



September 15, 2004

Federal Election Commission  
Attn: Jeff S. Jordan, Supervisory Attorney  
Complaints, Examination & Legal Administration  
999 E. Street, NW  
Washington, D.C. 20463

Re: MUR 5518

Dear Mr. Jordan:

This responds to your letter dated August 27, 2004, which was received at Party Headquarters on September 3, 2004.

Re: MUR5188

A. The Democratic Party of Hawaii did not engage in federal election activity at its February precinct caucuses and, accordingly, is not required to file monthly reports. The Complaint contends that the membership letter attached thereto as Exhibit "B" is evidence that the Party was engaged in a voter registration drive that would constitute "federal voter registration activity". That is simply not true. That letter was a reminder to Party members of the precinct caucuses and that non-members would be allowed to join the Party that evening and participate in the caucuses. This was not a voter registration drive that would constitute federal activity that would require monthly reporting as contended by the Complainant.

The General Laws of the Democratic Party of Hawaii, as amended (hereinafter the "By-Laws"), provide for holding biennial precinct caucuses "on the first Tuesday of March in every even numbered year or at such times as may be determined by the State Central Committee." (Art. II, Section 3 of the By-Laws). For 2004, the State Central Committee determined that the precinct caucuses would be held on the last Tuesday in February instead of the first Tuesday in March. The purpose of the precinct caucuses is to elect precinct officers and delegates to the State Convention. In a year where there is a presidential primary (as was the case in 2004), a presidential preference poll is added to the agenda of the precinct caucuses to determine which of the presidential candidates would be represented by Hawaii Democratic delegates at the National DNC Convention, which was held in Boston during the week of July 24, 2004. Participation in the precinct caucuses is limited to Party members. (Art. II, Sec. 3 of the By-Laws). To become a member, a person must complete an enrollment card and be a registered voter. (Art. I, Section

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2 of the By-Laws). A person can become a Party member immediately upon signing an enrollment card (Art. I, Sec. 2C of the By-Laws); however, if the new member is not a registered voter at the time of the precinct caucus, his or her vote at that caucus will be invalid. (Art. I, Sec. 2D of the By-Laws).

Prior to the precinct caucuses held on February 24, 2004, the local organizations for the 6 presidential candidates who registered to participate in the Presidential Preference Polls, were enrolling new Party members and submitting completed enrollment cards to the Party. In order to accommodate non-members who wanted to participate in the caucuses, the Party made available at the precinct caucuses voter registration forms so as to allow the new members to fully participate without concern that their votes would later be invalidated if they were not registered voters. This activity did not constitute federal election activity as defined at 2 U.S.C. Sec. 431(20)(A). Note also that the date of February 24, 2004 was well outside of the 120 days prior to the date of a regularly scheduled federal election in Hawai'i which would have been September 18, 2004.

There was no cost incurred by the Party for including voter registrations forms in the packets that were provided to the 4 counties to be used in their precinct caucuses on February 24, 2004. The By-Laws require the Party Secretary to publish a notice in all 4 counties designating the time, place and purpose of the precinct caucuses. (Art. II, Sec. 3A). In 2004, besides running ads in the newspapers of general circulation in all 4 counties, the Party notified its members in a letter dated February 9, 2004 (Exhibit B attached to the Complaint). The costs of preparing and sending that membership letter and the ads notifying the membership of the precinct caucus and the presidential preference poll were reflected as disbursements in Schedule H4 to the Party's first quarter report filed on April 15, 2004. Registration fees by the six (6) presidential candidates, i.e., John Kerry, John Edwards, Howard Dean, Dennis Kucinich, Joseph Lieberman, Wesley Clark, were reported as receipts in the Party's year-end report filed on January 30, 2004 and in the first quarter report filed on April 15, 2004.

B. The April 15, 2004 fundraiser honoring Senators Daniel Inouye and Daniel Akaka was a non-federal activity. 11CFR §300.64 provides that "a Federal candidate or individual holding Federal office may attend, speak, or be a featured guest at a fundraising event" for a State Party. 11CFR §300.64 (a) and (b) allows the Party to "advertise, announce or other publicize that a Federal candidate or individual holding a Federal office will attend, speak, or be a featured guest at a fundraising event . . ." and allows the "Candidate and individuals holding Federal office [to] speak without restriction or regulation." (See also FEC Advisory Opinion No. 2003-3). The senators were being honored for their long-time service to the public and to the Party. Further, no funds were solicited or received by the senators who appeared at the April 15<sup>th</sup> fundraiser.

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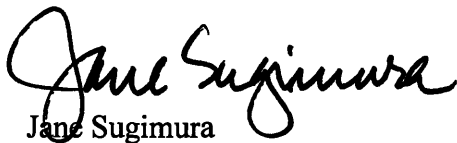
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C. The April 15, 2004 fundraiser at the Sheraton Waikiki Hotel was a non-federal activity and, accordingly, the disbursements for this event were paid out of the Party's non-federal account and all funds raised were deposited into the non-federal account. The receipts and disbursements from that event were reported in the Party's Pre-primary Report filed with the Hawaii Campaign Commission on September 8, 2004. Accordingly, there has been no violation of 2 U.S.C. Section 441b.

I am enclosing for the Commission's reference relevant portions of the Party's By-Laws and 11 CFR §300.64.

If I can provide additional information, please contact me at (808) 566-2112.

Sincerely,

  
Jane Sugimura  
Treasurer

Enclosures

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**§ 300.60**

(iii) Generic campaign activity as defined in 11 CFR 100.25

(d) *Prohibited solicitations.* A Federal candidate, an individual holding Federal office, and an individual who is an agent acting on behalf of either, must not make any solicitation on behalf of any organization described in 26 U.S.C. 501(c) and exempt from taxation under 26 U.S.C. 501(a), or an organization that has submitted an application for determination of tax-exempt status under 26 U.S.C. 501(c) for any election activity other than a Federal election activity as described in paragraph (c) of this section.

(e) *Safe Harbor.* In determining whether a 501(c) organization is one whose principal purpose is to conduct election activities, including activity described in paragraph (c) of this section, a Federal candidate, an individual holding Federal office, or an individual agent acting on behalf of either, may obtain and rely upon a certification from the organization that satisfies the following criteria:

(1) The certification is a signed written statement by an officer or other authorized representative of the organization with knowledge of the organization's activities;

(2) The certification states that the organization's principal purpose is not to conduct election activities, including election activity described in paragraph (c) of this section; and

(3) The certification states that the organization does not intend to pay debts incurred from the making of expenditures or disbursements in connection with an election for Federal office (including for Federal election activity) in a prior election cycle.

(f) If a Federal candidate, an individual holding Federal office, or an individual agent acting on behalf of either has actual knowledge that the certification is false, the certification may not be relied upon.

#### **Subpart D—Federal Candidates and Officeholders**

##### **§ 300.60 Scope (2 U.S.C. 441i(e)(1)).**

This subpart applies to:

- (a) Federal candidates.
- (b) Individuals holding Federal office (see 11 CFR 300.2(o)).

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(c) Agents acting on behalf of a Federal candidate or individual holding Federal office; and

(d) Entities that are directly or indirectly established, financed, maintained, or controlled by, or acting on behalf of, one or more Federal candidates or individuals holding Federal office

##### **§ 300.61 Federal elections (2 U.S.C. 441i(e)(1)(A)).**

No person described in 11 CFR 300.60 shall solicit, receive, direct, transfer, spend, or disburse funds in connection with an election for Federal office, including funds for any Federal election activity as defined in 11 CFR 100.24, unless the amounts consist of Federal funds that are subject to the limitations, prohibitions, and reporting requirements of the Act

##### **§ 300.62 Non-Federal elections (2 U.S.C. 441i(e)(1)(B)).**

A person described in 11 CFR 300.60 may solicit, receive, direct, transfer, spend, or disburse funds in connection with any non-Federal election, only in amounts and from sources that are consistent with State law, and that do not exceed the Act's contribution limits or come from prohibited sources under the Act

##### **§ 300.63 Exception for State party candidates (2 U.S.C. 441i(e)(2)).**

Section 300.62 shall not apply to a Federal candidate or individual holding Federal office who is a candidate for State or local office, if the solicitation, receipt or spending of funds is permitted under State law; and refers only to that State or local candidate, to any other candidate for that same State or local office, or both. If an individual is simultaneously running for both Federal and State or local office, the individual must raise, accept, and spend only Federal funds for the Federal election.

##### **§ 300.64 Exemption for attending, speaking, or appearing as a featured guest at fundraising events (2 U.S.C. 441i(e)(3)).**

Notwithstanding the provisions of 11 CFR 100.24, 300.61 and 300.62, a Federal candidate or individual holding Federal

**Federal Election Commission****\$ 300.65**

office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party, including but not limited to a fundraising event at which Levin funds are raised, or at which non-Federal funds are raised. In light of the foregoing:

(a) State, district, or local committees of a political party may advertise, announce or otherwise publicize that a Federal candidate or individual holding Federal office will attend, speak, or be a featured guest at a fundraising event, including, but not limited to, publicizing such appearance in pre-event invitation materials and in other party committee communications; and

(b) Candidates and individuals holding Federal office may speak at such events without restriction or regulation

**§ 300.65 Exceptions for certain tax-exempt organizations (2 U.S.C. 441i(e)(1) and (4)).**

A Federal candidate, an individual holding Federal office, and an individual agent acting on behalf of either may make the following solicitations of funds on behalf of any organization described in 26 U.S.C. 501(c) and exempt from taxation under 26 U.S.C. 501(a), or an organization that has submitted an application for determination of tax-exempt status under 26 U.S.C. 501(c):

(a) *General solicitations.* A Federal candidate, an individual holding Federal office or an individual agent acting on behalf of either, may make a general solicitation of funds, without regard to source or amount limitation, if:

(i) The organization does not engage in activities in connection with an election, including any activity described in paragraph (c) of this section, or

(2)(i) The organization conducts activities in connection with an election, but the organization's principal purpose is not to conduct election activities or any activity described in paragraph (c) of this section; and

(ii) The solicitation is not to obtain funds for activities in connection with an election or any activity described in paragraph (c) of this section.

(b) *Specific solicitations.* A Federal candidate, an individual holding Federal office, or an individual agent acting on behalf of either, may make a solicitation explicitly to obtain funds for any activity described in paragraph (c) of this section or for an organization whose principal purpose is to conduct that activity, if

(1) The solicitation is made only to individuals; and

(2) The amount solicited from any individual does not exceed \$20,000 during any calendar year.

(c) *Voter registration, voter identification, get-out-the-vote activity and generic campaign activity.* This section applies to only the following types of Federal election activity:

(i) Voter registration activity, as described in 11 CFR 100.24(a)(2), during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election; or

(2) The following activities conducted in connection with an election in which one or more Federal candidates appear on the ballot (see 11 CFR 100.24(a)(1)), regardless of whether one or more State candidates also appears on the ballot:

(i) Voter identification as described in 11 CFR 100.24(a)(4);

(ii) Get-out-the-vote activity as described in 11 CFR 100.24(a)(3); or

(iii) Generic campaign activity as defined in 11 CFR 100.25.

(d) *Prohibited solicitations.* A Federal candidate, an individual holding Federal office, and an individual who is an agent acting on behalf of either, must not make any solicitation on behalf of any organization described in 26 U.S.C. 501(c) and exempt from taxation under 26 U.S.C. 501(a), or an organization that has submitted an application for determination of tax-exempt status under 26 U.S.C. 501(c) for any election activity other than a Federal election activity as described in paragraph (c) of this section

(e) *Safe Harbor.* In determining whether a 501(c) organization is one whose principal purpose is to conduct election activities, including activity described in paragraph (c) of this section, a Federal candidate, an individual holding Federal office, or an individual

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AS AMENDED ON MAY 29, 2004**

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1                   **THE GENERAL LAWS OF THE DEMOCRATIC PARTY OF HAWAII**  
2                   **AS AMENDED ON MAY 29, 2004**

3  
4                   **ARTICLE I - MEMBERSHIP**

5  
6   **Section 1. Eligibility.** The Democratic Party of Hawai'i shall be open to all persons who desire  
7 to support the Party, who wish to be known as Democrats, and who live in Hawai'i Specifically:  
8 (a) Individuals who, at the time of application, are registered to vote in the State of Hawai'i may  
9 become voting members of the Democratic Party of Hawai'i; or (b) Individuals who, at the time  
10 of application, are eligible but not registered to vote in the State of Hawai'i may become non-  
11 voting associate members of the Democratic Party of Hawai'i, and upon registration to vote in  
12 the State of Hawai'i, may apply to become voting members of the Democratic Party of Hawai'i;  
13 or (c) Individuals who, at the time of application, are not eligible to register to vote in the State  
14 of Hawai'i may become non-voting associate members of the Democratic Party of Hawai'i. If  
15 eligibility to register to vote in the State of Hawai'i is later attained and the individual duly  
16 registers to vote, then the individual may apply to become a voting member of the Democratic  
17 Party of Hawai'i.

18  
19               Only voting members of the Democratic Party of Hawai'i shall be eligible to hold Party  
20 office.

21  
22   **Section 2. Enrollment.** The procedure for enrollment in the Democratic Party of Hawai'i shall  
23 be as follows:

24  
25   2A.   The applicant shall fill out a Democratic Party of Hawai'i State Enrollment Card and may  
26 submit a voluntary contribution.

27  
28   2B.   The enrollment card and contribution, if any, of a new member, shall be hand-delivered  
29 or delivered by mail to the Democratic Party Headquarters. Additionally, to meet filing  
30 deadlines, the enrollment card may be transmitted by fax or scanned electronic mail to  
31 Democratic Party Headquarters. It shall be the responsibility of the Treasurer of the  
32 State Central Committee to issue a receipt for cash contributions and the Secretary of the  
33 Central Committee to issue a membership card along with information about the  
34 member's Precinct Club and its officers, within thirty (30) days of receipt of the  
35 enrollment card. The contribution shall remain with the Democratic Party Headquarters  
36 to take care of the administrative expenses of maintaining a centralized membership  
37 records system.

38  
39   2C.   Immediately upon becoming a member of the Democratic Party of Hawai'i, the new  
40 member, as of the date of Party membership, becomes a member of the Democratic  
41 Precinct Club in the precinct in which the member is registered to vote and resides except  
42 as provided for in Article II, Section 3 of the Hawai'i State Constitution. The Precinct  
43 Club and the District Council to which the Precinct Club belongs shall be notified at  
44 appropriate intervals of all new members enrolled by the Secretary of the State Central  
45 Committee. The new member shall be entitled to all the rights, privileges and obligations  
46 in the Party. 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 years prior to serving on a County Committee, State Central Committee, or as National Committeeman or National Committeewoman or as State Party Chairperson.

- 2D. An individual who has completed and submitted a Democratic Party Enrollment Card, but whose name does not appear on the voter registration list in the County in which that person resides, shall submit proof of his/her voter registration at the Democratic Party precinct meeting, or shall sign a sworn voter registration form in the presence of a precinct official at the precinct meeting and shall submit that form to the Secretary of the State Central Committee. The Precinct President shall have the responsibility to verify that the Party member was registered to vote in that precinct within one month after the biennial precinct meeting. If the Party member has not submitted the form to the Democratic Party Headquarters by one month after, then the membership in the precinct will not be recognized by the Democratic Party and any office so obtained will be deemed vacant.

**Section 3. Official Enrollment Card.** The form of the official enrollment card and membership card shall be as prescribed by the State Central Committee.

**Section 4. Membership.**

- 4A. Any member once enrolled in the Democratic Party of Hawai'i shall, at the member's option, continue to be a member except as provided by Article I, Section 8.
- 4B. Where record of prior membership cannot be located and membership is claimed, the claimant shall obtain the signatures of five (5) members of the Party and proof of voter registration. Upon the filing and validation of the signatures on a form specified by the State Central Committee, the Secretary of the State Central Committee shall be authorized to issue a duplicate membership card. An enrollment card shall be filled pursuant to Section 2, above, except that the card will bear the word "duplicate." The above form certified by the Secretary of the State Central Committee will serve as proof of membership.

**Section 5. Transfer.** Where a member's place of voting changes to a different precinct, upon such change, the member is automatically a member of such precinct's Precinct Club. It shall be the duty of the Secretary of the State Central Committee to notify the District Councils and Precinct Clubs of the change.

**Section 6. Official Records.**

- 6A. The Secretary of the State Central Committee shall be the official custodian of the membership records of the Democratic Party of Hawai'i. It shall be the Democratic Party of Hawai'i's duty to keep and file all enrollment cards pursuant to Section 2, above, as well as record all changes and transfer of which notice is

received. The Secretary of the State Central Committee shall notify the County Committee, the District Council, and the Precinct Club of the change.

6B. It is the duty of each member to inform the Secretary of the State Central Committee of any changes in his or her mailing address. When a member is no longer registered to vote at the address on the official mailing list, the Democratic Party Headquarters is authorized to remove that name from the list. The Democratic Party Headquarters shall at regular intervals send a copy of all changes made to the official membership list to each County Secretary.

6C. Where a member is removed from a Precinct Club's official membership list, it shall be filed in a permanent alphabetical suspense file until such time the status of the member can be determined and placed in the correct Precinct Club or officially deleted from membership in the Democratic Party of Hawai'i.

**Section 7. Termination.** It shall be the duty of the Secretary of the State Central Committee to remove enrollment cards from the active file and notify the respective secretaries of the County Committee, the District Council and Precinct Club for any of the following reasons:

7A. Death.

7B. Assumption of a permanent residence outside of the State.

7C. Disaffiliation from the Democratic Party of Hawai'i.

7D. Loss of civil rights or U.S. Citizenship.

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

8A. A member of the Democratic Party 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 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, announcing one's candidacy for an elected position of another political party, running as a candidate of another political party, making monetary or in kind contributions, acceptance of an official or non-official position in an opposition campaign, resigning from the Democratic Party to support or run as a

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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 General Laws 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 General Laws 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 under subsection B 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

1 B. The member shall have thirty (30) days from the date of notification to  
2 prepare a response.

3  
4 c) Investigation. The County Chairperson shall refer each complaint to the  
5 County Rules Committee or a special committee to investigate the  
6 charges. The referral of complaint shall be reported to the County  
7 Committee at its next meeting and shall be recorded in the minutes. The  
8 Rules Committee or special committee shall conduct a good faith  
9 investigation to determine if a violation of the rules has occurred. The  
10 committee shall interview the accused member, the complainant, and any  
11 witnesses and gather other facts as necessary for its finding, and shall,  
12 within thirty (30) days, submit a report and recommendation(s) to the  
13 County Chairperson. The Rules Committee or special committee may  
14 recommend, in addition to the provisions provided in subsection (g) below  
15 that the member:

16  
17 (i) be expelled for at least three (3) years but not more than five (5)  
18 years;

19  
20 (ii) be censured in writing and removed from all Party offices for at  
21 least three (3) years but not more than five (5) years; or

22  
23 (iii) be reprimanded.

24  
25 d) The Committee's Report. A copy of the Committee Report shall be  
26 provided to the accused member and the complainant. The report shall  
27 include the grounds upon which the expulsion, censure or reprimand is  
28 being sought, the committee's findings and recommendations, and a list of  
29 County Committee members who are eligible to vote to accept, amend, or  
30 reject the committee's findings and recommendations.

31  
32 e) Hearing. The County Committee shall place the complaint on the agenda  
33 at its next meeting following receipt of the Rules Committee or special  
34 committee report or by agreement with the accused member at some other  
35 time. Notice of the meeting shall be given to the member, the complainant  
36 and the County Committee at least seven (7) days prior to the hearing.  
37 The Rules Committee or special committee shall present its report on the  
38 complaint and its recommendation(s) in a meeting open to any interested  
39 Party member. The accused member, complainant and any member shall  
40 be allowed to make a statement relating to the facts of the case or the  
41 committee's recommendation. The County Committee shall decide the  
42 complaint by majority vote. The County Committee shall give notice in  
43 writing of its decision to the secretary of the State Central Committee,  
44 with a copy to the member and complainant within seven (7) days. A  
45 copy of the committee's report and the County Committee's decision shall

be filed with the County Secretary and the State Secretary 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 (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.

## ARTICLE II - PRECINCT CLUB

**Section 1. Definition.** The Precinct Club shall be the basic unit of the Party organization. There shall be one Precinct Club in each precinct, as defined by law.

### **Section 2. Organization.**

2A. Initial organization of a Precinct Club shall be under the jurisdiction of the District Council of the district within which the precinct is located. At least one (1) eligible person residing within the precinct, may proceed with the formation of a Precinct Club. A Precinct Club, once organized and recognized by the District Council, shall be the constituted body having jurisdiction in the precinct. Thereafter, no other Precinct Club in the same precinct may be organized unless and until such time as the club of record shall be declared by the Executive Committee of the District Council to be inactive as defined in this section.

1 2B. An inactive Precinct Club is one from which the Precinct President has resigned or has  
 2 registered to vote outside of the precinct's boundaries and where the Precinct Club fails  
 3 to have at least one active member eligible for and willing to serve as Precinct President.  
 4

5 2C. Whenever a Precinct Club of record is declared inactive by the Executive Committee of  
 6 the District Council, the Chairperson of the District Council shall initiate reorganization  
 7 of the Club by the following procedure.  
 8

9 1) The District Council Chairperson shall call for a precinct reorganization meeting.  
 10 All precinct members of record shall be notified pursuant to Article II, Section 6.  
 11

12 2) The District Council Chairperson shall at such meeting see assembled at least one  
 13 (1) individual eligible to become a member of the Precinct Club and proceed as  
 14 with the initial organization of a new club.  
 15

16 3) If the District Council Chairperson fails to reorganize the precinct within fifteen  
 17 (15) days of the declaration, the Chairperson of the County Committee shall  
 18 accept the responsibility for reorganizing the precinct as defined in this Article.  
 19

### 20 **Section 3. Biennial Election of Precinct Officers and Delegates to the State Convention.**

21  
 22 3A. The Precinct Club shall meet to elect officers, delegates, and alternates as provided in  
 23 Section 5 of this Article and Article VI, Section 2.E., on the first Tuesday of March in  
 24 every even numbered year or at such other times as may be determined by the State  
 25 Central Committee. Elections shall be by secret ballot if requested by any member  
 26 present. The official notice designating the time, place, and purpose of such meeting  
 27 shall be given by the Secretary of the County Committee by publication at least once in a  
 28 newspaper of general circulation in each of the Counties and by other appropriate written  
 29 communication to each Democratic Party member not less than twenty (20) days prior to  
 30 the first Tuesday of March of such year, provided, however, that in the County of  
 31 Hawai'i, notice shall be published in both East and West Hawai'i.  
 32

33 1) By the first week of December of odd numbered years in order to facilitate the  
 34 compilation of said list of Precinct and District meeting places, each County  
 35 Chairperson shall be responsible to contact each Precinct President who shall be  
 36 responsible to secure a meeting place in order of preference: a) polling place, b)  
 37 community center, or c) other.  
 38

39 2) Each Precinct President shall report their meeting place to the District  
 40 Chairperson by the 15th of December. It shall be the District Chairperson's  
 41 responsibility to report back to the County Chairperson with the meeting places  
 42 by December 21. The County Chairperson must submit to the Corresponding  
 43 Secretary a completed list of meeting places by January 5 of even numbered  
 44 years.  
 45

1 3B. The Democratic Party Headquarters shall issue a certified copy of the membership list of  
2 each Precinct Club to the District Council Chairpersons and Precinct Club Presidents not  
3 later than thirty (30) days before the regular elections for officers and delegates of that  
4 Precinct Club.

5  
6 1) The official list shall include only the names of those persons eligible to  
7 participate in the Precinct Club elections. A copy of this list will be available to  
8 any interested Democrat at the County Office and District Council in which the  
9 precinct is located.

10  
11 2) Members listed on the official membership list for that precinct shall be eligible to  
12 vote in that precinct. Members who do not appear on said list shall comply with  
13 the rules of membership as provided in Article I.

14  
15 3C. Where a name has been omitted from the certified list and the member whose name was  
16 omitted produces at the precinct election meeting a dated membership card signed by a  
17 Secretary of a County Committee, County Chairperson, Secretary of the State Central  
18 Committee, or State Chairperson showing membership or the form provided in Article I,  
19 Section 4.B., and proof of voter registration in that precinct, that name shall be added to  
20 the list noting the date of membership. The respective secretaries of District Council, the  
21 County Committee and State Central Committee will be informed of the addition made to  
22 the certified list.

23  
24 3D. Within ten (10) days after issuance of this certified list, any member may challenge any  
25 name appearing on the precinct list by submitting in writing reasons therefore to the  
26 Secretary of the District Council. These challenges shall be heard promptly by the  
27 Executive Committee of the District Council upon due notice to the parties of the time  
28 and place of the hearing and shall be disposed of prior to the election of precinct officers  
29 and delegates. The decision of the Executive Committee of the District Council shall be  
30 final and conclusive.

31  
32 3E. Where no meeting is held because a quorum of one (1) person is not attained at the  
33 March biennial election meeting, it shall be the duty of the members of that precinct club  
34 to attempt immediately a successful meeting. Where no officers have been elected in the  
35 current biennium, any member of the precinct may, by written petition to the respective  
36 District Council, request the initiation of precinct reorganization.

37  
38 1) The Secretary of the District Council shall be notified of the time, place, and  
39 purpose of the prospective special meeting and notice will be given pursuant to  
40 Article II, Section 6.

41  
42 2) Where no successful meeting is held by the fourth Tuesday in March, the  
43 Chairperson of the District Council shall consider the precinct inactive and initiate  
44 reorganization as set forth in Section 3.E. of this ARTICLE. Should a Precinct  
45 Club be reorganized at least 15 days prior to a County or State Convention, the

Precinct Club shall have all the privileges of a Precinct Club organized on the first Tuesday of March.

- 3)  
Where no successful meeting is held 21 days prior to a State Convention, the District Council shall appoint delegates and alternate delegates to the State Convention, with priority for delegates going first to members of the original precinct club, then to those elected as alternate delegates from other precincts in the district. These appointments shall be made at least 21 days prior to the State Convention and the delegates and alternates so appointed shall have the same rights and privileges at a State Convention as if they were elected on the first Tuesday of March.

- 3F. In the event that a precinct holds a successful biennial election except that all positions are not filled, a Precinct Club may hold additional meetings after the biennial election to fill any vacancy subject to the notice requirements of ARTICLE II, Section 6. Officers, delegates and alternates so elected shall have the same rights and privileges at a County or State Convention as if they were elected on the first Tuesday of March, so long as they are elected at least 15 days prior to such convention. In the event that there are delegate and alternate vacancies 21 days prior to the State Convention but at least one delegate has been elected, the District Council and the precinct delegate shall appoint delegates and alternate delegates to the State Convention, with priority for delegates going first to persons residing in the precinct and then to persons elected as alternate delegates from other precincts in the district. If no delegates have been elected previously, the District Council shall appoint delegates and alternate delegates to the State Convention, with priority for delegates going first to persons elected as alternate delegates from other precincts in the district. These appointments shall be made at least 15 days prior to the State Convention and the delegates and alternates so appointed shall have the same rights and privileges at a State Convention as if they were elected on the first Tuesday of March.

- 3G. The results of the Precinct Club election shall be signed and certified by the President and the Secretary of the Precinct Club and shall be delivered or postmarked within forty-eight (48) hours of the election to the State Central Committee, the County Committee and the District Council. Official forms for such certification shall be provided by the County Committee and shall include the following:

- 1) Time, place, and date of the meeting.
- 2) Names and addresses of eligible club members present and voting.
- 3) Names and addresses of the officers elected.
- 4) Names and addresses of the elected delegates and alternates elected.



- 1 3H. The certified Precinct Club election report forms shall be maintained on file at the  
2 District, County, and State offices and shall be open to inspection by any registered  
3 member of the Party.  
4
- 5 3I. Challenges concerning the election of Precinct Club officers shall be made to the District  
6 Council at its first meeting on the first Tuesday in April. The meeting place, time, and  
7 purpose shall be given by the Secretary of the District Council pursuant to Article III,  
8 Section 4 and shall be announced at the precinct election. The District Council shall, not  
9 later than the second Tuesday in April, rule on every challenge concerning a precinct  
10 officer or concerning the validity of a vote on or the eligibility of a person voting on any  
11 question other than the election of State Convention delegates. An appeal from the  
12 decision of the District Council must be made to the County Committee not later than  
13 April 30th, and can be made only after compliance with the procedures and requirements  
14 of this paragraph. Further appeal may be taken to the County Convention.  
15
- 16 3J. Challenges concerning delegates to the State Convention shall be submitted to the  
17 District Council at its meeting on the first Tuesday in April for transmittal to the Pre-  
18 Convention Credentials Committee. In its transmittal to the Pre-Convention Credentials  
19 Committee, the District Council shall make recommendations after investigating the  
20 challenge and furnish all relevant information. The Pre-Convention Credentials  
21 Committee shall be appointed by the State Chair and shall include four sub-committees,  
22 one for each County, to dispose of challenges within their respective Counties. The sub-  
23 committee for each County shall be composed of at least five (5) members from that  
24 County. The Pre-Convention Credentials Committee shall rule on each challenge at least  
25 two (2) weeks before the State Convention. Further appeal may be taken to the State  
26 Convention.  
27
- 28 3K. Challenges concerning the election of Precinct Club officers and delegates to the State  
29 Convention for precincts which held elections subsequent to the March Precinct meetings  
30 shall be made no later than fifteen (15) days after the elections following the procedures  
31 in 3I. and 3J. above.  
32

#### 33 **Section 4. Officers of Precinct Club.**

34

- 35 4A. The elected officers of the Precinct Club shall be a President, a First Vice-President, a  
36 Secretary, a Treasurer and the Precinct's District Councilperson. The Precinct Club may  
37 elect such other officers and alternates, including an Alternate District Councilperson for  
38 offices as it may deem necessary and may combine any two (2) offices except those of  
39 President, First Vice-President and the Precinct's District Councilperson. Precinct Club  
40 officers shall not be required to relinquish their positions if elected or appointed to the  
41 State Central Committee.  
42
- 43 4B. Each officer shall take office immediately upon election and shall hold office from the  
44 time of election until a successor is duly elected, or until said officer moves out of the  
45 precinct.  
46

- 1 4C. Any officer who has resigned or becomes unable to serve shall be replaced by the  
2 Precinct President. If the Precinct Club does not replace the officer, the Chairperson of  
3 the District Council will replace that officer.  
4
- 5 4D. The officers of the Precinct Clubs shall have those duties which usually pertain to the  
6 offices concerned. In addition, each has the following special duties:  
7
- 8 1) The President shall make arrangements for the biennial precinct election meeting  
9 by the 15th day of December preceding the election year in accordance with  
10 Article II, Section 3.A.1). The President shall call and preside at all meetings of  
11 the club. The President shall issue notice of proposed meetings to the entire  
12 membership and make arrangements for obtaining a meeting place. The President  
13 shall call a meeting here requested to do so by any five (5) members of the Club,  
14 or by the Chairperson of the District Council. The President shall notify the  
15 Secretary of the County of any corrections to the membership list for the precinct  
16 which are made known to the President. The President shall be a representative  
17 from the precinct to the District Council. The President shall follow a set of  
18 guidelines/procedures as set forth by the State Central Committee relating to the  
19 running and conduct of a precinct meeting.  
20
- 21 2) The First Vice-President shall perform the duties and functions of the President in  
22 the absence or sickness of the President or in the event the President fails or  
23 neglects to perform such duties.  
24
- 25 3) The Secretary shall attend each meeting and keep a minute book wherein shall be  
26 recorded the happenings, resolutions, motions and rules of each meeting. The  
27 Secretary shall also keep custody of such records and membership lists and upon  
28 the expiration of the term of office shall surrender these records and lists to either  
29 of the succeeding Secretary or to the Chairperson of the District Council.  
30
- 31 4) The Treasurer shall be responsible for the safekeeping of all money and revenues  
32 of the club and shall submit a report in writing to the club at each regular meeting.  
33 Upon the expiration of his term of office, the Treasurer shall turn over to the  
34 succeeding Treasurer or Chairperson of the District Council all moneys, accounts,  
35 or bankbooks. The Treasurer shall have the specific duty to see that all bills  
36 incurred by the club are promptly paid and that all assessments levied by the Party  
37 are promptly forwarded.  
38
- 39 5) It shall be the specific duty of the District Councilperson to attend all meetings of  
40 the District Council and the County Convention either in person or by proxy as  
41 authorized by Article III, Section 6 and to report to the club matters discussed and  
42 decided therein.  
43
- 44 6) In the absence of any regularly elected officers at any duly called meeting of the  
45 Precinct Club where a quorum of one (1) is present, a temporary officer may be

chosen by those in attendance to preside over the meeting, as well as a temporary secretary designated to record the minutes of the meeting.

**4E. Automatic Succession.**

- 1) **President.** In the event that the Precinct President vacates the position or is elected District Chairperson or officer of a County Committee or other position requiring he/she to automatically vacate his/her precinct office, the precinct First-Vice-President shall automatically become precinct President.
- 2) **District Councilperson.** In the event the precinct District Councilperson is elected District Chairperson or officer or a County Committee or other position requiring he/she to automatically vacate his/her precinct office, the alternate District Councilperson shall automatically become precinct District Councilperson.

**Section 5. Delegates and Alternates to the State Convention.**

5A. Each precinct shall elect delegates to the State Convention as contained in the official Call of the Party, subject to the composition requirements set forth in Article VI, Section 2.E. To provide every Precinct Club representation at the State Convention, a Precinct Club will elect alternate delegates equal to the number of delegates allocated to the club, provided that the official Precinct Club membership roster, at the time of the biennial election certified adequate membership for the precinct to elect an equal number of alternates. Election of alternates should be subject to the composition requirements set forth in Article VI, Section 2.E. In the event the certified roster indicates insufficient membership for an equal number of alternates, the precinct shall decide the number of alternates to be elected. No person shall participate in more than one (1) meeting of a Precinct Club held for the purpose of electing delegates to the State Convention. "Participation" as used above shall include voting.

- 1) Any member of the Precinct Club may be elected to represent that club as a delegate or alternate at the State Convention. Alternates shall be elected in an order of succession to delegate status beginning with the number one (1). If a delegate is unable to attend the State Convention, the delegate may choose any alternate of that delegate's same sex elected in the Precinct Club to serve in that delegates stead. If no elected alternate of the same sex is available, the delegate may designate an elected alternate of the opposite sex in the delegate's stead. However, no alternate shall act for more than one (1) delegate. In the event a delegate fails to choose an elected alternate the succession of alternates to a delegate status shall be in the order of succession as designated by the Precinct Club at its biennial election. An alternate, in order of succession, may be seated as a delegate if a delegate has not registered no later than thirty (30) minutes prior to the published time of convening the Convention on the second day of the Convention. The provision for reseating a delegate to the Convention shall be by the attendance and in the following order of priority:

- 1 a) Elected Delegate.
- 2
- 3 b) Elected Alternate of the same sex of the absent Delegate chosen by the
- 4 absent Delegate.
- 5
- 6 c) Elected Alternate of the same sex in the order of succession.
- 7
- 8 d) Elected Alternate of the opposite sex of the absent Delegate chosen by the
- 9 Absent Delegate.
- 10
- 11 e) Elected Alternate of the opposite sex in the order of succession.
- 12
- 13 2) The delegates and alternates seated as delegates from a precinct shall cast all
- 14 votes allotted to the precinct. In the event no delegates and/or alternates seated as
- 15 delegates from a Precinct Club are present, the votes to which the Precinct Club is
- 16 entitled and which are to be cast for actions on Resolutions, Platform and Rules
- 17 shall be apportioned among the delegates and alternates seated as delegates for the
- 18 Representative District.
- 19
- 20 3) Delegates and alternates seated as delegates in attendance at the biennial
- 21 convention shall cast their individual votes allotted to the precinct in voting for
- 22 Party Officers.
- 23
- 24 4) If a precinct does not have a full delegation composed of delegates or alternate
- 25 delegates to the State Convention as delegates by the end of the respective County
- 26 Convention, then the precinct president may first fill a precinct's allotted
- 27 delegation from members, within the precinct, and if vacancies remain, then the
- 28 District Council Chairperson, with preference given to alternate delegates from
- 29 other precincts within the district, may fill any precinct's allotted delegation
- 30 including those of unorganized precincts from members within the district subject
- 31 to the composition requirements set forth in Article VI, Section 2E. These
- 32 appointments shall be made at least fifteen (15) days prior to the State Convention
- 33 and the delegates and alternates so appointed shall represent the precinct to which
- 34 they were assigned and shall have the same rights and privileges at a State
- 35 Convention as if they were elected on the first Tuesday of March with the
- 36 provision that the paperwork be submitted to Party headquarters within ten (10)
- 37 days prior to the State Convention.
- 38
- 39 5B. Precinct Presidential Poll During Presidential Election Years. In every year in which a
- 40 presidential election occurs, a presidential poll shall be taken on all precinct members
- 41 present to determine their presidential preferences or uncommitted status. Precincts shall
- 42 conduct a formal registration (sign in and verification) process under the guidance of the
- 43 district chairperson, or designee, to insure the identity, residence, and status of each
- 44 person as a member of the Democratic Party. The voting, counting, and submission of
- 45 ballots shall be the responsibility of the District Chairperson, or designee, subject to the
- 46 following:

- 1) The presidential poll shall be taken by secret ballot.
- 2) Balloting for the presidential poll shall be open for at least thirty (30) minutes or for the duration of the precinct meeting, whichever is greater. When more than one (1) precinct votes at a common location, the registration and presidential voting process shall be held in common for the voting period of the preference poll immediately prior to the beginning of the precinct meetings.
- 3) Registrar/tellers shall be appointed:
  - a) to receive and accept proof of identify from each Precinct Club member, and
  - b) to count and record ballots for the precinct.
- 4) One (1) registrar/teller shall be selected from each of the opposing candidates represented in the Precinct Club.
- 5) Ballots shall be sealed in an envelope and submitted with the precinct election results to the Democratic Party Headquarters.
- 6) The results of the presidential polls shall be submitted by mail or other appropriate means to the State Central Committee within forty-eight (48) hours. The State Central Committee shall tabulate the results on a Congressional District basis and announce such results within twenty (20) days after the poll. The official registration sheet shall be available to the representatives of the various presidential candidates at least seven (7) days prior to the State Central Committee announcement of the results.

**Section 6. Notice of Meeting.**

- 6A. No Precinct Club meeting shall be duly called unless notice is given to the entire membership by telephone, electronic mail or personal or written notice mailed to the last known address at least five (5) days prior to the date of the meeting, or by publication at least once in a newspaper of general circulation in that County at least five (5) days prior to the meeting. However, the notification requirements of this section shall be waived when a second attempt is made to hold a precinct meeting for the purpose of electing Precinct officers and delegates to the State Convention, provided that each member who attended the earlier attempted meeting be notified at least five (5) days in advance of any subsequent meeting.

**Section 7. Proxies.** No proxies shall be voted at any Precinct Club meeting.

**Section 8. Use of the Name of the Democratic Party of Hawai'i.** No Precinct Club or combination of Precinct Clubs, or members of clubs, or committees shall be permitted to use the

1 name of the Democratic Party of Hawai'i without first obtaining express and specific consent  
2 and authority of the appropriate County Committee or State Central Committee.

3  
4 **Section 9. Club Rules.** Each Precinct Club may adopt rules for the proper conduct of its  
5 business not inconsistent or in conflict with the General Laws of the Democratic Party of  
6 Hawai'i.

7  
8 **ARTICLE III - DISTRICT COUNCIL**  
9

10 **Section 1. Organization.** There shall be a District Council in each Representative  
11 District, which shall consist of all the Precinct Presidents and District Councilpersons of each  
12 precinct and the duly elected Chairperson. Counties may include the Precinct First Vice-  
13 President.

14  
15 **Section 2. Officers.**  
16

17 2A. Officers of a District Council shall be a Chairperson, not more than three (3) Vice-  
18 Chairpersons, not more than two (2) Secretaries, and a Treasurer. When more than one  
19 (1) Vice-Chairperson is elected, they shall be designated as First, Second Vice-  
20 Chairperson, etc. The offices of the Secretary and Treasurer may be held by one (1)  
21 person. A Chairperson of the District Council upon election shall automatically vacate  
22 the office of Precinct President, Precinct Vice-President or District Councilperson. The  
23 officers of the District Council shall constitute the Executive Committee.

24  
25 2B. Except for the Chairperson, who may be any member of the Party residing in the District,  
26 only members of the District Council may be elected officers of the Council.

27  
28 2C. The duties of the officers of the District Council shall be those usually pertaining to the  
29 office concerned and specifically include any duties imposed by the General Laws of the  
30 Democratic Party of Hawai'i.

31  
32 1) The Chairperson of the District Council shall have the power and duty to appoint  
33 chairpersons and members of all special and standing committees with the advice  
34 and consent of the majority of the members of the District Council. The  
35 Chairperson shall be responsible for the calling of all regular and special meetings  
36 of the District Council and the giving of proper notice and the arranging for  
37 meeting places for both special and regular meetings. The Chairperson of the  
38 District Council shall seek volunteers to serve on standing committees of the State  
39 Convention, and, insofar as practicable, shall recommend one (1) person of each  
40 sex for each committee.

41  
42 2) The various Vice-Chairpersons of the District Council in the order of their  
43 respective designation shall have the power to perform the duties and functions of  
44 the Chairperson in the absence or sickness of the Chairperson or in the event the  
45 Chairperson fails or neglects to perform such duties.  
46