

# **RULES AND BYLAWS of the Constitution Party of North Carolina**

~ North Carolina Affiliate of the national Constitution Party ~

## **ARTICLE I – NAME**

The name of this organization will be the “Constitution Party of North Carolina,” hereinafter referred to as the “Party.” For purposes of acting as a state Party committee under Federal Election Laws, the rules and regulations of the Federal Election Commission, and the Campaign Finance Laws of the State of North Carolina the committee will be known as the “Constitution Party of North Carolina State Executive Committee.”

## **ARTICLE II – PURPOSE**

The purpose of the Party is to develop an informed, energetic, and effective statewide political organization in order to support the principles, goals, and platform of this Party as adopted by its Convention and of the National Convention of the Constitution Party and to secure the election of all duly nominated candidates thereof.

## **ARTICLE III – POLICY**

All applicable provisions of the North Carolina Election Code will be part of these bylaws.

## **ARTICLE IV – MEMBERSHIP**

The Party is an individual membership organization open to all legal residents of North Carolina.

### **SECTION 1: Establishing Membership**

A. There are two ways to be a Member of the Party:

1. Maintain current membership dues with the Constitution Party National Committee (members choosing this route will be required to transfer membership to the State Party in accordance with Article V Section 5 of these bylaws), or;
2. Maintain current membership dues (or waiver) with the Constitution Party of North Carolina and maintain compliance with the respective membership levels of Full, Associate or Friend of the Party as prescribed in Article IV Sections 2, 3 & 4 of these bylaws.

B. To acquire membership in the Party, all members must submit the appropriate Membership Registration Form and accompanying Membership Pledge or Affirmation as prescribed in Article IV Section 2(A)(7), Section 3(A)(7) and Section 4(A)(7).

### **SECTION 2: Full Member**

A. Requirements

1. Legal resident of the state of North Carolina.
2. 18 years of age or older.
3. Registered voter.
4. Current in Party Dues or Waiver as permitted in Article V of these bylaws.
5. Subscribe to all **Essential Core Values** of the Party as prescribed in the Constitution Party of North Carolina Platform.
6. Acknowledge and abide by Article I Section 3 of the North Carolina State Constitution.
7. File the Membership Registration Form along with the Full Membership Pledge form to determine membership status in the Party.

## B. Privileges

1. Hold any office in the Party.
2. Serve on any Party Board or Committee.
3. Be a delegate at all conventions of the National, State or Regional Conventions.
4. Vote in any and all Party business except those specific to a Party Board or Committee.
5. Hold events for the Party.
6. Officially represent the Party.
7. Speak at Party functions or meetings.
8. Attend meetings permitting only Full Members.
9. Propose amendments and/or bylaw changes.
10. Call for procedural challenges.
11. Sponsoring Associate Members at Full Member only events.
12. Any other member privilege hereafter granted by the appropriate committees.

## SECTION 3: Associate Member

### A. Requirements

1. Legal resident of the state of North Carolina.
2. 18 years of age or older.
3. Registered voter.
4. Current in Party Dues or Waiver as permitted in Article V of these bylaws.
5. Subscribes to at least three fourths (3/4) of the **Essential Core Values** of the Party as prescribed in the Constitution Party of North Carolina Platform.
6. Acknowledge and abide by Article I Section 3 of the North Carolina State Constitution.
7. File the Membership Registration Form along with the Associate Membership Pledge form to determine membership status in the Party.

### B. Privileges

1. Be a member of any Party Committee not listed in Article IV Section 3(C).
2. Attend meetings where Full Membership in the Party is not a requirement.
3. Attend Full Member Meetings only when the following requirements are met:
  - a.) A Full Member in good standing must sponsor the Associate Member.
  - b.) The Associate Member must have been granted prior approval by the Chairman or Committee.
4. May address a gathering of the Party subject to committee or chair approval at whose meeting or gathering the associate wishes to speak.
5. May attend any Party Board meeting unless said meeting is declared closed or is declared for Full Members only.
6. May be a delegate at any Party State or Regional Conventions with the sponsorship of a Full Member in good standing, and with the approval of their respective Regional Executive Committee or their delegate (if applicable). If no Regional Executive Committee exists, approval may be attained through the State Executive Committee or their delegate.

### C. Privileges Denied

1. Membership on any of the following Party Committees:

- a.) Platform Committee
- b.) Bylaws Committee
- c.) Finance Committee

- d.) Membership Committee
  - e.) Any committee in which the State Executive Committee forms with the prerequisite that only Full Members may participate.
2. Hold any Party office.
  3. Vote on any Party policy issue.
  4. Be a delegate without the sponsorship and direct oversight of a Full Member in good standing and the approval of their respective Regional Executive Committee. (Refer to Article IV Section 3(B)(6))
  5. Officially represent the Party at functions/meetings without prior approval by either the members Regional Executive Committee or the State Executive Committee.
  6. Make challenges to any Party policy; a Full Member in good standing may request that the Associate Member be allowed to speak to the committee in order to make their challenge to Party policy. It is the duty of the Committee to hear the challenge. The Committee may choose, after hearing the challenge, to either:
    - a.) Grant
    - b.) Deny

#### **SECTION 4: Friend of the Party Member**

A. Friend of the Party status is designed for any individual who (1) donates financial contributions, resources or time and efforts (2) does not wish to become a Full or Associate Member or, (3) they may not meet the requirements to become a Full or Associate Member.

B. Requirements

1. Current in Party Dues or Waiver as permitted in Article V of these bylaws.
2. May not agree with all or any of the **Essential Core Values** of the Party as prescribed in the Constitution Party of North Carolina Platform.
3. Acknowledge and abide by Article I Section 3 of the North Carolina State Constitution.
4. File the Membership Registration Form along with the Friend of the Party Membership Affirmation form.

C. Privileges:

1. No privilege which Full or Associate Members are entitled to are granted to Friend of the Party members.
2. No Friend of the Party may be allowed to represent the Party in any official capacity.

#### **SECTION 5: Membership Pledge**

A. The Membership Pledge is for individuals wanting Full Membership status in the Constitution Party of North Carolina, and the text of the pledge will read:

As a Full Member of the Constitution Party of North Carolina I acknowledge that I understand and agree with the **Essential Core Values** as outlined and defined in the Platform of the Constitution Party of North Carolina. I also acknowledge and understand that the Party does not require a religious test for membership, however; it does require that I as a member must acknowledge my belief in God. I understand that this requirement is consistent with the Preamble and Article VI Section 8 of the North Carolina State Constitution. I also acknowledge that I understand that the rights of persons are derived from their Creator as defined under Article I Section 1 of the North Carolina State Constitution and in The Declaration of Independence. The Constitution Party of North Carolina also requires that I as a member must acknowledge and understand that I will pledge not to engage in any activity or belong to any organization that attempts to or promotes

armed rebellion or the illegal overthrow of the legal Federal and/or State Governments as stated in the North Carolina State Constitution in Article I, Section 3.

B. There is to be a place to sign and date the Full Membership Pledge on the form. The Full Membership Pledge is to be submitted with the Membership Registration Form where the Full Member level status is selected.

## **SECTION 6: Associate Membership Pledge**

A. The Associate Membership Pledge is for individuals wanting Associate Membership status in the Constitution Party of North Carolina, and the text of the pledge will read:

As an Associate member of the Constitution Party of North Carolina I acknowledge that I understand and agree with at least three-fourths of the **Essential Core Values** as outlined and defined in the Platform of the Constitution Party of North Carolina. I also acknowledge and understand that the Party does not require a religious test for membership, however; it does require that I as a member must acknowledge my belief in God. I understand that this requirement is consistent with the Preamble and Article VI Section 8 of the North Carolina State Constitution. I also acknowledge that I understand that the rights of persons are derived from their Creator as defined under Article I Section 1 of the North Carolina State Constitution and in The Declaration of Independence. The Constitution Party of North Carolina also requires that I as a member must acknowledge and understand that I will pledge not to engage in any activity or belong to any organization that attempts to or promotes armed rebellion or the illegal overthrow of the legal Federal and/or State Governments as stated in the North Carolina State Constitution in Article I, Section 3.

B. There is to be a place to sign and date the Associate Membership Pledge on the form. The Associate Membership Pledge is to be submitted with the Membership Registration Form where the Associate Member level status is selected.

## **SECTION 7: Friend of the Party Affirmation**

A. The Membership Affirmation is only individuals wanting Friend of the Party Membership status in the Constitution Party of North Carolina, and the text of the affirmation will read:

The Constitution Party of North Carolina requires that I, as a Friend of the Party member, must acknowledge and understand that I will not engage in any activity or belong to any organization that attempts to or promotes armed rebellion or the illegal overthrow of the legal Federal and/or State Governments as stated in the North Carolina State Constitution in Article I Section 3.

B. There is to be a place to sign and date the Membership Affirmation on the form. The Membership Affirmation is to be submitted with the Membership Registration Form where Friend of the Party Status is selected.

## **SECTION 8: Membership Registration Form**

The Membership Registration Form along with Pledge or Friend of the Party Affirmation (as appropriate), once received, are to be submitted to the designated Committee for final approval in accordance with these bylaws. The Committee will keep the original Form and accompanying Pledge or Affirmation on file and will provide a photocopy of the Form and accompanying Pledge or Affirmation to the Party's State Secretary. Both the designated Committee and State Secretary of the Party will keep these documents on file for the duration of the member's annual membership.

## **ARTICLE V – MEMBER DUES AND CONTRIBUTIONS**

## **SECTION 1: Annual Dues Cost**

Membership dues shall be determined at the State Executive Committee meeting or the annual State Convention.

## **SECTION 2: Waivers**

A member may substitute annual dues, upon approval, for another purchase or contribution (whether monetary or non-monetary) that will benefit the Party organization. The Party believes that no person should be denied the chance to participate in the political process due to financial hardship. Fee waivers will also be made available for individuals on a case by case basis who are active participants in the Party and are unable to pay due to severe economic hardships.

## **SECTION 3: Waiver Request Procedure**

Members seeking a waiver must submit a written waiver request on a yearly basis. All request will be submitted to the designated Committee who will then make a recommendation to the State Treasurer and State Chairman. For reasons of financial hardship the designated Committee and State Executive Committee will keep all information about the request confidential.

## **SECTION 4: Late Dues**

Members who have failed to pay their annual dues to the Party for more than one month after the day that the member's dues have expired will immediately be dropped from the membership list. If any member who holds a Party Office is dropped from the membership list for not paying annual dues, the member will be suspended from holding office until annual dues or a waiver is obtained from the member. No individual who is dropped from the membership list for not paying dues will be eligible to vote in any Party business until annual dues or a waiver is obtained from the member.

## **SECTION 5: Transfer of Dues from National to State Party Organization**

Members who have paid annual dues for the year to the National Constitution Party may transfer their membership to the Constitution Party of North Carolina in good standing for the remainder of that year from which time that their dues were paid to the National Party. Upon the expiration of that year the member shall be notified by the State Party when their annual dues need to be renewed with the State Party.

Any member who has transferred annual dues from the National Party to the Constitution Party of North Carolina must file the appropriate Membership Registration Form and accompanying Pledge or Friend of the Party Affirmation for the membership level to be approved by the designated Committee.

## **SECTION 6: Contributions-Dues Not Tax Deductible**

In compliance with Federal and North Carolina State Law, all monetary (including membership dues) and non-monetary donations (where a monetary value is applicable), are considered contributions to the Party. Contributions to the Party are not tax deductible.

## **ARTICLE VI – SUSPENSION AND EXPULSION OF A MEMBER**

The Party respects the right of individual members to disagree with each other. It is vital to the growth and strength of the Party that members not be suspended or expelled merely over personal conflicts, antagonisms, or differences of opinion. However a procedure for dealing with members who cause serious trouble or danger to others or to the Party itself is a necessity. The procedures for Expulsion or Suspension of any member will be defined by the appropriate Committee.

## **ARTICLE VII – APPEALS PROCESS**

The appeals process will be defined by the appropriate committee.

## **ARTICLE VIII – ESSENTIAL CORE VALUES**

A. The Essential Core Values of the Party are to be placed in the Constitution Party of North Carolina Platform under “Essential Core Values.”

B. Any motion by a full member at any state party meeting where party business is conducted to change the meaning of or eliminate any of the listed Essential Core Values either directly or indirectly will act as prima fascia evidence that the member does not agree with the Party’s Essential Core Values, at which point a challenge to the member’s Full Membership status may be made by any Full Member present. Upon the initiation of a challenge of this nature by a Full Member the Chairman must conduct an immediate investigation into the challenge. If the Chairman determines the challenge to be valid, the Chairman must immediately revoke the member’s Full Member status to an Associate Member of the Party. When a Full Member is reduced to an Associate Member due to a proposed change to the Party’s Essential Core Values, the previous motion to change the Essential Core Values will be considered invalid and withdrawn. Any member whose membership in the party is affected under this section will lose all Full Membership privileges in accordance with Article IV Section 2(B) of the Rules and Bylaws of the Party.

C. The Essential Core Values cannot be altered or eliminated. New Essential Core Values may be added as long as the new Essential Core Value is not in conflict with any of the existing Essential Core Values. A new Essential Core Value proposal may be adopted at the State Convention by a unanimous vote of the delegates with Full Member status and the members of the State Executive Committee and only after the proposal to add said Essential Core Value is made clear to all members no later than two weeks prior to the State Convention. No more than one new Essential Core Value can be proposed per State Convention. Article VIII(C) is not subject to any procedural change laid out within these bylaws.

D. Any attempt by anyone, at any level (State, Regional, District, County, Precinct, etc.) to deny membership to individuals of a particular religion, or to make membership available only to those of a certain religion should be considered prima fascia evidence that the member does not agree with the “Religious Freedom” Core Value. The only exception to this section, is requiring an individual to acknowledge their belief in God per Article VI Section 8 of the North Carolina State Constitution and Article IV Sections 5 & 6 of the Constitution Party of North Carolina’s bylaws.

## **ARTICLE IX – OATH OF OFFICE**

### **SECTION 1: Oath of Office**

Any member which holds a leadership role in the Party must take the Constitution Party of North Carolina Oath of Office. This includes all State Executive Committee, Regional Executive Committee, District, County and Precinct Officers and/or Leaders, whether elected or appointed. The Oath of Office must be administered by the designee of the State Executive Committee.

### **SECTION 2: Oath of Office Form**

A. The Oath of Office reads as follows:

“I, \_\_\_\_\_, do solemnly swear (or affirm) to faithfully carry out the duties and obligations of the office of \_\_\_\_\_ of the Constitution Party of

North Carolina to the best of my abilities and to honorably resign from said office whenever I am unable or unwilling to faithfully carry out those duties and obligations of said office, or whenever I no longer agree with the **Essential Core Values** of the Constitution Party of North Carolina. I hereby acknowledge my belief in God and that the rights of persons are derived from Him alone; so help me, God."

- B. Below the Oath there must be two blanks, one for Signature and one for Date.
- C. At the bottom of the Oath of Office Form, information must be provided as to who administered the Oath of Office, Date, Time and City. Two witnesses must also sign to attest that the said officer has properly taken in their presence the Oath of Office. The above information will be provided on the form as follows:

"Sworn to and signed before me, \_\_\_\_\_.  
Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Being duly authorized to administer said oath by the Constitution Party of North Carolina on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ in the city/town of \_\_\_\_\_, North Carolina."

- D. The Oath of Office Form will be kept on file, for the duration that the member holds the office for that election cycle, with the State Secretary and a photocopy will be kept by the Regional Executive Committee of which region the Officer/Leader resides (if applicable).

## ARTICLE X – STATE EXECUTIVE COMMITTEE

### SECTION 1: Membership

The membership of the State Executive Committee will be composed of a State Chairman, State Vice Chairman, State Secretary, State Treasurer, the elected Chairman or appointed Director of each of the Regions of the state, and at least one, but not to exceed three, at-large members. All members of the State Executive Committee will be Full Members of the Constitution Party of North Carolina with current membership dues or a waiver. The number of at-large members to the State Executive Committee will be determined prior to each State Convention by the designated committee.

### SECTION 2: Election and Terms

- A. The State Chairman, State Treasurer, and at least one at-large member (if applicable) will each be elected by the State Convention for a term of 2 years.
- B. The State Vice-Chairman, State Secretary and at least one at-large member (if applicable) will each be elected for a term of one year from the date of the 2008 State Convention, and a term of two years thereafter in staggered years.
- C. National Committee Member will be appointed by the State Executive Committee.
- D. The Chairman, Vice Chairman, and Secretary of each Regional Executive Committee will be elected in accordance with the rules and bylaws of their respective organizations with the approval of the State Executive Committee or its designated Committee. The Regional Executive Committee of each Region must submit its rules, bylaws and procedure for elections to the State Executive Committee for approval. The designated committee will determine the time frame in which the Region's procedure for elections must be submitted.

E. The Chairman, Vice Chairman, and Secretary of each organized County Executive Committee will be elected in accordance with the rules and bylaws of their respective organizations with the approval of their respective Regional Executive Committee or its designated Committee. The County Executive Committee of each County must submit its rules, bylaws and procedure for elections to their respective Regional Executive Committee for approval. The designated committee will determine the time frame in which the County's procedure for elections must be submitted.

### **SECTION 3: Vacancies**

A. A vacancy in the office of State Chairman will be filled by the Vice Chairman who will serve the remaining unexpired term of the vacating State Chairman. In the event that more than one office of the State Executive Committee becomes vacant at the same time the next officer in the line of succession will become the acting State Chairman. The acting State Chairman will appoint new officers to the State Executive Committee as prescribed in Article X Section 3(B) of these bylaws.

B. A vacancy in the office of any member of the State Executive Committee will be filled by appointment of the State Chairman, subject to confirmation by the State Executive Committee. The nominee will serve the remaining unexpired term of the vacating State Executive Committee member.

C. Line of Succession:

1. State Chairman
2. State Vice-Chairman
3. State Secretary
4. State Treasurer
5. At-Large Elected with Chairman
6. At-Large Elected with Vice-Chairman (If Applicable)
7. At-Large (If Applicable)

### **SECTION 4: Duties**

#### **A. State Executive Committee**

1. The State Executive Committee will formulate and provide for the execution of such policies, plans, and measures as it may deem conducive to the best interest of the Party, and in conformity with the state Party Bylaws.
2. It will call all regular and special State Conventions and make arrangement therefore, including the basis of representation, the time and place.
3. Amend bylaws in accordance with Article XIX(B).
4. It will form all State Committees and appoint or approve the members thereof.

#### **B. State Chairman**

1. The State Chairman will be the chief executive officer of the Party and Chairman of the State Executive Committee.
2. The State Chairman, or designee, will issue the call and preside at all meetings of the Party.
3. The State Chairman will observe and enforce the rules and Bylaws of the Party.
4. The State Chairman will appoint necessary staff members and all standing and special committees.
5. The State Chairman will be ex officio a member of all committees.
6. The State Chairman will act as necessary to promote the functions of the Party.

#### **C. State Vice Chairman**

1. The State Vice Chairman will become the State Chairman in the event of a vacancy in that office.

2. The State Vice Chairman will perform other duties the State Chairman may prescribe.

D. State Secretary

1. The State Secretary will be the chief clerical officer of the Party.
2. The State Secretary will record all proceedings of the State Executive Committee and the State Convention, which will be the property of the Committee.
3. The State Secretary will perform other duties the State Chairman may prescribe.

E. State Treasurer

1. The State Treasurer will keep the financial records of the Party.
2. The State Treasurer will be responsible for fulfilling federal, state, and local financial disclosure requirements, if applicable.
3. The State Treasurer will, at the direction of the State Chairman, issue all checks in payment of Party obligations.

## **SECTION 5: State Executive Committee Meetings**

A. The State Executive Committee will hold three regularly scheduled meetings each year in addition to the annual State Convention. The State Chairman will call the meetings by written notice which must be mailed to all State Executive Committee members and postmarked no less than fourteen days prior to the meeting. The call for the meeting must include an agenda and any amendments to the Bylaws that will be considered during the meeting. The fourteen-day pre-notification requirement for a State Executive Committee meeting may be waived if all members of the State Executive Committee agree to waive the requirement.

B. Special meetings can be called by the State Chairman or by actions of a majority of the members of the State Executive Committee with the same pre-notification requirement as previously stated in Article X Section 5(A).

C. A quorum is needed to conduct any business. A majority of the Committee will constitute a quorum. A majority vote of those present is needed to enact any business discussed at the meeting.

D. The State Executive Committee may, without meeting together, transact business by telephone conference call, by voting on questions or issues submitted to them by the Chair or with the approval of the Chair or by a majority of the members of the State Executive Committee. Notice of the time of all conference calls shall be given to all members of the State Executive Committee not less than 24 hours prior to each conference call.

## **SECTION 6: Removal of Office of Party Officials**

The removal from office of Party Officials will be prescribed by the appropriate designated committee.

## **ARTICLE XI – VOTING**

Voting, except for the election of officers, will be by voice. A person holding multiple offices will not be permitted to more than one vote, excluding proxies. Any voting member who wants to vote by proxy will designate his proxy on a written form which will be dated and signed. A quorum for any precinct, or region committee or the State Executive Committee will consist of a majority of the members of said committee.

## **ARTICLE XII – FINANCES**

A. The State Executive Committee is authorized to approve fund raising activities in support of its programs and operations.

B. The Party will not incur financial obligations until monies are collected sufficient to cover such obligations. Any financial commitments more than \$1,000 will be in written form and authorized by the State Executive Committee prior to the expenditure.

C. Aggregate expenditures up to \$200 in a calendar month may be authorized by the State Treasurer. The State Treasurer must file a report with the appropriate Committee each time an expenditure is made under their sole authority. Expenditures in excess of \$200 but less than \$1,000 must be in written form and authorized by the State Chairman and/or Vice-Chairman prior to making the expenditure.

## **ARTICLE XIII – CANDIDATES**

### **SECTION 1: Qualifications**

A. Members of the Party desiring to run for elected office in the State of North Carolina must be Full Members in the Constitution Party of North Carolina and file their candidacy with the appropriate committee, with the exception of candidates for President and Vice-President who are nominated at the Constitution Party National Convention.

### **SECTION 2: Presidential and Vice Presidential Nominees**

A. Pursuant to the relevant statutes of the State of North Carolina, the State Executive Committee of the Party shall submit to the State Board of Elections the names of the nominees for President and Vice-President of the United States as chosen by the Constitution Party National Convention, and shall appoint and submit the names of Presidential Electors committed to those nominees.

### **SECTION 3: State, District, County and Local Candidacy Nomination Procedures**

A. Nomination Procedure for Local to District Candidates

1. Offices Within One County: Candidates for offices within one county must submit the appropriate documentation, prescribed in Article XIII Section 3(C), to their respective County Executive Committee or the committee appointed in charge of candidate affairs. Those candidates who qualify under the requirements of this Article thereafter must be presented to the delegates present at the County Convention for nomination by the eligible voters of the convention.
2. Offices Within One County – No Accredited County Party Committee: If no accredited County Party exists for an office within one county, the candidate must submit the appropriate documentation, prescribed in Article XIII Section 3(C), to the Committee appointed by the State Executive Committee in charge of candidate affairs. The candidate will be presented at the State Convention to be voted on by those eligible voters of the convention.
3. District Offices: Candidates for district offices containing part of or all of two or more counties must submit the appropriate documentation, prescribed in Article XIII Section 3(C), to the Committee appointed by the State Executive Committee in charge of candidate affairs. Those candidates who qualify under the requirements of this Article thereafter must be presented to the eligible voters at each county's nominating convention. For a candidate to be nominated, the convention of each county the district falls in, must nominate the candidate. In the event that one or more of the counties in the district does not have an accredited County Party a convention for that County to nominate the candidate will not be held, and the nomination is dependent on the accredited County Parties within the district.
4. District Offices – No Accredited County Party Committee: If no accredited County Party exists within the candidate's district, the candidate must submit the appropriate documentation, prescribed in Article XIII Section 3(C), to the Committee appointed by the State Executive

- Committee in charge of candidate affairs. The candidate must then be presented at the State Convention to be voted on by those eligible voters of the convention.
5. Those candidates duly nominated in county and district conventions must be submitted in writing by the Chair or Secretary of the County Party affiliates to the State Executive Committee by the date of the annual State Convention before the upcoming election for submittal to the State Board of Elections.

B. Nomination Procedure for Statewide Candidates

1. Candidates for statewide office must submit the appropriate documentation, prescribed in Article XIII Section 3(C), to the Committee appointed by the State Executive Committee in charge of candidate affairs. Those candidates who qualify under the requirements of this Article thereafter must be presented to the delegates present at the annual State Convention before the upcoming election for nomination by the eligible voters present.

C. All candidates desiring the nomination of the Constitution Party of North Carolina must submit a signed Membership and Essential Core Values Pledge and Candidate Nomination Form to the appropriate committee as prescribed in Article XIII Section 3(A & B) and must have become a dues paying member of the Party no later than one month prior to the deadline to submit the Candidate Nomination Forms and accompanying documentation. The appointed committee will make the necessary rules and decisions on required information for the aforementioned forms in addition to these bylaws, upon approval of the State Executive Committee of the Party.

D. All candidates desiring the endorsement of the Constitution Party of North Carolina must submit an Endorsement of Candidacy Form and Essential Core Values Pledge to the committee appointed by the State Executive Committee of the Party in charge of candidate affairs. The appointed committee will make the necessary rules and decisions on required information for the Endorsement of Candidacy Form and Essential Core Values Pledge in addition to these bylaws, upon approval of the State Executive Committee of the Party. The committee in charge of candidate affairs will be responsible for vetting candidates for endorsement by the State Party and then to present them to the State Executive Committee. Candidates will be endorsed if approved by a two thirds vote of the State Executive Committee of the Party. County Party Committees may make endorsements in addition to those made by the State Party of candidates who are running for offices solely within their county and must follow the same requirements as laid out in this subsection and determined by the state committee in charge of candidate affairs.

E. All applicants not nominated or endorsed by the Constitution Party of North Carolina may not associate their campaigns with the Constitution Party of North Carolina nor the national Constitution Party and are not eligible for financial assistance from the Party.

F. If a candidate who has made an application to be nominated withdraws, dies, or is declared ineligible, the filing deadline for applications for nominations for that office is reopened and extended until 11:59 pm of the day before the date of the convention at which the nominee for that office is chosen. A candidate desiring to withdraw must do so in writing to the same authority that the application was filed with.

G. The State Chairman shall appoint the committee in charge of candidate affairs, with the approval of the State Executive Committee.

## **SECTION 4: Deadlines**

A. Candidate Forms

1. The deadline to file the required forms for candidacy with the appropriate committee will be determined by the County or State Executive Committee, whichever is applicable, each

election year, yet shall not be earlier than three weeks prior to the convention at which the candidate must be nominated.

B. Nominating Convention

1. County Nominating Conventions must take place where a candidate is up for nomination at least four weeks prior to the latest date on which the State Convention as prescribed in Article XIV Section A of these bylaws can be held. At least six weeks prior to the date of the convention, the County Party must announce the Convention along with candidate deadlines.
2. The date of the State Convention will be as prescribed in Article XIV Section A of these bylaws.

C. The Chair or President of the State Convention shall certify to the State Board of Elections the names of persons nominated at the State and County Conventions no later than the deadline set by law.

## **ARTICLE XIV – STATE CONVENTION AND PLATFORM**

### **SECTION 1: State Convention**

A. The State Convention will be held in the month of August and the call for the Convention will be issued by the State Chairman of the Party by the first day of the month prior to the month in which the State Convention will be held. If the State Chairman fails to call the State Convention within the time allotted, the next member of the State Executive Committee in the line of succession, as prescribed in Article X(3)(C), will be responsible for calling the State Convention.

B. Notice of the State Convention will be sent by the State Executive Committee via electronic mail or postal mail to all dues-paying members of the Party and posted on the state Party web site. Such notice will specify the time, date and place for holding the Convention.

C. Robert's Rules of Order Newly Revised will govern the proceedings of the State Convention, and the ruling of the Chairman of the State Convention will be the decision on the question before the body.

D. Nominees for State Executive Committee office will be chosen by majority vote of the delegates voting at the State Convention.

E. The affirmative vote of the majority of the delegates present and voting at the State Convention will be the act of the Convention.

F. The Chairman pro tem of the State Executive Committee will preside at the opening of the State Convention until a State Chairman is elected.

G. The State Chairman or the State Secretary will certify the names of the duly elected delegates and alternate delegates from North Carolina to the National Convention of the national Constitution Party and promptly forward said names to the Executive Director of the national Constitution Party.

H. Delegates to the State Convention

1. The Convention Rules Committee with the approval of the State Executive Committee will construct a method to determine the number of delegates allotted per county, to be available to the Counties no later than the last day of the month which falls no later than four weeks prior to the month of the State Convention. The Convention Rules Committee may choose to use a delegate or non-delegate system. When a delegate system is used delegates to the State Convention shall be elected at their respective County Conventions as prescribed in Article XV of these Rules and Bylaws and the Convention Rules Committee, and the names of delegates shall

be certified to the Party through postal mail at least two weeks prior to the date of the State Convention.

2. In addition to delegates selected by their county the following will be ex-officio delegates to the State Convention of the Party, provided that Full Membership status in the Party is current:

- a.) All current members of the State Executive Committee;
- b.) All former Party endorsed nominees of the Constitution Party of North Carolina who sought election during the General Election for the office of Governor of the State of North Carolina; and
- c.) Each formerly endorsed member of the North Carolina General Assembly, member of the North Carolina Council of State, Mayor, County Commissioner, and City Council member who is elected to office in the State of North Carolina, and is affiliated with the Party according to their voter registration.

## **SECTION 2: State Platform**

A. The State Platform of the Party, as adopted by vote at the Party's State Convention, shall consist of a number of planks stating the Party's position on specific state and national issues. Except as altered or amended by the Convention, in accordance with its rules, the current Platform shall endure until a new platform is adopted.

B. The Essential Core Values of the Party will be contained within the Party's State Platform, to be placed directly after the Preamble, and shall be governed by Article VIII of these Rules and Bylaws.

C. All planks of the State Platform will be placed after the Essential Core Values in alphabetical order.

D. On the first day of the State Convention in even numbered years the eligible delegates, consisting of a quorum, as chosen under Article XIV Section 1(H) shall convene to discuss amendments to the Platform on a plank by plank basis. Each amendment will be considered separate from other amendments to the Platform. Amendments passed by a majority vote of the delegates present will be placed in the platform for presentation and approval of the Convention.

E. The proposed State Platform as amended will be presented to the Convention the following day. Each plank will be proposed to the Full Members of the Party present on a pass or fail basis by two thirds majority of the Full Members present constituting a quorum.

F. Those amended planks approved by the Full Members of the Party will be entered into the State Platform and will become the new State Platform.

## **ARTICLE XV – SELECTION OF DELEGATES TO PRECINCT, COUNTY, REGION, STATE, AND NATIONAL CONVENTIONS**

A. Precinct Conventions: All Full Members may participate in the precinct conventions. Delegates and alternate delegates to the county convention will be elected by each precinct convention.

B. County Conventions: Candidates for county office who have filed an application for nomination by the party will be chosen by majority vote of the delegates at the county convention. The delegates at each county convention will elect delegates and alternate delegates to the state convention and any appropriate district convention.

C. District Conventions: For any district that has at least one candidate file an application for nomination by the Party, a district convention will be held. In the case of a district that is completely within one county, the district convention will be held in conjunction with the county convention but only those delegates within that district may vote on the candidates seeking the Party nomination of

that district. Candidates for district office will be chosen by a majority vote of the delegates at the district convention.

D. Delegates to the national convention of the Party, and also the convention officers of said conventions, will be appointed by the State Chairman, subject to confirmation by majority vote of the State Executive Committee.

E. Electors for Presidential and Vice Presidential nominees will be chosen by the State Chairman. If the Chairman will fail to act, the next ranking officer will fulfill the responsibility.

F. The representative apportionment of the aforesaid delegates, alternate delegates, convention officers and electors will be decided by the State Executive Committee on the basis of Party strength in the respective precincts, counties, and regions of the state.

G. The locations selected for the aforesaid conventions do not have to meet the same requirements as a polling place.

#### **ARTICLE XVI – RULES FOR PRECINCTS, COUNTIES, AND REGIONS**

Precincts, Counties, and Regions may adopt their own rules and bylaws, subject to approval by the State Executive Committee, in the absence of such bylaws, these bylaws will govern.

Regional, County and Precinct Parties being semiautonomous organizations of the State Party organization, therefore, they by nature must operate within the rules, bylaws and platform of the State Party organization and certain limitations must be placed on the scope of power of those organizations under the State Party in order to protect the integrity of the Party, its members and the purpose and platform of the Party. Therefore, certain acts shall be prohibited from any Regional, County, Precinct or other Party organizations and any act in contravention to these bylaws is null and void and cannot be enforced. No Regional, County, Precinct or other Party organization under the State Party may:

A. Establish or make any rule or regulation whatsoever regarding membership or other monetary payment for participation in the operation and governing of that organization, with the exception of registration fees for events where the organization will make no official decisions. Membership and dues are solely in the State Party and naturally devolve to the member's respective Party organizations. The authority to make rules and regulation on membership reside solely in the jurisdiction and authority of the State Party.

B. Establish a Platform or make any amendment to the State Party Platform (including the Essential Core Values), or make any rule or regulation allowing such act. The authority to make rules and regulation regarding the State Party Platform reside solely in the jurisdiction and authority of the State Party and all Regional, County and Precinct Party organizations subscribe to the State Party Platform.

C. Establish or make any rule, regulation or resolution in contravention to any State Party Bylaw that makes a rule or decision for the respective Party organization.

D. Establish or make any rule, regulation or resolution in contravention to the State Party Platform.

E. Have any officer who is registered to vote outside of the Regional, County or Precinct Party organization's geographical boundaries, whichever applies, with the exception of County Directors appointed by the State Chairman and approved by majority vote of the State Executive Committee.

Regional and County Party Organization bylaws or amendments thereto are neither binding nor hold any force until approved by the State Executive Committee or the Committee appointed thereby.

## **ARTICLE XVII – USE OF THE PARTY NAME**

No person, group of persons, or organization will use the name, address, or emblem of the Party in any manner, unless the State Chairman grants permission.

## **ARTICLE XVIII – PARLIAMENTARY AUTHORITY**

The then current edition of Robert's Rules of Order will govern the Party and all meetings and conventions of the Party from the precinct level to the state level whenever they are applicable and not conflicting with the Party Bylaws and the North Carolina Election laws.

## **ARTICLE XIX – AMENDMENT OF BYLAWS**

A. These Bylaws may be amended, excluding Article VIII(C), by a two-thirds vote of the State Convention, provided that the amendment is stated in the call for a meeting.

B. The State Executive Committee can enact temporary bylaw amendments throughout the course of the Party's fiscal year (from annual State Convention to the next annual State Convention), not to exceed three amendments, by a two thirds vote of the entire State Executive Committee. Temporary bylaw amendments enacted by the State Executive Committee are considered official Party bylaws until the next State Convention where they are to be voted on by the delegates and/or eligible Full Members present at the State Convention to be determined prior to the State Convention. Any temporary bylaw amendment enacted by the State Executive Committee that fails to be passed by the State Convention is to be kept on file by the State Secretary for a period of three years from the date it is withdrawn by the State Convention, and cannot be re-enacted by the State Executive Committee for a period of three years. Only bylaws that affect the functioning and procedural workings of the Party to conduct official business can be temporarily enacted by the State Executive Committee. Therefore, the following Articles of these Rules and Bylaws are prohibited from being amended by the State Executive Committee as Temporary Bylaw Amendments:

1. Article II – Purpose
2. Article IV – Membership
3. Article VIII – Essential Core Values
4. Article IX – Oath of Office

## **ARTICLE XX – SEVERABILITY CLAUSE**

If a court of competent jurisdiction does adjudge to be invalid or unconstitutional any portion of these Bylaws, such judgment or decree will not affect, impair, invalidate or nullify the remainder of these Bylaws. The effect of such judgment will be confined to the portion of these Bylaws so adjudged to be invalid or unconstitutional. If any portion of these Bylaws is in conflict with any laws of the State of North Carolina or of the United States of America, now or as a result of future, then these Bylaws will be considered to be automatically amended to conform with the law.

## **ARTICLE XXI – FILING OF PARTY RULES AND BYLAWS**

Where required by state law, the rules and bylaws of the Constitution Party of North Carolina will be furnished to the appropriate state agencies of the North Carolina government and the National Constitution Party Secretary and/or National Chairman by the State Secretary of the Constitution Party of North Carolina.

-Ratified By the Constitution Party of North Carolina, on the 28<sup>th</sup> Day of August this Year of our Lord: Two-Thousand and Ten in the city of Charlotte, North Carolina in Convention Assembled.