

Rules Committee Report
Proposed Amendments to DPH Constitution
OCC Convention, May 5, 2012

The Convention Rules Committee met on April 21, 2012, and recommended amendments to the Constitution of the Democratic Party of Hawai'i. The proposed amendments would:

1. Permit online enrollment in the party.
2. Define "good standing" as maintaining continuous Party membership without reprimand for twelve (12) months instead of the current six (6) months to run as a Democrat or fill a vacancy in office. Penalties for reprimand and censure swapped as recommended by parliamentarian.
3. Remove exemption procedure for a candidate who is not a member in good standing for twelve (12) months. Maintains the procedure for an elected official switching to the DPH.
4. Count under continuous party membership a person's membership in the Democratic Party of another State or jurisdiction of the United States.
5. Mandate automatic expulsion from the Party, effective with the 2014 election, for filing as a candidate of the Democratic Party of Hawai'i if not a member in good standing.
6. Call for the removal of State Central Committee members who accrue three absences during their term, six absences for National Committeeman and Committeewoman (whose term is four years instead of two years). Provides that proxies will count as absences for purposes of removal.
7. Permits all SCC members to give proxies. Currently, members from the host county are not allowed to give proxies.
8. Rewrites Article I, Section 8, to make it clearer.

In addition, the Rules Committee encourages the Democratic Party of Hawai'i to publicize the requirement that potential candidates attain twelve (12) months continuous Party membership in good standing. Publicity should be provided at least fourteen (14) months prior to the candidate filing deadline.

Lynne Matusow, Co-Chair, Convention Rules Committee
Charles Prentiss, Co-Chair, Convention Rules Committee

**O‘AHU COUNTY DEMOCRATS
PROPOSED AMENDMENTS TO THE CONSTITUTION
OF THE DEMOCRATIC PARTY OF HAWAI‘I
In convention, May 5, 2012**

Article I - Membership

Section 2. Enrollment. The procedure for enrollment in the Democratic Party of Hawai‘i shall be as follows:

2A. The applicant shall fill out and submit a Democratic Party of Hawai‘i State Enrollment Card either on paper or online. The applicant may pay the annual voluntary membership dues of twenty-five dollars (\$25) and may submit an additional voluntary contribution.

RATIONALE: Many people, especially young people, find it easier to join if they don't have to hunt down a piece of paper. It would also make the Party a little more green. Submitted By John Bickel

2C. Except as provided in Article I, Section 2E, the effective date of membership shall be the date a valid enrollment card is received by the Party. The new member, as of the date of Party membership, becomes a member of the Democratic Precinct Club in the precinct in which the member is registered to vote and resides except as provided for in Article II, Section 3 of the Hawai‘i State Constitution. The Precinct Club and the District Council to which the Precinct Club belongs shall be notified at appropriate intervals of all new members enrolled by the Secretary of the State Central Committee. The new member shall be entitled to all the rights, privileges and obligations in the Party, except that they shall not be considered a member for the purpose of appointment to fill a legislative vacancy pursuant to Article IX, Section 12, until they have been a member in good standing for a period of at least [~~six-(6)~~] twelve (12) months. If a member has resigned from the Party in the two (2) years prior to re-enrollment in the Democratic Party of Hawai‘i, the re-enrolled member must be a member in good standing for at least two (2) years prior to serving on a County Committee, State Central Committee, or as National Committeeman or National Committeewoman or as State Party Chairperson.

RATIONALE: Increases continuous membership requirement from six to twelve months, consistent with that of a person who is party or county chair. Submitted by OCC Convention Rules Committee.

2E. Candidates for public office and officeholders changing Party affiliation. Membership must be in “good standing” to file as a candidate in any Democratic primary, to use the name of “Democrat” as a candidate for any office, to fill a vacancy per Article IX, Sections 11 and 12, or

to join the Party by change of Party affiliation while serving a term of elected public office, subject to the definition and exceptions contained in this section:

1) Definition: For the purpose of this section, “good standing” means maintaining continuous Party membership without censure *{Editor's note: "censure" must be changed to "reprimand" if changes proposed below to Art. 1, Section 8 are adopted}* for a minimum of [~~six (6)~~] twelve (12) months prior to the date of filing candidacy for elective office or, in the event of mid-term vacancy, the date specified in Article IX, Section 12B.

RATIONALE: Increases continuous membership requirement from six to twelve months, consistent with that of a person who is party or county chair. Submitted by OCC Convention Rules Committee.

2E 2) Exceptions:

~~[a] — If a candidate for elected public office applies for a new Party membership less than six (6) months before the deadline to file candidacy; or]~~

[b]a) if a current elected public officeholder applies for new Party membership as a change of Party affiliation, then the following procedure shall determine applicant’s eligibility for Party membership:

RATIONALE: Amends the rule to remove the exemption for a candidate filing candidacy who is not a member in good standing for a period of 6 months. Having no exception is in line with other rules in the party constitution that require a waiting period, such as the 1 year waiting period that you must be a member in good standing in order to become county or state chair. There is no exemption for that rule. Having no exemption also eliminates the possible perception that we are picking and choosing candidates. By making the rule apply to all candidates, the playing field is equal for all. The exemption procedure is left in place for current office holders, because without an exemption system, as they presently hold elected office, they would be in violation of the rule as soon as they join the party. This would create an environment in which an elected officer holder cannot switch to the Democratic Party, and I believe such a policy would be unwise. Submitted by Vinny Browne.

2E 2) b) (ii). Deadlines: [~~A candidate application for new Party membership must be received no later than sixty (60) days prior to the legal candidate filing deadline, unless the applicable Executive Committee waives this deadline for and applicant. The deadline for the Executive~~

~~Committee to decide applications for Party membership is no later than twenty-one (21) days prior to candidate filing deadline, or ten (10) days after an application is received, whichever is later. No deadline applies to applications to change Party affiliation by a public officeholder, except if application is submitted within sixty (60) days of candidate filing for an election, then deadlines described in this section shall apply.] If an application is submitted by a public officeholder to change Party affiliation within sixty (60) days of the legal candidate filing deadline, the Executive Committee shall decide applications for Party membership no later than twenty-one (21) days prior to the legal candidate filing deadline, or ten (10) days after an application is received, whichever is later.~~

RATIONALE: Housekeeping change if amendment immediately above is adopted. Submitted by OCC Convention Rules Committee.

2E. Candidates for public office and officeholders changing Party affiliation. Membership must be in “good standing” to file as a candidate in any Democratic primary, to use the name of “Democrat” as a candidate for any office, to fill a vacancy per Article IX, Sections 11 and 12, or to join the Party by change of Party affiliation while serving a term of elected public office, subject to the definitions and [exceptions] provisions [contained] in this section:

1) Candidates for public office. [~~Definition:~~] For the purpose of this section,

a. “G[g]ood standing” means

(i) maintaining continuous Party membership without censure *{Editor's note: "censure" must be changed to "reprimand" if changes proposed below to Art. 1, Section 8 are adopted}* for a minimum of [six (6)] twelve (12) months prior to the deadline to file [~~date of filing~~] candidacy for elective office or, in the event of mid-term vacancy, the date on which the event occurred that created a vacancy as specified in Article IX, Section 12B[-]; and

b. “Continuous Party membership” means membership, without break due to resignation or expulsion, in the Democratic Party of Hawai‘i or in the

Democratic Party of any State or jurisdiction of the United States of America prior to relocating to Hawai‘i, provided the Democratic National Committee recognizes the Democratic Party of the other State or jurisdiction.

RATIONALE: Include in definition the possibility of Party membership in other jurisdictions. Increases continuous membership requirement from six to twelve months, consistent with that of a person who is party or county chair. Submitted By Doug Pyle

8A. A member of the Democratic Party of Hawai‘i shall be automatically expelled from the Party for the following reasons:

- 1) Membership with a political party other than the Democratic Party; [øø]
- 2) Filing as a candidate of a political party other than the Democratic Party[-]; or
- 3) Effective with the 2014 election, filing as a candidate of the Democratic Party of Hawai‘i if not a member in good standing.

RATIONALE: Members who are not in good standing are not permitted to run for office as Democrats. As the Office of Elections may disregard this technicality, automatic expulsion would mean that they could not run as a Democrat. Submitted by Lynne Matusow.

Article V – State Central Committee

Section 8. Power and Duties. The State Central Committee shall:

8N. Remove a member of the State Central Committee who has accrued three [~~consecutive unexcused~~] absences from regular State Central Committee meetings. For National Committeeman and National Committeewoman, removal would occur six absences accrue. Proxies count as absences for purposes of removal.

RATIONALE: It is the duty of SCC members to attend meetings and represent those who elected them. The SCC meets between four and eight times a year. Because the term of national committeeman and national committeewoman is four years instead of the two years for other SCC members, it was proposed to allow them to accrue twice as many absences. In the current term, several members have been removed for lack of attendance. Submitted by Lynne Matusow

Section 10. Proxies.

10A. State Central Committee members unable to attend a State Central Committee meeting [~~held in another County~~] may give his/her proxy to another member [~~from his/her County~~]. In no event shall a State Central Committee member carry more than four proxies.

RATIONALE: Every SCC member should be allowed to give a proxy. Those who live in the host county should not be excluded. The SCC member should be allowed to give his/her proxy to any member. In the case of caucus members, they should be able to give their proxy to a member who is also a member of the caucus, instead of being restricted by geography. Members would be encouraged to give proxies, thus assuring their constituencies are represented at the meeting. Submitted by Lynne Matusow.

PROPOSED CHANGE TO ARTICLE I, SECTION 8 OF THE STATE PARTY CONSTITUTION

Article I, Section 8 as it currently reads:

Section 8. Expulsion, Censure or Reprimand.

8A. A member of the Democratic Party of Hawai‘i shall be automatically expelled from the Party for the following reasons:

- 1) Membership with a political party other than the Democratic Party; or
- 2) Filing as a candidate of a political party other than the Democratic Party.

8B. A member of the Democratic Party of Hawai‘i may be expelled, censured or reprimanded for the following reasons:

- 1) Active support or promotion of a political party or any candidate(s) of a political party other than the Democratic Party. Examples of active support include, but are not limited to, running as a candidate of another political party, making monetary or in kind contributions, acceptance of an official or nonofficial position in an opposition campaign, resigning from the Democratic Party to support or run as a candidate of another political party and rejoining the Democratic Party, sign-waving, letter writing, appearance in campaign ads, etc.
- 2) Failure of a candidate for an elective office or an elected official to follow and abide by the Constitution of the Democratic Party of Hawai‘i, and regulations of the Party campaign committees as approved by the State Central Committee or respective County Committee.
- 3) Failure to abide by the Constitution of the Democratic Party of Hawai‘i and/or platform of the Party.

4) Violation of governmental ethics codes as adjudicated or determined by the State Ethics Commission, the County Ethics Commission, the Office of Disciplinary Counsel, the State House, the State Senate, or the courts.

8C. Procedure. The procedures for expulsion, censure or reprimand shall be as outlined below. In addition, the State Central Committee may adopt procedures and policies consistent with this section.

1) Time Periods.

a) Any expulsion of a member pursuant to subsection A shall be automatic and implemented by the Secretary of the State Central Committee. After expulsion, the expelled member is barred from enrolling for membership for five (5) years.

b) When a member has voluntarily resigned from the Democratic Party and filed as a candidate in a political party other than the Democratic Party, the member shall be barred from re-enrolling for membership for three (3) years.

2) Any proceeding for the expulsion, censure or reprimand of a member of the Democratic Party of Hawai'i under subsection B above will be conducted in the following manner.

a) Complaints; Limitations. Any complaint charging a member with cause for expulsion, censure or reprimand under subsection B shall be made in writing to the County Secretary no later than one hundred and eighty (180) days after the discovery of the violation. The written complaint shall state the rule(s) which have been violated, the activities alleged to have been committed, the date(s) of these activities, be accompanied by evidence of such activities and shall be signed by one (1) Party member and endorsed by four (4) other Party members.

b) Notice. The accused member must be notified in writing by the County Secretary within ten (10) days of the receipt of a written complaint charging cause for expulsion, censure or reprimand pursuant to subsection B. The member shall have thirty (30) days from the date of notification to prepare a response.

c) Investigation. The County Chairperson shall refer each complaint to the County Rules Committee or a special committee to investigate the charges. The referral of complaint shall be reported to the County Committee at its next meeting and shall be recorded in the minutes. The Rules Committee or special committee shall conduct a good faith investigation to determine if a violation of the rules has occurred. The committee shall interview the accused member, the complainant, and any witnesses and gather other facts as necessary for its finding, and shall, within thirty (30) days, submit a report and recommendation(s) to the County Chairperson. The Rules Committee or special committee may recommend, in addition to the provisions provided in subsection (g) below that the member:

(i) be expelled for at least three (3) years but not more than five (5) years;

(ii) be censured in writing and removed from all Party offices for at least three (3) years but not more than five (5) years; or

(iii) be reprimanded. A reprimand is an official statement of disapproval of a member's conduct.

d) The Committee's Report. A copy of the Committee Report shall be provided to the accused member and the complainant. The report shall include the grounds upon which the expulsion, censure or reprimand is being sought, the committee's findings and recommendations, and a list of County Committee members who are eligible to vote to accept, amend, or reject the committee's findings and recommendations.

e) Hearing. The County Committee shall place the complaint on the agenda at its next meeting following receipt of the Rules Committee or special committee report or by agreement with the accused member at some other time. Notice of the meeting shall be given to the member, the complainant and the County Committee at least seven (7) days prior to the hearing. The Rules Committee or special committee shall present its report on the complaint and its recommendation(s) in a meeting open to any interested Party member. The accused member, complainant and any member shall be allowed to make a statement relating to the facts of the case or the committee's recommendation. The County Committee shall decide the complaint by majority vote. The County Committee shall give notice in writing of its decision to the Secretary of the State Central Committee, with a copy to the member and complainant within seven (7) days. A copy of the committee's report and the County Committee's decision shall be filed with the County Secretary and the Secretary of the State Central Committee and shall be available for inspection by Party members.

f) Appeal. A member expelled, censured or reprimanded pursuant to subsection B may appeal the decision of the County Committee to the State Central Committee by filing a written request with the Secretary of the State Central Committee within ten (10) days of receiving the written decision of the County Committee. Where no appeal is taken within the ten (10) days limitation, the decision of the County Committee shall be final. Where an appeal is taken to the State Central Committee, a hearing shall be granted in open meeting of the entire State Central Committee within thirty (30) days. The State Central Committee shall decide the appeal by majority vote and shall transmit to the member a written notice of its decision within ten (10) days. The decision of the State Central Committee shall be final.

g) Enforcement. In the case of a member expelled under subsection A, the Party shall take all reasonable action to prevent such person from running for office as a Democrat, serving in public office, or holding an office in the Party during the five (5) years provided in that section. In the case of a member expelled under subsection B, the Party shall take all reasonable action to prevent such person from participating in Party activities, running for public office as a Democrat, or serving in public office for the period provided in the decision of the County Committee or State Central Committee. In the case of a member censured under subsection B, the Party shall take all reasonable action to prevent such member from holding an office in the Party. In the case of a member reprimanded under subsection B, no further action shall be taken on the complaint.

Proposed rewrite of Section 8 in Ramseyer format:

Section 8. Expulsion, ~~Censure~~ Reprimand or ~~Reprimand~~ Censure.

8A. Grounds for Expulsion, Censure] Reprimand or Censure or Reprimand.

1) Mandatory Expulsion. A member of the Democratic Party of Hawai'i shall be automatically expelled from the Party for the following reasons:

- 1) a) Membership with a political party other than the Democratic Party; or
- 2) b) Filing as a candidate of a political party other than the Democratic Party,
or
- c) Effective with the 2014 elections, filing as a candidate of the Democratic Party of Hawai'i if not a member in good standing.

8B. 2) Permissive Expulsion, Reprimand and Censure. A member of the Democratic Party of Hawai'i may be expelled, reprimanded or censured for the following reasons:

- 1) a) Active support or promotion of a political party or any candidate(s) of a political party other than the Democratic Party. Examples of active support include, but are not limited to, ~~running as a candidate of another political party~~ making monetary or in kind contributions, ~~acceptance of an official or nonofficial~~ accepting a position in an opposition campaign, sign-waving, letter writing, appearance in campaign ads, resigning from the Democratic Party to support ~~or run as a candidate of another political party~~ and rejoining the Democratic Party, ~~sign-waving, letter writing, appearance in campaign ads, etc.~~
- 2) b) Failure of a candidate for an elective office or an elected official to follow and abide by the Constitution of the Democratic Party of Hawai'i, and regulations of the Party campaign committees as approved by the State Central Committee or respective County Committee.
- 3) c) Failure to abide by the Constitution of the Democratic Party of Hawai'i and/or platform of the Party.
- 3) d) Violation of governmental ethics codes as adjudicated or determined by the State Ethics Commission, the County Ethics Commission, the Office of Disciplinary Counsel, the State House, the State Senate, or the courts.

1) Time Periods.

- a) Any expulsion of a member pursuant to subsection A shall be automatic and implemented by the Secretary of the State Central Committee. After expulsion, the expelled member is barred from enrolling for membership for five (5) years.
 - b) When a member has voluntarily resigned from the Democratic Party and filed as a candidate in a political party other than the Democratic Party, the member shall be barred from re-enrolling for membership for three (3) years.
- 2) Any proceeding for the expulsion, censure or reprimand of a member of the Democratic Party of Hawai'i under subsection B above will be conducted in the following manner.

8C 8B. Procedure. The procedures for expulsion, ~~censure or reprimand~~ reprimand or censure shall be as ~~are~~ outlined below. In addition, the State Central Committee may adopt procedures and policies consistent with this section.

a) Complaints; 1) Limitations. Any complaint charging a member with cause for expulsion, ~~censure or reprimand~~ reprimand or censure under subsection B shall be made in writing to the ~~County Secretary~~ no later than one hundred and eighty (180) days after the discovery of the violation. ~~The written~~

2) Complaint. The complaint shall be in writing. The complaint shall state the

rule(s) which have been violated, the activities alleged to have been committed, the date(s) of these activities, ~~be~~. The complaint shall be signed by one (1) Party member and endorsed by at least four (4) other Party members. The complaint shall be submitted to the County Secretary, with justification including any evidence and a list of suggested witnesses. b)

~~_____ 3) Notice. The accused member must be notified in writing by the County Secretary within ten (10) days of the receipt of a written complaint charging cause for expulsion, censure or reprimand pursuant to subsection B. The member shall have thirty (30) days from the date of notification to prepare a response complaint.~~

e) ~~_____ 4) Response. The accused member shall have thirty (30) days from the date of notification to prepare a response.~~

e) ~~_____ 5) Investigation. The County Chairperson shall refer each complaint to the County Rules Committee or a special committee to investigate the charges (the "Investigation Committee"). The referral of complaint shall be reported to the County Committee at its next meeting and shall be recorded in the minutes. The Rules Committee or special Investigation Committee shall conduct a good faith investigation to determine if a violation of the rules has occurred. The Investigation Committee shall interview the accused member, the complainant, and any witnesses and. The Investigation Committee shall gather other facts as necessary for its finding, and shall, within thirty (30) days, submit a report and recommendation(s) to the County Chairperson. The Rules Committee or special committee may recommend, in addition to the provisions provided in subsection (g) below that the member. The Report shall include the Investigation Committee's findings; in addition the Investigation Committee may recommend specific sanctions.~~

~~_____ (i) be expelled for at least three (3) years but not more than five (5) years; (ii) be censured in writing and removed from all Party offices for at least three (3) years but not more than five (5) years; or (iii) be reprimanded. A reprimand is an official statement of disapproval of a member's conduct.~~

d) ~~The _____ 6) Committee's Report. A copy of the Committee Report shall be provided to the accused member and the complainant. The report shall include the grounds upon which the expulsion, censure or reprimand is being sought, the committee's findings and recommendations, and a list of County Committee members who are eligible to vote to accept, amend, or reject the committee's findings and recommendations.~~

e) ~~_____ 7) Hearing. The County Committee shall place the complaint on the agenda at its next meeting following receipt of the Rules Committee or special Investigation Committee Report or by agreement with the accused member at some other time. Notice of the meeting shall be given to the member, the complainant and the County Committee at least seven (7) days prior to the hearing. The Rules Committee or special Investigation Committee shall present its report on the complaint and its recommendation(s) in a meeting open to any interested Party member. The complainant, accused member, complainant and any Party member shall be allowed to make a statement relating to the facts of the case or the committee's recommendation. The County Committee shall decide the complaint by majority vote. whether to accept or reject the complaint and any sanctions. The County Committee shall give notice in writing of its decision to the Secretary of the State Central Committee, with a copy to the member and~~

complainant within seven (7) days. A copy of the committee's report and the County Committee's decision shall be filed with the County Secretary and the Secretary of the State Central Committee and shall be available for inspection by Party members.

f) 8) Appeal. A member expelled, ~~censured or reprimanded~~ reprimanded or censured pursuant to ~~subsection B~~ may appeal the decision of the County Committee to the State Central Committee by filing a written request with the Secretary of the State Central Committee within ten (10) days of receiving the written decision of the County Committee. ~~Where~~ If no appeal is ~~taken-submitted~~ within the ten (10) days ~~limitation~~, the decision of the County Committee shall be final. ~~Where~~ If an appeal is ~~taken to the State Central Committee-submitted~~, a hearing shall be granted in open meeting of the entire State Central Committee within thirty (30) days. The State Central Committee shall review the Committee Report and accept comments from the County Chair, the Investigation Committee, the accused member and members of the State Central Committee. The State Central Committee shall decide the appeal by majority vote and shall transmit to the member a written notice of its decision within ten (10) days. The decision of the State Central Committee shall be final.

g) 9) Sanctions and Enforcement.

1) Mandatory Expulsion. Expulsion shall be automatic and implemented by the Secretary of the State Central Committee. After expulsion, the expelled member is barred from enrolling for membership for five (5) years. In the case of a member expelled under subsection A, the Party shall take all reasonable action to prevent such person from running for office as a Democrat, serving in public office or holding an office in the party during the five years provided in that section. ~~†~~ The Party shall take all reasonable action to prevent such person from running for office as a Democrat, serving in public office, or holding an office in the Party during the five-year period(5) years provided in that section. ~~In the case of a member expelled under subsection B.~~

2) Permissive Expulsion. Expulsion shall be implemented by the Secretary of the State Central Committee. The Party shall take all reasonable action to prevent such person from participating in Party activities, running for public office as a Democrat, or serving in public office for the period provided in the decision of the County Committee or State Central Committee. ~~In the case of a member censured under subsection B, for at least three (3) years but not more than five (5) years.~~

3) Reprimand. The Party shall take all reasonable action to prevent such member from holding an office in the Party. ~~In the case of a member reprimanded under subsection B, no further action shall be taken on the complaint for up to three (3) years.~~

4) Censure. In the case of censure by a County, an official letter of censure shall be written by the County Chair. In the case of censure by the State Central Committee, an official letter of censure shall be written by the Party Chair. The letter shall be addressed to the accused member with a copy to the complainant and shall be available for inspection by Party members. No additional sanctions shall apply. No further action shall be taken on the complaint.

5) Voluntary Resignation. When a member has voluntarily resigned from the Democratic Party to engage in activities which are grounds for mandatory expulsion, the member shall be barred from re-enrolling for Party membership for at least three (3) years from the date

of Resignation.

RATIONALE:

1. Combines Sections 8A and 8B.
2. Adds heading for clarity:
 - a. “Grounds for Expulsion, Censure or Reprimand”
 - b. “Mandatory Expulsion”
 - c. “Permissive Expulsion, Reprimand and Censure”
3. Indents and renumbers paragraphs as needed for clarity
4. Rearranges the order of some examples and edits some of the language for clarity.
5. Deletes “running as a candidate of another political party,” because that is now a mandatory expulsion.
6. Moves Section “1) Time Periods” and combines in with Section “8B 9, Sanctions and Enforcement.”
7. Separates the “Complaints; Limitations” paragraph into two separate paragraphs.
8. Brings down requirement formerly in the previous paragraph that the complaint must be in writing.
9. Allows the complainant to provide a list of suggested witnesses as part of the evidence.
10. Allows for more than four Party members to endorse the complaint.
11. Separates “Notice” and “Response” into two paragraphs,
12. Allows the Respondent to provide a list of suggested witnesses as part of the evidence.
13. Creates the term “Investigation Committee” to make it easier to understand which committee this is; the County Chair now appoints a committee, usually the Rules Committee, but it does not have a name; as the procedure progresses, the lack of committee name makes the Rule more difficult to understand, because there are so many “committees” involved.
14. Moves sanction language to the paragraph below entitled “Sanctions and Enforcement.”
15. Documents the existing practice that the County Committee shall decide whether to accept or reject the report of the Investigation Committee.
16. Adds a sentence that documents in greater detail the existing procedure: that the SCC reviews the complaint.
17. Changes the title from “Enforcement” to “Sanctions and Enforcement”.
18. Incorporates the “Time Periods” language deleted above.
 - a. Reflects the separation of mandatory and permissive expulsion.
 - b. Incorporates the time period.
19. Regarding “Reprimand” and “Censure”
 - a. The Parliamentarian indicated that the Party Rules were inconsistent with Roberts Rules of Order;
 - b. Under Roberts Rules of Order, a reprimand is punitive and censure is not;
 - c. The terms have been reversed to conform to Roberts Rules of Order.
20. Applies the sanctions from “Time Periods” to voluntary resignation.

Effect of Changes

Bylaw change affects the O‘ahu County Committee and any person who files a complaint and any person who is the subject of the complaint.

Other sections affected by the change

Swapping the terms “reprimand” and “censure”, affects the following sections of Article IX – General Provisions:

Section 3. Candidate Support of Platform, Resolutions and Constitution. Every Democratic Party candidate for election to office, whether Federal, State or County, and every member of the Democratic Party of Hawai‘i shall support the Party Platform. Every member of the Democratic Party of Hawai‘i shall support candidates who are members of the Party and request the Party’s support in the general, special or nonpartisan elections. The State Central Committee and each County Committee shall provide each Democratic candidate for elective office with a copy of the most recently approved State and County Party Platforms, Resolutions, and Constitution of the Democratic Party of Hawai‘i and the respective County Rules within seven (7) days after the legally established filing deadline. Said candidates shall submit Candidate Statement Forms provided by the State Central Committee indicating their agreement, disagreement, and/or reservations with the Platform and Resolutions of the State and County Party organizations within seven (7) days after receipt of the blank forms to the State Central Committee. Should the candidate draw or pull nomination papers prior to the biennial State Convention, then two (2) sets of Candidate Statement Forms shall be sent, filled out, returned and kept on file, one (1) set of forms relevant to the preceding biennial State Convention’s Resolutions and Platform and one (1) set of forms relevant to the current biennial State Convention’s Resolutions and Platform. These Candidate Statement Forms, in turn, will be kept for review by Democratic Party members at State Party Headquarters. Further, relevant copies of the Candidate Statement Forms shall be made available to the four County Party Chairpersons so that each inhabited island with at least one (1) active Precinct Club, has one (1) copy of the Candidate Statement Forms for review by Democratic Party members, with the exception of Hawai‘i County, which shall have two (2), one (1) for East Hawai‘i and one (1) for West Hawai‘i. A candidate who fails to abide by these requirements shall not be eligible for Party endorsement by the respective County Committees or the State Central Committee and is subject to ~~censure~~ reprimand by the Democratic Party of Hawai‘i.

Section 4. Ethical Campaign Practices. The Democratic Party of Hawai‘i and all members who file as a Democratic candidate for elective office shall agree to a campaign ethics code or code of fair campaign practices, which may be based on available codes and modified as needed, provided that any failure to abide by this section shall not be subject to Article I, Section 8 on expulsion, ~~censure or reprimand~~ reprimand or censure.

11B. The selection body shall meet after proper notice to all members not later than 12:00 p.m. on the third (3rd) day after the vacancy occurs, but not later than 12:00 p.m. on the fiftieth (50th) day prior to the primary or special primary election or the fortieth (40th) day prior to a general, special or special general election. The selection body shall forward the name of the replacement

candidate to the Party Chairperson who shall transmit the name to the Chief Election Officer or clerk.

The replacement candidate shall be a member in “good standing” which means the candidate shall have been a member of the Party for a minimum of six (6) months prior to the date the vacancy occurred provided that the candidate is not currently under ~~eensure~~ reprimand pursuant to Article I, Section 8. The replacement candidate shall meet all the qualifications for the office set by law for candidates who file to run in an election for that office.

12B. The Party Chairperson shall notify the appropriate selection body of the announced vacancy. The selection body shall make a call for candidates who are members in “good standing.” A list of at least three (3) names shall be provided to the Party Chairperson within twenty-one (21) calendar days. The Party Chairperson shall transmit the list of names to the Governor’s Office within three (3) business days of receipt of names.

A member in “good standing” means that the candidate shall have been a member of the Party for a minimum of six (6) months (twelve months if the proposed change is adopted) prior to either the date on which the event occurs that creates a vacancy during the term of the office or the public announcement of the office holder of his/her intent to vacate the office during the term, whichever is appropriate and that the candidate is not currently under ~~eensure~~ reprimand pursuant to Article I, Section 8. No candidate shall be recommended who does not meet all the qualifications for office set by law for candidates who file to run in an election for the vacant office.

Submitted By: /s/ Jo-Ann M. Adams

Article IX - General Provisions

Section 11. Responsibility for Filling Vacancies in Election Process.

11B. The selection body shall meet after proper notice to all members not later than 12:00 p.m. on the third (3rd) day after the vacancy occurs, but not later than 12:00 p.m. on the fiftieth (50th) day prior to the primary or special primary election or the fortieth (40th) day prior to a general, special or special general election. The selection body shall forward the name of the replacement candidate to the Party Chairperson who shall transmit the name to the Chief Election Officer or clerk.

The replacement candidate shall be a member in “good standing” which means the candidate shall have been a member of the Party for a minimum of [~~six (6)~~] twelve (12) months prior to the date the vacancy occurred provided that the candidate is not currently under ~~eensure~~ reprimand pursuant to Article I, Section 8. The replacement candidate shall meet all the qualifications for the office set by law for candidates who file to run in an election for that office.

RATIONALE: Increases continuous membership requirement from six to twelve months, consistent with that of a person who is party or county chair. Submitted by OCC Convention Rules Committee. As in Section 8 above, reprimand and censure are swapped.

Section 12. Process to Identify Candidates to Fill Midterm Vacancies.

12B. The Party Chairperson shall notify the appropriate selection body of the announced vacancy. The selection body shall make a call for candidates who are members in “good standing.” A list of at least three (3) names shall be provided to the Party Chairperson within twenty-one (21) calendar days. The Party Chairperson shall transmit the list of names to the Governor’s Office within three (3) business days of receipt of names.

A member in “good standing” means that the candidate shall have been a member of the Party or a minimum of [~~six (6)~~] twelve (12) months prior to either the date on which the event occurs that creates a vacancy during the term of the office or the public announcement of the office holder of his/her intent to vacate the office during the term, whichever is appropriate and that the candidate is not currently under censure pursuant to Article I, Section 8. No candidate shall be recommended who does not meet all the qualifications for office set by law for candidates who file to run in an election for the vacant office.

RATIONALE: Increases continuous membership requirement from six to twelve months, consistent with that of a person who is party or county chair. Submitted by OCC Convention Rules Committee. As in Section 8 above, reprimand and censure are swapped.