

# Rules of Procedure of the Democratic Party Committee Abroad

(As adopted by the Executive Committee of the Democratic Party Committee Abroad on October 7, 2004)

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## I. AUTHORITY AND INTERPRETATION

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- A. These Rules shall be interpreted in a manner consistent with the Bylaws of Democrats Abroad (the "Bylaws") and so as to promote the fair, expedient and efficient conduct of the business of the Democratic Party Committee Abroad ("DPCA").
- B. These Rules shall govern the conduct of the business of the DPCA and the Executive Committee with respect to challenges to credentials and procedures under Section 2.4(b) of the Bylaws for the removal of members of the DPCA.

When interpreting these Rules, reference may be made to prior rulings of the Executive Committee, decisions of the DPCA, any precedent of the Democratic National Committee, and general parliamentary law.

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## II. CHALLENGES AND REMOVAL OF DPCA MEMBERS

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- A. Jurisdiction of Challenges and Removal:
- (1) The DPCA shall determine and resolve questions concerning the seating of members of the DPCA pursuant to the Bylaws.
  - (2) Any challenge to the seating of a member of the DPCA that is not made in conformity with these Rules shall be deemed waived.
  - (3) Initial challenges to the seating of a member and petitions for removal of a member shall be made in the first instance to the International Chair, who will forward them to the Executive Committee.
  - (4) The Executive Committee shall report to the DPCA for final determination and resolution of all such questions.
- B. Filing and Service:
- (1) Filing: Any challenge or petition for removal, answer and accompanying documents to be considered in the procedure with respect hereto shall be filed with the International Chair of Democrats Abroad. Such materials may be hand delivered, or sent via an overnight delivery service, fax, or email, provided proof of delivery is obtained.

(2) Service: Any document filed in conjunction with a challenge or petition for removal shall be provided at the same time to all parties involved.

(3) Time:

(a) In computing any period of time prescribed by these Rules, the day of the act or event from which the designated period of time begins to run shall not be included. Weekends and holidays shall be included.

(b) Upon receipt of a challenge or petition for removal, the International Chair shall have authority to establish a timetable by which the challenge will be considered, and when compelling need is shown, may enlarge or shorten any period of time prescribed by these Rules.

C. Procedures:

(1) The challenge or petition for removal should include the following:

(a) The name, address and telephone number of each party making the challenge or petition and, if applicable, the name, address and telephone number of the representative(s) authorized to receive documents on behalf of the challenger(s).

(b) The name of each member of the DPCA whose credentials are challenged or with respect to whom a petition to remove is being filed.

(c) An identification of the Country Committee or Committee in Formation in which the challenge or petition for removal originates.

(d) A plain, concise and specific statement explaining the basis for the challenge or petition for removal and each violation alleged.

(e) A plain, concise and specific statement of the relief requested and the reason therefore.

D. Answer

(1) After service of a challenge or petition for removal, the Executive Committee, acting through the International Chair or any hearing officer that the International Chair may appoint will ask each party who is being challenged or whose removal is sought to file a written answer, within a

specified period of time of not greater than 60 days and not less than 15 days. Each answer should include the following:

- (a) The name, address and telephone number of each party being challenged or whose removal is sought and, if applicable, the name, address and telephone number of the representative authorized to receive documents on behalf of the challenged party.
- (b) A response to the challenge or petition, separately admitting or denying each violation alleged therein, or specifically noting any violation alleged to which the party being challenged or whose removal is sought does not have sufficient information to admit or deny.
- (c) A plain, concise and specific statement providing an affirmative defense to each and every alleged violation.
- (d) A plain, concise and specific statement of any other reason why the party being challenged or whose removal is sought should prevail.

- (2) Parties being challenged or whose removal is sought may consolidate their answers.

E. Deferral to a Country Committee or Committee in Formation:

- (1) The Executive Committee may defer the matter to the Country Committee or Committee in Formation for a specific period of time for consideration of the challenge or petition for removal in accordance with procedures of such Country Committee or Committee in Formation.
- (2) The Country Committee or Committee in Formation shall take such action with respect to the challenge or petition for removal or other related matter as it is authorized to take under its own rules.
- (3) Any decision by the Country Committee or Committee in Formation on a challenge or petition for removal or other related matter should be filed with the International Chair and each challenging or petitioning party (or the authorized representative(s).)
- (4) After a decision by a Country Committee or Committee in Formation on a challenge or petition or other related matter, or after passage of the period of time allowed by the Executive Committee for the Country Committee or Committee in Formation to act, any party to the challenge or petition may file an appeal of the Country Committee or Committee in Formation decision with the

International Chair within 15 days of such decision. The appeal should include a copy of any written decision or order made with respect to the challenge or the petition by the Country Committee or Committee in Formation.

- (5) Records of proceedings by the Country Committee or Committee in Formation with respect to the challenge or petition or other related matter, shall be admissible in the consideration of the challenge or petition by the DPCA.
- (6) The decision of the Country Committee or Committee in Formation shall be given such weight as the DPCA finds warranted in the circumstances.

F. Additional Documentation:

- (1) In the event of a hearing or consideration of a challenge or petition by the Executive Committee or a duly appointed Hearing Officer, the challenger(s) or petitioner(s) should provide the following documents
  - (a) A list of the name, address and telephone number of each witness who is likely to be called to testify in support of the challenge or petition.
  - (b) A list of the documents likely to be offered in support of the challenge or petition, together with copies of those documents.
- (2) In the event of a hearing or consideration of a challenge or petition by the Executive Committee or a duly appointed Hearing Officer, the party(ies) being challenged or whose removal is sought should provide the following documents:
  - (a) A list of the name, address and telephone number of each witness who is likely to be called in opposition to the challenge or petition.
  - (b) A list of the documents likely to be offered in opposition to the challenge or petition, together with copies of those documents.

G. Hearings:

- (1) With respect to any challenge or petition or portion thereof, the Executive Committee or appointed Hearing Officer may schedule an open and public hearing on the specific factual and legal matters in dispute immediately after the filing of an Answer and any determination of the Country

Committee or Committee in Formation pursuant to subsection E of this Rule. An electronic or stenographic recording or clerical notes shall be made of the proceedings at any such hearing. The parties to the challenge or petition may agree to an expedited hearing, in which case, the matter will be scheduled at the soonest possible time. With the agreement of the parties the time periods provided in subsections B through G may be shortened to provide for an expedited process, provided however that no rights under the Bylaws shall be affected or changed.

- (2) The hearing shall be held in such place as the Executive Committee or Hearing Officer may determine.
- (3) The hearing may be conducted by a Hearing Officer appointed by the International Chair upon approval by the Executive Committee. When hearings are conducted by the Executive Committee, the Executive Committee assumes all authority granted in this section to a Hearing Officer for conducting the hearing.
- (4) Any Hearing Officer shall be a Democrat, neutral in the context of the challenge or petition, experienced in the law, known by reputation to be fair and shall not be involved in or identified with any group promoting or opposing the challenge or petition.
- (5) The Hearing Officer shall have all power necessary to conduct the hearing in such manner, consistent with these Rules of Procedure, as to secure the just, speedy and inexpensive determination of the challenge or petition, including the authority to require the parties to participate in a pre-hearing conference.
- (6) The Executive Committee encourages the resolution of challenges and petitions prior to a hearing, and, accordingly, the Hearing Officer shall offer to conduct one or more mediation sessions, which shall be voluntary, non-binding and confidential. Mediation shall not, without the consent of the parties and the International Chair, extend or excuse any deadline established under these Rules.
- (7) Prior to the commencement of the hearing, the Hearing Officer shall announce a ruling identifying, on the basis of the papers filed in the challenge or petition and any pre-hearing conference, the specific issues in dispute. The Hearing Officer shall have power to rule that on certain issues only documentary evidence shall be received. Any party objecting to a ruling under this paragraph may submit documentary evidence of that which would have been presented but for the ruling.

- (8) The Hearing Officer shall hear the evidence, dispose of procedural requests and similar matters and, to the extent possible, obtain stipulations of the parties as to the facts of the challenge or the petition.
- (9) The Hearing Officer shall have authority to receive all competent evidence relevant to the specific matters in issue and to assign to it appropriate weight.
- (10) The Hearing Officer shall have authority to order for good cause, that a party produce at the hearing designated evidence in the interest of justice. Where a party fails to produce such evidence, the Hearing Officer may make findings of fact adverse to the party on all issues to which the evidence would have been material.
- (11) Subject to any ruling under Section II.G.(7), each party shall have the right to present competent oral and documentary evidence relevant to the specific matters at issue and to conduct cross examination.
- (12) The Hearing Officer may require parties to consolidate their challenges or petitions or defense for purposes of the hearing.
- (13) Following hearings conducted by a Hearing Officer, the Hearing Officer shall make and file a written report to the Executive Committee, which shall include findings of fact, conclusions of law and a recommendation for disposition of the challenge or petition. The report shall be served on all parties to the challenge or petition.

H. Consideration by the Executive Committee:

- (1) The order for considering challenges or petitions for removal shall be scheduled by the International Chair and included in the agenda provided to the Executive Committee members.
- (2) Challenging/petitioning parties, challenged/responding parties and intervening parties entitled to oral argument may be represented by counsel before the Executive Committee, however no more than one counsel each for the proponent and opponent of any pending matter may divide the time allocated to such party or parties for oral argument. Such time shall be limited to 15 minutes for each side unless extended by order of the International Chair.
- (3) Following the argument, debate by members of the Executive Committee shall be in order for a period not exceeding 30 minutes. During debate, members may address questions to each party's counsel or representatives.

- (4) Following debate, the International Chair will recognize a committee member for the purpose of offering a resolution disposing of the pending challenge or petition. Twenty minutes will be allowed for debate on a resolution, with the time equally divided between proponents and opponents. At the conclusion of the time, the resolution shall be put to a vote. In the event the resolution is not adopted, the International Chair will continue to recognize Executive Committee members for the purpose of offering other resolutions disposing of the pending challenge or petition, until the challenge or petition is disposed of. If no resolution is adopted, the International Chair may call for a recess to allow for the preparation of additional resolutions, which shall be treated in accordance with this paragraph.
- (5) Other Parties:
- (a) A Country Committee or Committee in Formation shall be joined as a party if a party to the challenge or petition so requests.
- (b) A Country Committee or Committee in Formation may intervene in any challenge or petition proceeding for the purpose of protecting any interest it may have with respect to that proceeding.
- (c) For good cause shown, any other person having standing may be permitted to be heard as an *amicus curiae* or, in appropriate circumstances, to intervene, for all or limited purposes, by leave of the International Chair.
- (6) No secret ballot shall be permitted at any stage of the Executive Committee proceedings.
- (7) The recognized votes shall be "aye" and "nay."
- (8) Roll Call Votes: Voting shall be by voice vote, division or, when prescribed by these Rules, by roll call. Report of the Executive Committee: The written report of the Executive Committee shall be distributed to the members of the DPCA prior to its determination of such challenge or petition.

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### III. VOTING

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Interruption of Vote: When the question has been put, the vote thereon may not be interrupted for any purpose other than a demand for a roll call vote. Any point of order directed to the conduct of the vote shall be heard immediately after the conclusion of the vote and before the vote is announced by the International Chair.

Determination of Question: Except as otherwise provided in these Rules, all questions shall be determined by a majority vote of the Executive Committee members present.

Tie Vote: A tie vote on a resolution shall result in the defeat of the resolution.

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**IV. APPEALS**

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- A. The International Chair shall decide all points of order subject to an appeal by an Executive Committee member.
- B. An appeal shall not be in order:
- (1) while another appeal is pending;
  - (2) during a roll call vote;
  - (3) on a question on which an appeal has already been decided;
  - (4) from a ruling by the International Chair, on the advice of the parliamentarian or counsel, that a resolution of a motion is in effect a motion to suspend a provision of these Rules; or
  - (5) on the advice of the parliamentarian or counsel, that a resolution or motion is out of order.
- C. An appeal shall be debatable for such time, if any, as the International Chair determines, with any such time to be equally divided between the member appealing the ruling and the member in favor of sustaining the International Chair (who shall be designated by the International Chair). Before the question is put on any appeal, the International Chair may state briefly the reasons for the ruling being appealed.

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**V. MOTION TO SUSPEND THE RULES**

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The International Chair shall entertain a motion to suspend the rules, which shall be decided without debate and which shall require a vote of 3/5 of the Executive Committee members voting, a quorum being present.

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**VI. MOTIONS**

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- A. Only a member of the Executive Committee may propose a motion. No question of privilege on any motion other than those provided under these Rules shall be entertained, except the motion to recess (to a time certain or at the call of the International Chair), which shall be privileged, and the motion to adjourn, which shall be the highest privilege.
- B. Motions to adjourn or to recess shall be in order at any time except when the question has been put or a vote is in progress and shall be decided without debate. The International Chair shall not entertain a motion to adjourn or recess when such motion closely follows another such motion if in the opinion of the International Chair such motion is dilatory.



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**VII. TIME PERIODS; GENERAL RULES**

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- A. Any time period set forth in these Rules may be extended or reduced by the International Chair for good cause, provided that doing so would not result in a breach of any rule stated in the Bylaws.
- B. Robert's Rules of Order, newly revised, shall govern in all proceedings of the Executive Committee and any hearing or subcommittees established thereunder if said Robert's Rules of Order are applicable and not inconsistent with these Rules.
- C. The International Chair may establish such other procedures and take such actions as may be necessary to carry out these Rules or to facilitate the effective operation of the Executive Committee, hearing or any subcommittee, provided that such action is not inconsistent with these Rules or the Bylaws.

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**VIII. RECORD**

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- A. The official record of any proceedings under these Rules shall be maintained in the office of Democrats Abroad and shall be open and available for public inspection and duplication at reasonable times.
- B. All meetings of the Executive Committee shall be minuted.

(October 7, 2004)