

**DEMOCRATIC PARTY OF SACRAMENTO COUNTY**

**AMENDMENT TO THE BYLAWS**

*8/8/2019 – Curtis Hall, Sacramento*

**BYLAWS AMENDMENT 2019-04**

*Adopting Bylaws Amendments Regarding the Disciplinary Process,  
Repealing Article V & Sections 2 & 7 of Article VI & Replacing them with a new Article V*

**BE IT RESOLVED**, That the Democratic Party of Sacramento County adopts the following amendment to the Constitution of the Democratic Party of Sacramento County by deleting Article V and Sections 2 and 7 of Article VI, and replacing them with a new Article V:

[Note: additions are **bolded**, deletions are ~~struck through~~, and explanations of the changes are in *italics*]

**ARTICLE V. DISCIPLINARY PROCESS**

**SECTION 1. CAUSES FOR COMPLAINTS & PUNISHMENTS FOR VIOLATIONS**

- A. Any Member who endorses or materially supports a Republican running against a Democrat, or who endorses a non-Democrat running against a Democrat endorsed by the Central Committee, shall be expelled from the Central Committee and shall also be ineligible from being seated on the Central Committee during the next term of office of the Elected Members.**
- B. Any Member who misses at least three Central Committee meetings within a five month period, or five meetings within a twelve month period, without providing an Alternate who attends in their place or notifying the Chair or Secretary that they request to be Excused, shall be removed from the Central Committee for the remainder of the term of the Elected Members. Any elected Officer who misses at least three Executive Board meetings within a five month period, or five (5) meetings within a seven (7) month period, without notifying the Chair or Secretary that they request to be excused, shall be expelled from their office for the remainder of the term of the Officers.**
- C. Any Member found to have violated the Code of Conduct adopted by the Central Committee as a Standing Rule shall be subject to the following possible punishments:**
  - 1. Restorative justice;**
  - 2. Reprimand or censure;**
  - 3. Monetary fine, which shall prevent the Member from voting or participating in the DPSC until the fine is paid;**
  - 4. Suspension of any or all privileges, including voting and attending events, for a defined period of time;**
  - 5. Removal from their position as an Officer; or**
  - 6. Expulsion from the Central Committee.**

**SECTION 2. COMPLAINTS**

- A. A Member (hereinafter referred to as the Complainant) may file a complaint alleging that another Member (hereinafter referred to as the Respondent) has engaged in conduct that may subject the Respondent to this Disciplinary Process. A complaint must detail each charge against the Respondent, so that they may prepare an adequate defense.
- B. The Complainant must file the complaint with the Executive Board, or any member thereof. Within three (3) days of receiving a complaint, the Executive Board member who received the complaint shall notify the Investigatory Committee, the Executive Board, the Respondent, and the Complainant of receipt of the complaint and its substance.
- C. After receiving notice that a complaint has been filed, the Executive Board shall refer the complaint to an Investigatory Committee.

### SECTION 3. INVESTIGATORY COMMITTEE

- A. An Investigatory Committee comprised of at least three (3) Members in good standing shall be appointed by the Executive Board within seven (7) days after receiving notice that a complaint has been filed:
  - 1. An Investigatory Committee shall be gender balanced to the greatest extent possible between self-identified males and females.
  - 2. Nobody named in a complaint or with a substantial conflict of interest in the matter shall be a member of the Investigatory Committee concerning that complaint, and the Complainant and Respondent shall be notified by the Executive Board member who received the complaint of the members appointed to an Investigatory Committee in order to ensure no such conflicts exist.
  - 3. If either the Complainant or Respondent identify a conflict of interest with a member of the Investigatory Committee, the Executive Board shall vote on whether the conflict warrants replacing said member of the Investigatory Committee.
- B. An Investigatory Committee shall produce a report detailing any facts and evidence relating to the complaint referred to it, and detailing the preponderance of each charge, which shall be presented to the Executive Board. The Board shall then schedule a Disciplinary Hearing to hear and decide the complaint.
- C. Members of an Investigatory Committee shall maintain the confidentiality of information derived from the complaint process, or else become subject to discipline.

### SECTION 4. EXECUTIVE BOARD HEARING

- A. The Secretary (or Chair) shall provide at least fourteen (14) days notice of an impending Disciplinary Hearing to the Complainant and Respondent, which shall be held during the next regularly scheduled Executive Board meeting after notice is given, or as otherwise scheduled by the Board, and shall be composed of all voting members of the Executive Board, unless any of them should be subject to recusal.
- B. The Complainant & Respondent shall have the right to:
  - 1. At least three (3) days before the Hearing is to begin, request that the Hearing be rescheduled to a date before the next regularly scheduled Central Committee meeting, subject to approval by a majority of the Executive Board;
  - 2. Confront all witnesses and evidence provided against them; and
  - 3. Speak in their own defense.
- C. The Hearing shall hear the facts of the complaint, and based upon the preponderance of evidence, by simple majority vote, shall:
  - 1. Rule as to whether a violation was committed; and then
  - 2. Determine the appropriate disciplinary action as proscribed in Section 1 of this Article.

## SECTION 5. APPEAL TO THE CENTRAL COMMITTEE

- A. The Respondent or Complainant may appeal the decision of the Executive Board to the Central Committee by informing the Secretary (or Chair) before the date required to send notice for Central Committee meeting agendas, and an Executive Session regarding the appeal shall be added to the agenda of the next regularly scheduled Central Committee meeting.
- B. The Central Committee shall only consider the material facts of the case as presented to the Executive Board, which shall be presented to the Central Committee in Executive Session by the Investigatory Committee. The Complainant and Respondent shall also be provided equal opportunity to submit an opening statement and to speak regarding the material facts of the case.
- C. The Central Committee shall be presented with the ruling of the Executive Board regarding whether a violation occurred, and after deliberation in Executive Session, the Central Committee shall vote as to whether a violation occurred according to a preponderance of the evidence.
  - 1. If the Central Committee vote finds that no violation occurred, then the matter shall be considered closed.
  - 2. If the Central Committee vote disagrees with the Executive Board's ruling that a violation did not take place, then the complaint shall be returned to the Executive Board for an appropriate disciplinary action to be proposed to and considered by the Central Committee. Until the Executive Board delivers a proposed disciplinary action to the Central Committee, the Respondent's membership shall be temporarily suspended.
  - 3. If the Central Committee vote agrees with the Executive Board that a violation occurred, then the Central Committee shall proceed to consider whether the Executive Board's proposed disciplinary action is appropriate.
- D. If the Central Committee has found that a violation occurred, when the Central Committee proceeds to consider disciplinary action, it shall be presented with the disciplinary action proposed by the Executive Board and vote as to whether such action is appropriate.
  - 1. If the Central Committee votes that the disciplinary action proposed by the Executive Board is appropriate, then the Executive Board's proposal shall be enacted.
  - 2. If the Central Committee votes that the disciplinary action proposed by the Executive Board is not appropriate, then the complaint shall be returned to the Executive Board for an appropriate disciplinary action to be proposed to and considered by the Central Committee.
- E. Disciplinary action must be adopted by a simple majority of valid votes cast, except for expulsion from the Central Committee or removal as an Officer for violations under Section 1, Subsection C of this Article, which shall require a two-thirds ( $\frac{2}{3}$ <sup>rd</sup>s) majority.