



Rules Committee Preliminary Report

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Proposal A - Severability of NDP Constitutions

Amend Article I

Adopted by Committee 5/4/24 (7-0-0-6)

Explanation: Article I of the NDP Constitution provides that the Constitution is the supreme governing document of the NDP, and also provides that provisions in the Constitution may be superseded by federal or state election laws or the charter, bylaws, and procedures of the Democratic National Committee (DNC). Current grammar and language in Article I could be interpreted to mean that the entirety of the NDP Constitution is superseded if a single section of the Constitution is found to be in violation of federal or state election laws or the charter, bylaws, and procedures of the DNC.

Proposal A would amend the NDP Constitution to clarify that in the event of a conflict between the NDP Constitution and federal or state election laws or the charter, bylaws, and procedures of the DNC, only the portion of the NDP Constitution which is in conflict would be superseded.

ARTICLE I - AUTHORITY

This Constitution supersedes any and all other previous constitutions and/or Bylaws and/or procedures of the Nebraska Democratic Party. This Constitution is the supreme governing document of the Nebraska Democratic Party unless in violation of any Nebraska election law; United States election laws; or the charter, bylaws, and Bylaws or procedures of the Democratic National Committee (DNC), in which case ~~it~~ **the conflicting part** is superseded.

Proposal B (Part 1) - SCC Quorum
Amend Article IV, Section 2(C)(2)
Adopted by Committee 5/4/24 (7-0-0-6)

Explanation: Quorum for meetings of the State Central Committee (SCC) is currently set at 40 percent of the membership, which can vary widely depending on the number of vacant SCC positions at any given time. Since the addition of at-large SCC positions in 2020, calculating the correct quorum number at SCC meetings has become more difficult for staff and can lead to conflict in the event of disagreements regarding whether quorum has been met.

Robert's Rules of Order generally recommends that in an organization, the bylaws should specify the number of members that shall constitute a quorum, which should approximate the largest minimum number of members that can be depended on to attend any meeting except in very bad weather or other extremely unfavorable conditions.

Part 1 of Proposal B would amend the NDP Constitution to change quorum for meetings of the State Central Committee from a percentage of the membership to a fixed number of forty-nine (49) members excluding unseated alternates. Part 2 of Proposal B would similarly amend the NDP Bylaws to change quorum for meetings of the State Central Committee from a percentage of the membership to a fixed number of forty-nine (49) members excluding unseated alternates.

ARTICLE V - ORGANIZATION OF THE PARTY

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Section 2. State Central Committee

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C. Meetings.

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2. The times and places of regular meetings shall be fixed by the State Chair. Special or additional meetings may be called by the State Chair or by a petition of 15 percent of the State Central Committee members in a manner consistent

with the Bylaws of the State Party. A quorum shall consist of ~~40 percent of the membership~~ **forty-nine (49) members excluding unseated alternates.**

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Proposal B (Part 2) - SCC Quorum
Amend Bylaw 5.5.2
Adopted by Committee 5/4/24 (7-0-0-6)

Explanation: Quorum for meetings of the State Central Committee (SCC) is currently set at 40 percent of the membership, which can vary widely depending on the number of vacant SCC positions at any given time. Since the addition of at-large SCC positions in 2020, calculating the correct quorum number at SCC meetings has become more difficult for staff and can lead to conflict in the event of disagreements regarding whether quorum has been met.

Robert's Rules of Order generally provides that in an organization, a provision of the bylaws should specify the number of members that shall constitute a quorum, which should approximate the largest number that can be depended on to attend any meeting except in very bad weather or other extremely unfavorable conditions.

Part 1 of Proposal B would amend the NDP Constitution to change quorum for meetings of the State Central Committee from a percentage of the membership to a fixed number of forty-nine (49) members excluding unseated alternates. Part 2 of Proposal B would similarly amend the NDP Bylaws to change quorum for meetings of the State Central Committee from a percentage of the membership to a fixed number of forty-nine (49) members excluding unseated alternates.

5.5.2. **Quorum.** Quorum for a State Central Committee meeting is ~~forty percent (40%) of the total membership~~ **forty-nine (49) members** excluding unseated alternates.

Proposal C - County Conventions Clean-up
Amend Article IV, Section 6
Adopted by Rules Committee 8/13/22 (12-0-0-1)

Explanation: At the 2022 NDP State Convention, language in the NDP Constitution & Bylaws relating to county parties was comprehensively updated and modernized to reflect current practices. As part of this update, terminology regarding county conventions was changed from requiring that each county party “hold” a county convention to requiring that each county party “conduct” a county convention. This change in terminology was inadvertently not made to language dealing with alternative county conventions.

Proposal C would amend provisions in the NDP Constitution to update terminology regarding alternative county conventions.

Section 6. County Conventions.

A. Single Legislative District Counties. Counties wholly within a single Legislative District shall conduct a county convention in the manner prescribed by law and complying with any rules and procedures adopted by the State Central Committee as provided in the NDP Bylaws. In the event the state party elects to have delegates to County Convention register with the election commissioner or county clerk, the county party shall provide for delegates to the County Convention to register with their election commissioner or county clerk. The County Convention shall elect a County Chair, County Vice Chair (of different gender identities), County Secretary, County Treasurer and any other officers provided for in the county party constitution or bylaws or as deemed necessary by the County Executive Committee. Each County Convention shall elect delegates and alternates to the State Convention, may adopt resolutions or recommendations for items to be included in the party platform, and may transact other such business as may come before it.

B. Multiple Legislative District Counties. Counties containing all or parts of multiple Legislative Districts shall conduct a county convention in the manner prescribed by law and complying with any rules and procedures adopted by the State Central Committee as provided in the NDP Bylaws. In the event the state party elects to have delegates to County Convention to register with their election commissioner or county clerk, the county party shall provide for delegates to the County Convention register with the election commissioner or clerk. Each Legislative District shall caucus and elect delegates and alternates to the State Convention. The County Convention shall

elect a County Chair, County Vice Chair (of different gender identities), County Secretary, County Treasurer, and any other officers provided for in the county party constitution or bylaws or as deemed necessary by the County Executive Committee. Each County Convention may adopt resolutions or recommendations for items to be included in the party platform, and may transact other such business as may come before it.

C. Alternative Conventions. In the event a county party is without an active county party organization, or a county party refuses to ~~hold~~**conduct** a county convention in compliance with any of the rules or procedures adopted by the State Central Committee as provided in the NDP Bylaws, the state party shall conduct a county convention in such county. The state party or any two or more county parties may ~~hold~~**conduct** joint county conventions with prior approval of the State Executive Committee.

Proposal D - Split SCC Vacancies

Amend Article V, Section 2

Adopted by Rules Committee 11/18/23 (11-0-0-2)

Explanation: When vacancies occur in State Central Committee (SCC) positions elected by Legislative District, the vacancy is to be filled through election by the appropriate Congressional District Caucus no sooner than 10 days after the vacancy occurs.

As a result of legislative redistricting, an increasingly large number of Legislative Districts are split between two Congressional Districts, making it unclear which Congressional District Caucus should fill the vacancy. In some instances, both Congressional District Caucuses have filled the same vacancy at the same meeting, leading to confusion.

Proposal D would amend the NDP Constitution to provide a mechanism for determining which Congressional District Caucus should fill a vacancy on the SCC in the event a Legislative District is split between more than one Congressional District.

Section 2 Filling Vacancies

When a vacancy occurs, it shall be filled following all vacancy notification procedures as established in the Bylaws of the Nebraska Democratic Party and in the following manner:

- A. State Chair, Vice Chair, or National Committee Representatives shall be filled through election by the State Central Committee no sooner than 30 days after the vacancy occurs or at the State Convention as directed in the Bylaws of the Nebraska Democratic Party.
- B. The Vice Chair of County Parties shall be filled through election by a caucus of county chairs held at a meeting of the State Central Committee.
- C. Legislative District State Central Committee delegates and alternates shall be filled through election by the appropriate Congressional District Caucus no sooner than 10 days after the vacancy occurs. **In the event a Legislative District is split between more than one Congressional District Caucus, the vacancy shall be filled by the Congressional District Caucus with the greater number of registered Democrats as of the date of the meeting at which the vacancy is filled.**

D. At-large State Central Committee delegates shall be filled through nomination by the State Executive Committee with confirmation by the State Central Committee.

DE. State Executive Committee members who are appointed by the State Chair shall be filled through nomination by the State Chair with confirmation by the State Central Committee.

EF. Congressional District Chairs or Vice Chairs shall be filled through election by the appropriate Congressional District Caucus no sooner than 30 days after the vacancy occurs.

FG. Chairs of NDP Standing Committees shall be filled through nomination by the State Chair with confirmation by the State Central Committee.

GH. Members of NDP Standing Committees elected by Congressional District Caucuses shall be filled through election by the appropriate Congressional District Caucus no sooner than 30 days after the vacancy occurs.

HI. County Party offices shall be filled pursuant to Nebraska Democratic Party Bylaw 3.

IJ. Affiliated Caucus Organization and Affiliated Policy Council officers shall be filled as provided for in their governing documents.

Proposal E - Report of County Chairs Caucus

Amend Bylaw 1.1.11

Adopted by Rules Committee 11/18/23 (10-0-0-3)

Explanation: The Vice Chair of County Parties is elected by a caucus of county chairs held at the State Convention each midterm election year for a four-year term. Current language in the NDP Bylaws does not specify when this caucus of county chairs should occur at State Convention, nor does it provide when the results of the election should be reported to the convention body.

Proposal E would amend the NDP Bylaws to provide for a report of the caucus of county chairs on the election of the Vice Chair of County Parties. Proposal E would also correct several references to the Vice Chair and Congressional District Vice Chair.

1.1.11. **Order of Business.** The order of business at all State Conventions shall, as far as possible, be as follows: (a.) Call to Order by State Chair; (b.) If necessary, adjournment to hold Congressional District caucuses to elect members of Convention committees; (c.) Committees leave assembly room for committee caucuses, if needed; (d.) Caucuses of delegations to select delegation chairs and vice-chairs pursuant to Bylaw 1.1.12; (e.) Roll Call; (f.) Report of Committee on Credentials; (g.) Adoption of Convention Rules and Convention Agenda; (h.) Report of Convention Committee and election of permanent officers of convention; (i.) Address of Permanent Convention Chair; (j.) Adjournment to hold Congressional District Caucuses to elect Congressional District Chairs and **Congressional District Vice Associate** Chairs; (k.) Caucuses of the delegates by Legislative Districts to select members of the State Central Committee; (l.) Convention reconvenes after Congressional District and Legislative District Caucuses; (m.) Report of the Nominations Committee and election of State Chair, **Vice Chair**, ~~Associate Chairs~~, and National Committee Representatives (if positions are up for election); **(n.) Report of the caucus of county chairs on the election of the Vice Chair of County Parties;** ~~(no.)~~ Report of the Presidential Electors Committee and selection of presidential electors (in Presidential Election Years only); ~~(op.)~~ Reports of other Standing Committees except the Platform and Resolutions Committee; ~~(pq.)~~ Report of the Platform and Resolutions Committee and action thereon; ~~(qr.)~~ Other business; ~~(rs.)~~ Adjournment. Introduction of candidates and elected officials and/or speeches from such candidates and elected officials will be at the Convention Chair's discretion.

Proposal F - Party Resources

Amend Bylaw 7; Bylaw 7.1; Bylaw 7.2; & Bylaw 7.3; Create New Bylaw 7.2.1; Bylaw 7.3.1; Bylaw 7.3.2; Bylaw 7.3.3; Bylaw 7.3.4; Bylaw 7.4; Bylaw 7.4.1; Bylaw 7.4.2; & Bylaw 7.4.3

Adopted by Rules Committee 2/24/24 (10-0-0-3)

Explanation: In October 2023, Chair Kleeb appointed a Special Committee to examine rules and procedures related to the withholding of state party resources and other related issues. The Special Committee proposed a comprehensive update to language in the NDP Bylaws governing the withholding of state party resources, and that proposal was forwarded to the Rules Committee for their consideration in February.

Proposal F would amend the NDP Bylaws to comprehensively update and modernize provisions in the NDP Bylaws governing the withholding of state party resources as well as the endorsement and support of candidates. General changes included in Proposal F include the following:

- *Updating and modernizing general provisions regarding state party resources;*
- *Providing that state party resources are not an entitlement to any candidate, elected official, county party, vendor, Affiliated Caucus Organization (ACO), or Affiliated Policy Council (APC);*
- *Clarifying that state party resources are to be allocated as determine by the State Chair or their designee, subject to review and direction by the State Central Committee (SCC) or State Executive Committee (SEC);*
- *Creating a clear process for the emergency withholding of state party resources by the State Chair with the consent of the SEC;*
- *Creating a clear process for the withholding of state party resources by the SCC upon a motion brought by the State Chair, the SEC, on behalf of an ACO or APC, or by petition of at least 10% of the members of the SCC;*
- *Expanding the list of extraordinary circumstances justifying the withholding of state party resources to specifically include violation of the NDP Code of Conduct or a candidate or elected official whose public votes or positions are egregious and contrary to the deeply held values of the NDP;*
- *Declaring that the primary purpose of the NDP is to elect Democrats to partisan and non-partisan offices in Nebraska;*
- *Providing that all Democratic elected officials and candidates should expect the support of the NDP unless state party resources have been withheld as provided in the NDP Bylaws;*

- *Creating a process for the endorsement of non-Democrats, providing they are running in an election without a Democratic candidate or against a Democratic candidate from whom state party resources have been withheld;*
 - *Creating a process for the endorsement of or use of party resources in support or opposition to ballot measures; and*
 - *Reorganizing Bylaw 7 for clarity*
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7. PARTY RESOURCES SUPPORT OF CANDIDATES AND ELECTED OFFICIALS

7.1 Purpose. The primary purpose of the Nebraska Democratic Party is to elect Democrats to partisan and non-partisan offices in Nebraska. The Nebraska Democratic Party will provide support in appropriate forms to Democrats running for office and to Democratic elected officials.

~~7.1.2~~ **Party Resources. Defined.** Party Resources are those materials, physical or intellectual, that are produced by the Nebraska State Democratic Party or on its behalf or at its request and which are funded by the Nebraska State Democratic Party. Party resources also include staff members hired by the Nebraska Democratic Party.

7.2.1 Use. Party Resources are to be used to ~~promote~~ support the success of the Nebraska Democratic Party and its candidates and elected officials. Party Resources are not an entitlement to any candidate, elected official, county party, vendor, or recognized affiliated caucus organization, or affiliated policy council. The State Chair or the Chair's designee shall determine the allocation of party resources is at the discretion of the State Chair or the Chair's designee and subject to review and direction by the State Executive Central Committee or State Central Executive Committee as circumstances warrant.

7.3 Endorsement and Support

7.3.1 Defined. Support by the Nebraska Democratic Party means the public recommendation and support of a Democrat running for office or a Democratic Elected Official and does not imply the equitable use of party resources.

7.3.2 Endorsement Given. All Democratic elected officials and candidates should expect the support of the NDP unless the State Central Committee votes to withhold party resources as provided in Bylaw 7.4.

7.3.3 Endorsement of non-Democrats. The State Central Committee may vote to endorse and provide party resources to a candidate who is not a member of the Nebraska Democratic Party provided they are running in an election without a

Democratic candidate or against a Democratic candidate from whom party resources have been withheld under Bylaw 7.4.

7.3.4 Endorsement of Ballot Questions. The State Central Committee may vote to endorse and/or provide party resources in support or opposition to a ballot question.

7.4 Withholding Party Resources. Under certain extraordinary circumstances ~~State Party Resources~~ party resources may be withheld from a Democratic candidate ~~who is a registered Democrat or a registered,~~ elected official, vendor, County Party, Affiliated Caucus Organization, or Affiliated Policy Council.

7.4.1 These extraordinary circumstances may include, but shall not be limited to:

- a. ~~misconduct injurious to the Nebraska Democratic Party or its members,~~ a candidate whose opponent is an incumbent Democrat;
- b. ~~a person~~ A candidate who has not been an active Democrat;
- c. a candidate whose campaign organization is dominated by and supported by other political parties;
- d. a candidate who has failed to report their financial status to the Federal Election Commission or the Nebraska Accountability and Disclosure Commission;
- e. A candidate or elected official who violates any Code of Conduct adopted pursuant to Bylaw 5.1.2.16
- f. A candidate or elected official whose public votes or positions are egregious and contrary to the deeply held values of the Nebraska Democratic Party
- g. Other actions ~~and a recognized Affiliated Caucus Organization or Affiliated Policy Council~~ that compromises the goals, strategy, policy, or integrity of the Nebraska Democratic Party.

7.4.2 A motion to withhold party resources from a candidate, elected official, vendor, County Party, Affiliated Caucus Organization, or Affiliated Policy Council shall be in order at any state central committee meeting provided such motion is brought by: The State Chair; The State Executive Committee; on behalf of any Affiliated Caucus Organization or Affiliated Policy Council; or by petition of at least 10 percent of the members of the State Central Committee. The motion requires a two-thirds ($\frac{2}{3}$) vote by the State Central Committee to be adopted.

7.4.3 If an emergency situation exists that could be detrimental to the Nebraska Democratic Party, the State Chair shall have the authority to temporarily withhold party resources, provided that the State Executive Committee meets as soon as practicable to affirm the Chair's decision by majority vote, and that the motion to withhold party resources is brought for a vote at the next State Central Committee Meeting which shall require a two-thirds ($\frac{2}{3}$) vote to ratify the decision of the State Chair.