

Guidelines re: Chartering of Organizations

Adopted by Organizational Development Committee and forwarded to Rules

Adopted Jan 28, 2006 by the Rules Committee and received by the CDP Executive Board

1. **AUTHORITY:** *These Guidelines are proposed pursuant to the Bylaws of This Committee, Article X, Section 4, which provide that Charters for organizations which include in any part of their name the name of the Democratic Party, and, directly or indirectly solicit funds in the State of California for any purpose whatsoever under the representation, either express or implied, that the funds are being solicited for the use of the Democratic Party shall only be granted upon recommendation of the Organizational Development Committee pursuant to guidelines adopted by the Rules Committee.*

2. **PURPOSE:** The purpose of these proposed guidelines is to:
 - A. Develop a systematic method for considering applications for Charter and provide criteria for weighing the qualifications of applicants requesting Charter,

 - B. Describe how This Committee assumes the primary responsibility of Chartering Statewide Democratic Organizations,

 - C. Maintain County Central Committees as the primary authority for chartering organizations on the local level,

 - D. Allow for the chartering of one State Chartered Organization in each district or area whose primary purpose is political organizing on the precinct level and engagement in electoral political activity, all in the best interests of the California Democratic Party,

 - E. Foster a clear delineation of responsibility between organizations and avoid organizational conflict, and,

 - F. Allow for an objective measure of the progress and efforts of State-Chartered Organizations in the performance of their purpose, through written reports.

3. **GRANTING:**
 - A. **The following guidelines shall apply to the chartering of all organizations:**
 1. *All organizations desiring to be chartered by This Committee shall make application for such charter in writing,*
 2. *Charters shall only be granted by This Committee upon recommendation of the Organizational Development Committee pursuant to guidelines adopted by the Rules Committee,*
 3. *The application shall be on a form provided by the Secretary of This Committee and shall contain such information as may be required by the Rules Committee, including:*
 - a. The name of the organization;
 - b. A copy of the Constitution and By-Laws of the organization, and if applicable, its Articles of Incorporation;
 - c. A Statement of Purpose and Intended Activity, and means of effectuating same, as well as the objective, measurable standards by which the

Organization shall evaluate its success each year;

- d. An agreement that the Organization shall provide the Secretary of This Committee and the Chair(s) of the Organizational Development Committee a written report on the Organization's activities and progress towards fulfillment of the Organization's purposes, as evidenced through objective measures or standards, and a complete "Roster of Members" containing the names, addresses, and phone numbers of all its members, noting whether a particular member has organizational responsibility for a particular activity, on an annual basis, no later than February 7th of each year. Copies of all reports shall be distributed to the members of the Organizational Development Committee no later than February 22nd of each year;
 - e. An agreement by the organization that it will give ten (10) days written or electronic notice of any and all of its meetings, both regular and special, to the Secretary of This Committee, who shall distribute such notice to the Chairs of the Organizational Development Committee;
 - f. The names, addresses, and phone numbers of the organization's officers which shall include as a minimum a chair and a treasurer, and which the organization shall agree to keep current and advise This Committee of any changes therein;
 - g. The names, addresses, and phone numbers of all persons listed on the Statement of Organization;
 - h. The identification number(s) used by the organization when filing statements with the Secretary of State, the Fair Political Practices Commission, and/or the Federal Elections Committee;
 - i. A written certificate signed by the Chair and one additional officer of the organization, certifying that each of its members is a registered Democrat;
 - j. The above subsections a-i shall constitute the annual report, as referred to in Section 4.B.9, and;
 - k. Indication of payment of a charter fee in the sum of \$50.00.
4. *This Committee shall only charter organizations having as their objective the advancement of the Democratic Party,*
 5. *Chartered Organizations are intended to be independent of the California Democratic Party and not "affiliated" therewith, as that term is defined by the Bipartisan Campaign Reform Act and other applicable State and Federal laws, rules and regulations. This Committee shall not engage in any activities that directly or indirectly establish, finance, maintain, or control any organization chartered under this Article,*
 6. *Any Charter which has been granted by This Committee shall be effective from the date said charter was granted, until revoked for cause as set forth herein,*
 7. Applicants for charter shall exhibit a demonstrated commitment to inclusion and have a clear history of dedication to Democratic Party principles and practices, and shall maintain said qualities in all of their activities,
 8. In considering whether to recommend granting or rejecting an application for Charter, the Organizational Development Committee will, among other factors, consider whether or not there are existing organizations serving the same or similar purposes and/or jurisdiction chartered by This Committee or other authorities, and whether recommending granting or rejecting the application would be in the overall best interests of the Party, under the circumstances.
 9. In the event competing applications for chartering are presented, weight shall be

given to the number and geographic distribution of members in the organization and to the scope of the plan for political organizing and activity, with emphasis on voter registration, voter turn-out activities, promotion of candidates, and such other factors that promote the interests of the Democratic Party and the election of Democrats. The Organizational Development Committee shall attempt to facilitate the merger of such competing groups.

10. Organizations applying for Charter must state in their bylaws that they subscribe to the principles set forth in the General Provisions of the Bylaws of This Committee, and,
11. In all of its proceedings, This Committee, and all of its subordinate bodies, shall observe the basic due process rights of notice, written response, representation, and a right to be heard via written testimony, reserving the right to set reasonable rules, methods and timetables regarding same; This Committee, or any of its subordinate bodies involved in this process, may issue an invitation to submit oral testimony provided a similar invitation to submit oral rebuttal thereto is also extended.

B. District and Area Organizations

1. This Committee shall not charter more than one District or Area based organization in a particular geographic area.
2. A presumption shall exist in favor of chartering organizations whose geographic area is inclusively defined as the boundaries of an Assembly District.
3. The organization shall, in its bylaws and application for charter, indicate that its primary purpose is to actively engage in political organizing on the precinct level as well as other forms of electoral political activity.
4. All members of This Committee's Executive Board resident in the geographical area concerned shall be provided written or electronic notice of intent to consider an application for charter and be invited to provide written testimony either in support or opposition to the application. In its discretion, This Committee, or any of its subordinate bodies considering the matter, may invite oral testimony, provided all interested persons are accorded the same right.
5. The Roster of Members of a District or Area Organization shall be made available by This Committee to all candidates that This Committee endorses

C. Statewide Organizations

1. This Committee shall not charter more than one organization representing or sharing substantially similar interests;
2. The Chairs of Caucuses certified under Article III, Section 9, of the Bylaws of the CDP shall be given written or electronic notice of any application for charter by a Statewide Organization representing or sharing substantially similar interests as their caucus, and shall be invited to submit written testimony either in support or opposition to the application. In its discretion, This Committee, or any of its subordinate bodies considering the matter, may invite oral testimony, provided all interested persons are accorded the same right.

D. Democratic Clubs

1. This Committee shall refrain from chartering organizations whose primary purpose is to function as a "traditional Democratic Club," leaving such responsibility to County Central Committees, unless the local County Central Committee either does not charter organizations, or does not exist. However, in

the event a local County Central Committee has declined to charter an organization, or delayed such charter for an unreasonable period of time, This Committee shall consider such application for charter. Such application must include a clear explanation and/or documentation of the extraordinary circumstances justifying the intervention of This Committee in what is generally considered a local County Central Committee function. The County Central Committee Chair and Executive Board representatives of said county (if any) shall be given written or electronic notice and invited to submit testimony to the Organizational Development Committee. In its discretion, This Committee, or any of its subordinate bodies considering the matter, may invite oral testimony, provided all interested persons are accorded the same right;

2. When considering an application for charter of any organization that a local County Central Committee has declined to Charter, a rebuttable presumption shall exist in favor of the local County Central Committee's action.
3. Prior to granting any charter under the provisions of this section, a specific finding of one of the following circumstances shall be made:
 - a. No County Central Committee is organized in the relevant county,
 - b. The County Central Committee in the relevant county has a policy of not issuing such charters, or
 - c. Extraordinary circumstances exist.

E. Councils of Democratic Clubs

1. This Committee acknowledges the Charter previously granted to the California Democratic Council in 1952, which organization shall be exempted from these guidelines, except with regard to those pertaining to revocation of charter;
2. This Committee may charter additional Statewide Councils of Democratic Clubs representing or sharing substantially similar interests, consisting of at least 3 individual clubs that have been chartered by local County Central Committees, and are geographically diverse.

4. REVOCATION

A. *This Committee shall have the power and authority to deny or revoke a charter of any CDP Chartered Organization, for cause by majority vote of This Committee.*

B. *Cause for revocation includes:*

1. *Having fewer than thirty (30) members in the geographical area from which the organization draws its membership,*
2. *Failing to grant membership to any registered Democrat who seeks to join and is resident in the geographical area from which the organization draws its membership,*
3. *The knowing enrollment of a person registered as anything other than a member of the Democratic Party as a voting member of the organization,*
4. *The endorsement of a non-Democrat for elective office,*
5. *The endorsement of any candidate for public office running against an endorsed candidate of This Committee, by any organization granted a Charter by This Committee after the adoption of this Article X on July 31, 2005, (NOTE: This Committee previously granted a Charter to the California Democratic Council in 1952, prior to This Committee's authority to endorse candidates and prior to the adoption of the Chartering rules contained herein, and the California Democratic Council is specifically exempted from this possible grounds for revocation of*

Charter),

6. *Transferring of funds from the organization's accounts to an account of a non-Democrat running for elective office,*
 7. *Acting in violation of State or Federal laws or regulations,*
 8. *A finding of fact having been made by This Committee that the organization has failed to act in, and/or has acted in a manner adverse or detrimental to, the best interests of the Democratic Party and/or,*
 9. Failure to submit the annual written report referred to above shall create a rebuttable presumption of having failed to act in the best interests of the Democratic Party, provided written notice of the deficiency has been served by certified mail on the Chair of the Organization at the address last provided to This Committee and 15 days opportunity to correct the deficiency has been given. Submission of the deficient report within the given 15 days shall be considered evidence of compliance with the above report requirements.
- C. In the event the Compliance Review Commission does not exercise jurisdiction under Article XI, Section 2,a, over a complaint concerning the chartering of an organization, and upon written complaint signed by thirty (30) members of the Executive Board, or any three (3) State-wide officers of This Committee, the Organizational Development Committee may institute Charter Revocation hearings and shall issue a written report of its findings and recommendations, as well as the reasons therefore, to the Executive Board of This Committee for further action.
- D. *No organization's charter may be revoked for cause without sixty (60) days written notice of grounds of revocation having been mailed to the Chair of the organization in question, and the rights of response before This Committee having been granted to said organization's designated representative. For purposes of this section the Chair shall mean the last person designated in writing to This Committee as Chair.*
- E. *The Charters of geographically based organizations shall be automatically revoked thirty (30) days after the passage of any reapportionment law altering the boundaries of that organization's defined district boundary becomes final.*

5. TEMPORARY SUSPENSION OF CHARTER

During the period 120 days prior to any Primary or General Partisan Election, the Compliance Review Commission may, upon written request by the Chair of This Committee, issue an Order of Temporary Suspension of Charter, for a period of thirty days, of any charter issued by This Committee, for alleged violation of any of the above provisions, provided the request of the Chair of This Committee for suspension sets forth in writing the reasons therefore, and said request is served on the Chair of the Organization in question at his/her last known address of record on file with This Committee, the Secretary of This Committee, and the Chairs of the Rules, Credentials, and Organizational Development Committees of This Committee. In the event of the issuance of an Order of Temporary Suspension of Charter, the Compliance Review Commission shall also issue an Order to Show Cause why the suspension should not become permanent and request written argument thereon be submitted to the Secretary of This Committee within ten days, after which the Compliance Review Commission may take action under Section 6 herein, including the issuance of an Order of Revocation of Charter or rescission of the Order of Temporary Suspension of Charter.

ARTICLE X

CHARTERS

Section 1. AUTHORITY

This Committee shall have the authority to charter organizations, as specifically set forth herein, which include in any part of their name the name of the Democratic Party, and, directly or indirectly solicit funds in the State of California for any purpose whatsoever under the representation, either express or implied, that the funds are being solicited for the use of the Democratic Party.

Section 2. GRANTING

- a. This Committee may only charter organizations having as their objective the advancement of the Democratic Party.
- b. Chartered Organizations are intended to be independent of the California Democratic Party and not “affiliated” therewith, as that term is defined by the Bipartisan Campaign Reform Act and other applicable Local, State and Federal laws, rules and regulations. This Committee shall not engage in any activities that directly or indirectly establish, finance, maintain, or control any organization chartered under this Article.
- c. Any Charter which has been granted by This Committee shall be effective from the date said charter was granted, until revoked for cause as set forth herein.
- d. Charter shall only be granted upon recommendation of the Organizational Development Committee pursuant to guidelines adopted by the Rules Committee.

Section 3. DENIAL AND REVOCATION

- a. This Committee shall have the power and authority to deny or revoke a charter of any organization, for cause by majority vote. Cause for denial or revocation shall include:
 - (1) Having less than thirty (30) members in the geographical area from which the organization draws its membership,
 - (2) Failing to grant membership to any registered Democrats resident in the geographical area from which the organization draws its membership who seeks to join,
 - (3) The knowing enrollment of a person registered as anything other than a member of the Democratic Party as a voting member of the organization,

- (4) The endorsement of a non-Democrat for elective office,
 - (5) The endorsement of any candidate for public office running against an endorsed candidate of This Committee, by any organization granted a Charter by This Committee after the adoption of this Article X on July 31, 2005, (NOTE: This Committee previously granted a Charter to the California Democratic Council in 1952, prior to This Committee's authority to endorse candidates and prior to the adoption of the Chartering rules contained herein, and the California Democratic Council is specifically exempted from this possible grounds for revocation of Charter),
 - (6) Transferring of organization's assets, including funds, from the organization's accounts to a non-Democrat running for elective office or his/her controlled committee(s),
 - (7) Acting in violation of Local, State or Federal laws or regulations, and/or,
 - (8) A finding of fact having been made by This Committee that the organization has failed to act in, and/or has acted in a manner adverse or detrimental to, the best interests of the Democratic Party.
- b. No organization's charter may be revoked for cause without sixty (60) days written notice of grounds of revocation having been mailed to the Chair of the organization in question, and the rights of response before This Committee having been granted to said organization's designated representative. For purposes of this section the Chair shall mean the last person designated in writing to This Committee as Chair.
- c. The Charters of geographically based organizations shall be automatically revoked thirty (30) days after the passage of any reapportionment law altering the boundaries of that organization's defined district boundary becomes final.

Section 4. APPLICATION REQUIREMENTS

All organizations desiring to be chartered by This Committee shall make application for such charter in writing. The application shall be on a form provided by the Secretary of This Committee and shall contain such information as may be required by the Rules Committee.

ARTICLE IV

MEETINGS

Section 10. SPECIAL GROUP CAUCUSES

- a. In order to implement policy guidelines for Special Group Caucuses, This Committee may grant official recognition to a statewide caucus of individual members sharing demographic or similar identity pertaining to their individual status for the purpose of participation in the policy decisions and the outreach programs of the Party. Recognition shall be subject to the following provisions:

* * *

- (5) A Statewide Organization representing or sharing substantially similar interests has not been issued a charter under the provisions of Article X of these bylaws.

ARTICLE VIII

ENDORSEMENT OF CANDIDATES FOR PARTISAN AND NONPARTISAN OFFICE, AND ENDORSEMENT AND OPPOSITION TO STATE BALLOT PROPOSITIONS, INITIATIVES, REFERENDUM, AND RECALL

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Section 2. PARTISAN PUBLIC OFFICES OTHER THAN PRESIDENT

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- i. "Pre-endorsing Conferences" are a public meeting of the Democratic Party and shall be held at the regional level prior to the State endorsing convention, and shall be open to all registered Democrats.

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- (5) Voting participants at each pre-endorsing conference shall be:

* * *

- (c) Designated Assembly District representatives from chartered clubs and organizations.

- 1. Representatives from each Democratic Club or other Democratic organization chartered by This Committee or by a County Central Committee, with such representatives allocated as follows: one representative, resident in the District, for each full (not a fraction thereof) 20 members registered to vote in the District provided that the organization has provided the Regional Director with names and addresses of its members. Club members who hold dual club memberships may only be counted for representation once. Such representatives must be registered Democrats.