



INTERPRETIVE RULING

No. 2018-1 (Jan. 4, 2018)

Ruling: Section 3.6(f) of the Democrats Abroad Charter requires the direct election of DPCA voting representatives by the membership of each respective country committee at the same time and, in principle, on the same ballot as the election of national officers

The activities of the Democratic Party Committee Abroad (“DPCA”) and its affiliated country committees naturally raise questions about the interpretation of language in the Democrats Abroad Charter (“DA Charter”) or other documents containing the official rules or policies applicable to the DPCA, including but not limited to resolutions adopted by the DPCA Executive Committee or the DPCA. From time to time, the DPCA International Executive Committee, pursuant to its responsibility for the conduct of the affairs of Democrats Abroad set forth in Section 4.11 of the DA Charter, may exercise this responsibility by issuing interpretive rulings that are binding on all DPCA members and the activities of the country committees only to the extent that such activities are related to country committee rights or obligations addressed by the DA Charter or other sources of DPCA authority.

The rights and obligations of DPCA voting representatives are addressed in Sections 2.2, 2.4, 3.6, and 3.7 of the DA Charter. Recently, a number of country committees have, or have sought to, establish chapter chairs as automatically appointed DPCA voting representatives. As a result, an important question has arisen: whether the appointment of voting representatives is consistent with the DA Charter, particularly in reference to Section 3.6(f)? Through this Interpretive Ruling, the Executive Committee has determined that the DA Charter mandates the election of DPCA voting representatives.

The text of Section 3.6(f) reads as follows:

Each Country Committee shall have the option to elect non-voting Representatives, and shall be required to elect at least the minimum number of Voting Representatives necessary to enable it to cast all its votes. Such election(s) shall be held at the same time as the election of a Country Committee's Chair and Vice Chair. If a Country Committee has more than one (1) Voting Representative, gender balance shall apply. The term of a Voting Representative shall be the same as for Officers of the Country Committee. All Voting Representatives shall be entitled to attend all Democrats Abroad meetings during the same two (2)-year term as for the Country Committee Chair and Vice Chair offices. If a Country Committee is entitled to less than five (5)

votes, the Non-Voting Representative, if any, shall have the right to speak at DPCA meetings but not to vote, except under Section 3.7 below. If a Country Committee is entitled to five (5) or more votes, the distribution of votes among the Chair, Vice Chair, and Voting Representative(s) (if any) shall be determined by the Country Committee at the time of election, failing which by the Country Committee Chair; provided, however, that a Voting Representative shall have no less than one (1) vote nor more votes than the Country Committee Chair or Vice Chair.¹

The text of Section 3.6(f) is, in part, ambiguous. A fair reading of the paragraph leads to at least two interpretations. One is that all voting representatives must be elected. The other is that country committees must elect the minimum number of voting representatives necessary to cast all of the country's votes. Under the latter interpretation, one could argue that additional voting representatives could be appointed after elections were held to elect the minimum number necessary to cast the country committee's votes.²

To resolve this ambiguity in the language of the DA Charter, it is appropriate to review other governing documents for guidance. Although the Charter of the Democratic Party of the United States (the "Party Charter") does not provide any direct guidance on this issue, the preamble does set forth several principles that should be considered. The preamble states, "Recognizing that the vitality of the Nation's political institutions has been the foundation of its enduring strength, we acknowledge that a political party which wishes to lead must listen to those it would lead, a party which asks for the people's trust must prove that it trusts the people . . ." Further, the preamble calls for "meaningful participation by all citizens" and pledges that we, as Democrats, will pursue "open, honest endeavor and to the conduct of public affairs in a manner worthy of a society of free people."

These principles firmly establish a presumption that the party will operate under democratic principles. The most fundamental democratic principle is the right of citizens to participate in the process of electing their leaders. This principle is in line with those expressed in the preamble to the Party Charter: (1) placing trust in the people, (2) meaningful participation, and (3) a system of party governance that is "worthy of a society of free people". This is not to say that all appointed positions are undemocratic. However, it demonstrates that our party

¹ DA Charter, Section 3.6(f) (emphasis added). Note that the second sentence of Section 3.6(f) mandates the application of gender balance to a country committee's delegation of voting representatives.

² In a weighted voting system like DPCA's, where intrinsic votes are not necessarily allocated on an equal basis, a country committee with six votes could assign two votes each to the chair and vice chair, assigning the remaining two votes to an elected voting representative. In this case, all six votes are accounted for. However, the reading of Section 3.6(f) that would allow the appointment of voting representatives may then permit the appointment of a second voting representative to take either the fifth or sixth vote away from the elected voting representative. It is, indeed, questionable as to whether such a system of appointment was contemplated by the drafters of Section 3.6(f). Alternatively, in a one-person, one-vote system, where the minimum number of voting representatives necessary to cast the country committee's votes must equal the total number votes minus two (i.e., total number of votes minus the country committee chair and vice chair), any argument in favor of the appointment of additional voting representatives after the election of the minimum number required to cast a country committee's votes disappears entirely.

presumes that our leaders will be democratically elected unless unambiguously stated otherwise in our governing documents.

Accordingly, in resolving the ambiguity of Section 3.6(f), the presumption of elected leadership applies, and the DA Charter requires that elections of voting representatives be held, in principle, at the same time and on the same ballot as elections for national officers. In certain cases, elections may be held within a reasonable time before or after national officer elections for good cause shown.

Furthermore, for the purpose clarity, Section 3.6(f) does not authorize the appointment of voting representatives by country committees or, in the final instance, the country committee chair. The paragraph states, “If a Country Committee is entitled to five (5) or more votes, the distribution of votes among the Chair, Vice Chair, and Voting Representative(s) (if any) shall be determined by the Country Committee at the time of election, failing which by the Country Committee Chair; . . .” Several conclusions are obvious from a plain reading of the text: first, this sentence addresses the “distribution” of votes, not the appointment of voting representatives; second, holding elections for country-committee DPCA members is clearly contemplated by the phrase “at the time of election”; third, the only power granted to a Country Committee Chair pursuant to this sentence is to allocate, or distribute, the country committee’s DPCA votes in the event that the country committee membership fails to do so at the time of the election.

Since voting representatives must be elected, some may argue that chapter chairs are, indeed, elected by their chapter membership; thus, the election requirement is fulfilled. However, the electorate for voting representatives includes the entire country committee membership. In this way, the voting representative position is, by analogy, closer to that of a Senator than a member of the House of Representatives. Voting representatives cast votes at DPCA meetings that impact all members of their country committees, not just the interests of certain chapters. Thus, even the most well-intentioned efforts to link, through automatic appointment or otherwise, the position of DPCA voting representative to any elected position that was not obtained by a vote of the full country committee membership is inconsistent with the necessarily lofty principles set forth in the preamble of the Party Charter and the text of Section 3.6(f) of the DA Charter.

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INTERNATIONAL EXECUTIVE COMMITTEE
DEMOCRATIC PARTY COMMITTEE ABROAD