

BERKELEY COUNTY DEMOCRATIC ASSOCIATION BY-LAWS

Effective 5/21/2007 (revisions approved 2/23/2009 and 3/28/2011).

ARTICLE I – NAME AND LEGAL STATUS OF ORGANIZATION:

Berkeley County Democratic Association, hereinafter referred to as BCDA or **the Association**, was legally organized on September 3, 1998 as a *Political Association* and registered with the West Virginia Secretary of State, Elections Division as a *Political Action Committee* (PAC). As such, the Association is empowered to make financial contributions to state and local campaigns and PACs in West Virginia, subject to state and federal law, and the regulations of the West Virginia Secretary of State.

The Association is not registered with the Federal Election Commission, and, therefore, is prohibited from making political contributions to federal campaigns or federal political action committees.

The Statement of Organization supporting the legal status of the Association is included in these by-laws as Attachment A.

ARTICLE II – STATEMENT OF PURPOSE:

The purpose of the Association is to foster growth of the Democratic Party in Berkeley County West Virginia and to be a social and educational venue.

ARTICLE III – RULES REGARDING ASSOCIATION MEETINGS:

Unless otherwise provided for by these by-laws the Association adopts the Rules and Regulations of the Democratic Party of the State of West Virginia as its governing set of rules. In the absence of specific provisions in these by-laws and/or the Rules and Regulations of the Democratic Party of the State of West Virginia, the latest edition of Robert's Rules of Order shall govern the conduct of these meetings of the Association.

ARTICLE IV – MEMBERSHIP AND VOTING:

Only registered Democrats are eligible for membership in the Association. To qualify to vote on any specific matter a member must be of voting age; must be in good standing in the Association; and must have attended at least two of the last four meetings of the Association. Proxy voting shall not be allowed.

ARTICLE V - REVOCATION OF MEMBERSHIP:

The Association may revoke the membership of an individual whose activities or behavior violate the by-laws of the Association. Revocation requires a motion approved by the Board of Directors followed by ratification by the general membership of the Association. Any officer or member of the Board of Directors may, during a Board meeting, introduce a motion to revoke the membership of an individual for cause. Should the President be the person whose membership is being considered for revocation, the next highest ranking officer shall preside. In considering such a motion, evidence for and against it must be presented to and reviewed by the Board. As a part of the review the individual in question will

be provided an opportunity to respond. For the motion to be approved, 66% of Board members present at the meeting must vote in favor of it.

If the motion is approved by the Board, the presiding officer shall present it without modification to the general membership at the next regular monthly meeting. The presence of the person who is being considered for membership revocation is not required, but, if present, that person will be provided an opportunity to respond before the question is called and a vote is taken by secret ballot. A majority of the members in attendance who are qualified to vote must approve the motion for it to take effect.

ARTICLE VI – DUES:

Article VI, Section 1 – Member

Payment of annual dues is required of all members, except for those with Lifetime Memberships. As of April 1, 2007, annual dues are \$5 per member. The amount of dues shall be set or changed by a majority vote in any general meeting of the Association. Duration of annual membership shall be from the date dues are paid until December 31 of the same year. Dues are not refundable.

Article VI, Section 2 – Lifetime Member

As of April 1, 2007, dues for Lifetime Membership are set at \$100 per member. The amount of dues for lifetime memberships shall be set or changed by a majority vote in any general meeting of the Association. Lifetime membership shall commence on the date dues are paid. Lifetime Member dues may not be increased retroactively and are not refundable.

ARTICLE VII – OFFICERS and BOARD OF DIRECTORS:

Article VII, Section 1 – Board of Directors

Biennially the Association shall elect a President, Vice President, Secretary, Treasurer and five Directors who together will constitute the Board of Directors. Additionally, the immediate past President of the Association, at the time of vacating that position, shall serve as an ex officio member of the board of Directors for one term of two years; however, such director may cast a vote only for the purpose of breaking a tie. The Board of Directors shall be responsible for oversight and conduct of all Association business, except that which is reserved for specific officers, the general membership, or that may be delegated by the President or the Board of Directors.

Article VII, Section 2 – Election, Retention and Replacement of Officers and Directors

VII.2.a In January of the year when Association elections are to take place, the President shall appoint a nominating committee consisting of three members who meet the criteria described in **Article VII.2.c**, below. The nominating committee will nominate eligible individuals who are willing to serve in a specific office. These nominees will be presented to the membership at the regular Association meeting in February. At this time, additional nominations may be made from the floor, provided that each nominee meets the eligibility requirements in **Article VII.2.c** and has expressed willingness to serve.

VII.2.b Election shall be by secret ballot and a majority vote of members present shall elect.

VII.2.c A member is eligible to serve on the Board of Directors who has been a member six months prior to the time the slate is presented, and who has attended half of the meetings during that period. A member is eligible to serve as an officer who has been a member one (1) year prior to the time the slate is presented, and has attended half of the meetings during that period.

VII.2.d Officers and Directors shall be elected for two-year terms. Newly elected officers and Directors will assume their duties at the conclusion of the meeting when the election takes place.

VII.2.e The President and Vice President shall not hold office for more than two consecutive terms.

VII.2.f Should an officer of the Association be unable or unwilling to perform the duties of his/her office as specified in the by-laws and unwilling to resign, the same process used to revoke membership (see **Article V**) shall be used to remove that person from office. An individual may be removed from office and still retain membership in the Association.

VII.2.g Should the office of President become vacant the Vice President shall automatically assume the office of President until the conclusion of the next general election of officers. Should said Vice President be unwilling to serve as President or vacate the Presidency prior to the next general election of Officers and Directors, the next highest ranking officer (Secretary, then Treasurer), shall serve as President until a special election is conducted and all vacant offices are filled.

Should the office of Vice President become vacant, the Board may fill the position by special election, or leave the position vacant until the next general election of officers and directors.

Should the office of Secretary or Treasurer become vacant, the Board shall fill the vacancy by temporary appointment within 7 days of the time the office is vacated. Within thirty days the Board shall appoint a member who meets the eligibility requirements in **Article VII.2.c** to complete the remainder of the term, or conduct a special election to fill the position until the next general election of Officers and Directors.

Should any Director position become vacant, the Board may leave the position open, or conduct a special election to fill the remainder of the term for the vacant position until the next general election of Officers and Directors.

Article VIII, Section 4 – Duties of Officers

VIII.4.a President – The President shall impartially preside at all meetings of the Association. The President shall issue a call for special meetings when needed and shall have the authority to appoint members for special tasks as necessary. Such appointees shall serve at the President's will and pleasure. The President shall be responsible for carrying out the will of the Association as expressed by a majority vote on issues and motions at its meetings

VIII.4.b Vice-President – The Vice President shall, in the absence of the President, preside at all meetings and proceedings of the Association, and perform all necessary functions of the President. The Vice-President may have other duties the President shall designate.

VIII.4.c Secretary – The Secretary shall maintain records of previous meetings of the Association and keep accurate records of current meetings and proceedings of the Association, including a list of those attending. Such records shall be turned over to the incoming Secretary upon change of officers.

VIII.4.d Treasurer – The Treasurer shall receive and account for all Association funds and shall disburse them with the authorization of the President and one other officer. The Treasurer will be authorized on behalf of the Association to establish bank account(s), which will require the signatures of the President and one other officer. The Treasurer shall make a report of all receipts and disbursements at each of the regularly scheduled meetings of the Association. The Treasurer shall submit requisite reports to the WV Secretary of State as required by law. Financial records and reports will be turned over to the incoming Treasurer upon change of officers.

At the end of each calendar year an audit committee appointed by the Board of Directors will examine the Association accounts and verify their correctness. The committee will consist of three members and may include any members of the Association in good standing.

ARTICLE IX – ATTENDANCE REQUIREMENTS FOR OFFICERS AND DIRECTORS:

Each Officer and Director is expected to maintain good attendance at meetings of the Board of Directors and of the General Membership. Should any officer or director anticipate missing a meeting, they are expected to notify the President in advance to insure that quorums are not at risk and work is not disrupted. Should any Officer or Director miss three consecutive Board meetings or three consecutive General Membership meetings, such officer may be considered in violation of the Association's attendance requirements for Officers and Directors. At its discretion, the Board may consider illness and other extenuating circumstances as grounds for excusing an Officer or Director from the Association's attendance requirements.

ARTICLE X– MEETINGS:

Article X, Section 1 – General Meetings

Meetings of the Association shall be held at least six times per year. Scheduled meetings shall normally be conducted on the 4th Monday of each month and shall be publicized at least one week in advance. The Board of Directors may change the dates of meetings to allow for holidays, inclement weather, or other events.

Special meetings may be held at the call of the Board of Directors and/or the President. Special meetings shall be publicized at least two weeks in advance.

Article X, Section 2 – Quorum for Meetings

X.2.a A quorum for a meeting of the Board of Directors shall consist of no fewer than five Board Members. Board actions which require voting may be conducted in person, by phone, or electronically.

X.2.b A quorum for a general or special meeting of the Association shall be five members of the Board of Directors and ten other members eligible to vote.

ARTICLE XI – POLITICAL ACTIVITY:

Members of the Association are encouraged to run for political office and to support the candidates of their choice.

The Association encourages all Democratic candidates to attend its meetings. Only information from the Association, the Democratic Party, Democratic candidates and their organizations, or information

related to Association activities or meeting programs may be distributed at Association meetings. If time permits and at the discretion of the President, members will be given an opportunity for brief announcements concerning community activities during regular meetings.

The Association shall not endorse or support candidates in contested Democratic primary races. However, the Association may endorse or support Democratic candidates for other races, as permitted in these bylaws and other applicable laws and regulations, and engage in other activities aimed at supporting the Democratic Party or increasing voter turnout for Democratic candidates.

No correspondence, advertising, news releases, or political positions may be issued on behalf of the Association, unless authorized by the Board of Directors.

ARTICLE XII – BY-LAWS REVISION:

Article XII, Section 1 – Appointment of By-laws Revision Committee

Every odd-numbered year the President of the Association shall appoint a committee to study and make recommendations concerning the need to revise the by-laws of the Association.

Article XII, Section 2 – Adoption and Ratification of the By-laws

Notice shall be given to members of the Association upon appointment of a by-laws Committee. Any proposed changes to, or amendment of, the by-laws shall be given readings at two successive general meetings. Following the second reading, the membership shall vote whether or not to adopt the proposed revisions. A majority of the members voting is required to ratify any changes.

Political Action Committee/Political Party Executive Committee Statement of Organization

(Statement of Organization must be filed at least 28 days before the election in which the Political Action Committee or Executive Committee plans to be active, and before any money is received or spent by the Committee.)

Organization: <u>Berkeley County Democratic Association</u>
Treasurer: <u>John E. Harris</u>
Mailing Address: <u>Rt 1 Box 1024, Gerrardstown, WV 25420</u>
Daytime Telephone Number: <u>304-329-9358</u>
Chairperson: <u>John Fink</u>
Mailing Address: <u>214 Virginia Ave., Martinsburg, WV 25401</u>
Daytime Telephone Number: <u>304-267-3949</u>
Affiliation (List Organization/Association affiliated with committee): _____
Statement of Purpose (Indicate briefly why the PAC is being formed): <u>To foster growth in the Democratic Party for the Eastern Panhandle and to be a social and educational venue for party members.</u>

Is this committee registered with the Federal Election Commission? Yes No
(Note: If you answered "Yes" to this question, do not file this form unless you're setting up a separate state account for your federal committee. Otherwise, you will only need to file a copy of your FEC Statement of Organization to establish your PAC.)

Does the committee represent a corporation? Yes No


This committee supports and/or opposes (check all that apply):

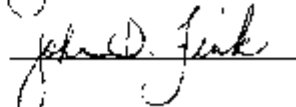
Candidates Political Parties Ballot Issues

This organization plans to be active in statewide, county or district political campaigns in West Virginia. The persons listed above have agreed to serve as treasurer and chair of this committee. The treasurer acknowledges that he or she is personally responsible for filing the statutorily required campaign finance reports until a notice of a change of treasurer is submitted in writing to the office receiving this form or until the committee is formally dissolved.

If Committee Supporting or Opposing Any Statewide, Legislative, or Multi-County Judicial Candidate, Statewide or Multi-County Ballot Issue or if a Political Party Executive Committee, File with:
 Elections Division
 Secretary of State's Office
 Bldg. 1, Suite 157-K
 1900 Kanawha Blvd. East
 Charleston, WV 25305-0770

If Committee Supporting or Opposing only County or Single-County Judicial Candidates, or a single-county Ballot Issue, File with:
 Clerk of the County Commission
 County Courthouse
 (City), WV (Zip)



 Treasurer


 Chairperson
 August 3, 1998

 Date



Published by Ken Hechler
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