

REPORT OF
THE 2024 O‘AHU COUNTY DEMOCRATS CONVENTION RULES COMMITTEE

Aloha O‘ahu County Convention delegates:

We submit the following Report of the Convention Rules Committee to the 2024 O‘ahu County Democrats Convention.

Your Convention Rules Committee met on March 26, 2024 via Zoom at 6:03 p.m. and adjourned at 8:15 p.m.; on April 3 via Zoom at 6:05 p.m. and adjourned at 8:03 p.m.; and on April 5 via Zoom on at 6:07 p.m. and adjourned at 8:04 p.m.

On March 26, 2024, members present at the OCD Rules Committee meeting were as listed below. Quorum was met with 15 members present at the beginning of the meeting.

Elton Fukumoto

Lynn Otaguro

Alan Burdick

George Casen

Sam Filipo

Lyndsey Garcia

Michael Golojuch, Jr.

Mike Golojuch, Sr.

Les Ihara, Jr.

Ryan Kagimoto

Mike McCartney

Richard Oshiro

Melissa Vomvoris

Aileen Wada

Kevan Wong

Joined later: Darius Kila

Guests in attendance: Aria Juliet Castillo, Stephanie Fitzpatrick

Members not in attendance:

Cory Chun

Justan Wong

Zoom Administrator: Jimmy Nguyen

On April 3, 2024, members present at the OCD Rules Committee meeting were as listed as below. Quorum was met with 11 members present at the beginning of the meeting.

Elton Fukumoto

Lynn Otaguro

Mike Golojuch, Sr.

Mike McCartney

George Casen
Cory Chun
Sam Filipino
Michael Golojuch, Jr.

Richard Oshiro
Melissa Vomvoris
Kevan Wong

Joined later: Ryan Kagimoto, Aileen Wada, Lyndsey Garcia

Left early: Cory Chun

Guests in attendance: Aria Juliet Castillo, Stephanie Fitzpatrick

Members not in attendance:

Alan Burdick
Les Ihara, Jr.
Darius Kila
Justan Wong

Zoom Administrator: Jimmy Nguyen

On April 5, 2024, members present at the OCD Rules Committee meeting were as listed as below. Quorum was met with 14 members present at the beginning of the meeting.

Elton Fukumoto
Lynn Otaguro
George Casen
Cory Chun
Sam Filipino
Michael Golojuch, Jr.
Mike Golojuch, Sr.

Ryan Kagimoto
Darius Kila
Mike McCartney
Richard Oshiro
Melissa Vomvoris
Aileen Wada
Kevan Wong

Joined later: Lyndsey Garcia, Les Ihara, Jr.

Members not in attendance:

Alan Burdick
Justan Wong

Zoom administrator: Jimmy Nguyen

Respectfully submitted by
Elton Fukumoto, Co-Chair
Lynn Otaguro, Co-Chair
OCD Convention Rules Committee

PART I

Part I consists of all proposals recommended for adoption by the Committee

Recommended Amendment #1

DPH Constitution, Article V, Section 5(15)

[The Three Absences rule requires a vote of the SCC]

Article V, Section 5. Powers and Duties.

As is:

The State Central Committee shall:

(15) Remove a member of the State Central Committee who has accrued three absences from regular State Central Committee meetings.

As amended:

The State Central Committee shall:

(15) Vote to Remove a member of the State Central Committee who has accrued three absences from regular State Central Committee meetings.

Rationale:

Right now, a more specific SCC rule says that the removal after three absences is automatic. This amendment allows the member the opportunity to appear before the Board before a vote to remove and ask it to excuse the member's absences.

No effect on other sections.

Recommended Amendment #2

[An assigned proxy may substitute for a District Chair at a County Organization Meeting] DPH Bylaws, Article III, Section 1C(2)

As is:

The various Vice-Chairpersons of the District Council in the order of their respective designation shall have the power to perform the duties and functions of the District Chairperson in the absence or sickness of the District Chairperson or in the event the District Chairperson fails or neglects to perform such duties. The First Vice-Chairperson shall be responsible for assisting the State Secretary in gathering and updating the contact information for their District members.

As amended:

The various Vice-Chairpersons of the District Council in the order of their respective designation shall have the power to perform the duties and functions of the District Chairperson in the absence or sickness of the District Chairperson or in the event the District Chairperson fails or neglects to perform such duties. **With respect to attendance at a County Organization meeting, a District Chairperson may assign their proxy to another officer of their District Council.** The First Vice-Chairperson shall be responsible for assisting the State Secretary in gathering and updating the contact information for their District members.

Rationale:

The OCD Bylaws on proxies were amended by the 2023 OCD Convention. But one lingering problem may still be hanging around. There is a tension between the actions of the District Chair to assign (designate) a proxy and the duty of a Vice Chair to fill in during the absence of the Chair.

The new OCD Bylaw 7.2 states: “A District Chairperson may assign their proxy to another officer of their District Council.” Here, the District Chair has the responsibility to find their replacement to an OCC meeting.

The new rules also deleted a conflicting rule which allowed the First Vice Chair to replace the Chair even without being designated. “In the absence of the District Chairperson, the First Vice Chairperson shall have the right to vote and represent the District without further designation or proxy.” What would have happened if the Chair designated someone other than the First Vice Chair at the same meeting at which the First VC asserted their right to replace the Chair?

Making those changes did not completely solve the problem because arguably the DPH Bylaws give the Vice Chair the right to replace the Chair, and a DPH Bylaw constitutes higher authority than an OCD Bylaw. Robert’s and every set of similar rules gives the Vice Chair or Vice President the duty or authority to replace the Chair or President in their absence.

Effect on Other Sections of the Constitution or Bylaws:

No effect, but effect on the OCD Bylaw 7.2 as stated above

Recommended Amendment #3

Proposed Amendment to DPH Bylaws Article VI, section 2B

[Stating that elected State and County officials do not include Neighborhood Board Members]

Section 2. Composition.

2A. Incumbent Party Chairperson, National Committeeman and National Committeewoman, State Central Committee Members, Incumbent and Immediate Past County at-Large Representatives to the State Central Committee, District Chairpersons, Incumbent and Immediate

Past County Chairpersons, including *ex-officio* members of the State Central Committee, former Democratic Governors, former Democratic Lieutenant Governors, and former Democratic Party Chairpersons.

2B. Elected Federal, State and County Officials or officials who may have been appointed to fill a vacant position of an elected official, which do not include members of the Neighborhood Boards, who meet the following requirements:

- 1. Be a member in good standing.**
- 2. Have attained their present office in an election as a Democrat or appointed to fill a vacant position of an elected official or have attained their present office in a nonpartisan election provided they are Democratic Party members in good standing.**
- 3. The rights and privileges granted in this paragraph are nontransferable.**

Rationale:

The added language makes it clear that members of Neighborhood Boards do not count as elected officials even though they have been elected to Boards set up by the City and County of Honolulu.

This clarification is needed because some may mistakenly believe that the set of rules called “Policy on Party Support of Democrats Running in a Non-Partisan Race” applies to Neighborhood Board Members. They do not.

For example, elected officials are automatic delegates to the State Convention. This courtesy is not extended to Neighborhood Board members who are Democrats.

In order to be eligible for Party support, candidates for office in both non-partisan and partisan races are asked to fill out a candidate statement form. Neighborhood Board candidates who are Democrats are not sent this form and thus are not asked by the Party to fill it out. If a candidate does not fill out the form, they are not eligible for Party support, according to the non-partisan race rules.

State Law: NB elections and candidates for NB elections are not regulated by the Office of Elections or by the Campaign Spending Commission, which regulate “real” candidates. The former agency makes the exclusion implied while the latter agency has an explicit exclusion.

No effect on other sections of the Constitution or Bylaws, but, as stated above, effect on the “Policy on Party Support of Democrats Running in a Non-Partisan Race.”

Above Policy attached



Democratic Party of Hawai'i
Policy on Party Support of Democrats Running in Non-partisan Races

Approved by the State Central Committee on January 8, 2022

SCOPE

One of the priorities of the Democratic Party of Hawai'i (DPH) is to elect Democrats up and down the ticket. This policy is to provide guidance on how and if the Party at the State and County level is able to provide support to Party members running as a candidate in non-partisan races.

JUSTIFICATION

The Party has established that non-partisan races matter to the health and wellbeing of the Party, so much so that Democrats that are elected officials in non-partisan positions are automatic Delegates to the Biennial State Convention. DPH Bylaws (Article VI, Section 2, 2B (2)).

The Party also requires current and formerly elected officials in non-partisan elected positions to go through the same process as those current and formerly elected officials in partisan positions. DPH Bylaws (Article I, Section 2, 2B), and DPH Constitution (Article I, Section 3).

ELIGIBILITY REQUIREMENT

Any active member of the Democratic Party of Hawai'i running for elective office in a non-partisan race can ask for the Party's support at the State and County level if they:

- 1. Publicly declared they are running as a Democrat; and**
- 2. Responded to the Candidate Statement Form(s) as provided in Article IX, Section 1 of the DPH Bylaws, if the forms have been issued.**

HOW TO DECLARE

A candidate can publicly declare they are running as a Democrat by:

- Placing the Democrat “D” on their campaign signs, and/or other materials;
- and/or • Stating they are a Democrat on their campaign’s website, and/or materials; and/or
- In public statements.

HOW TO ASK FOR PARTY SUPPORT

The DPH member seeking support from the Party for their candidacy in a non-partisan race must contact in writing the Party Chair and copy the Executive Director, and Party Secretary, and their respective County Chair if a County race, requesting support from the Party. The email should provide evidence of how they declared they are running as a Democrat as listed above.

Deadline for seeking the Party’s Support is seven (7) days after the filing deadline for regular or special elections.

The Party Chair, Executive Director, or their designee will alert the DPH members which candidates in non-partisan races are eligible for Party support under this Policy by either email and/or posting to the Party’s website within ten (10) days after the candidate filing deadline.

WHEN THE PARTY SUPPORT CAN BE PROVIDED

1. When there is only one declared (1) Democratic candidate running in a regular, or special elections in a non-partisan race and that candidate has asked for the Party’s support, the Party may provide support as long as the candidate meets the Eligibility Requirement. DPH Constitution (Article VIII, Sections 3).
2. If there are multiple Democrats running in a regular, or special elections in a nonpartisan race and only one (1) has declared to the Party they are running as a Democrat and they have asked for the Party’s, the Party may provide support as long as that candidate meets the Eligibility Requirement under this policy.
3. If there are multiple declared Democrats running in a regular, or special elections in a non-partisan race that meet the Eligibility Requirement under this policy and that have asked for the Party’s support then the Party is to remain neutral.

PARTY’S SUPPORT AND RESOURCES

The DPH’s support for non-partisan candidates, that are eligible for support under this Policy, may include:

- Listing the candidate on the State Party and/or County’s website with a hyper-link to their campaign website.

- **Candidate mentioned in emails using the Party’s email platform and/or Party social media accounts; this can include calls for candidate support for campaigning and at non-fundraising events.**
- **Inclusion in Coordinated Campaign materials.**
- **Statements of support from Party Officers using their title, if the Party Officer agrees to give the statement of support.**

No Party resources may be used for fundraising purposes for any candidate under this Policy.

All DPH Party Officers (State and County) are barred from using their Party title(s), even if just for identification purposes, and Party resources:

- **In support or opposition of candidates in races that the Party is required to remain neutral under this Policy, and**
- **In support of any non-Democrat running in non-partisan races.**

Party resources may include:

- **Website**
- **Email platform**
- **Social media platforms**
- **Newsletters and other mailings**
- **Tabling activities**
- **Parade units**
- **Other Party activities**

Candidate forums are not deemed as a Party resource under this policy. Therefore all declared Democrats are able to participate in these forums.

INDIVIDUALS

Members of the Democratic Party of Hawai‘i are encouraged to support their fellow Democrats running for elected office in non-partisan races as much as they are able. DPH members are not in violation of this Policy if they choose not to do so in their individual capacity.

However, party members are prohibited from actively supporting a non-party member in a non-partisan election when there is a declared Democrat in the race. DPH Bylaws (Art. I, Sec. 8, 8A (2) (a)).

Recommended Amendment #4

Bylaws Member Database Access

- A. Bylaws, Article I, Section 5, Part 5A.
5A. The State Central Committee shall establish the policy of who has access to the computer membership records and who may make changes thereto and the Secretary of the State Central Committee shall oversee the implementation of the State Central Committee policy regarding access to the membership database. It shall be the duty of the Democratic Party of Hawai'i to maintain an electronic file as well as an archival plan of all membership data from the enrollment cards pursuant to Section 2, above, as well as record all changes and transfers of which notice is received. The Secretary of the State Central Committee shall notify the County Committee, and the District Council of such changes.
- B. 5A. The State Central Committee shall establish the policy of who has access to the computer membership records and who may make changes thereto and the Secretary of the State Central Committee shall oversee the implementation of the State Central Committee policy regarding access to the membership database; provided that each county chair shall have full access and use of membership records, including the download and filtering of data, of their respective county. It shall be the duty of the Democratic Party of Hawai'i to maintain an electronic file as well as an archival plan of all membership data from the enrollment cards pursuant to Section 2, above, as well as record all changes and transfers of which notice is received. The Secretary of the State Central Committee shall notify the County Committee, and the District Council of such changes.
- C. The work done by the counties requires access to member information. This will provide ease of access to help further party goals.
- D. This does not affect other sections of the bylaws

Recommended Amendment #5

Bylaws Executive Director and Staff Responsibilities

- A. Bylaws, Article VIII, Section 2.
An Executive Director and staff for the Democratic Party of Hawai'i may be appointed by the Chairperson of the State Central Committee with the approval of the State Central Committee. The Executive Director shall report to the Party Chairperson and assist in implementing the policies and plans of the State Central Committee. The compensation of the Executive Director and the budget for the staff shall be determined by the State Central Committee. Paid staff members, including the Executive Director and those under contract with the Party, shall not be voting members of the State Central Committee. Employees of the Party shall maintain neutrality towards political campaigns prior to the completion of the primary election as well as maintain neutrality in internal party elections above District Secretary.
- B. An Executive Director and staff for the Democratic Party of Hawai'i [may] shall be appointed by the Chairperson of the State Central Committee [~~with the approval of the State Central Committee~~]. The Executive Director shall report to the Party Chairperson and

assist in implementing the policies and plans of the State Central Committee. The compensation of the Executive Director and the budget for the staff shall be determined by the State Central Committee. Paid staff members, including the Executive Director and those under contract with the Party, shall have a legal fiduciary duty to the party and shall not be voting members of the State Central Committee. Employees of the Party shall maintain neutrality towards political campaigns prior to the completion of the primary election as well as maintain neutrality in internal party elections above District Secretary.

- C. The Executive Director reports to the Party Chairperson. As such, the Party Chairperson should has discretion as to who they are required to work with.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #6

Bylaws Executive Director and Staff Responsibilities

- A. **Bylaws, Article VIII, Section 2.**
An Executive Director and staff for the Democratic Party of Hawai'i may be appointed by the Chairperson of the State Central Committee with the approval of the State Central Committee. The Executive Director shall report to the Party Chairperson and assist in implementing the policies and plans of the State Central Committee. The compensation of the Executive Director and the budget for the staff shall be determined by the State Central Committee. Paid staff members, including the Executive Director and those under contract with the Party, shall not be voting members of the State Central Committee. Employees of the Party shall maintain neutrality towards political campaigns prior to the completion of the primary election as well as maintain neutrality in internal party elections above District Secretary.
- B. An Executive Director and staff for the Democratic Party of Hawai'i may be appointed by the Chairperson of the State Central Committee with the approval of the State Central Committee. The Executive Director shall report to the Party Chairperson and assist in implementing the policies and plans of the State Central Committee. The compensation of the Executive Director and the budget for the staff shall be determined by the State Central Committee. Paid staff members, including the Executive Director and those under contract with the Party, shall have a legal fiduciary duty to the party and shall not be voting members of the State Central Committee. Employees of the Party shall maintain neutrality towards political campaigns prior to the completion of the primary election as well as maintain neutrality in internal party elections above District Secretary.
- C. The added requirement of fiduciary duty for paid staff members would add to the requirement to remain neutral to campaigns and ask that they remain loyal to the Party.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #7

Bylaws, Caucus certification requirements

- A. **Bylaws, Article V, Section 8, Part 8A(1) and 8A(2).**
8A. Minimal criteria for certification of a caucus shall include:

- (1) Sufficient statewide membership. The State Central Committee may establish a minimum membership of not less than twenty (20) Caucus members, from at least two (2) Counties, to apply for and to maintain certification.
- (2) Caucus Bylaws shall be consistent with the Constitution of the Democratic Party of Hawai'i. The Bylaws shall provide for democratic selection of officers and representatives to the State Central Committee defined terms of office, membership that is open to all Party members who belong to the defined constituency, public notice of meetings, and quorum. The Caucus bylaws shall be filed with the Standing Rules Committee of the State Central Committee for review and comment, and must be approved by the State Central Committee.
- B. 8A. Minimal criteria for certification of a caucus shall include:
- (1) Sufficient statewide membership. The State Central Committee may establish a minimum membership of not less than ~~twenty (20)~~ forty (40) Caucus members, including from at least two (2) members, of different genders, from each of the four (4) Counties, to apply for and to maintain certification.
- C. This is a State Caucus, there should be equal representation from each county. In addition, this should follow our standard 2 different gender requirements. Furthermore, as this is a State Caucus, there should be much more than a minimum of 20 members.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #8

Bylaws, Caucus certification requirements

- A. Bylaws, Article V, Section 8, Part 8A(1) and 8A(2).
- 8A. Minimal criteria for certification of a caucus shall include:
- (1) Sufficient statewide membership. The State Central Committee may establish a minimum membership of not less than twenty (20) Caucus members, from at least two (2) Counties, to apply for and to maintain certification.
- (2) Caucus Bylaws shall be consistent with the Constitution of the Democratic Party of Hawai'i. The Bylaws shall provide for democratic selection of officers and representatives to the State Central Committee defined terms of office, membership that is open to all Party members who belong to the defined constituency, public notice of meetings, and quorum. The Caucus bylaws shall be filed with the Standing Rules Committee of the State Central Committee for review and comment, and must be approved by the State Central Committee.
- B. 8A. Minimal criteria for certification of a caucus shall include:
- (1) Sufficient statewide membership. The State Central Committee may establish a minimum membership of not less than twenty (20) Caucus members, from at least two (2) Counties, to apply for and to maintain certification.
- (2) Caucus Bylaws shall be consistent with the Constitution of the Democratic Party of Hawai'i. The Bylaws shall provide for democratic selection of officers and representatives to the State Central Committee through an election requiring a majority vote and quorum of all members of the Caucus, defined terms of office, membership that is open to all Party members who belong to the defined constituency, public notice of meetings, and quorum. The Caucus bylaws shall be filed with the Standing Rules Committee of the State Central Committee for review and comment, and must be approved by the State Central Committee.
- C. It is imperative that the votes taken by the caucuses be reflective of their actual membership, especially given that the weight of their decision is equal to an entire senate district, This would still allow the caucuses to enact their own bylaws, but would require additional minimum requirements.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #9

Bylaws, Location Determination

- A. Bylaws, Article III, Section 6, Part 6A(3).
(3) Locations will not be necessary if the State Central Committee decides that the biennial election meetings are to be held entirely online.
- B. (3) Locations will not be necessary if the [~~State Central~~] County Committee decides that the biennial election meetings are to be held entirely online.
- C. A County Committee knows the needs of its members better than the State Central Committee would. This decision should be left up to the people who are most familiar with the needs of the district.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #10

Bylaws, Extended vacancy process

- A. Bylaws, Article V, Section 5, Part 5F.
5F. If vacancies are not filled within forty-five (45) calendar days, the State Central Committee shall fill the vacancies.
- B. 5F. If vacancies are not filled within forty-five (45) calendar days, the State Central Committee shall fill the vacancies, provided that, if the filling of a vacancy requires the concurrence of the State Central Committee and the lack of concurrence is the reason the vacancy has not been filled, the Party Chairperson shall have an additional forty-five (45) calendar days to fill the position.
- C. The way the provision is currently written would allow the SCC to intentionally delay an appointment and, after 45 days, appoint someone of their choosing.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #11

Constitution, Requirements for calling a special meeting

- A. DPH Constitution Article V, Section 6, Part 6E
6E. The Party Chairperson shall have the authority to call a special meeting. A special meeting shall also be held upon written request of at least a majority of the Executive Committee and a majority of the State Central Committee. Special meetings shall require not less than five (5) calendar days prior notice to the members of the State Central Committee.
- B. 6E. The Party Chairperson shall have the authority to call a special meeting. A special meeting shall also be held upon written requests of both, [at least] a majority of the Executive Committee and a majority of the State Central Committee. Special meetings shall require not less than five (5) calendar days prior notice to the members of the State Central Committee.
- C. This is clarifying language.

- D. This does not affect other sections of the bylaws.

Recommended Amendment #12

Bylaws, membership fee allocation

- A. Bylaws, Article I, Section 4, Part 4B.
4B. Two dollars (\$2) of every ten dollars (\$10) collected in dues shall be remitted to the county from which the dues originated.
- B. [~~Two dollars (\$2)~~] Three dollars (\$3) of every ten dollars (\$10) collected in dues shall be remitted to the county from which the dues originated.
- C. A large number of expenses are covered by each county. For example, the rental fees for biennial elections. It would be more fair if counties were allowed to keep more of the money paid by their members.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #13

Bylaws, SCC nomination requirements

- A. Bylaws, Article V, Section 2, Part 2D.
2D. The nomination paper of a candidate for a State Central Committee member shall be signed by not less than five (5) certified members of the Party from the nominee's Senatorial District or Caucuses.
- B. 2D. The nomination paper of a candidate for a State Central Committee member shall be signed by not less than five (5) certified members of the Party from the nominee's Senatorial District~~[or Caucuses]~~.
- C. A SCC District Representative should be nominated by the members of the district. This section may be implying that caucus representatives should be nominated in the same way, but that would be in conflict with Section 8 of Article V of the Bylaws, which allows caucus bylaws to rule when selecting representative to the SCC.
- D. This does not affect other sections of the bylaws.

Recommended Amendment #14

Amending Article III, Section 6A of the Bylaws of the Democratic Party of Hawaii:

Section 6. Biennial Election of District Council, Delegates, and Alternates to the State Convention.
6A. The official notice designating the time, place, and purpose of such meeting shall be given by the Secretary of the County Committee ~~by publication at least once in one newspaper of general circulation in each of the Counties and by other appropriate written communication to each~~ Democratic Party of Hawai'i member not less than twenty (20) calendar days prior to the biennial election meeting of such year, . Notice shall be made by use of the Party's email notification

system, and by such social media notifications as the Secretary may determine will be most likely to provide actual notice to the public. The Secretary may post a summary notice by newspaper publication that directs readers to the Party's county and state internet websites. provided Provided, however, that in the County of Hawai'i, notice shall be published in both East and West Hawai'i, as follows: . . .

Rationale

Detailed notices in newspapers of general circulation take up much space and therefore are very expensive. Moreover, notice by publication does not assure actual notification to Party members or other persons who might wish to join the Party and attend the organizational meeting. The internet has become much more accessible to the public since this section of the bylaws was initially written. This proposal attempts to provide better actual notice and also avoid unneeded costs.

Recommended Amendment #15

Amending Section 2.12 (Term of Office) of the O'ahu County Bylaws

(2.12) Term of Office. Immediately following the adjournment of the O'ahu County Convention in odd-numbered years, the OCC Executive Committee shall organize and take office immediately and shall hold office until the adjournment of the next O'ahu County Convention held in an odd-numbered year, with the exception of the O'ahu County State Central Committee representatives, whose term begins and ends at the ~~same time in even-numbered years~~ end of the State Convention.

Rationale:

In the case that an O'ahu County State Central Committee representative is an officer on the State Central Committee's Executive Committee, ending the term of this SCC member at the end of the county convention (should they not run for re-election, or should they lose their election) would deprive the SCC of an officer during a time in which officers are needed to facilitate state convention functions. It would also make sense for there to be an overlap period between the election of a new representative and the end of an outgoing representative's term to facilitate better continuity.

PART II

The Convention Rules Committee considered the following proposals for adoption but decided not to recommend them:

Non-recommended Amendment #1

DPH Constitution, Article V, Section 2

[Removing a State Chairperson]

Article V, State Central Committee

Section 2. Elections.

As is:

2B. In addition to the Party Chairperson, who shall also be the Chairperson of the State Central Committee, the elected officers of the State Central Committee shall be a Vice-Chairperson, a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer. The foregoing officers, except the Chairperson, shall be elected by the members of the State Central Committee from its membership. No candidate for public office or other person who serves as a Chairperson, Treasurer, or Deputy Treasurer on a campaign committee shall be an officer of the State Central Committee. They shall serve until their successors have been elected, provided however, that any officer may be removed for cause by the affirmative vote of two-thirds of all the members of the State Central Committee, at a meeting called for that purpose.

Article V, State Central Committee

Section 2. Elections.

As amended:

2B. In addition to the Party Chairperson, who shall also be the Chairperson of the State Central Committee, the elected officers of the State Central Committee shall be a Vice-Chairperson, a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer. The foregoing officers, except the Chairperson, shall be elected by the members of the State Central Committee from its membership. No candidate for public office or other person who serves as a Chairperson, Treasurer, or Deputy Treasurer on a campaign committee shall be an officer of the State Central Committee. They shall serve until their successors have been elected, provided however, that any officer may be removed for cause by the affirmative vote of two-thirds of all the members of the State Central Committee, at a meeting called for that purpose. In addition, the State Chairperson and other members of the State Central Committee may be removed from office only in a manner consistent with HRS414D, section 138 (Removal of Directors elected by members or Directors) or HRS414D, section 140 (Removal of Directors by Judicial Proceeding).

Rationale:

HRS414D-138 pretty much says that only the body that elected the State Chair may remove them from office. That would be the State Convention, not the SCC. The only alternative is HRS414D-140, which requires filing a removal action in a judicial proceeding.

These requirements would make it exceedingly difficult to remove a State Chair and would pretty much mean that their term would likely run for the full two years.

No other sections affected.

Statute attached:

§414D-138 Removal of directors elected by members or directors. (a) The members may remove one or more directors elected by them without cause unless otherwise provided in the articles or bylaws.

(b) If a director is elected by a class, chapter, or other organizational unit, or by region or other geographic grouping, the director may be removed only by the members of that class, chapter, unit, or grouping.

(c) Except as provided in subsection (i), a director may be removed under subsection (a) or (b) only if the number of votes cast to remove the director would be sufficient to elect the director at a meeting to elect directors.

(d) If cumulative voting is authorized, a director may not be removed if the number of votes, or if the director was elected by a class, chapter, unit, or grouping of members, the number of votes of that class, chapter, unit, or grouping, sufficient to elect the director under cumulative voting is voted against the director's removal.

(e) A director elected by members may be removed by the members only at a meeting called for the purpose of removing the director and the meeting notice shall state that the purpose, or one of the purposes, of the meeting is removal of the director.

(f) In computing whether a director is protected from removal under subsections (b) to (d), it may be assumed that the votes against removal of the director are cast in an election for the number of directors of the class to which that director belonged on the date of that director's election.

(g) An entire board of directors may be removed under subsections (a) to (e).

(h) A director elected by the board may be removed without cause by the vote of two-thirds of the directors then in office or a greater number as is set forth in the articles or bylaws; provided that a director elected by the board to fill the vacancy of a director elected by the members may be removed without cause by the members, but not the board.

(i) If, at the beginning of a director's term on the board, the articles or bylaws provide that the director may be removed for missing a specified number of board meetings, the board may remove the director for failing to attend the specified number of meetings. The director may be removed only if a majority of the directors then in office vote for the removal.

(j) This section shall not apply to any planned community association governed by chapter 421J. [L 2001, c 105, pt of §1; am L 2022, c 69, §3]

§414D-140 Removal of directors by judicial proceeding. (a) The circuit court of the county where a corporation's principal office is located may remove any director of the corporation from office in a proceeding commenced either by the corporation or its members holding at least ten per cent of the voting power of any class, or the attorney general in the case of a public benefit corporation, if the court finds that with respect to the corporation, the director's removal is in the best interest of the corporation due to:

- (1) The director's fraudulent or dishonest conduct;
- (2) The director's gross abuse of authority or discretion; or
- (3) A final judgment finding that the director has violated a duty set forth in sections 414D-149 and 414D-152, and that removal is in the best interest of the corporation.

(b) The court that removes a director may bar the director from serving on the board for a period prescribed by the court.

(c) If members or the attorney general commence a proceeding under subsection (a), the corporation shall be made a party defendant.

(d) If a public benefit corporation or its members commence a proceeding under subsection (a), within ten days of its commencement, they shall give the attorney general written notice of the proceeding. [L 2001, c 105, pt of §1; am L 2004, c 171, §7]

Non-recommended Amendment #2

[Amending the] Procedure for Filling Midterm Vacancies

Rule Change

Democratic Party of Hawai'i Procedure for Filling Midterm Vacancies

Section 2.b.

This section is being inserted

2. Governing References

b. DPH Constitution, Article VIII, Section 10, Process to Identify Candidates to Fill Midterm Vacancies which states:

“When any vacancy occurs in the United States Senate, State Senate or State House that is held by a Democrat, the following process shall be followed to identify candidates who may be recommended to the Governor to fill the vacant office:

(1) The District Council shall select candidates if the vacancy is for an office representing a State Representative District.

(2) The respective officers of the Precinct Clubs and District Councils affected shall select the candidates if the vacancy is for an office representing a State Senate District.

(3) The State Central Committee shall select the candidates if the vacancy is for an office representing the entire State.”

(4) Current elected officials must recuse themselves from voting in the selection process to identify 3 candidates.

The governor, the current senator, representative, or council member elected to the district should not be involved in selecting the 3 candidates to fill the vacancy.

The governor will decide which of the 3 candidates to appoint to public office and does not need to influence or have any say of who the 3 candidates are.

By recusing themselves, elected officials or candidates demonstrate their commitment to upholding ethical standards and ensuring transparency in the selection process. This helps to maintain the integrity of the process and builds trust among our membership and the public.

Non-Recommended Amendment #3

Amending Article V, Section 2B of the Constitution of the Democratic Party of Hawaii:

Section 2. Elections.

2B. In addition to the Party Chairperson, who shall also be the Chairperson of the State Central Committee, the elected officers of the State Central Committee shall be a Vice-Chairperson, a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer. The foregoing officers, excepting the Chairperson, shall be elected by the members of the State Central Committee from its membership. No elected official, candidate for public office or other person who serves as the Chairperson, Treasurer, or Deputy Treasurer on a campaign committee shall be an officer of the State Central Committee. They shall serve until their successors have been elected, provided, however, that any officer may be removed for cause by the affirmative vote of two-thirds of all 41 the members of the State Central Committee, at a meeting called for that purpose.

Rationale: While of course the Democratic Party endeavors to maintain excellent relationships with the Party's elected officials, it is better practice to maintain a separation of personnel. It seems very illogical to bar membership in Party offices to candidates for public office while not barring membership who have actually attained elective office.

Non-recommended Amendment #4

Amending Article V, Section 9E, of the Bylaws of the Democratic Party of Hawaii Constitution (Amending SCC Legislation Committee)

9E. LEGISLATION: The Legislation Committee shall be responsible for preparing and promoting the passage of legislation consistent with the positions of the Democratic Party as expressed in the platform and resolutions adopted at the State Convention, or by a vote of the State Central Committee. The Legislation Committee shall prepare a plan for approval by the State Central Committee prior to each legislative session, shall provide timely reports to the State Central Committee during the session and shall be subject to oversight by the State Central Committee. The Legislation Committee shall be responsible for matters delegated or duties as from time-to-time may be assigned to it by the Chair and/or State Central Committee. No elected official may serve on the Legislation Committee.

Rationale: The Legislation Committee is intended to propose legislative measures that reflect the Party's views to the Legislature. Members of the Legislature dispose of legislative measures. It would be inappropriate for the Legislature to have both the power to propose and dispose of legislative bills and resolutions.

Non-recommended Amendment #5

Amending Article V, Section 9E, of the Bylaws of the Democratic Party of Hawaii Constitution (Amending SCC Legislation Committee)

Section 1. Candidate Support of Platform, Resolutions, Constitution and Bylaws.

The Secretary of the State Central Committee and the Secretary of 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, Constitution, and the Bylaws within seven (7) calendar 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 fourteen (14) calendar 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, and posted to the Democratic Party of Hawai'i website until the end of the General Election. Further, relevant copies of the Candidate Statement Forms shall be made available to the four County Party Chairpersons so that each inhabited island 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 is in agreement with the Platform of the State and Party organizations shall be eligible for Party support upon request. A candidate who fails to abide by these requirements shall not be eligible for Party support by the respective County Committees or the State Central Committee.

Rationale: This amendment would restore a relationship between members of the Democratic Party and their elected officials that had existed for 40 years. In May 1982, delegates to the party's state convention adopted an amendment to the then-party general laws, article XI, section 3. This amendment required democratic party candidates to submit a candidate statement indicating agreement, disagreement, or reservations with each resolution adopted at that year's state convention. At the next convention in 1984, democratic elected officials were given ex officio voting status on party leaders and resolutions, in part to allow them to vote on the resolutions they would be asked about as candidates. At the last state convention, constitution article IX, section 3, was amended to remove the requirement of candidates on convention resolutions. This amendment would put back the two words deleted in 2022: "and Resolutions", to article IX, section 3.