

Arizona Legislative District 5 Democratic Party Committee Bylaws

As adopted June 6, 2023

PREAMBLE

These bylaws cover the operation and organization of the Arizona Legislative District 5 Democratic Party Committee (hereafter LD5), a district party committee established pursuant to Arizona Revised Statutes (ARS) Title 16, Sections 821-828. Such sections shall be considered Appendix I of these bylaws.

Article I. ORGANIZATION

Section 1. Legislative District Committee

There shall be a Legislative District Committee, with membership as provided by law and in Article II of these bylaws, which shall have duties and responsibilities as provided by law and these bylaws. The LD5 Precinct Committeepersons (PCs) shall be the governing body of LD5 and shall have authority over all actions of the Executive Committee and other committees of LD5.

Section 2. Executive Committee

There shall be an Executive Committee, with membership as provided by and in Article IV §1, which shall have duties and responsibilities as provided by law and these bylaws subject to the direction of the LD5 Committee.

Article II. MEMBERSHIP

Section 1. Section 1. Participation

Unless otherwise prescribed by law, LD5 shall consist of all Democratic PCs residing within the boundaries of Arizona Legislative District 5 who have been elected or appointed pursuant to the laws of the state of Arizona. All members shall have the right to fully participate in the meetings, discussions, and other activities of LD5 as provided by law and these bylaws.

Section 2. Precinct Committeepersons

A. A PC candidate shall be a registered Democratic voter living within the precinct.

B. **Term.** The term of office for PCs shall be as follows:

(1). **Elected PCs.** The term of office of an elected PC is two (2) years, commencing on October 1 in even-numbered years after the primary election in which the PC was a candidate and elected and continues until September 30 after the following primary election at which PCs are elected.

(2). **Appointed PCs.** The term of office of an appointed PC begins upon approval by the Board of Supervisors of Maricopa County and continues until September 30 after the following primary election at which PCs are elected. Appointed PCs shall have all the rights and obligations of elected PCs except that they shall not vote in the LD5 biennial organizational meeting.

C. **Vacancy.** A vacancy in the office of PC is defined in ARS §38-291 and in the bylaws of the Arizona Democratic Party (ADP). If a PC changes party registration or moves from the precinct in which they were elected or appointed, the PC shall be deemed to have resigned from office. The Maricopa County Democratic Party (MCDP) Chair (County Chair) is charged with the responsibility of filling the vacancy. The County Chair shall accept applications from qualified Democratic electors and forward them to the Maricopa County elections department for approval by the Board of Supervisors. Vacancies for PCs existing after the biennial election of PCs shall not be filled prior to the biennial organizational meeting of LD5 and the MCDP Committee.

D. **Duties.** The duties of PCs shall include, but not be limited to: (1) voting at LD5 elections; (2) assisting the Democratic Party in voter registration; (3) assisting and encouraging voters to vote on election days; (4) attending LD5 meetings; (5) working within the precinct from which elected or appointed; (6) creating enthusiasm and support for the Democratic Party; (g) helping elect Democratic candidates; (7) assisting in recruiting and training leaders of the Democratic Party; (8) encouraging financial support of LD5, MCDP and the ADP; and (9) serving on various committees as applicable.

Article III. MEETINGS

Section 1. Meetings

A. **Frequency.** LD5 shall meet at least 10 times in a calendar year.

B. **Executive Committee Meetings.** The Executive Committee shall meet upon the call of the Chair or in accordance with any resolution adopted by it.

C. **Special Meetings.** Any special meeting of LD5 may be called by the Chair, by a simple majority of the Executive Committee, or by at least twenty-five (25) percent of the PCs of LD5 by filing a formal petition with the Secretary and must be convened within twenty (20) days of the date designated by any such petition. The petition must contain the reason for the meeting, which must be provided to PCs in the meeting notice.

D. **Meeting Format.** Meetings of LD5, the Executive Committee, and any subcommittees may be held in person or virtually (telephonic or electronic).

Section 2. Notification

Proper notice shall be given as to the date, time, and place to each member of the body that is meeting, at least ten (10) days prior to a meeting. Notices of meetings may be delivered by e-mail unless prohibited by statute.

Section 3. Quorum

A quorum of PCs of the body that is meeting shall consist of at least ten (10) percent of LD5 PCs. A quorum shall be present for all voting.

Section 4. Debate

No PC shall speak longer than three (3) minutes at one time, except as provided in the order of the day or by a vote of the majority of PCs present.

Section 5. Voting

Voting within LD5, the Executive Committee, or any of their subcommittees shall be on an individual basis and may be by actual roll call vote, by division of the body in a commonly accepted manner, or by voice vote, as may be appropriate. No slate or title identification shall be made on any ballot or in balloting. Only LD5 PCs shall have the right to make motions, vote, or exercise any other parliamentary rights at LD5 meetings.

Section 6. Proxy Attendance

Proxies are not allowed under these bylaws. To participate, PCs must be in attendance in person or via electronic media.

Section 7. Open Meetings

All meetings of LD5 and its subcommittees shall be open meetings.

Section 8. Parliamentary Procedure

A. All meetings of LD5 and its subcommittees shall be conducted under Robert's Rules of Order, Newly Revised, most current edition.

B. The Chair may appoint a Parliamentarian who shall serve without a vote by reason of such office. Should the Parliamentarian be absent at any meeting at which their services are required, the Chair may appoint another to act as Parliamentarian for any such meeting.

Section 9. Biennial Organizational Meeting

A. **Meeting.** Pursuant to ARS §16-823, LD5 shall meet no earlier than the second Saturday after the general election and no later than the first Saturday in the following December to organize by electing from its membership its officers and State Committee PCs as prescribed in ARS §16-825. Only PCs residing in the district and elected pursuant to ARS §16-821 will be eligible to vote during the biennial organizational meeting.

B. **Meeting Notice.** Pursuant to ARS §16-823, the Chair of LD5 shall give notice of the time and place of the organizational meeting by United States mail to each PC at least ten (10) days before the date of the meeting. If a PC has provided a valid email address and authorized the Chair to give notice to the PC by email, the Chair may provide notice of the meeting by email at least ten (10) days before the date of the meeting.

Article IV. OFFICERS

Section 1. Officers

- A. **Statutory Officers.** Pursuant to ARS §16-823, the statutory officers of LD5 are Chair, two (2) Vice Chairs, Secretary, and Treasurer. The latter two offices may be filled by the same person. The statutory officers are to be elected from LD5 membership of PCs at the Organizational Meeting.
- B. **Other Elected Officers.** At the LD5 Organizational Meeting, LD5 may also elect from its membership of PCs other officers deemed necessary to conduct the business and operations of LD5 under procedures set forth in Section 2 of this Article.
- C. **Appointed Officers.** The Chair may appoint other officers after the LD5 Organizational Meeting as needed to conduct the business and operations of LD5. Such appointments shall be accompanied by a description of duties and, upon a determination pursuant to Section VII (B), Executive Committee voting privileges.

Section 2. Election of Officers

- A. **Nominations.** All nominations for LD5 officers to be elected pursuant to this Article shall be made from the floor of the LD5 Organizational Meeting and no slate identification shall be allowed on any ballots or balloting at these elections.
- B. **Eligibility.** Any duly elected or appointed PCs may be eligible for any elective office, but no person shall be nominated as a candidate without the consent of such person having first been obtained.
- C. **Election.** In all cases where there is more than one (1) candidate for office, voting shall be conducted by individual ballot. A nominee must receive votes on a majority of ballots cast to be elected as an officer. If a second or subsequent ballot is necessary, the name of the candidate with the lowest vote total from the preceding ballot shall be excluded from the subsequent ballot. The same procedure shall be followed until a nominee shall have received votes on a majority of ballots cast.
- D. **Recount.** An automatic recount shall be performed if (1) the number of votes cast is greater than the number of committeepersons present in person or represented by proxy; or (2) the ballot shall result in the election of an officer rather than only the elimination of a candidate and there is a margin of less than six (6) votes between the elected officer and the next candidate.
- E. **Order of Election.** Officers shall be elected in the following order: Chair; First Vice Chair; Second Vice Chair; Secretary; and Treasurer. If additional officer positions were created per Section 1(B) of this Article, officers will be elected in the order in which the positions were created.

Section 3. Duties of Officers

A. Elected Officers

In addition to their duties as members of LD5 and the Executive Committee, the duties of the elected officers shall include but are not limited to the following:

(1). **Chair.** The Chair shall (a) direct the affairs of LD5 and serve as its official spokesperson; (b) coordinate the districtwide activities of the Democratic Party; (c) preside over all meetings of LD5, the Executive Committee, and other meetings that may be held; (d) in consultation with the Treasurer, submit a proposal for approval for an annual budget to the Executive Committee; (e) assign duties to officers not specified in these bylaws; (f) appoint all committees except as specifically provided for in these bylaws and appoint chairs and members to those committees; (g) direct any office LD5 may establish; (h) serve as the LD5 representative pursuant to Article X Section B; and (i) perform other duties as set forth in these bylaws.

(2). **First Vice Chair.** The First Vice Chair shall (a) perform the duties of the Chair during the absence or disability of the Chair until the Chair returns or, in the event of a vacancy, until a successor is elected; (b) be responsible for maintaining communications with LD5 PCs, volunteers and committees; (c) be responsible for maintaining a database of LD5 PCs, Volunteers, State Committee members, and the Maricopa County Recorder's current LD5 PC list with Quotas and Openings; and (d) perform other duties as assigned by the Chair or set forth in these bylaws.

(3). **Second Vice Chair.** The Second Vice-Chair shall (a) perform the duties of the Chair during the absence or disability of the Chair and the First Vice-Chair or, in the event of a vacancy, until a successor is elected; (b) assist the First Vice-Chair in the performance of their duties; and (c) perform other duties as assigned by the Chair or set forth in these bylaws.

(4). **Secretary.** The Secretary shall (a) be responsible for keeping records of all meetings of LD5 and the Executive Committee; (b) be responsible for providing electronic copies of minutes to the members of the respective committee in a timely manner; (c) be responsible for maintaining a copy of all meeting minutes and formal reports of LD5 officers, committees, and sub-committees; (d) be responsible for maintaining a copy of all resolutions adopted by LD5; (e) be responsible for maintaining the LD5 website and newsletter; and (f) perform other duties as assigned by the Chair or set forth in these bylaws.

(5). **Treasurer.** The Treasurer shall (a) serve as the custodian of all funds and securities of LD5; (b) be responsible for maintaining adequate records pertaining to the finances of LD5 and file all required financial reports at requisite intervals as required by appropriate governmental agencies; (c) be responsible for the financial affairs of LD5; (d) serve as a member of any committee pertaining to finance or that receives or disburses funds; (e) at least once a month, to the extent that funds are available and expenditures are authorized by law, pay outstanding bills which are those bills that have been duly incurred within the current budget as permitted by these bylaws; (f) disburse funds in accordance with the direction of the Executive Committee; (g) ensure that all campaign finance reporting laws and regulations that apply to LD5 are honored when receiving contributions and making disbursements; and (h) perform other duties as assigned by the Chair or set forth in these bylaws.

B. **Other Officers**

(1). **Sergeant-At-Arms.** The Chair may appoint a Sergeant-at-Arms who shall serve at the pleasure of the Chair and who shall (a) maintain order at all meetings of LD5 and of the Executive Committee; (b) perform other duties as may be assigned by the Chair. The Sergeant-at-Arms shall be a nonvoting member of the Executive Committee and, unless they are a PC, shall be a nonvoting member of LD5.

(2). **Parliamentarian.** The Chair may appoint a Parliamentarian, who shall serve at the pleasure of the Chair, without a vote by reason of such office; and who shall (a) advise the Chair and other officers, committees, and PCs on matters of parliamentary procedure; (b) be knowledgeable in and able to interpret parliamentary procedures, these bylaws, and Robert's Rules of Order; and (c) perform other duties as may be assigned by the Chair. The Parliamentarian shall be a nonvoting member of the Executive Committee.

Section 4. Term of Elected Office

A. **Term.** The term of office is two (2) years, commencing immediately following election at the biennial organizational meeting and ending at the next biennial organizational meeting.

B. **Vacancy.** A vacancy in an office occurs if an officer resigns, ceases to hold valid status as an LD5 PC, dies, or is removed from elected office. The elected office will be filled by a majority vote of LD5 PCs at the next regular meeting unless that meeting is less than thirty (30) days from the date the seat was vacated. In such a case the vacancy will be announced at the next meeting and the election to fill the vacancy will occur at the following regular meeting.

C. **Deemed Resignation.** If an elected officer is absent for three (3) consecutive LD5 regular meetings or three (3) consecutive LD5 Executive Committee meetings without cause, such absence shall be deemed a resignation.

D. Appointed officers shall serve subject to the pleasure of the Chair.

Section 5. Concurrent Positions

No LD5 elected officer shall concurrently serve as an officer of any political action committee (PAC) as defined by ARS §16-905(c).

Section 6. Conflict of Interest

A. No LD5 officer shall be employed as a campaign manager or as a paid consultant to any partisan campaign.

B. No LD5 officer shall concurrently run for any office in a partisan election.

Article V. REMOVAL FROM OFFICE

Section 1. LD5 Officer

A. Any elected LD5 officer other than the Chair shall be removed for cause by a three-fourths (3/4) vote of the current membership PCs of the LD5 Executive Committee.

B. The Chair shall be removed from office for cause if a special meeting is called per Article III §1.C and two-thirds (2/3) of the voting PCs in attendance vote in favor of the motion to remove the Chair. The office shall be deemed vacant, and the vacancy shall be filled per Article III §4.

C. Causes for which any officer of LD5 may be subject to removal from office shall include, but not be limited to, the following:

- (1). Public support of an opposition party candidate in a partisan election;
- (2). Malfeasance in office;
- (3). Failure to carry out the duties of the office;
- (4). Violation of the ADP Code of Conduct;
- (5). Violation of local, state, or federal law that causes unfavorable publicity to LD5 and the Arizona Democratic Party or impairs the credibility of the officer to perform their duties;
- (6). Acts of discrimination on the basis of race, ethnicity, national origin, sex, age, disability, sexual orientation, gender identity, religion or any other characteristic protected by applicable law;
- (7). Conduct towards others that could endanger another's safety; that could be considered or constitute bullying, abusive, threatening, or coercive behavior; or that could be considered sexual harassment, assault, or violence;
- (8). Any other offense of equal magnitude to the above.

Section 2. Precinct Committeeperson

A. A PC may be removed from office for cause. Cause for removal includes the following:

- (1). Failure to fulfill the duties of the office under Arizona law or the bylaws of the MCDP;
- (2). Malfeasance in office;
- (3). Willful or corrupt misconduct in office;
- (4). Harassment, bullying, or other behavior inconsistent with the expectations outlined in the ADP Code of Conduct;
- (5). Public support of an opposition party candidate in a partisan election; or
- (6). Conviction of a felony.

B. **Removal Procedures.** The procedures for removing a PC shall be as follows:

- (1). Vote to Recommend Removal by a District Executive Committee.

A majority of the Executive Committee may vote to recommend the removal of a PC. No fewer than fourteen (14) days before the meeting when the recommendation for removal will be discussed and voted on, the District Secretary must send written notice to the PC whose removal from office is being sought. The written notice must include: (a) all reasons for the recommendation for removal, including any supporting documentation; (b) the date, time, and location of the meeting where the matter will be discussed and voted on, and (c) a statement that the PC whose removal is being sought may respond in writing, will have an opportunity to

respond at the meeting, and has the right to present documents or call witnesses to testify on their behalf at the meeting.

(2). Meeting of the District Executive Committee.

The District Chair will preside over the meeting where the recommendation for removal is discussed and voted on and must ensure that the meeting is either recorded or transcribed verbatim. A representative of the District Executive Committee must present the reasons for potential removal and give the PC whose removal is sought a chance to respond. The PC must have the opportunity to present documents or call witnesses to testify on their behalf before any vote on a recommendation for removal. The District Executive Committee may then vote to recommend the removal of the PC.

(3). Removal Vote by County.

If the District Executive Committee recommends the removal of a PC, the District Chair shall send all materials related to the removal recommendation to the MCDP Chair, who shall promptly schedule a meeting of the MCDP Executive Committee to vote on whether to remove the PC from office. No fewer than fourteen (14) days before the meeting of the MCDP Executive Committee at which that vote will be held, the MCDP Secretary must send written notice to the District Chair and the PC whose removal from office is being sought. The written notice must include: (a) all documentation related to the recommended removal, including the recording or transcript of the District Executive Committee meeting during which removal was recommended, (b) the date, time, and location of the meeting where the matter will be discussed and voted on, (c) a statement that the PC whose removal is being sought may provide an additional written statement in advance of the meeting and will have an opportunity to speak at the meeting, and (d) a statement that the District Chair (or their designee) may provide an additional written statement in advance of the meeting and will have an opportunity to speak at the meeting.

The MCDP Executive Committee must be recorded or transcribed verbatim. After the PC and District Chair (or their designee) are provided a reasonable opportunity to speak, the PC may be removed by a majority vote of the MCDP Executive Committee.

C. County Notice.

If the MCDP Executive Committee removes a PC, the MCDP Chair must promptly send a written notice and recommendation to the Maricopa County Board of Supervisors under ARS §16-821(B).

D. Suspension.

(1). Pending removal, a PC may be suspended from all official duties and activities of LD5 and the MDCP Committee pending the completion of removal proceedings under Subsection B of this Section by a majority vote of the LD5 Executive Committee if:

- (a). The PC was provided with the written notice required by Subsection B(1) of this Section;
- (b). The cause specified in the written notice required by Subsection B(1) of this Section involves conduct that presents a risk of ongoing harm to the MCDP, LD5, or any third person;

- (c). The PC was provided with no fewer than 48 hours of written notice of the LD5 Executive Committee's intent to hold a suspension vote; and
 - (d). The PC was provided with an opportunity to address the District Executive Committee prior to the vote to suspend the PC.
- (2). Any meeting at which a vote to suspend a PC is discussed or taken must be recorded or transcribed verbatim.
- (3). A suspension under this Subsection will terminate upon the earlier of the following:
- (a). The District Executive committee voting not to recommend the PC's removal under Subsection B(2) of this Section;
 - (b). The MCDP Executive Committee voting not to remove the PC under Subsection B(3) of this Section; or
 - (c). The Maricopa County Board of Supervisors determining that the PC's office is vacant under ARS §16-821(A).

Article VI. RESIGNATION FROM OFFICE

A PC may resign at any time by providing written notice of their resignation to the MCDP Chair. In addition, a PC will be deemed to have automatically resigned their office if they (1) move out of the precinct from which they were elected or appointed or (2) change political parties under ARS §16-822(D). If a PC resigns under this Article, the MCDP Chair will promptly send a written notice and recommendation to the county Board of Supervisors under ARS §16-821(B).

Article VII. EXECUTIVE COMMITTEE

A. The membership of the Executive Committee shall consist of the LD5 officers set forth in Article IV of these bylaws.

B. Additional voting members may be appointed by the Chair with a majority vote of the Executive Committee.

C. The duties of the Executive Committee shall be to (1) act on behalf of LD5 between LD5 meetings; (2) approve the LD5 budget and any amendments to it; (3) approve specific contracts extending beyond the Chair's term; (4) adopt and maintain policies and procedures for LD5; (5) provide advice on appointments made by the Chair; and (6) perform other such duties as may be assigned by the Chair.

Article VIII. OTHER COMMITTEES

Section 1. Committees

The Chair, in cooperation with the Executive Committee, may create committees as necessary and appoint chairs and PCs to such committees.

Section 2. Committee Statement

No committee shall be authorized to issue any statement on behalf of either LD5, the LD5 Executive Committee, or as coming from LD5. Any statement or report issued by any committee on its own behalf shall be confined within the scope of its duties.

Section 3. Expenditure of Funds

All funds for committees shall be under the internal control of LD5 and fall within the duties of the Treasurer.

Article IX. STATE COMMITTEE MEMBERS

A. Pursuant to ARS §16-823, LD5 State Committee members will be elected at the biennial organizational meeting. LD5 shall elect the number of State Committee members allotted by the laws of Arizona and the bylaws of the ADP.

B. A vacancy in the LD5 State Committee membership shall occur and be filled as delineated in Article II §5 of the bylaws of the ADP.

C. A deemed resignation by an LD5 State Committee member shall occur and be filled as delineated in Article II §4 of the bylaws of the ADP.

Article X. COUNTY COMMITTEES

A. Per Arizona laws, codes, and designations, legislative district committees are individual political party committees and are not subgroups of county committees.

B. Should the MCDP request representation from LD5 on the county Executive Committee or other subcommittee of the county committee, LD5 will decide by majority vote whether to send such representation. If LD5 is to be represented, the representative will be the Chair or their designee. Should additional representation be requested, the Executive Committee will determine who shall represent LD5.

C. Nothing in this Article restricts any member of LD5 from running for or holding at-large or other positions on county committees for which they qualify.

Article XI. ENDORSEMENTS

Section 1. Contested Primaries

A. Neither LD5 nor its Executive Committee shall endorse any candidate in a contested primary election. Individual LD5 officers and others appointed or elected to LD5 leadership positions shall remain publicly neutral in contests between Democrats in any contested primary election.

B. No member of LD5 shall publicly endorse any candidate of any opposing political party for any office in a contested primary, general, or special election. A candidate of an opposing political party is defined as a candidate who is not registered as a Democrat.

C. Nothing in this Article restricts a PC from working on behalf of any favored Democratic candidate, as this is a function of being a PC.

Section 2. Vote of No Candidate Support

In the event serious concerns are raised about a candidate's legitimacy or intent, the Executive Committee may call for a vote of No Candidate Support by LD5. Approval shall require the agreement of at least eighty percent (80%) of LD5 PCs voting. Such meeting shall be convened per Article III §1.C of these bylaws.

Article XII. BYLAWS

Section 1. Effective Date

These bylaws shall become effective immediately upon their adoption and shall continue in force for present and future membership, subject to amendment or termination in accordance with the provisions of this Article.

Section 2. Amendments

A. These bylaws may be amended by a vote of not less than two-thirds (2/3) of the PCs present at a regular or specially called LD5 meeting.

B. The Executive Committee shall oversee revisions to these bylaws.

C. Only LD5 PCs in good standing may propose a change to the bylaws. Any proposed change to the bylaws must be presented in writing accompanied by a statement explaining the purpose to be achieved and reasons supporting the change.

D. All proposed changes shall be prepared and submitted according to the following procedures:

(1). Proposed amendments in writing must be received by the Secretary at least thirty (30) days before any meeting in which the proposal may be considered. The contents of the proposed amendments shall be transmitted to all PCs at least seven (7) days prior to the meeting.

(2). Proposed bylaw amendments may be modified or refined by PCs present at the meeting in which the amendments are discussed before a vote is held on the proposed change. Modifications may be accepted or declined by the person or body proposing the original amendment to LD5. PCs present will be provided the opportunity to review final proposed amendments prior to voting.

(3). No proposal to amend or terminate these bylaws shall be considered by the Executive Committee or LD5 unless it has been submitted in compliance with the provisions of this section.

E. The bylaws of LD5 cannot be contrary to the bylaws of the Arizona Democratic Party or law.