



**Convention Committee on Rules and Charter Report to the National
Convention on Proposed Amendments to the YDA Charter, Bylaws, and
Standing Rules**

**Wednesday, August 11, 2021
Cincinnati, OH**

Chair McFadden:

The Convention Committee on Rules and Charter has met to consider timely submitted proposed amendments to the Young Democrats of America Charter, Bylaws, and Standing Rules. The committee considered twelve (12) timely submitted proposed amendments to either the Charter, the Bylaws, or the Standing Rules.

After due consideration, the Convention Committee on Rules and Charter reports to the National Convention the following proposed amendments and rules as amended by the committee:

- Marquez (CA) - Bylaw Amendment
- Block (WA) - Bylaw Section 205 Amendment
- Block (WA) - Bylaws Section 325 [NEW] Amendment
- Block (WA) - Bylaw Section 350 Amendment
- Wathum-Ocama (MN) - Charter Section 430 Amendment
- Wathum-Ocama (MN) - Charter and Bylaw Amendments
- Wathum-Ocama (MN) - Charter, Bylaw, and Standing Rules Amendments
- Cohen (KS) - Charter Amendments
- Pinn (MA) - Charter and Bylaw Amendments
- Ortiz (CA) - Bylaw Section 1005 Amendment

The text of each amendment is presented individually as a separate part of this report. Please note that **bold** text denotes text to be inserted as part of the amendment (or in some amendments this is indicated by underlined words), and text in ~~strike through~~ denotes text to be stricken.

Respectfully Submitted,

Matthew R. Kochevar (IN) – Chair
Tanner Hale (NV) – Vice Chair
Michael Hemminger (VA) – Secretary

Part I: Proposed Amendment to Bylaw Section 440(d)

Section 440(d) Standing Committee on Resolutions. The Standing Committee on Resolutions shall meet in conjunction with every sitting of the National Committee and shall review every resolution on matters of policy and program, which does not fall within the jurisdiction of any other Standing or Select Committee, prior to action by the National Committee. No policy resolution, as above described, may be submitted to the National Committee until it has been favorably reported out of this committee.

1. Proposed resolutions shall be submitted by a member of the National Committee to the Secretary **and the Chair of the Standing Committee on Resolutions** not later than fifteen (15) days prior to the National Committee meeting for which they are to be considered.
2. The Secretary shall then submit all proposed resolutions to the National Committee not later than ten (10) days prior to the National Committee meeting for which they are to be considered.
3. **Prior to a proposed resolution's submission to the National Committee, the Chair, Vice-Chair, or Secretary of the Standing Committee on Resolutions may, in coordination with each other and subject to the discretion of the Chair, solicit changes to the format and style of a proposed resolution from, and in collaboration with, a proposed resolution's author(s). Neither the Chair, Vice-Chair, nor Secretary of the Standing Committee on Resolutions may require or coerce changes to the substance of a proposed resolution. Any revised proposed resolutions must be submitted to the Secretary by the original proposed resolutions author(s) no later than ten (10) days prior to the National Committee meeting for which they are to be considered.**
4. **After a proposed resolution's submission to the National Committee, the Chair, Vice-Chair, or Secretary of the Standing Committee on Resolutions may, in coordination with each other and subject to the discretion of the Chair, solicit changes to the format and style of a proposed resolution from, and in collaboration with, a proposed resolution's author(s). Neither the Chair, Vice-Chair, nor Secretary of the Standing Committee on Resolutions may require or coerce changes to the substance of a proposed resolution. Any revisions agreed to by the author(s) may be put forward on consent by the Chair before the Standing Committee on Resolutions.**
5. Resolutions deemed urgent and timely by the National Committee, or by being presented to the Standing Committee on Resolutions prior to the adjournment of its meeting with the signatures of the fifteen (15) members of the National Committee, shall be eligible for consideration by the National Committee regardless of the time of submission or consideration by the Standing Committee on Resolutions.

Part II: Proposed Amendment to Charter Section 205

Section 205(a) Regular Member. Any person who has not yet reached the age of thirty-six (36) may be accorded regular membership in this organization by and through a chartered unit. Each chartered unit shall have the primary responsibility for setting requirements for membership in such unit. ~~If a person selected or elected to a position on the National Committee or any Standing or Select Committee is not a regular member, the person holding that position shall be entitled to participate in meetings of such committee but shall not be permitted to cast a vote in such committee.~~

Section 205(b) Associate Member. ~~If a person selected or elected to a position on the National Committee or any Standing or Select Committee is not a regular member, the person holding that position shall be entitled to participate in meetings of such committee but shall not be permitted to cast a vote in such committee.~~

Section 205(c)(b) Honorary Member. Any person who has reached the age of thirty-six (36) may be elected to honorary membership in this organization upon nomination by the President and confirmation by an affirmative vote of three fourths (3/4) of the National Convention. Prior to nomination for honorary membership, candidates shall have demonstrated a commitment to the highest ideals of the Democratic Party and shall have performed extraordinary service to the Young Democrats of America. Honorary members shall be accorded full, non-voting, floor privileges at any National Convention.

Enacting Clause: This amendment shall take effect at the adjournment of the 2021 National Convention held in Cincinnati, Ohio.

Part III: Proposed Amendment to Add Charter Section 325

Section 325(a) Appointment of Temporary Convention Officers. In the event of the death, resignation, or removal of any Convention Officer less than sixty (60) days prior to the opening session of the Convention, the President shall appoint a temporary officer. Any temporary officer shall have full rights and privileges as if they were the permanent convention officer. No individual may be appointed as a temporary Convention Officer if they have indicated they are either running for a National Officer position or have endorsed any candidate for National Officer.

Section 325(b) Election of Permanent Convention Officer. If a temporary Convention Officer is appointed pursuant to Section 325(a) the first order of business and vote taken up in the first General Session of the National Convention shall be a voice vote to approve the temporary officer as a permanent convention officer for the position so appointed. The vote to approve the temporary officer as a permanent convention officer shall be non-debatable. If the voice vote fails, then any properly credentialed delegate may nominate an individual to serve as the permanent convention officer. A vote among all properly nominated individuals shall then be held using the same method as electing National Officers. No individual may be nominated or elected by the Convention if they are either running for a National Officer position or have endorsed any candidate for National Officer. Nothing in this section shall prevent any welcoming remarks, introductions, or similar prior to the voice vote on approving the temporary officer.

Enacting Clause: This amendment shall take effect at the adjournment of the 2021 National Convention held in Cincinnati, Ohio.

Part IV: Proposed Amendment to Bylaw Section 350

Section 350(a) Rules and Charter. The Convention Standing Committee on Rules and Charter shall recommend rules to govern the conduct of the National Convention and shall review and propose amendments to the Charter. The Convention Standing Committee on Rules and Charter shall ensure that its recommended rules to govern the conduct of the National Convention do not contradict or otherwise violate any section of the Charter or these Bylaws governing the conduct or procedures of the National Convention. No rule, special rule, standing rule, rule amendment or amendment to the Charter or the Bylaws shall be considered by the National Convention until and unless it has been reported favorably out of this committee. No later than ninety (90) days prior to the National Convention, the National Committee shall adopt temporary Convention Rules which shall govern the National Convention until the National Convention has adopted its own rules. In the event that an addendum to the temporary Convention Rules is deemed necessary and needed within ninety (90) days of the National Convention, the Committee on Convention Procedures shall propose said addendum to the National Committee. An asynchronous vote pursuant to Charter section 1100(b) shall be conducted, provided, that there shall be no requirement to obtain the signatures of at least 25% of the National Committee to initiate the asynchronous vote process. ~~Notwithstanding Section 350(a) of these Bylaws, for the National Convention conducted in the calendar year of 2021, the Committee on Convention Procedures established under Section 310 of these Bylaws shall propose an addendum to the temporary Convention Rules to the National Committee that will have the temporary Convention Rules comply with Section 350(f), 381, and 382 of the Charter and Section 382, and 916 of the Charter.~~

Part V: Proposed Amendment to Charter Section 430

Section 430(a) Named. The National Committee shall have Standing Committees on Credentials, Rules and Charter, ~~Campaign, and~~ Resolution, and Legislation.

~~Section 430(b) Campaigns Committee Membership. The Standing Committee on Campaigns shall consist of one representative from each chartered unit and such representative need not be a member of the National Committee. Standing Committee members shall be chosen in accordance with procedures established by the chartered units they represent and shall be certified in writing to the Secretary. Additionally, the Standing Committee on Campaigns shall consist of one (1) representative selected by each Regional Caucus.~~

Section 430(be) Other Standing Committee Membership. Each Standing Committee shall consist of one representative from each chartered unit and such representative need not be a member of the National Committee. Standing Committee members shall be chosen in accordance with procedures established by the chartered units they represent and shall be certified in writing to the Secretary.

Section 440(a) Named and Establishment. The National Committee shall have Select Committees on Budget, Campaigns, Chapter Building, International Affairs, Site Selection, ~~and~~ Technology, Training, and Digital Integration, and Diversity and Outreach. The President, with the approval of the National Committee, shall have the discretion to establish and instruct additional Select Committees.

Part VI: Multiple Proposed Amendments to the Charter and Bylaws

Charter

Section 105(a) Definition. This organization shall be composed of chartered units representing all Young Democrats within their respective territories. Territories shall be defined as each of the fifty (50) United States; the District of Columbia; Guam; Puerto Rico; U.S. Virgin Islands; ~~and American Samoa;~~ and one (1) group representing Young Democrats Abroad. There may be no more than one (1) chartered unit in any territory

Section 360(a) Population Votes. Each territory shall receive ten (10), twenty (20), thirty (30), forty (40) or fifty (50) votes for population regardless of the territory's number of members. The populations of territories shall be ranked so that the ten (10) territories with the highest population shall receive fifty (50) votes, the next ten (10) territories shall receive forty (40) votes, the next ten (10) territories shall receive thirty (30) votes, the next ten (10) territories shall receive twenty (20) votes, and the ~~final sixteen (16)~~ remaining territories shall receive ten (10) votes; Young Democrats Abroad shall receive ten (10) votes. The population figures shall be based on the most recent decennial census figures issued by the United States Census Bureau.

Section 370(b) Minimum Unit Delegation to Vote Ratio; Mileage Formula. Chartered units shall be permitted to cast votes allocated under the provisions of the Charter and the Bylaws provided that each chartered unit is represented by registered Delegates, present in person, whose aggregate number does not fall below the votes per delegate ratio established according to the driving mileage from each unit's territorial capitol or largest city, whichever is furthest, to the site of the National Convention as follows: Zero (0) to five hundred (500) miles, one (1) delegate for every three (3) votes; five hundred one (501) to one thousand (1000) miles, one (1) delegate for every four (4) votes; one thousand one (1001) to one thousand five hundred (1500) miles, one (1) delegate for every five (5) votes; one thousand five hundred one (1501) to two thousand five hundred (2500) miles, one (1) delegate for every six (6) votes; any distance in excess of two thousand five hundred (2500) miles, one (1) delegate for every seven (7) votes. Young Democrats Abroad delegate ratio shall be set at one (1) delegate for every seven (7) votes. No later than sixty (60) days prior to each National Convention, the Chair of the Standing Committee on Credentials shall prepare a chart of each territory's driving mileage, derived by the mileage indicated in the current Rand McNally Atlas or comparable mapping standard, along with the delegate to vote ratio derived therefrom. In instances where the National Convention occurs as a videoconference, a teleconference, or an online conference pursuant to Section 311 of the Charter than the votes per delegate ratio shall be one (1) delegate for every three (3) votes and delegates will only be allowed to cast votes allocated under the provisions of the Charter and the Bylaws provided that they are present during the proceedings of the National Convention.

Bylaws

Section 905(b) Mid-Atlantic. Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, Young Democrats Abroad.

Part VII: Proposed Multiple Amendments to the Charter, Bylaws, and Standing Rules

SECTION 1120 Open Meeting Policy. All meetings of the Young Democrats of America shall be open to the public excluding those portions of meetings of the National Committee ~~and the Judicial Council~~ concerning the disclosure of details, recommendations, or disciplinary actions in regards to ~~cases~~ complaints that ~~have been adjudicated or are pending a decision~~ adjudication and ratification by the ~~Judicial Council~~ National Committee. Members of the National Committee ~~and Judicial Council~~ shall be prohibited from disclosing details of executive sessions with outside parties and entities. All portions of meetings that move into executive session shall be preceded and followed by an announced five (5) minute recess. All votes that occur during meetings of the Young Democrats of America shall not be taken by secret ballot. Meetings shall be publicized on the public website of the Young Democrats of America no later than the notification date required for membership and minutes shall be taken and made accessible.

CHARTER ARTICLE XII JUDICIAL COUNCIL

Section 81205(a) Authority. The Judicial Council shall adjudicate disputes arising out of the interpretation or application of the Charter, Bylaws, or Standing Rules of the Young Democrats of America and hear impeachment proceedings against Officers of the Young Democrats of America. ~~The Judicial Council shall hear impeachment proceedings against Officers and Board Members and shall investigate, arbitrate, resolve, and report on serious disputes which do not fall within the jurisdiction of the Rules and Charter, Credentials, or Resolutions Committees prior to their final resolution by the National Committee.~~ The Judicial Council may also ~~hear cases~~ involving adjudicate disputes regarding the election or impeachment of members who are members of the National Committee by virtue of their office, but only after all means of adjudication provided for in the charter of such member's chartered unit have been exhausted. Violations of prohibited conduct pursuant to Section 1305 of the Charter shall not be within the jurisdiction of the Judicial Council. The Judicial Council shall not have authority over:

(i) Violations of prohibited conduct pursuant to Section 1305 of the Charter; or

(ii) Disputes related to YDA's governing documents that come about due to a parliamentary ruling during a session of the National Convention, National Committee, or a Standing or Select Committee.

Section 81205(b) Grounds for Appeals of Unsuccessful Impeachments of National Committee Members. Appeals from impeachment convictions of persons who hold a seat as a member of the National Committee by virtue of an election by a chartered unit shall be limited to violations of the Charter and the Bylaws of the Young Democrats of America or a breach of fiduciary duty to the Young Democrats of America, and shall not extend to any other grounds. No appeal may be made from an impeachment acquittal of a member of the National Committee for any other reason and no original impeachment actions shall be brought for any reason whatsoever. ~~Questions of fact that have been adjudicated by the chartered unit shall be sustained if supported~~

~~by substantial evidence, unless the chartered unit failed to include a complete record of all evidence submitted in the proceeding before the chartered unit, in which case no deference shall be given to any question of fact adjudicated by the chartered unit. All such records shall be accompanied by notarized verifications from the chartered unit's President, Secretary, or other relevant officer with responsibility for the production or maintenance of the record being submitted, that the record is a complete and accurate copy of the evidentiary materials and adjudicative decisions made by the chartered unit in said matter.~~

Section 81205(c) Appeals from National Committee Member Impeachment Convictions. In the case of appeals from impeachments from chartered units, all interpretations of the Charter, Bylaws, and any rule of the Young Democrats of America shall be reviewed de novo, while interpretations of the Constitution, Bylaws, Charter, and rules of a chartered unit shall be reviewed for clear error. ~~Questions of fact that have been adjudicated by the chartered unit shall be sustained if supported by substantial evidence, unless the chartered unit failed to include a complete record of all evidence submitted in the proceeding before the chartered unit, in which case no deference shall be given to any question of fact adjudicated by the chartered unit. All such records shall be accompanied by notarized verifications from the chartered unit's President, Secretary, or other relevant officers with responsibility for the production or maintenance of the record being submitted, that the record is a complete and accurate copy of the evidentiary materials and adjudicative decisions made by the chartered unit in said matter.~~

Section 81205(d) National Committee Election Contest Appeals. In any matter arising from actions challenging, or appeals from the election of a member of the National Committee by a chartered unit, the Judicial Council shall not reverse any decision of a chartered unit by the properly constituted process of said chartered unit except in cases of a violation of the Charter and the Bylaws, or any rule of the Young Democrats of America, or in cases of a clear error by the chartered unit supported by clear and convincing evidence, provided the chartered unit submits the record in support of its decisions including the complete evidentiary basis and reasons for each decision being contested. Questions concerning the interpretation or application of the Charter, Bylaws, or any rule of the Young Democrats of America shall be determined de novo. If the chartered unit failed to adjudicate a question of fact that would be dispositive in a given case, the Judicial Council shall review it and the decisions of the chartered unit de novo. All chartered unit's records shall be accompanied by notarized verifications from the chartered unit's President, Secretary, or other relevant officers with responsibility for the production or maintenance of the record being submitted, that the record is a complete and accurate copy of the evidentiary materials and adjudicative decisions made by the chartered unit in said matter. Review of all other matters whose standard of review is not set forth in this subsection shall be de novo.

Section 1205(e) Previous Adjudication and Documentation. Questions of fact that have been adjudicated by the chartered unit shall be sustained if supported by substantial evidence unless the chartered unit failed to include a complete record of all evidence submitted in the proceeding before the chartered unit, in which case no deference shall be given to any question of fact adjudicated by the chartered unit. All such records shall be accompanied by notarized verifications from the chartered unit's President, Secretary, or other relevant officers with

responsibility for the production or maintenance of the record being submitted, that the record is a complete and accurate copy of the evidentiary materials and adjudicative decisions made by the chartered unit in the said matter.

Section 1205(f) Prima Facie Determination. Upon referral or receipt of a complaint filed with the Judicial Council, the Judicial Council Chair shall promptly make a determination as to whether the complaint alleges a prima facie violation of the Charter and the Bylaws, or any rule of the Young Democrats of America, or in cases of a clear error by the chartered unit supported by proof beyond a reasonable doubt. If a determination is made that the complaint does not allege a prima facie violation, the complaint shall be dismissed without prejudice and the complainant and the subject of the complaint must be promptly notified of the reasons the complaint did not allege a prima facie violation. If the complainant files a revised complaint regarding the same facts and the same subject, the prima facie determination must be completed by the Judicial Council Vice Chair. The chair may order that the prima facie determination for any complaint be made by the full Council and must order that the prima facie determination for a complaint being submitted for the third time be made by the Council.

SECTION 812010 Composition. The Judicial Council shall be composed of one (1) representative elected by each Regional Caucus and three (3) at-large members appointed by the President.

SECTION 81220 Disqualification. No person who is a party in a dispute raised before the Judicial Council shall sit in judgment or cast a vote on the Judicial Council's consideration of that dispute, regardless of such person's membership on the Judicial Council or possession of a proxy vote of a Judicial Council member. A temporary replacement for such member may be chosen by a vote of the National Committee members who are members of chartered units within that affected Region, by the affected Regional Caucus's Regional Director, or by the President.

SECTION 1225 Authority of the Parliamentarian to Rule on Questions of Procedures. Where any questions arise about the meaning or proper procedure of:

- (a) the Charter, Bylaws, and Standing Rules of the Young Democrats of America as applied to the procedures of the Judicial Council; or
- (b) the adopted rules of procedure of the Judicial Council;

the parliamentarian shall have authority to advise the Judicial Council on the proper course of action. Individuals who are direct parties to any complaint being considered by the Judicial and members of the Judicial Council may contact the Parliamentarian if they believe proper procedures of the Judicial Council as mentioned above are being violated. Questions around the proper procedure of the Judicial Council are reviewable to the National Committee upon request of at least four (4) members of the Judicial Council. Requests for review by the National Committee shall be sent in writing to the President, Secretary, Judicial Council Chair, and Parliamentarian.

CHARTER
ARTICLE XIII
PROHIBITED CONDUCT, INVESTIGATIONS, AND ADJUDICATION

SECTION 1300 Organizational Statement. Sexual violence and domestic violence are crimes that are completely incompatible with YDA's core tenets of tolerance, inclusion, and community. Harassment of any kind creates a culture of exclusion that, too, is incompatible with the core tenets of YDA. Harassment, sexual violence, and domestic violence will not be tolerated. YDA will respond promptly and effectively to reports of harassment, sexual violence, and domestic violence, and will take appropriate action to prevent, correct, and when necessary, to discipline and or cooperate with law enforcement authorities regarding any behavior that violates this section. Any substantiated accusations against a YDA member, volunteer, or otherwise YDA-associated individual, which allege that they have committed sexual violence or domestic violence against another, are potential grounds for immediate, permanent, and total exclusion from participation in all YDA activities and events.

SECTION 1305 Prohibited Conduct.

Section 1305(a) Harassment. Harassment is unwelcome conduct that is based on a person's sex, national origin, race, color, sexual orientation, age, disability, religion, or other immutable characteristics. Harassment can include but is not limited to:

- (a) Unwelcome sexual advances;
- (b) Unwelcome requests for sexual favors;
- (c) Other verbal or physical harassment;
- (d) Offensive remarks about any of a person's characteristic(s) listed above;
- (e) The use of social media or mobile technology to portray another individual in a sexually explicit way;
- (f) without their freely given, voluntary, and conscious consent;
- (g) Stalking.

Though this definition does not prohibit outright teasing, offhand slights, or isolated incidents unless extremely serious, harassment which is frequent or severe such that it creates a hostile, uncomfortable, or offensive environment, or when it results in an adverse decision by the individual being harassed, will fall under this definition of "harassment" and therefore be subject to the disciplinary process for harassment pursuant to Section 1310.

Section 1305(b) Sexual Violence. Sexual violence is any act of a sexual nature including the touching, fondling, or penetration of another individual or the use of an object to touch, fondle or penetrate performed on an individual, or in which an individual is made to perform on another, without their freely given, voluntary, and conscious consent to such actions. Sexual violence includes rape, sexual battery, and sexual assault. An individual cannot consent to a sexual act if that individual is underage, unconscious, asleep, intoxicated due to alcohol, drugs, or another substance, or is otherwise incapacitated. Lack of protest, silence or lack of resistance do not by

themselves constitute consent. A prior sexual or romantic relationship between the persons involved is not by itself an indicator of consent.

Section 1305(c) Domestic Violence. Domestic Violence is conducted by a current or former spouse or intimate partner of the victim or a person with whom the victim shares a child in common that intentionally or recklessly causes bodily injury to the victim, another, or an animal, or places the victim or another in reasonable fear of serious bodily injury.

Section 1305(d) Retaliation. Retaliation includes threats, intimidation, reprisals, and/or adverse organizational actions against a person based on their report of harassment, sexual violence, or domestic violence. Retaliation is strictly prohibited by the YDA.

Section 1305(e) Fiduciary Malfeasance. Fiduciary Malfeasance includes money laundering, theft of money or property, misuse of funds, and fraudulent accounting practices.

Section 1305(f) Breach of Confidentiality. Breach of Confidentiality is the disclosure of information or details not intended for public dissemination as defined in the YDA Charter, Bylaws, and Standing Rules

SECTION 1310 Complaints, Investigations, and Adjudication.

Section 1310(a) Independent Outside Investigator. The Young Democrats of America shall utilize an independent outside vendor or organization to serve as the primary investigator of any instances of prohibited conduct as defined in Section 1305.

Section 1310(b) Contract Solicitation and Approval. The Board of Directors of the Young Democrats of America shall ensure there is an active contract or agreement with at least one (1) independent outside vendor or organization to conduct investigations pursuant to Section 1310(a).

Section 1310(c) Development and Publication of Investigatory Guidelines. The Board of Directors in consultation with the contracted independent outside vendor or organization, the General Counsel, and the Chair of the Judicial Council shall develop investigatory guidelines and procedures for investigations of any instances of prohibited conduct as defined in Section 1305. Any investigatory guidelines and procedures shall be made available on the YDA website. Investigatory guidelines and procedures must include a provision that allows for the accused to be accompanied by counsel in any interactions with the primary investigator.

Section 1310(d) Filing of Complaints. A survivor of, or witness to, or advocate for a survivor of an overt act of prohibited conduct as defined in Section 1305 may file a complaint with the General Counsel or the Chair of the Judicial Council. The General Counsel or the Chair of the Judicial Council shall confirm receipt of any complaint to the complainant in writing and shall forward the complaint to the contracted independent outside vendor or organization to conduct investigations pursuant to Section 1310(a) within five (5) days of initial receipt.

Section 1310(e) Disposition of the Complaint. Upon completion of their investigation, the primary investigator shall prepare a written summary of the investigation and a recommendation as to the appropriate disposition of the complaint to be considered at the next regularly scheduled meeting of the National Committee. In instances where disciplinary actions are recommended by the primary investigator, the National Committee shall ratify the decision by a simple majority vote in executive session pursuant to Section 1120.

Section 1310(f) Suspension and Exclusion Mechanism. If an individual's membership in YDA is terminated or YDA suspends its association with an individual accused of sexual violence, domestic violence, or harassment, the following items take immediate effect:

- (a) The General Counsel shall send the name of the individual to all elected and appointed officers, including regional directors, caucus chairs, and the complainee's and the complainants' chartered unit president, with a summary of the National Committee's disciplinary decision and length of the disciplinary action.
- (b) The individual shall be disallowed to participate in any functions of including but not limited to conventions, conferences, meetings, and all other events.
- (c) The individual shall be ineligible to register for conventions, conferences, meetings, and all other events. The Treasurer and Secretary shall ensure that any registration fees are immediately returned to the individual.
- (d) The individual shall be ineligible to participate in any meetings of the National Committee or any session of the National Convention. The individual shall also be ineligible to send or receive proxies.
- (e) The YDA Parliamentarian, Sergeant at Arms, and Officers are empowered to ensure the physical removal of the individual at any YDA conventions, conferences, meetings, or any other events by all legal means.

SECTION 1315 Confidentiality

Section 1315(a) Standard of Confidentiality. The Young Democrats of America shall ensure that the identities and incident details surrounding survivors of harassment, sexual violence, or domestic violence are kept confidential. The Young Democrats of America shall take all steps deemed necessary and proper to protect the confidentiality of survivors.

Section 1315(b) Violations by Elected Officers, Regional Officers, and Appointed Officers. Violations of confidentiality pursuant to this section shall constitute malfeasance pursuant to Section 650 of the YDA Charter, Section 655, and 940 of the YDA Bylaws. Any YDA appointed officer who violates confidentiality shall be subject to dismissal and removal by their appointing officer. Individuals may face additional action by the Young Democrats of America pursuant to the YDA Charter, Bylaws, and Standing Rules.

Section 1320. Immediate Removal Procedures During an In-Person Event. If a member of the Officers learns of violations of prohibited conduct through personally witnessing it, through another YDA member, or by any other means and the conduct occurred at a convention, conference, meeting, or any other event that is still in process and ongoing, then the Officers

shall gather, in a timely manner not to exceed 24 hours from the time the alleged incident first came to Officer's attention to discuss the alleged conduct. Under these circumstances, the purpose of this meeting shall be whether, separate and apart from any subsequent disciplinary decisions, the individual should be removed from the ongoing and in process convention, conference, meeting, or event When making this determination, the Officers present shall consider:

- (a) The physical well-being and safety of the victim, accused, and general YDA community;
and
- (b) The likelihood of retaliation against a reporting victim, the accused, or others.

If a three-fifths (%) majority of the Officers decides the physical well being of any of the above-mentioned parties is potentially compromised, or if a three-fifths (%) majority of the Officers present decides that the chances of retaliation occurring against one of the above-mentioned parties is more likely than not, then the Officers shall make all reasonable efforts to remove the accused from the in-process and ongoing convention, conference, meeting, or any other event. If a three-fifths (%) majority of the Officers cannot be gathered to make the determination set forth above, then any decision by the Officers provided a quorum of forty percent (40%) is present must be unanimous. Officer participation by telephonic means or through electronic platforms like Skype or Google Hangout shall be allowed for both quorum and voting purposes provided the Officer's members are given access to the same information including any written documentation that is provided to the Officers members who are present in person. If a member of the Officers must be recused from the proceedings for any reason that might pose a conflict of interest then their recusal shall not count towards the vote total or to establish a quorum.

Section 1325 Publication. Chapter XIII of the Charter shall also be included or linked in any electronic communication that serves as a notice of an in-person meeting of the Young Democrats of America. Chapter XIII of the Charter along with information and resources for victims who have experienced harassment, sexual violence, or domestic violence shall be made available on the YDA website.

CHARTER
ARTICLE XIV
AMENDMENT AND BYLAWS

BYLAWS
ARTICLE ~~VIII~~ XII
JUDICIAL COUNCIL

SECTION 12810 Officers. The President shall appoint from the membership of the Judicial Council, a Chair, Vice Chair, and Secretary within ninety (90) days after assuming office.

SECTION 12815 Term of Office. Members elected from each of the Regional Caucuses shall be elected at a regional conference or meeting convened prior to, or during each National

Convention. Members of the Judicial Council shall serve a term of two years or until their successors are elected or appointed.

SECTION 12820 Filling Vacancies.

Section 12820(a) Officers of the Judicial Council. The Chair, Vice Chair, and Secretary shall serve at the pleasure of the President, and in the event of their death, resignation, or removal, the President shall appoint their successors.

Section 12820(b) Recusal. Upon a public declaration for, or the acknowledgment of, candidacy for an office in YDA, a member of the Judicial Council must recuse themselves from all matters on the Judicial Council.

Section 12820(c) ~~Eight~~ Regional Members. In the event of a vacancy among the ~~eight (8)~~ members elected to the Judicial Council by Regional Caucuses, the alternate representative shall succeed and the Director of the Regional Caucus of the vacant member's region shall appoint a successor to fill the vacated alternate seat for the unexpired term with the approval of the regional board.

SECTION 12825 Rules of Procedure and Records. The Judicial Council may adopt its own rules of procedure and shall keep a record of its proceedings and make the same available to the National Committee. Judicial Council shall send the YDA Secretary a copy of its most current rules of procedure within seven (7) days of their initial adoption or subsequent modification. The rules and procedures of the Judicial Council shall be made available on the YDA website.

SECTION 830 Referral of Matters to Judicial Council. Matters may be referred to the Judicial Council by ~~the President~~, the Chair of the Judicial Council, by a majority vote of the Board of Directors, by a majority vote of the National Committee; upon receipt of a petition signed by no fewer than twenty-five (25) members of the National Committee. ~~A complaint by either a survivor of, or witness to, or advocate for a survivor of an overt act; or upon receipt of a petition signed~~ by no fewer than six (6) members of the Judicial Council submitted to the Chair of the Judicial Council ~~and the President~~.

SECTION 840 Notice of Meeting. Upon proper notice of a matter being referred to the Judicial Council, the Chair shall call a meeting and shall provide no less than ten (10) days notice to the members, Board of Directors, Region Directors, and Chartered Unit Presidents, except whereas issues may arise at a National Committee Meeting or National Convention the notice requirement timeline shall be deemed waived and they may meet at the call of the Chair, the President, or any three (3) members of the Judicial Council as necessary.

Standing Rule 6. The Harassment, Sexual Violence, and Domestic Violence Policy of the Young Democrats of America shall be as follows: [REPEALED IN ENTIERTTY]

Part VIII: Proposed Multiple Charter Amendments

SECTION 603 Board of Directors. There shall be a Board of Directors for the Young Democrats of America, composed of the Officers of the Young Democrats of America, the Chair of the Council of Regional Directors ~~the Region Directors~~, Chair of the Association of Chartered Unit Presidents, ~~and the Vice Chair of the Association of Chartered Unit Presidents~~, and the Chair of the Council of Caucus Chairs.

SECTION 605 Officers: Named. The Officers of the Young Democrats of America shall be a President, an Executive Vice President, a First Vice President, a Second Vice President, a Third Vice President, a Secretary, a Treasurer, and two (2) Democratic National Committee Members, neither of whom may be of the same gender identity. The Chair of the Association of Chartered Unit Presidents, ~~and~~ the Chair of the Council of Regional Directors, and the Chair of the Council of Caucus Chairs shall serve as ex-officio Officers of the Young Democrats of America.

Section 1040(a). Auxiliary Bodies: Named. The Association of Chartered Unit Presidents (ACUP), ~~and~~ The Council of Region Directors (CORD), and The Council of Caucus Chairs (CCC) are recognized as official auxiliary bodies of the Young Democrats of America.

Part IX: Proposed Multiple Charter and Bylaws Amendments

Charter

~~Section 110(g). A list of the members of the unit, including all of the following: name, city, state, ZIP code, and date of birth (including month, day and year). The unit shall provide the email addresses of any members who joined the unit subsequent to the preceding National Convention. Phone numbers are optional. . The submitted roster of regular members must by at least two (2) times the potential maximum allocated votes for that unit at minimum.~~

~~Section 110(hg). Certifications signed by the unit's President and by at least one (1) of the unit's National Committee Representatives. Such certification shall state that to the best of the signer's knowledge, all documents submitted are current, complete, and in every respect accurate; that the membership list submitted consists of actual members of the unit subsequent to the preceding National Convention who currently satisfy the age requirements of the Charter and the Bylaws; and that the unit has held a convention and elected officers subsequent to the preceding National Convention.~~

~~Section 110(i). Rules for the selection of Delegates and Alternates to the National Convention.~~

~~Section 110(j). Supporting materials for Participation Votes pursuant to the Charter and the Bylaws.~~

~~Section 110(hk). A Code of Ethics and a Code of Conduct by which the unit shall abide.~~

SECTION 130 Unit Vote Status. The following items are not required for a unit to receive a charter and do not affect a unit's chartering status, but shall be used to determine the votes each chartered unit gets at the National Convention in conjunction with any penalties contained within the Charter and Bylaws.

Section 130(a). A list of the members of the unit, including all of the following: first and last name, city or ZIP code, date of birth (including month, day, and year), and email address. Units shall receive one (1) vote for every two (2) members up until their maximum allocation amount.

Section 130(b). Rules for the selection of Delegates and Alternates to the National Convention.

Section 130(c). Supporting materials for Participation Votes pursuant to the Charter and the Bylaws.

Bylaws

SECTION 115 Time Period for Filing Unit Charter Applications.

Section 115(a). All component documents of unit charter applications shall be filed not earlier not less than seventy-five (75) sixty (60) days nor later than thirty (30) days preceding the day on which the first General Session of the National Convention is scheduled to be convened.

Section 115 (b). The Young Democrats of America shall provide notice to all members of the National Committee of the charter application requirements not fewer than ~~ninety (90)~~ one hundred and twenty (120) days prior to the deadline for chartering applications to be submitted.

SECTION 120 Office of Receipt for Unit Charter Applications.

Section 120(a). Applications shall be filed with the ~~National Office of the Young Democrats of America (National Office)~~ or at a mailing address specified by the President or via the ~~a~~ specified electronic submission process (email, web form, etc.). Each unit shall bear sole and complete responsibility for ensuring that all component documents of its charter application are filed in a timely manner.

Section 120(b). All charter applications shall be ~~opened and examined and examined~~ by the Chair of the Convention Standing Committee on Credentials within ten (10) days of their initial submission on Credentials at the National Office or at an address specified by the President, at 12:00 noon on the first Saturday immediately following the deadline for receipt of charter applications. ~~Any member of any unit shall be allowed to attend, observe, and make records of the opening and examination of the charter applications, but no observer may interfere or raise challenges at such time.~~ Units shall receive two (2) reports on ~~be notified of~~ the status of their application and their preliminary votes allocation by email ~~and certified mail sent~~ to the unit President and ~~by email to~~ the unit's two (2) National Committee Representatives at the email addresses shown on the charter application no later than ~~seventy-two (72)~~ forty-eight (48) hours after the initial review opening of their packets. ~~The notification shall include preliminary votes to be allocated to the unit, specifics of any defects, penalties to be assessed, and the procedure to follow to correct defects.~~ The two (2) reports to the units shall contain the following:

- i. Application Status: Report on the preliminary status of the unit's application including specifics of any defects and the procedure to follow to correct defects.
- ii. Preliminary Votes Status: Report on the preliminary status of the unit's votes allocations and their assessed penalties.

Section 120(c). ~~Units shall be notified of the status of their application by email and certified mail to the unit President and by email to the unit's two (2) National Committee Representatives at the addresses shown on the charter application no later than forty-eight (48) hours after the initial opening of packets. The notification shall include preliminary votes to be allocated to the unit, specifics of any defects, penalties to be assessed, and the procedure to follow to correct defects.~~ No later than thirty (30) days preceding the day on which the first General Session of the National Convention is scheduled to be convened, the Chair of the Convention Standing Committee on Credentials shall provide the National Committee of the Young Democrats of America a report of preliminary votes to be allocated to all units along with specifics of any defects and penalties to be assessed.

Section 120(c). Amendments or late applications shall be sent to a mailing address specified by the President or to the National Office to be forwarded to the Chair of the Convention Standing Committee on Credentials ~~via the specified electronic submission process.~~ The arrival electronic

submission date at the mailing address shall govern the assessment of penalties. All late materials and amendments are to be opened reviewed and examined within five (5) seven (7) days of receipt by the Convention Standing Committee on Credentials National Office, and notification sent to the unit within forty-eight (48) hours after seven (7) days of receipt by the Convention Standing Committee on Credentials National Office.

SECTION 121 Corrections. Units shall be able to amend their charters to correct errors specified by the Convention Standing Committee on Credentials without penalty no later than fourteen (14) days preceding the day on which the first General Session of the National Convention is scheduled to be convened. Units can make one (1) set of corrections to charters under this provision. Additional amendments to an application may be submitted at any time and such amended applications shall be treated as late applications with penalties calculated based on the date the amendments are received in relation to the original due date for applications. In no case shall an amendment act to increase the number of pre-penalty eligible votes a unit may cast as calculated under Section 360 of the Charter.

SECTION 125 Penalties for Late or Defective Unit Charter Application. Units which file charter applications past the deadline established in the Charter and the Bylaws or that do not comply with the requirements of the Charter and the Bylaws shall be penalized a cumulative percentage of their eligible votes as set out below. After the initial notification in Section 120(e), will have a grace period of five (5) business days to amend their charters to correct errors specified by the Convention Standing Committee on Credentials without penalty. Units can make one (1) set of corrections to charters under this provision. Additional amendments to an application may be submitted at any time and such amended applications shall be treated as late applications with penalties calculated based on the date the amendments are received at the National Office or other mailing address in relation to the original due date for applications. If penalties total one hundred percent (100%) or more, the unit charter application shall be rejected, and the fee returned. In no case shall an amendment act to increase to number of pre-penalty eligible votes a unit may cast as calculated under Section 360 of the Charter.

SECTION 125 Penalties for Unit Vote Allocation.

Section 125(a). Any omission or fault related to required documents in Section 110 of the Charter, shall be assessed a penalty equal to 100% unless a different penalty is provided for. Penalties shall be rounded to the nearest whole vote, except the minimum total penalty shall be one (1) vote, and the minimum numbers of votes remaining after penalties shall be five (5) votes.

Section 125(db). Charter unit applications received at the National Office after the submission deadline or amended after that date shall be assessed the computed penalties as follows:

- i. Within fourteen (14) days After the submission deadline but before opening: five percent (5%) penalty;
- ii. After opening: Fifteen (15) days or later after the submission deadline: three percent (3%) per day after the close of the submission window pursuant to Section 125(b), Subsection i opening until the application is received.

~~Section 125(a). Incomplete or inaccurate officer lists or governing documents. Changes in officers or governing documents due to elections or amendments subsequent to submission of application shall not result in any penalty.~~

~~(i) — Officer list defective: twenty percent (20%) penalty~~

~~(ii) — Governing documents defective: twenty percent (20%) penalty~~

~~Section 125(b) Membership lists improper. Individual names with defects shall not be counted toward determining the number of members in the unit. Omitting required information on all members shall result in the following penalties:~~

~~i. — Missing ZIP codes: ten percent (10%) penalty~~

~~ii. — Incomplete birth dates (other than month, day, and year): twenty percent (20%) penalty~~

~~iii. — Missing birth dates: forty percent (40%) penalty~~

~~iv. — Missing email addresses (where required): one hundred percent (100%) penalty.~~

~~Section 125(c). Applications missing certification by no less than one (1) member of the Democratic National Committee representing the applying unit's territory shall result in a forty percent (40%) penalty.~~

Enacting Clause: This amendment shall take effect at the adjournment of the 2021 National Convention held in Cincinnati, Ohio.

Part X: Proposed Amendment to Bylaw Section 1005(a)

Section 1005(a) Named. There shall be established the following Voting Constituency Caucuses: Women, Black, ~~Hispanic~~ **Hispanic and Latinx**, Asian American and Pacific Islander, Muslim, Native American, Labor, Lesbian-Gay-Bisexual-Transgender-Questioning, Disability Issues, Jewish, Veterans and Military Affairs, Rural, College, and High School.