DEMOCRATS ABROAD COSTA RICA

DACR BY LAWS

Adopted December 2006. Amended April 2015.  Amended August 2016.

Amended January 2019. Amended April 2021.

Article I: Name

These By Laws govern an organization having as its name Democrats Abroad Costa Rica, abbreviated as DACR.

Article II: Purpose and Relationship to Democrats Abroad

The purposes of the organization are to advance the interests and ideals of the Democratic Party of the United States (the “Democratic Party”) and of the Democratic Party Committee Abroad (the “DPCA)”, and to provide for appropriate action by its supporters residing in Costa Rica. DACR has been admitted to the DPCA as an official Country Committee within Democrats Abroad. The Chair and Vice Chairs of DACR with the advice of the Executive Committee will exercise any votes allocated at meetings of DPCA, in accordance with DPCA rules. DACR will act as a forum for the consideration of issues which relate to U.S. citizens residing abroad, specifically in Costa Rica. DACR may not participate in the political activities of any country other than the United States of America.

Article III: Members

3.1: Requirements for Membership

Members must be citizens of the United States, of voting age, who subscribe to the principles of the Democratic Party and of Democrats Abroad and have their principal place of residence in Costa Rica. Membership in DACR automatically results in membership in Democrats Abroad.

3.2: Application Process for Membership

In order to join DACR, a prospective member must provide his/her name, physical and email addresses, telephone, U.S. voting district/State, and any other information requested on the membership form, using such paper or other medium (e.g., on­line form) as the Executive Committee shall from time to time make available. No oath of loyalty, fees or dues, or past voting record shall be required as a condition of membership.

3.3: Consent to Personal Data

By becoming a member of DACR, the member explicitly consents to the delivery of his/her name and all other information contained on the membership form to the DPCA for such lawful use thereof by the DPCA. Each member has the right to inspect and correct his/her own membership data as maintained in the DPCA membership database.

3.4: Limitations of Use of Personal Data

Each member has the right to inspect and correct his/her data in the membership records. Membership records shall otherwise not be open to inspection except by the Executive Committee and persons authorized by it, notably the Membership Secretary. The membership records shall be maintained by the Membership Secretary in such a manner as to protect the information therein, pursuant to applicable data protection rules. No use of the membership database is permitted for purposes other than those related to the activities of the Democratic Party, of Democrats Abroad, or of DACR. No candidate for any office may use or access the membership database directly for the purposes of campaigning for office or soliciting votes or proxies.

3.5: Membership Database Maintenance

The current list of members as maintained by the Membership Secretary shall be delivered to the appropriate officers of the DPCA no later than January 31 of each year in such form and format as the DPCA shall from time to time require.

3.6: Friends of DACR Mailing List

The Executive Committee may maintain a Friends of DACR mailing list consisting of non-U.S. citizens or U.S. citizens who choose not to join or do not qualify as members of DACR.

Article IV: Resignation, Cessation of Membership, and Exclusion of Members

4.1: Resignation

Any member may resign from DACR by written notice to the Chair and Membership Secretary. Such resignation is effective immediately.

4.2: Cessation of Membership

Any member shall cease to be a member if he or she no longer meets membership qualifications.

4.3: Exclusion from Democrats Abroad

Any member who by his/her actions demonstrates that he/she no longer subscribes to the principles of the Democratic Party and of Democrats Abroad may be excluded from membership by a two­thirds vote of the Executive Committee; provided however that such vote may only be taken after the Executive Committee has given reasonable notice (no less than 30 days) of its intention to exclude the member in question, and the member has had a reasonable opportunity to contest the proposed action by the Executive Committee.

4.4: Reinstating Membership

Any former DACR member may be reinstated on the same conditions as any new member.

Article V: Executive Committee

The Executive Committee shall be composed of the elected officers: Chair, Vice Chair, Membership Secretary, Recording Secretary, Treasurer, Liaison to Counsel, two Members at Large to the Committee. The Vice Chair shall be of the opposite sex from the Chair, and an effort shall be made always to promote diversity among the elected individuals. The Chairs of the Standing Committees and the DPCA Voting Representative(s) shall be ex­officio members of the Executive Committee without voting privileges.

5.1: Chair

The Chair shall be the chief executive officer of the organization, shall call and preside at all meetings of members and of the Executive Committee, establishing the agenda of such meetings in consultation with the Executive Committee, and shall have responsibility for all activities approved by the organization. The Chair shall sit ex­officio on all committees and subcommittees of the organization, with full voting privileges.  In case of a stalemate, the Chair’s vote shall act as a tiebreaker. Decisions or actions taken by the Chair may be overruled by a two-thirds (2/3) majority of the Executive Committee.

5.2: Vice Chair

In the absence of the Chair, the Vice Chair shall call and preside at meetings of members, the Executive Committee. The Vice Chair shall have such other duties as chairing one or more committees, depending on the Vice Chair's experience and preferences, or other duties as assigned by the Chair. The Vice Chair shall work with the Chair to ensure all responsibilities approved by and on behalf of DACR are supervised and executed appropriately.

5.3: Membership Secretary

Working in conjunction with the appropriate DPCA staff, the Membership Secretary shall maintain current and accurate records of all DA members who register in Costa Rica either through DPCA, or any recognized local/regional group within Costa Rica. The Membership Secretary shall maintain the DACR membership database by responding in a timely manner to member requests for changes, promoting new members and by using best practices to ensure data integrity, confidentiality, and accuracy. The Membership Secretary shall lead the chapter’s efforts to register all interested Democrats for voting in all relevant US elections and Democratic Party nomination processes. This may include holding informational meetings, setting up registration stations, or any other activities the Membership Secretary deems useful for the registration of Democrats in Costa Rica.

5.4: Recording Secretary

The Recording Secretary shall keep minutes of all meetings, and all files and administrative records of the organization. The records of the minutes shall be open for inspection by members. The minutes of all meetings shall be made available to all DACR members without undue delay before the next meeting to give ample time for review.

5.5: Treasurer

The Treasurer shall manage the finances of the organization, maintain its financial reports to members, and make such financial reports as may be required by law (including without limitation the laws and regulations of the United States and the several States applicable to political parties and contributions to them). All such records shall be open for inspection by members. The Treasurer shall consult with the International Treasurer of Democrats Abroad from time to time on matters concerning the maintenance of financial records and financial reporting (notably to the United States Federal Election Commission).

5.6: Liaison to Counsel

The Counsel shall be available for consultation by the Committee or its officers on legal and procedural questions relating to DACR and its activities. The Counsel shall consult with the International Counsel from time to time on emergent matters, including notably questions on voting issues and financial record keeping.

5.7: Members at Large

The two Members at Large participate in the work of the Executive Committee to support the organization by engaging in such projects and committees as needed for the effective functioning of DACR.

5.8: DPCA Voting Representative(s).

Depending on the DACR membership count, the DPCA may allocate Voting Representative(s) to the DPCA in addition to the DACR Chair and Vice Chair. The election for the position(s) shall normally take place at the Annual Membership Meeting unless the DPCA notifies DACR of the position(s) after the Annual Meeting, making it impossible to include the election as part of the Annual Membership meeting. In such an instance, a special election shall be held following the guidelines and procedures specified in Article VII. In keeping with DACR’s commitment to the promotion of diversity and gender balance among elected officials, should DACR be allocated more than one DPCA Votiong Representative, the second Representative shall be the opposite sex from the first; and consideration will be given to assure a diverse committee.

5.9: Term of Office

The Officers and Members at Large of the Executive Committee shall be elected every two years on odd years at the Annual General Meeting (AGM) of the organization (which meeting shall be held no later than March 31). They shall be elected for a term expiring upon the election of their successor. No Officer can serve more than two consecutive terms in the same office.

5.10: Removal for Non-Attendance

Any Officer who misses three consecutive, regularly called meetings of the Executive Committee may be removed from office by a two thirds (2/3) vote of the entire Executive Committee at a duly convened meeting at which the question of such removal is on the agenda sent out at least 30­days in advance and at which the Executive Committee Member is given due opportunity to contest the removal and explain the reasons for her/his absence.

5.11: Schedule of Meetings

The Executive Committee shall meet at least four times a year upon call by the Chair for the purpose of consulting with and advising the Chair in the administration of the organization. A meeting of the Executive Committee may be called by any two members of the Executive Committee.

5.12: Responsibilities of the Executive Committee

The Executive Committee shall be responsible for the conduct of the affairs of DACR in accordance with policies of the DNC and the DPCA. The Executive Committee may act in meeting, by telephone, by video conference, by e­mail, or by other written or electronic means. The Executive Committee shall adopt a budget for DACR prior to the Annual General Meeting each year. Decisions taken by the Executive Committee shall be by simple majority vote of those present in person or proxy or participating by approved real time electronic means at any quorate meeting of the Executive Committee, or if such vote is taken by e­mail or other written form, by simple majority of the entire Executive Committee.

5.13: Code of Conduct

Elected Executive Committee Members and appointed Committee Members are expected to adhere to the DPCA Code of Conduct and other procedures and policies defined by the DPCA.

Article VI: Other Committees

6.1: Standing Committees

By majority vote, the Executive Committee may create Standing Committees with functions and responsibilities as it shall designate, such as (but not limited to) Youth Outreach, Voter Registration, Issues, Programs, Special Events, Newsletter and Communication.

6.2: Ad Hoc Committees

By majority vote, the Executive Committee may create Ad Hoc Committees with such functions and responsibilities as may be deemed appropriate. The Chairs of Ad Hoc Committees are not members of the Executive Committee and have no voting privileges therein.

6.3: Committee Chair Appointments

The Chair of the Executive Committee shall appoint or remove the Chairs of the Standing Committees and the Ad Hoc Committees (if any), subject to: ratification by the members of the Executive Committee at the meeting of the Executive Committee next following such appointments or revocation. The Committee Chair shall select the membership of each such committee after consultation with the Chair of the Executive Committee.

6.4: Responsibilities of Committees

All committees shall periodically report on their activities to the Executive Committee. Each committee shall prepare an annual report for distribution to the membership prior to the Annual General Meeting.

6.5: Open Meetings

Meetings of all committees shall be open to all members of the organization. Minutes of meetings shall be provided to the Secretary.

Article VII: Nominations and Elections

7.1: Nominations and Elections Committee

At least 45 days prior to the Annual General Meeting of an election year, a Nominations and Elections Committee (hereinafter "NEC") shall be named by the Chair with the approval of the Executive Committee. The members of the NEC shall elect a chair from among its appointed members. All NEC members shall be subject to the obligations of confidentiality. This committee shall be empowered to receive nominations of members for elected officer positions from the membership and to make nominations, with assent of the nominated member, for any open position. The nominations committee shall not exclude any eligible member as a candidate. No member of the Elections Committee may be a candidate for office. All actions of the Elections Committee shall be taken by a majority vote of the committee members.  An appointed Elections Committee’s ability to carry out its duties shall not be delayed or hindered in any substantive manner by the Executive Committee.  Members of the NEC may participate in person or by use of electronic means such as skype or similar technology.

7.2: Establishing Voting Procedure

At the meeting approving the appointment of the NEC, the Executive Committee shall decide, in view of local circumstances and to promote the greatest participation, on the rules and procedures for the balloting and elections. They shall define proxy and voting procedures and procedures for notifying members of the election process. Should proxy votes be allowed, each member attending a meeting is limited to carry a maximum of two (2) proxy votes. To the extent possible under the rules of the DNC and DPCA, provision shall be made to enable members to vote remotely via a personally verifiable electronic means (e.g., by fax, e­mail, on the Web, etc.).

7.3: Nominations Invitation

The NEC shall notify the membership and solicit nominations no less than 30 days prior to the annual meeting at which an election will be held. Any member of the organization wishing to run for an open position and not nominated by the Nominations Committee shall declare his/her candidacy at least 17 days before the annual meeting in writing addressed to the Chair of the Nominations Committee.

7.4: Ballot Preparation and Distribution

The chair of the NEC shall prepare ballots containing the names of the nominated candidates for distribution to the membership of the organization no earlier than 17 days before the annual meeting and no later than 14 days before such meeting. Such ballots shall be posted to the DPCA website and e­mailed or postal mailed to all DACR members no less than 14 days before the election meeting.

7.5: Candidate Presentations

The NEC shall ensure that nominated candidates have reasonable and equitable opportunity to present their candidacy, qualifications, and platform prior to the elections. The NEC shall ensure adequate distribution of all such information to the membership, including posting on the DACR website.

7.6: Restrictions on Nominations from the Floor

Nominations must be allowed from the floor unless the NEC is using electronic (email) voting. If using electronic voting, then no nominations may take place from the floor.

7.7: Election and Counting of Ballots

The NEC shall run the election part of any Annual General Meeting. The Officers and

Members­at­Large shall be elected by a simple majority of votes of the members voting in person or by proxy, or by written or electronic ballot (e.g., e­mail, web).  All ballots and votes shall be verified and counted by the NEC. The candidate receiving the most votes shall be elected. In the case of a tie in the number of votes cast for an elected position, an immediate run­off election shall be held following the announcement of the voting tie result. In such a case, absentee ballots will not be admitted in the runoff election, though proxies may again be voted if they are general to the election and not limited to a specific candidate who is not a candidate in the run­off round. In the case of a tie, and if a challenge is raised at the election meeting, then a run­off election date shall be set, allowing at least 15 days for the NEC to hear the complaint and adjudicate the challenge, with a further minimum 7 days for voter notification and ballot distribution. Absentee and proxy ballots may be admitted in such a run­off election.

7.8: Eligibility of Voters

Eligible Voters must be members of DACR prior to the Annual Meeting of elections.

7.9: No Secret Ballot

In accord with Democratic Party and DPCA policy, there is no secret ballot voting in DACR elections. All ballots cast must include such personal identification and contact data (i.e., name, phone, e­mail) as to allow for validation that the voter is a member of DACR, and to confirm that votes are counted as the voter intended. An electronically submitted ballot with a typed name shall constitute a valid "signature," so long as the ballot is submitted from the e­mail address registered in the membership database.

Article VIII: Removal from Office and Vacancies

8.1: Removal from Office

Any Executive Committee Member may be removed from office by a vote of two thirds (2/3) of those present at a duly convened and quorate meeting of the membership or those voting in a duly organized vote by electronic ballot (e.g., e­mail, web) on the question, subject to the following conditions: Notice of any meeting under this Section must be given in writing to the membership at least 30 days in advance; the Chair or Secretary shall notify the Officer in writing at least 30­days in advance; and the Officer shall be provided with due opportunity to contest the reasons for her or his removal.

8.2: Vacancy of the Chair

If the position of Chair becomes vacant for whatever reason, the Vice Chair shall succeed to the office of Chair. Any Vice Chair succeeding to the office of Chair shall serve only until the election of her or his successor at the next regular election and follow the election procedure stated in Article 7.2.

8.3: Other Vacancies

Any vacancy among the Officers of the Executive Committee may be filled by appointment at the discretion of the Chair, such appointment remaining in effect until the next Annual General Meeting. Members so appointed are eligible to stand for election at that time and follow the election procedure stated in Article 7.2.

Article IX: Meetings

9.1: Meeting Notice

Notice of annual meetings, meetings at which elections or removals from office will be held and meetings to amend these By Laws shall be sent to members at least 30 days before the meeting. Notice of other meetings of members (with no less than 14 days written notice) and of the Executive Committee shall be given by such method as the Chair shall from time to time reasonably prescribe.

9.2: Annual General Meeting

An annual meeting of members shall be held no later than March 31 of each year and shall act upon the following: approval of the accounts and the report of the Chair and the Treasurer for the preceding calendar year; in election years, the election of the Officers and Members­at­Large of the Executive Committee; and such other business as the Chair shall deem appropriate.

9.3: Other Meetings

Other meetings of the membership may be held from time to time upon call by the Chair; two members of the Executive Committee; or the lesser of 2% of the membership, or ten members who request the holding of a meeting.

9.4: Failure to Call a Meeting

If the Chair fails to call a meeting in a timely manner for whatever reason, the Secretary or another Officer shall call the meeting.

9.5: Meetings Open to All Members

All meetings of the membership, the Executive Committee, the Standing Committees and Ad Hoc Committees shall be open to the membership and shall be conducted in accordance with these By Laws and the latest edition of Robert’s Rules of Order.

9.6: Assembly

Meetings of DACR may be held in person, by telephone, videoconference, or such electronic means as the Executive Committee may from time to time approve by a three­quarter majority.

9.7: Constituting a Quorum

For the purposes, hereof, a quorum shall be determined as follows:

·   For meetings of the membership, at least 28.

·   For meetings of the Executive Committee, any Standing Committee, or any Ad Hoc Committee, half plus one of the membership of such committee.

Article X: Amending By Laws

These By Laws may be amended by the affirmative vote of two thirds of DACR members present in person or by proxy at a regularly constituted and quorate general DACR meeting. Written text of proposed Amendments shall be distributed with advanced notice of the general meeting where such amendments will be discussed or voted upon.

Article XI: Rules Applicable to the Committee

The functioning of the DACR Country Committee shall be governed by (i) these By Laws and such rules as the Executive Committee may adopt and (ii) the By Laws and rules and regulations of Democrats Abroad and the Charter and By Laws and rules and regulations of the Democratic Party of the United States. In the event of a conflict between these DACR By Laws [item (i) above] and the By Laws, Charter, or rules and regulations of either Democrats Abroad or the Democratic Party [item (ii) above], the documents, rules and regulations of the latter [item (ii)] shall prevail.