



INTERPRETIVE RULING

No. 2019-1 (Mar. 29, 2019)

Ruling: The use of proxies in elections of Regional Vice Chairs (RVCs) is not authorized by Article 6 of the Democrats Abroad Charter.¹

On or about March 18, 2019, the International Executive Committee was requested to provide guidance on whether the Charter permits the use of proxies in Regional Vice Chair (RVC) elections. We conclude that the Charter does not authorize the use of proxies in RVC elections because (1) the plain language of Section 6.2(a) of the Charter clearly and unambiguously establishes the Chair and/or Vice Chair of each Country Committee as the only permitted RVC electors; (2) proxy voting is prohibited as a default rule, and to enable it, the Charter must clearly authorize proxy voting; (3) the proxy system for DPCA meetings is not directly applicable to RVC elections.

Section 6.2(a) of the Charter states:

Election [of RVCs] shall be by simple majority of the votes cast by the Chairs (or Vice Chairs) of the Country Committees in the Region in attendance. Each Country Committee will be allocated one (1) vote in electing the Regional Vice Chair, to be cast by the Chair or the Vice Chair.

First, this text establishes Country Committee Chairs or Vice Chairs as electors by using mandatory language (“shall”). Second, the text underscores that each vote allocated to a Country Committee must “be cast by the Chair or the Vice Chair”. Accordingly, the plain language of the text clearly and unambiguously establishes the Chair and/or Vice Chair of each Country Committee as the only permitted RVC electors.

Article Six is silent as to the use of proxies, raising the question of whether that silence (1) enables proxies by not expressly prohibiting them or (2) prohibits proxies by not expressly authorizing them. To resolve this procedural question, Article Ten of the Charter instructs us to refer to Robert’s Rules of Order Newly Revised.

¹ 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.

Proxy voting is not permitted in ordinary deliberative assemblies unless the laws of the state in which the society is incorporated require it, or the charter or bylaws of the organization provide for it. Ordinarily it should neither be allowed nor required, because proxy voting is incompatible with the essential characteristics of a deliberative assembly in which membership is individual, personal, and nontransferable." (Robert's Rules, Sec. 45, p. 428).

Thus, according to Robert's Rules, proxies are prohibited as a default rule. To enable proxies, our Charter must expressly provide for them.

Of course, Article Three of the Charter does expressly enable proxy voting. *See, e.g.*, Sec. 3.7. But these provisions are written exclusively for meetings of the full DPCA. Under the DPCA voting system, Country Committee voting strength is based primarily on certified Country Committee membership. In contrast, Article Six addresses the regional voting system, which is designed specifically for RVC elections. Each Country Committee is assigned one vote "to be cast by the Chair or the Vice Chair". The DPCA and regional voting systems are radically different, such that it would be unreasonable to conclude that the Article Three proxy system was intended to be directly applied to Article Six as written.

We recognize that Section 6.4 states: "[t]he rules applicable to [regional] meetings shall be the same as those applicable to DPCA meetings."² However, we do not find that this general statement overrides Section 6.2(a)'s specific and clear definition of electors, which fails to expressly authorize proxies. Moreover, where DPCA rules cannot be directly applied without requiring the International Executive Committee to expressly or tacitly change the rule to force it into the context of the regional meetings, we decline to do so.

Based upon the foregoing, the DPCA proxy system established in Article Three does not apply to RVC elections under Article Six.

March 29, 2019

INTERNATIONAL EXECUTIVE COMMITTEE
DEMOCRATIC PARTY COMMITTEE ABROAD

² While we do not address the scope of such rules, examples might include Democratic Party rules, Robert's Rules of Order (Charter, Article Three, Sec. 3(a); Article Ten, and perhaps other directly applicable rules within Article Three.