prior to the State Convention, the State Chair shall issue the call to the Convention. The call to the Convention shall include the:

- (A) time and place of the Convention;
- (B) number of delegates and alternates to the National Convention to be selected;
- (C) procedures for nominating delegates and alternates to the National Convention, including the appointment of the nominating committee for at- large delegates and alternates;
- (D) time and date for all caucus meetings of the delegates to the State Convention;
- (E) procedure for certifying the names of the delegates to the State Convention;
- (F) procedure for electing members of the State Convention committee; and
- (G) business other than the election of delegates and alternates to be conducted by the caucus or Convention.

(4) *Media Notification*

Publication and notice of the Convention and district caucus shall be given to the news media at the time of the call.

(5) *Organization of Convention*

The State Chair shall make all arrangements for such Convention. A temporary chair, a permanent chair, and such other Convention officers as deemed necessary by State Committee shall be elected by a majority vote of members present and voting at any meeting of the State Committee designated for the purpose of electing officers of the Convention. The State Chair, with the approval of the State Committee, may appoint a committee to make arrangements for such Convention. All arrangements for such committee shall be subject to the approval of State Committee in advance of the Convention.

(6) *Composition of the Convention*

The State Convention shall consist of delegates elected from each county of the state at the primary election on the first Tuesday after the first Monday in May in even numbered years. County chairs and members of the State Central Committee are automatic delegates to the State Convention by virtue of their office.

(7) *Apportionment of Delegates*

The number of state convention delegates for each county shall be determined by the State Committee. No later than noon November 30 of the year preceding the year in which the state convention is to be conducted, the state chairman shall certify the following to the election division and to each county committee of the party:

- (a) The number of delegates to be elected in each county;
- (b) Whether the delegates are to be elected from districts or at large in each county; and
- (c) If a county is to elect delegates from districts, how many districts must be established in each county.

The county chair shall establish any delegate districts required to be established. The number of delegates and any descriptions setting forth the state delegate district boundaries are to be filed with the county election board no later than noon, December 31, of the year preceding the year the state convention is to be conducted. Failure to timely file district descriptions will result in the county election board establishing the districts no later than the first day that a declaration of candidacy may be filed, and apportion the delegates to be elected from each district in accordance with the state party chair's notice.

(8) *District Caucus Duties*

The delegates to the State Convention from each congressional district shall caucus at the State Convention at a time and place designated by the Chair and the Secretary of State Committee in the official call for the Convention. The district chair shall preside at such meeting at which delegates will elect the district's representative on the various Convention committees as follows:

- (A) One member of the committee on rules and permanent organization;
- (B) One member of the committee on resolutions;
- (C) One member of the committee on credentials;
- (D) Officers of the convention as follows:
  - (i) One vice president of the Convention;
  - (ii) One assistant secretary of the Convention;
  - (iii) One assistant sergeant-at-arms of the Convention; and
  - (iv) The following officers of the National Party:
    - 1. One presidential elector and one alternate presidential elector;
    - 2. Delegates to the Democratic National Convention; and
    - 3. Alternate delegates to the Democratic National Convention. In addition, at each such district meeting, the district delegates will vote on two (2) at-large candidates for presidential elector and two (2) alternate at-large candidates for presidential elector. The district chair shall thereafter tabulate such votes.  
(As amended May, 2004)

(9) *Obligations of Convention Committees*

The committee on rules and permanent organization shall propose the rules; the committee on resolutions shall propose the resolutions; and the committee on credentials shall report on all challenges for the delegates to the Convention.

(10) *Minority Reports*

Upon the vote of a majority of the State Convention delegates or upon written petition signed by ten percent (10%) percent of the State Convention delegates or upon motion of thirty-five percent (35%) of the members of any State Convention committee, a minority report shall be prepared by those representing the minority and presented on the floor of the Convention.

(b) *State Delegates*

(1) *State Delegate Qualifications*

A person may not be a candidate for state delegate unless he or she:

- (A) Is a party member, as set forth in Rule 8(c);
- (B) Is a qualified voter; and
- (C) Resides in the state delegate district in which he or she is a candidate.

(2) *Election of State Delegates*

State Delegates shall be elected by ballot at the primary election held on the first Tuesday after the first Monday in May of 2018 and every two years thereafter.

vi. *Delegate Election and Tie Votes*

The candidate for state delegate that receives the highest vote total in the primary election shall be deemed elected. The county chair shall decide any tie between candidates for state delegate before six p.m. on the Friday immediately following the primary election. The county chair must select the winner of the tie from among the candidates who received the same number of votes.

(4) *State Delegate Vacancies*

(A) *Duty to Notify County Chair*

Any duly elected delegate to the State Convention who cannot attend such Convention shall notify, in writing, the county chair of the county in which the delegate resides, of the delegate's intention to be absent.

(B) *Appointment of Alternates*

The county chair shall then certify and authorize a duly elected alternate. The

chair shall do likewise if, for any reason, a vacancy exists in the county delegation. In the event that the county chair is not present, the vice chair shall fill such vacancy in like manner. In the event neither the chair or vice chair is present, the chair of the delegation shall fill the vacancy. In appointing an alternate, the appointee shall satisfy the following requirements:

- (i). the requirements contained in Rules 17(b)(1)(A)-(C); or
- (ii). at the time of the appointment, the alternate has been granted deferred action under the United States policy of Deferred Action for Childhood Arrivals; is at least 18 years of age; and, is a resident of the State of Indiana. Persons satisfying the requirements of this paragraph are not required to be U.S. citizens or eligible to vote.

(5) *Challenge of State Delegate*

(A) *Procedure for Challenge*

Any Party member may challenge any state delegate certified to the State Convention by notifying the State Chair in writing within one week after the date of the primary election. The challenger must also send a copy of the challenge to the challenged delegate and to the county chair. A challenge shall include the name and address of the challenged delegate and the grounds for the challenge.

(B) *Challenge Hearing*

- (i) State Headquarters shall send all challenges to the chair of the committee on credentials and to the challenged delegates immediately upon receipt.
- (ii) The chair of the committee on credentials shall convene the committee at least two (2) hours before the start of the State Convention.
- (iii) The committee on credentials shall consider any statements from the challenger, from the challenged delegate and from any other person wishing to testify on the challenge.
- (iv) In the case of a challenge, the committee on credentials shall report to the State Convention the name of the delegates who it believes is entitled to participate in the State Convention.
- (v) The State convention shall vote on each challenge reported by the committee on credentials. The report of the committee on credentials must be approved by a majority vote of the Convention before a challenged delegate may participate in the Convention. No challenged delegate may vote on the report of the committee on credentials involving the delegate's credentials.

(c) *National Delegates*

(1) *Selection Procedure*

In presidential election years, the National Convention delegation shall be elected by State Convention delegates attending district caucus meetings. The National Convention delegation shall be apportioned among the congressional districts in accordance with Indiana's National Delegate Selection Plan (the "Plan") approved by the Democratic National Committee in accordance with Democratic National Committee Rules. The explicit apportionment of delegates and alternates resulting from the application of the Plan shall be announced by the State Chair at least thirty (30) days prior to the State Convention in the years in which delegates and alternates to the National Convention are selected.

(2) *Requirements for Delegate Candidacy*

- (A) Except as prohibited by these Rules, any Party member may seek nomination for delegate or alternate to the National Convention as long as the member is a resident of the congressional district as provided in the Plan. In all other cases, Plan shall be utilized.
- (B) In presidential election years, the nominee must make known the nominee's presidential preference or uncommitted status. Since Democratic National Committee requirements allow a presidential candidate to have the right to

approve any candidate for National Convention delegate identified with the candidacy, the Indiana Democratic Party shall require a certificate of such approval.

(3) *Remaining Delegate Slots & Vacancies*

The remaining members of Indiana's National Convention delegation are selected in accordance with the Plan. Likewise, any vacancies on the National Convention delegation shall be filled in accordance with the Plan.

(4) *Delegate Challenges*

A challenge to a National Convention delegate or the state's National Delegation is made in accordance with the Plan. Further information about the challenge procedures is available from State Committee headquarters.

(d) *Presidential Electors*

- (1) Except as prohibited by these Rules, any Party member may seek to be elected by the district caucus as a presidential elector and alternate presidential elector as long as the member is a resident of the congressional district and timely files an application for election during the same period provided in the Plan for filing of National Convention delegates.
- (2) Except as prohibited by these Rules, any Party member may seek to be elected as an at-large presidential elector or alternate at-large presidential elector as long as the member is a resident of the State of Indiana and timely files an application for election during the same period provided in the Plan for the filing of National Convention delegates.
- (3) At the conclusion of district caucus meetings, each district chair shall provide to the State Chair the candidates elected by the district for presidential elector and alternate presidential elector. In addition, each district chair shall provide to the State Chair the vote tabulation for the two (2) at-large candidates for presidential elector and two (2) alternate at-large candidates for presidential elector.
- (4) After each district chair has reported to the State Chair, the State Chair shall tabulate the votes from all districts for the two (2) at-large candidates and two (2) alternate at-large candidates for presidential elector.
- (5) The State Chair shall certify to the State Election Division as required by I.C. 3-10-4-5 the names of the candidates of the Party for presidential electors and alternate electors.

## **VII. Vacancies**

### **Rule 18. Candidate and Elected Officeholder Vacancies**

*Note: If Indiana Democratic Party rules conflict with state statute, Indiana law is to be followed. Please refer to IC 3-13, generally, for more detailed information about ballot vacancies and elected officer vacancies, or contact the Democratic co-director at the Indiana Election Division for further guidance.*

(a) *Primary Candidate (Ballot) Vacancies (I.C. 3-13-1-2)*

A candidate vacancy that exists on a primary election ballot may not be filled for the primary election. Any resulting vacancy on the following general or municipal election ballot must be filled by the proper committees and/or caucuses as provided in this Rule, by noon, June 30, before election day.

(b) *Early General Election Candidate (Ballot) Vacancies (I.C. 3-13-1)*



This section applies when a candidate vacancy arises due to death, withdrawal, disqualification, or court order before the thirtieth (30th) day before the general, municipal, or special election.

- (1) A vacancy for U.S. Senate or statewide office shall be filled by State Committee.
- (2) A vacancy for U.S. House of Representatives shall be filled by a caucus of the eligible committeepersons whose precincts are within the congressional district.
- (3) A vacancy for state legislative office shall be filled by a caucus of the eligible committeepersons whose precincts are within the legislative district.
- (4) A vacancy for local office shall be filled by a caucus of the eligible committeepersons whose precincts are within the election district except as follows:
  - (A) A vacancy in the office of circuit court judge or prosecuting attorney in a circuit having multiple counties shall be filled by a caucus of eligible committeepersons who constitute the county committees of the counties within the circuit.
  - (B) If authorized by a majority vote of the county committee to do so, and of the vacant office governs only one county, the county chair or the county central committee may fill local candidate vacancies.
- (5) Action to fill a vacancy under this section must be taken within thirty (30) days after the vacancy occurs.

*(c) Late General Election Candidate (Ballot) Vacancies (I.C. 3-13-2)*

This section applies when a vacancy arises due to death, candidate withdrawal, disqualification, or court order after the thirty-first (31st) day before a general, municipal, or special election.

- (1) A vacancy for U.S. Senator shall be filled by appointment of the State Chair.
- (2) A vacancy for U.S. Representative shall be filled by the appointment of the district chair.
- (3) A vacancy for state legislative office shall be filled by a majority vote of the county chairs for all counties having territory in the senate or house district.
- (4) A vacancy in local office shall be filled by the chair of the county having the greatest percentage of the election district, except the office of circuit court judge or prosecuting attorney in a circuit having multiple counties, in which case the vacancy shall be filled by a majority vote of the chairs of the counties in the circuit.
- (5) The State Chair shall break a tie vote should it occur during an election conducted under (3) or (4).
- (6) In the event of a vacancy under (3) or (4) in an election district that contains more than one (1) county, the State Chair or his or her designee shall call and chair a meeting of the county chairs where the election district is located.
  - (i) The call of the meeting under (c)(6) shall state the name of the chair, the purpose, date, time, and place and shall be sent in a manner as determined by the State Chair. Notice may be given via email or by other electronic or telephonic means. Notice shall be given at least twenty-four (24) hours before the time of the meeting stated in the notice.
  - (ii) At the meeting the county chairs in attendance may adopt additional rules of procedures. A majority vote of the county chairs where the election district is located is required to select a candidate to fill the late ballot vacancy.
  - (iii) Once a candidate has been selected the State Chair shall certify the selection by filing the following not later than three (3) days (excluding Saturdays and Sundays) after the candidate was selected:
    - (a) A signed and notarized candidate consent form to fill a ballot vacancy. This is an official state form prescribed by the Indiana Election Division.

- (b) A copy of a statement of economic interest, file stamped by the office required to receive the statement of economic interests or a receipt or photocopy of a receipt showing that a statement of economic interests has been filed.
- (c) A form prescribed by the Indiana Election Division under IC 3-13-2-8 certifying the selection of the candidate to fill the late ballot vacancy.

*(d) Procedures to Fill Candidate (Ballot) Vacancies*

*(1) Call for meeting or caucus (IC 3-13-1-6(b); IC 3-13-1-8; IC 3-13-2-4; IC 3-13-2-5(b))*

(A) The State Chair or his or her designee shall call and chair any meeting or caucus to fill a candidate vacancy for U.S. Senator, a statewide office, U.S. Representative, state legislative officer, or circuit judge or county prosecutor in a circuit having more than one county.

(B) The chair of the county having the greatest percentage of the election district shall call and chair any caucus to fill other local candidate vacancies.

(i) If the election district for the local office is entirely within one (1) county, then the county chair or a caucus of the county chair, vice chair, secretary, and treasurer may fill a ballot vacancy if the action to fill ballot vacancies without need of a caucus of eligible persons is authorized by a vote of the county committee. Documentation of the authority given by the county committee must be attached to the certification of candidate selection.

(ii) Documentation may consist of a copy of a resolution passed by the county committee and that is signed by the county chair and secretary, or a copy of the minutes of the county committee meeting where the county committee authorized the county chair or a caucus of the county chair, vice chair, secretary, and treasurer to fill a ballot vacancy.

*(2) Form and Time of Notice (IC 3-13-1-9)*

The call to the meeting shall be on a form prescribed by the election division and state in writing the name of the chair, the purpose, date, time and place and shall be sent by first class mail at least ten (10) days before the meeting to all precinct committee persons eligible to participate, as noted in 5 below. Except with ballot vacancies for the office of U.S. Senator or statewide offices, precinct committee persons must be elected or appointed to a precinct within the election district in order to participate in the caucus.

*(3) Filing of Notice*

This notice shall be filed no later than noon (Indianapolis time), ten (10) days before the meeting with the Election Division for vacancies addressed in section (d)(1)(A) above and for all judge and prosecutor vacancies or no later than noon (local prevailing time), ten (10) days before the meeting with the circuit court clerk for local vacancies in accordance with I.C. 3-13-1-9.

*(4) Filing a Declaration of Candidacy (IC 3-13-1-10)*

*Note: The declaration of candidacy to fill a ballot vacancy is an official state form prescribed by the Indiana Election Division. For local candidates, the statement of economic interest is the CAN-12 state form. Statewide candidates can find the statement of economic interest online through the Indiana Office of Inspector General. State legislative candidates file a statement of economic interest with the Secretary of the Indiana Senate or Clerk of the Indiana House, depending on the office sought. Candidates for judicial office or prosecuting attorney file a statement of economic interest with the Indiana Commission on Judicial Qualifications.*

At least 72-hours before the time fixed for the caucus or committee meeting, a person who wishes to be a candidate to fill a candidate vacancy must file an original declaration of candidacy on a form prescribed by the election division with:

- (A) The chair of the caucus or committee conducting a meeting; **and**
- (B) The official who is required to receive a certificate of candidate selection following the caucus.

The declaration of candidacy must be an original; copies of the original may not be accepted by the chair, circuit court clerk, or Indiana Election Division.

Except for federal candidates, candidates must attach to the declaration of candidacy:

- (A) A copy of a statement of economic interests, file stamped by the office required to receive the statement of economic interests; or
- (B) A receipt or photocopy of a receipt showing that a statement of economic interests has been filed.

*(5) Precinct Committeepersons and Proxies (IC 3-13-1-10; IC 3-13-1-11.5)*

(A) An elected precinct committeeperson is eligible to participate in a caucus to fill a ballot vacancy, regardless of when the ballot vacancy occurred.

(i) Should an eligible elected precinct committeeperson not be able to be present at the caucus, then the precinct committeeperson may appoint their vice committeeperson to serve as a proxy, if the vice committeeperson was the vice committeeperson five (5) days before the date of the caucus.

(B) An appointed precinct committeeperson is eligible to participate in a caucus to fill a ballot vacancy if the person was a committeeperson thirty (30) days before the vacancy occurred.

(i) Should an eligible appointed precinct committeeperson not be able to be present at the caucus, then the precinct committeeperson may appoint their vice committeeperson to serve as proxy if the vice committeeperson was the vice committeeperson thirty (30) days before the vacancy occurred.

(C) For purposes of a candidacy vacancy resulting from the failure of a candidate to be nominated at a primary at which precinct committeepersons were elected; 2018 and every four (4) years after an appointed precinct committeeperson is eligible to serve if the committeeperson has been reappointed following the primary in accordance with the rules of the Democratic Party.

*(6) Selection Process for Candidate (Ballot) Vacancies (IC 3-13-1-11; IC 3-13-1-12; IC 3-13-1-13)*

(A) At the meeting called for purposes of filling a candidate (ballot) vacancy, eligible participants shall establish the rules of procedure for the caucus or meeting. The selection shall be conducted by secret ballot, if more than one (1) person seeks to fill the vacancy. A majority vote of those eligible persons casting a vote for a candidate shall select a person to fill the vacancy. The caucus chair may break any tie vote. If a quorum required under the rules of a meeting held under this chapter is not present, the county chair shall fill the candidacy vacancy.

(B) If fewer than two precinct committeepersons are eligible to be members of a caucus, then the county chair entitled to give notice of the caucus shall fill the ballot vacancy by appointment.

*(7) Notice of Filled Candidate Vacancies (IC 3-13-1-15)*

*Note: The certificate of candidate selection is an official state form prescribed by the Indiana Election Division.*

(A) Not later than noon (Indianapolis time,) three (3) days after a candidate vacancy is filled for vacancies addressed in section (d)(1)(A) above, the chair

of the caucus shall file a written certificate of candidate selection with the Election Division.

(B) Not later than noon (local prevailing time), three (3) days after a candidate vacancy for local office is filled, the written certificate of candidate selection shall be filed with the circuit court clerk in accordance with IC 3-13-1-15 and 3-13-2-8.

(C) In addition, the caucus chair shall notify the State Chair in writing of the names, addresses, and phone numbers of the new and replaced candidates.

*(e) Elected Officeholder Vacancies*

*(1) State Legislative Office (I.C. 3-13-5)*

A vacancy that arises in a state legislative office shall be filled by a caucus of eligible committeepersons whose precincts are within the legislative district within thirty (30) days of the vacancy.

*(2) Local Office (I.C. 3-13-11)*

A vacancy that arises in a local office other than a judicial office (which is filled by the governor under I.C. 3-13-6-1) shall be filled by a caucus of the eligible committeepersons whose precincts are within the election district within thirty (30) days of the vacancy.

*(3) Procedures for Filling Elected Officeholder Vacancies (IC 3-13-5; IC 3-13-11)*

*(A) Call for Caucus*

(i) The State Chair shall call and chair a caucus to fill a vacancy in a state legislative office and may break any tie vote. The caucus shall meet not later than thirty (30) days after the vacancy occurs, and select a person to fill the vacancy by a majority vote of those casting a ballot.

(a) The State Chair may give notice of a caucus before the date of when the vacancy occurs if a vacancy will exist because the official has submitted a written resignation under IC 5-8-3.5 that has not yet taken effect or has been elected to another office.

(b) If a vacancy in a legislative office exists because of the death of the legislator, the caucus shall meet and select a person to fill the vacancy not later than thirty (30) days after the State Chair receives notice of the death of the legislator from the Secretary of State according to IC 5-8-6. The State Chair may not send the notice of caucus until he or she receives notice of the death from the Secretary of State under IC 5-8-6.

(ii) A caucus to fill a vacancy in local office shall be called within ten (10) days after the vacancy arises by the chair of the county having the greatest percentage of population of the election district, who shall preside over the caucus and shall break any tie vote. The caucus shall be held not later than thirty (30) days after the vacancy occurs.

(a) A county chair may give notice of a caucus before the time specified in Rule 18(e)(3)(A)(ii) if a vacancy will exist because the official has submitted a written resignation under IC 5-8-3.5, or been elected to another office.

(b) If a vacancy exists in an office because of the death of the officeholder, the caucus shall meet and select an individual to fill the vacancy not later than thirty (30) days after the county chair receives notice of death under IC 5-8-6. The county chair may not give notice of the caucus until he or she receives notice of the death under IC 5-8-6.

*(B) Notice*

Notice of the caucus shall be sent in the following manner:

(i) For state legislative vacancies, the State Chair shall send written notice, by first class mail, of the purpose, place, date, and time of the meeting to all precinct committeepersons within the election district at least ten (10) days before the meeting.

(ii) For local office vacancies, the county chair shall send written notice, by first class mail, stating the name of the chair of the caucus, the purpose of the caucus, date, time, and place of the caucus to all precinct committeepersons within the election district at least ten (10) days before the caucus.

(a) If fewer than two precinct committeepersons are eligible to be members of a caucus, then the county chair entitled to give notice of the caucus shall fill the vacancy no later than thirty (30) days after the vacancy occurs. (IC 3-13-11-5(c)). In this case, the chair is not required to hold the caucus, but must file the certificate of pro tempore appointment not later than noon (local prevailing time), five (5) days after making the selection with the circuit court clerk of the county in which the greatest percentage of the population of the election district is located.

*Note: There is no state prescribed form to use for notice purposes when calling a caucus to fill a vacancy for elected office. Chairs are encouraged to use Democratic Party letterhead, making sure to include the required information noted in (B)(i) or (B)(ii).*

*(C) Filing a Declaration of Candidacy (IC 3-13-5-3; IC 3-13-11-7)*

*Note: The declaration of candidacy to seek a pro tempore appointment to fill the remainder of an elected official's term is an official state form prescribed by the Indiana Election Division. A statement of economic interest may be required either before or after the individual secures elected office.*

At least 72-hours before the time fixed for the caucus or committee meeting, a person who wishes to be a candidate to fill a candidate vacancy must file an original declaration of candidacy on a form prescribed by the election division with the chair of the caucus or committee conducting a meeting.

(i) For state legislative office vacancies, in addition to the declaration of candidacy, a candidate must file a statement of economic interest under IC 2-2.2-2 with the secretary of the Indiana Senate or clerk of the Indiana House at least seventy-two (72) hours before the time fixed for the caucus. The statement of economic interest for state legislative officers is only available through the Indiana General Assembly.

(ii) For local office vacancies, a statement of economic interest (CAN-12) must be filed no later than sixty (60) days after the person assumes the vacant office.

*(D) Selection Process (IC 3-13-5; IC 3-13-11)*

(i) Only precinct committeepersons serving in a precinct within the election district may vote in a caucus to fill an elected office vacancy. A majority of those eligible and casting a vote for a candidate shall select a person to fill the vacancy.

(a) If an eligible precinct committeeperson cannot be present at the caucus, then he or she may appoint their vice precinct committeeperson to serve as proxy. Eligibility rules are outlined in Rule 18(d)(5) and in Indiana law.

(ii) Members of the caucus shall select, by a majority vote of those casting a vote for a candidate, a person to fill the vacancy described in the written notice. The selection

shall be conducted by secret ballot if more than one (1) candidate seeks to fill the vacancy.

*(E) Notice of Pro Tempore Appointments to Fill Elected Office Vacancies (IC 3-13-5-6; IC 3-13-11-11)*

*Note: The certificate of pro tempore appointment by a caucus or county chair are official state forms prescribed by the Indiana Election Division.*

(i) The State Chair shall certify the name of the person selected at the caucus to fill a state legislative office vacancy to the President Pro Tempore of the Indiana State Senate or the Speaker of the Indiana House of Representatives, as appropriate.

(ii) Not later than noon (local prevailing time), five (5) days after a pro tempore appointment is made to fill an local elected office vacancy, the chair shall file a written certificate of pro tempore appointment with the circuit court clerk of the county in which the greatest percentage of the population of the election district is located.

(a) Please note: If a vacancy for township trustee, township assessor, or township board exists after the thirtieth day after the vacancy occurs, then the board of commissioners may fill the vacancy. See IC 3-13-10 for more information.

(iii) In addition, the caucus chair shall notify the State Chair in writing of the names, addresses, and phone numbers of the new and replaced candidates.

## **VIII. Removal**

### **Rule 19. Removal of Party Officers**

*(a) Grounds for Removal*

Any party officer of a Party committee may be removed only for the following reasons:

- (1) Neglect of duty;
- (2) Willful violation of these Rules;
- (3) Conviction of a felony;
- (4) Disloyalty to the Democratic Party; or
- (5) Any course of conduct that does not promote the best interest of the Party or creates dissension within the Party.

*(b) Initiating Removal Proceedings*

Removal actions are initiated by filing a written petition specifying the grounds for removal and the individual's conduct supporting each ground.

*(c) Parties Authorized to File Removal Petitions*

- (1) A petition to remove a committee person or vice committee person may be filed with the precinct review committee by either the county chair or at least one-third (1/3) of the other county committee members.
- (2) Except as provided in (c)(3) below, a petition to remove an officer of a township, city, county, district, or state committee, including national officers, may be filed by the chair of said committee or by at least one-third (1/3) of the other committee members.
- (3) A petition to remove a county chair may be filed only by at least one-half (1/2) of the other county committee members.
- (4) A removal petition initiated by "other committee members" is only valid if all signatures supporting the petition are filed simultaneously.

*(d) Costs for Petition to Remove County Chair*

Petitioners seeking to remove a county chair must tender \$1000 in the form of cash, money order, or cashier's check to the district committee chair receiving the petition. Said funds shall be used for all reasonable and necessary costs incurred by the committee that hears the matter. Any unspent funds shall be remitted to the petitioners.

*(e) Appropriate Party to Receive and Hear Petitions*

- (1) Except in the case of a county chair, the committee receiving the removal petition shall also conduct a hearing on it if one is properly requested.
- (2) Petitions seeking to remove a committee person or vice committee person must be filed with the precinct review committee chair of the charged member's county.
- (3) Petitions seeking to remove any township, city county, district, or state committee officer, except a county chair, must be filed with the secretary of the charged member's committee, unless the person charged is the secretary, in which case the petition shall be filed with the chair of that committee. If, however, the person sought to be removed is the district chair, the petition shall be filed with the district vice chair. A copy shall also be provided to the State Chair.
- (4) Petitions seeking to remove a county chair must be filed with the district chair whose district contains the greatest percentage of the population of the officer's county. Charges against a county chair shall be heard before the county committee, except when the State Committee by a majority vote exercises its jurisdiction and directs the matter be heard before it.

*(f) Notice*

*(1) Notice to the Person Charged*

Notice of the time and place of a removal hearing and the charges filed shall be given to the person charged by certified mail not fewer than ten (10) days prior to the date fixed for such hearing.

*(2) Notice to Committee Members*

Notice of the time, place, and purpose of the meeting at which the removal hearing is to be held shall be given to all members and officer of the committee by mail not fewer than seven (7) days prior to the date of any such meeting.

*(g) Removal Hearing Date*

Except as stated in Rule 14(m)(3), the hearing date on a petition for removal shall be fixed within a period of not fewer than ten (10) days, and the hearing shall be had within thirty (30) days from the date the petition was filed.

*(h) Removal Hearing Rights*

At all removal hearings and appeals authorized under this Rule, both the individual charged and the individual(s) bringing the charge(s) shall have the right to present evidence and witnesses.

*(i) Votes Required for Removal*

- (1) Except as in section (2), to remove any officer requires two-thirds (2/3) of all committee members to find the individual guilty of the charge(s) alleged.
- (2) In the case of a county chair or precinct officer, only two-thirds (2/3) of those

eligible, present, and voting must find the individual guilty of the charge(s) alleged.

(j) *Charged Party's Right to Notice of Decision*

In all hearings conducted under this Rule, the secretary of the committee hearing the matter shall notify the charged party of the committee's decision, unless the charged party is the secretary, in which case notice shall come from the chair.

(k) *Appeals*

(1) *Appealable Orders*

- (A) Any officer removed from a committee may appeal the removal order, except for a State Committee member.
- (B) All decisions removing an officer may be appealed, except for decisions made by State Committee, which are final and conclusive.

(2) *Committee to Whom Appeal is Made*

- (A) If a removed committeeperson or vice committeeperson makes an appeal, it shall be filed with the chair of the county in which the precinct resides;
- (B) If a removed county officer makes an appeal, it shall be to the district committee;
- (C) If a removed district officer makes an appeal, it shall be to the State Committee.

(3) *Deadline for Appeal*

A notice of appeal must be filed with the appropriate committee within fifteen (15) days of the removal order.

(4) *Finality of Order*

A removal order becomes final either when the time for filing a timely appeal expires or when the removed officer is notified that the committee reviewing the removal order affirmed it by a majority vote of its members.

(5) *Appeals Hearing Date and Notice*

If an appeal notice is timely filed, a date for hearing shall be fixed not fewer than ten (10) days nor more than thirty (30) days from the date of the filing of notice of the appeal. A written notice of the time and place of the hearing shall be sent by first class mail to the person who filed the appeal no later than ten (10) days before the hearing and to the members of the committee no later than seven (7) days before the hearing.

(6) *Status of Duties Pending Appeal*

An officer who is removed shall have his or her duties suspended pending appeal.

(l) *Duties of Committees Following Removal*

A committee that votes to remove an officer shall elect his or her successor, except in the event a committeeperson is removed, in which instance the county chair shall appoint a successor. If a decision to remove an officer becomes final, the successor elected or appointed shall fill the remaining term of the removed officer.

(m) *Removal of Committeepersons*

(1) *Hearing Date Set by Precinct Review Committee Chair*

Upon receiving a petition filed under section (c)(1) above, a county chair shall instruct his or her precinct review committee chair to fix a hearing date in compliance with section (g) above.

(2) *Response to Petition by Charged Party*

(A) *Deadline and Form for Response*

The person charged shall have ten (10) days from receipt of notice to respond to the charge(s) by delivering a written response to the precinct review committee chair. If the person charged responds in accordance with this Rule, the removal hearing shall be held.



(B) Effect of Failure to Respond

If no timely response is received, the precinct review committee chair shall notify the county chair, who shall declare the seat vacant and shall appoint a successor.

(3) *Quorum Requirement*

To vote on removal of a committeeperson or vice committeeperson, a majority of all members of the precinct review committee must be present and voting.

(n) *Hearing for Removal of County Chair*

(1) *Presiding Officer*

The district chair having the largest number of precincts within the county shall preside over the hearing or shall designate a chair for the hearing.

(2) *Presiding Officer's Preliminary Duties*

Upon receipt of a petition, the district chair shall determine whether the petition has been signed by the requisite number of county committee members. In making this determination, the district chair shall ascertain that the names and signatures on the petition are those of committee members by using the last precinct committeeperson or other officer list filed with State Committee.

(3) *Hearing Date*

The district chairperson may call a hearing within thirty (30) days of the filing of charges and shall do so within sixty (60) days of the said filing. If the charges are signed by at least fifty (50) percent of the members of the county central committee, the district chair shall call a hearing within thirty (30) days of the filing of the charges.

(4) *Revocation of Signature*

Any member of the committee who has signed a petition to remove the county chair under section (c)(3) above may remove his or her signature within thirty (30) days of the filing of the petition.

(o) *Removal Hearing by State Committee*

At any State Committee meeting, charges may be brought against any officer of any township, city, county, district, or State Committee, or any elected National Committeeperson. Upon a majority vote of its members, the State Committee may assume original jurisdiction over any removal petition or appeal of a removal order.

(1) *Notice*

Notice of the hearing shall be given as set forth in section (f) above.

(2) *Hearing*

The State Chair shall set a hearing date not fewer than ten (10) days and not more than sixty (days) after the State Committee receives a written appeal of the removal of a district chair or any other petition or appeal over which the State Committee has assumed original jurisdiction. At the hearing, the parties shall have all rights provided in section (h) above.

(3) *Final Order*

Any decision by a majority vote of the State Committee shall be final and conclusive. The secretary of the State Committee shall notify the charged party of the decision as provided in section (j) above.

(4) *State Committee Duty to Fill Vacancy*

If State Committee removes a State Committee officer or National Committeeperson, it shall elect a successor to complete the removed officer or Committeeperson's term.

(p) *Other Sanctions*

(1) *Censure*

The State Committee or the committee on which an officer serves may censure the officer in lieu of, or in addition to, removal. An elected official who renounces the party or switches to another party may be publicly denounced.

(2) *Disqualification*

(A) *Mandatory Disqualification upon Felony Conviction*

Any person found to have been convicted of a felony shall be removed and may not hold any Party position for ten (10) years following the date of the conviction unless reinstated.

(B) *Discretionary Disqualification*

Any person removed or censured under this Rule may be disqualified from serving in Party office, and may not be appointed to Party office for a definite period, not to exceed four years, if two-thirds (2/3) of the members present and voting at the removal hearing support such action.

(C) *Notice to State Committee*

Any committee that disqualifies a person from holding a Party office shall notify the secretary of the State Committee by certified mail within ten (10) days of the disqualification vote. The State Committee may compile information regarding disqualification of Party officers and may disseminate this information on its own initiative or upon written request.

(D) *Effect of Disqualification*

A disqualified person shall not be considered a Party member.

(3) *Reinstatement*

A term of disqualification may be lifted by State Committee or by the committee imposing the condition.

(q) *Eligibility of Precinct Committeepersons*

A precinct committeeperson is “eligible” to vote at a removal or appeal hearing as provided by this Rule if he or she is either:

(A) a duly elected committeeperson; or

(B) a committeeperson appointed at least thirty (30) days before the hearing is held.

## **IX. Controversies**

### **Rule 20. Controversies**

(a) *Precinct Committee Disputes*

All disputes arising from the organization of or action by a precinct committee shall, by written petition, be brought before and settled by a majority vote of the county committee. Any interested person may appeal the county committee’s decision by written petition to the district committee of the district where the precinct is located.

(b) *County Committee Disputes*

All disputes arising from the organization of or action by a county committee shall, by written petition, be brought before and settled by a majority vote of the district committee of the district where the greatest percentage of the county’s population resides. Any interested person may appeal the district committee’s decision by written petition to the State Committee.

(c) *District Committee Disputes*

All disputes arising from the organization of or action by a district committee shall, by written petition, be brought before and settled by a majority vote of the State Committee.

(d) *Hearing Rights and Procedures*

All parties concerned about controversies addressed by this Rule shall have the right to appear before and to be heard by the committee adjudicating the controversy. The hearing shall be held not fewer than ten (10) days from the date the petition was filed. A written notice of the time and place of the hearing shall be sent by first class mail to the person(s) who filed the petition no later than ten (10) days before the hearing and to the members of the committee no later than seven (7) days before the hearing.

(e) *Appeals*

A written appeal shall be filed with the appropriate committee within fifteen (15) days of the date on which the decision was rendered. A hearing on the appeal shall be set and notice of the hearing shall be given in the same manner as provided for appeals in Rule 19(k).

*(f) Original Jurisdiction of State Committee*

Upon a majority of its members, State Committee may assume original jurisdiction over any case it deems to affect the:

- (1) Interest of the Party;
- (2) rights of any member or officer of the Party;
- (3) rights of a candidate for a nomination;
- (4) rights of any duly chosen nominee;
- (5) rights of any person selected or appointed to fill a vacancy on a ballot or in an elected office; or
- (6) rights of any person to hold position in the Party.

*(g) Preference for Local Resolution*

All efforts to resolve disputes shall first be made at the local, county, or district levels. If disputes cannot be resolved at the local, county, or district level, then after a written petition or appeal may be brought before the State Committee.

*(h) Hearing by State Committee*

In hearing a dispute or an appeal as provided under this Rule, the State Committee may appoint its legal counsel as hearing officer to make an evidentiary finding of the allegations and report to the State Committee. The State Committee may but is not required to adopt its legal counsel's report at its hearing on the dispute or appeal. Any decision by a majority vote of the State Committee shall be final and conclusive.

*(i) Eligibility of Precinct Committeepersons*

A precinct committeeperson is "eligible" to vote at a hearing as provided by this Rule if he or she is either:

- (A) a duly elected committeeperson; or
- (B) a committeeperson appointed at least thirty (30) days before the hearing is held.

## **X. Miscellaneous Provisions**

### **Rule 21. Proxies**

*(a) Who May Authorize Proxies*

Any precinct committeeperson, county or district chair or vice chair, or state committee member who cannot attend a meeting of his or her committee may vote by proxy.

*(b) Procedural Requirements*

The proxy must be either approved in writing by the one of the following: 1) official's county chair, 2) acknowledged before a notary public or other officer authorized to administer oaths, or 3) the Secretary of the various bodies outlined as follows:

- IDP Officers: Secretary of the State Committee (in the instance where the Secretary of the State Committee would need to vote by proxy, the proxy must be certified by either the Secretary's county chair, a notary public or other officer authorized to administer oaths, or by the State Chair).
- Districts: Secretary of the district committee
- Recognized caucuses: Secretary of the recognized caucus
- Finance Chair, DNC Members and Deputy Chairs: Secretary of the State Committee

*(c) Who May Carry Proxies*

- (1) No proxies may be carried by a non-member of the Party.

- (2) Only a resident of the precinct represented by the absent member may carry a proxy for that member at a county committee meeting.
- (3) Only a resident of the county represented by the absent member may carry a proxy for that member at a district committee meeting.
- (4) Only a resident of the district represented by the absent member or another State Committee member may carry a proxy for the absent member at a State Committee meeting. No member or officer of State Committee may carry more than one proxy.
- (5) Only an Indiana resident may carry a proxy for a representative of the Indiana Young Democrats or any “recognized caucus” as defined by Rule 15(b) above.

*(d) Restrictions on Proxy Use at County Committee Meetings*

No proxy shall be valid at the organization meeting of a county central committee, on any vote to fill a vacancy among the officers of a county central committee, or on any vote to remove a county chair.

*(e) Restrictions on Proxy Use at Caucuses Called to Fill Candidate and Elected Officeholder Vacancies (I.C. 3-13-1-11.5; I.C. 3-13-5-5; I.C. 3-13-11-9)*

- (1) Except as provided in subsection (e), no proxy is allowed at a caucus meeting to fill a candidate or elected officeholder vacancy.
- (2) A precinct committeeperson may designate his or her vice committeeperson to carry a proxy, provided that the precinct committeeperson is not present at the caucus and that the vice committeeperson was serving as vice committeeperson of the precinct:
  - (A) In the case of an elected precinct committeeperson, five (5) days before the date of the caucus; or
  - (B) In the case of an appointed precinct committeeperson, thirty (30) days before the vacancy occurred.
- (3) If an elected officeholder vacancy results from the death of a person holding a legislative office who also served as a precinct committeeperson, the vice committeeperson for that precinct is eligible to participate in the caucus.
- (4) The chair of the caucus meeting shall read the list of the persons eligible to vote by proxy in the caucus before voting occurs.
- (5) A proxy may not be revoked after it is filed with the chair of the caucus meeting.

## **Rule 22. Quorum and Voting**

- (a) Except as provided in sections (b), (c), and (d) below, for all meetings of all Party committees, a majority of the eligible members of the full committee present and voting constitutes a quorum.
- (b) If a county chair invokes the 10-day candidate filing requirement for election to county committee office and the election for said office is uncontested, a majority of the eligible members present and voting constitutes a quorum.
- (c) If a district chair invokes the 72-hour candidate filing requirement for election to district committee office and the election for said office is uncontested, a majority of eligible members present and voting constitutes a quorum.
- (d) No vote to elect or remove a Party officer may occur absent a quorum. Except as otherwise provided in these Rules, any decision of a Party committee requires a majority vote of a quorum of its members.

## **Rule 23. Secret Ballots**

*(a) Mandatory Secret Ballot*

Any vote taken at a caucus to fill a candidate or elected officeholder vacancy must be conducted by secret ballot.

*(b) Permissible Secret Ballot*

Unless otherwise prohibited, a secret ballot may be had if three members of any Party committee make an oral request on any matter subject to vote at a Party meeting.

(c) *Prohibited Secret Ballot*

No vote for State Committee officers or DNC officers may be conducted by secret ballot. (As amended August 27, 2005)

**Rule 24. Changes of Office Provided In Writing**

- (a) All appointments, resignations, and removals of officers and members of the committees in these Rules shall be executed in writing, and copies of the same shall be maintained by the secretary of the committee.
- (b) All changes of officers shall be submitted by the committee in a timely fashion to State Committee.

**Rule 25. Bond of Treasurer**

- (a) Except as provided in section (b) below, before discharging his or her duties, the treasurer of any committee contemplated by these Rules shall execute a bond with good and sufficient sureties as guarantors to the committee's satisfaction, conditioned to pay over and account for a demand of such committee any and all monies that may come into his or her hands as treasurer and for the faithful performance of the duties of his or her office without loss or injury to the party, the committee, or any person.
- (b) The treasurer of a county committee may serve without bond at the county chair's discretion.

**Rule 26. Incorporation**

The Indiana Democratic Party shall be incorporated within the State of Indiana under the name Indiana Democratic State Central Committee, Inc., "doing business as the Indiana Democratic Party."

## APPENDIX A:

# INDIANA DEMOCRATIC PARTY TOWN CONVENTION RULES OF PROCEDURE

Indiana Code 3-8-5-12 requires town conventions to establish rules of procedure necessary for the convention to conduct its business. Below are the Indiana Democratic Party Rules of Procedure for Democratic Town Conventions.

**RULE 1** The first item of convention business is to determine which individuals are eligible to vote at this convention. To be eligible to vote, an individual must comply with both of the following requirements:

(1) The individual must be a registered voter of the town which the convention is being held to nominated candidates for town office, according to the list of voters supplied by the county voter registration official.

(2) The individual must sign a statement, under penalties of perjury, stating the following:

(A) The individual is a member of the Democratic Party and no other party.

(B) The individual either:

(i) voted in the most recent Democratic Party primary election in Indiana where the voter was eligible to vote and supported a majority of the candidates nominated by the Democratic Party in the last municipal or general election; or

(ii) if the individual did not vote the in most recent Democratic Party primary election in Indiana, that the individual intends to vote for a majority of the Democratic Party's nominees at the next municipal or general election.

**RULE 2** The town chair shall determine who is eligible to vote at this convention by comparing the list of registered voters with the signed statement signed by each individual who wishes to vote. The chair shall then announce to the convention whether or not all persons who have signed a statement are eligible to vote at the convention. If the chair determines that everyone who has signed the statement is eligible, the convention shall proceed to the next item of business.

**RULE 3** If the town chair determines that one or more persons who have signed statements are not eligible, the chair shall announce the names of those persons to the convention, and shall ask if there is any objection to the chair's ruling. An objection is not required to be seconded. If any person objects to the chair's ruling, the chair shall put the following question to the voters whose eligibility is not in question: "Does [insert name of ineligible person] meet the requirements to participate as a Democratic voter in this convention?" The voters shall indicate "YES" or "NO." The secretary of the convention shall count the numbers for both "YES" and "NO" and report the results to the convention. The chair shall repeat this process for each individual whose eligibility is in dispute.

- RULE 4** After the chair and convention determine who is eligible to vote, the convention shall proceed to the adoption of these rules. The chair must submit copies of these proposed rules to the eligible members of the convention before a vote is taken to adopt the rules. The chair shall ask if there is debate or question regarding the proposed rules. At the conclusion of debate, the chair shall entertain a motion for adoption of these rules, with any amendments agreed to by the convention. If seconded, this motion shall immediately be put to a voice vote, without further debate.
- RULE 5** The convention shall permit nonvoting observers, media representatives, and other interested individuals to attend the convention and observe it in action. However, the chair may restrict the access of any such individual to the area where ballots are being processed or counted.
- RULE 6** Each candidate for nomination by the convention may appoint one (1) individual to be a candidate watcher by notifying the chair of this appointment before nomination and balloting for candidates. The chair shall announce the names of the candidate watchers to the convention before proceeding to the nomination of candidates. A candidate watcher may witness any and all activities of the tellers and the chair in conducting the business of the convention.
- RULE 7** The chair shall keep order at the convention, and may appoint one or more sergeants-at-arms to assist the chair in preserving order. If any individual, whether or not an eligible voter, disrupts or attempts to disrupt the work of the convention, the chair shall first call that individual to order, and warn the individual that future disruption will result in the individual's expulsion from the convention. If an individual continues or resumes the disruptive actions, the chair shall then order the person expelled from the convention, and if the person does not leave the convention promptly and voluntarily, shall call upon the sergeants-at-arms or any available law enforcement officers to remove the person as a trespasser. The chair is authorized on behalf of the Party to file any necessary complaint with the prosecuting attorney of the county to hold this individual responsible for the trespass or the disruption of the convention.
- RULE 8** The third item of convention business shall be the certification of candidates. The chair shall read the names of the candidates who have filed for nomination to each town office for which there is a contest, and the date on which each candidate filed with the circuit court clerk of the county. The chair shall recognize each candidate, in order of filing, to speak to the convention for a total of five minutes. If the candidate is unable or unwilling to speak, the chair may recognize one or more supporters of the candidate to speak, but for no more than five minutes in total.
- RULE 9** In accordance with state law, the chair shall decline to recognize any person for the purpose of nominating a candidate who has not previously filed a declaration of candidacy with the county before the deadline set by statute.
- RULE 10** After the end of the candidate presentations for this office, the chair shall designate two persons to serve as tellers to conduct the election. The secretary of the convention may serve as one of the tellers.
- RULE 11** The chair shall then direct the tellers to distribute one paper ballot to each eligible member of the convention. When each member has voted the ballot, a teller shall collect the ballot. When

all members who wish to vote have returned their ballots to the tellers, the tellers shall count the ballots in an area in the convention room designated by the chair (or in another location, subject to the approval of all candidate watchers). Candidate watchers may observe this count, but may not handle ballots.

**RULE 12** The tellers shall provide the chair with a written report specifying the number of votes cast for each candidate. The chair shall then announce the results of the ballot. If a candidate has received a majority vote of those casting a vote for a candidate, the chair shall declare that the candidate has been nominated as the Democratic Party candidate for this office.

**RULE 13** If any ballot results in a tie vote between the candidates receiving the highest number of votes, the chair may cast the deciding vote, or may call for another ballot.

**RULE 14** If no candidate receives a majority of the votes cast for a candidate on the first ballot, then a second ballot is conducted. However, the candidate who received the fewest number of votes on the first ballot is eliminated from further consideration by the convention. If no candidate receives a majority of the votes cast for a candidate on the second ballot, the candidate with the fewest votes on the second ballot is eliminated, beginning with the third ballot, and so forth on each following ballot, until a candidate receives a majority of the votes cast for a candidate.

**RULE 15** If the convention is to nominate a Democratic Party candidate for more than one contested town office, the convention shall conduct the voting in the following order:  
(1) Town Clerk-Treasurer.  
(2) Town Council Members, with members elected at large followed by members elected from a district or ward.  
(3) Town Judge.

**RULE 16** These rules take effect immediately upon approval by the convention and are effective retroactively regarding the procedures used to determine the eligibility of persons to vote at the convention.

**ADOPTED, THIS THE \_\_\_\_\_ DAY OF [MONTH, YEAR]:**

\_\_\_\_\_

**Printed Name**

**Town Chair**

**Democratic Party of the Town of \_\_\_\_\_**

\_\_\_\_\_ **County, Indiana**

**ATTEST:**



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**Printed Name**

**Town Secretary**

**Democratic Party of the Town of** \_\_\_\_\_

\_\_\_\_\_ **County,**