

**SOUTH DAKOTA DEMOCRATIC PARTY CONSTITUTION**  
**Table of Contents**

Preamble

Article I: Name of Organization

Article II: Organization

Section 1: Structure

Section 2: Officers

Section 3: Elections and Appointments

Section 4: Terms of Office

Section 5: Responsibilities and Duties

Section 6: State Party Personnel

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Article III: Meetings:

Section 1: Access and Governance

Section 2: Publicly Publicized

Section 3: Legislative District Meetings

Section 4: Regional Meetings

Section 5: State Central Committee Meetings

Section 6: State Executive Board Meetings

Filed this 16th day of

December, 2025

*Monae L. Johnson*

**SECRETARY OF STATE**

Article IV: Quorum

Section 1: State Central Committee

Section 2: State Executive Board

Article V: Committees

Section 1: Establishment

Section 2: Standing Committees

Section 3: DNC Groups

Article VI: Suspension, Recall and Vacancies

Section 1: Suspension

Section 2: Recall

Section 3: Appeal of Recall or Vacancy

Section 4: Vacancies

Article VII: General Provisions

Section 1: Voter Registration

Section 2: Party Growth

Section 3: Fostering Political Activity

Section 4: Voting Privileges for Elected Officials

Section 5: Representation/Geographic Diversity

Section 6: Contested Election Endorsement

Section 7: Consultation with State Party Chair

Article VIII: Guidance and Conflicts

Section 1: Guidance

Section 2: Conflicts

Article IX: Amendments

Section 1: Amending the Constitution

Section 2: Adoption

Article X: Biennial State Party Convention

Section 1: Date and Place

Section 2: Notification of the Convention

Section 3: Conducting the Convention

Section 4: Delegates

Section 5: Voting

Section 6: Convention Temporary Offices

Section 7: Convention Committees

Section 8: Rules

Section 9: Party Platform

Section 10: Nominations

Section 11: Certification

Section 12: Convention Minutes

Article XI: National Committee Delegates

## SOUTH DAKOTA DEMOCRATIC PARTY CONSTITUTION

### Title of Document: South Dakota Democratic Party Constitution

#### Preamble:

We, the members of the South Dakota Democratic Party (hereafter referred to as “the Party”), in order to further the principles of our Party, are dedicated to the welfare, opportunity and security of all South Dakota citizens, and, holding an unwavering confidence in the founding principles of the United States, do hereby establish this Constitution for the governance of the Party.

#### Article I: Membership

##### Section 1: Non-Discrimination Statement

This organization shall not discriminate on the basis of race, color, religion, gender, age, sexual orientation, marital status, national origin, disability, and status as a veteran.

##### Section 2: Requirements

To participate fully in any public party meetings and be elected to any party office, a person must be a registered Democrat in South Dakota.

#### Article II: Organization

**Section 1: Structure** The organization within the Party shall be:

- A. Precinct Committeepersons
- B. County Central Committees
- C. Legislative District Chairs and Vice Chairs
- D. Regional Representatives
- E. State Central Committee
- F. State Executive Board

**Section 2: Officers** The officers are as follows:

- A. **Precinct Committeepersons:** The officers of a precinct shall consist of two precinct committeepersons, who should be of differing genders, if possible.
- B. **County Central Committee:** The county central committee shall be composed of all elected or appointed precinct committeepersons, the state central committeepersons, and the county officers. The Executive Board of the Democratic Party in each county shall consist of the following: chair, vice chair, secretary, treasurer (or secretary-treasurer), two state central committeepersons and other such persons as the county central committee designates.
- C. **Legislative District Chairs and Vice Chairs:** Legislative district chairs and vice chairs. They should be of differing genders, if possible.
- D. **Regional Representatives:** State central committee members from within each region shall elect two regional representatives who should be of differing genders, if possible.

- E. **State Central Committee:** The state central committee shall be composed of all state executive board members, the county state central committeepersons, the chairs and vice chairs of each county, and legislative district chairs and vice chairs.
- F. **State Executive Board:** The executive board of the Party shall consist of the state party chair, state party vice chair, state secretary, state treasurer, national committeepersons, two regional representatives from each of the seven regions, approved caucus representatives, the president of the Young Democrats of South Dakota, and the president of the College Democrats of South Dakota. In addition, certain elected officials are granted voting privileges on the executive board as listed in Article VII, Section 4 of this constitution.
- G. **State Party Officers:** The state party officers shall consist of chair, vice chair, secretary and treasurer. The chair and vice chair should be of differing genders, if possible.
- H. **National Committeepersons:** Shall be different genders, if possible.

### **Section 3: Elections and Appointments**

#### **A. Notification of Qualifications and Duties of Officers:**

1. The Party shall publicize fully, and in such a manner as to assure notice to all interested parties, complete description of the legal and practical qualifications and duties for all officers and representatives of the party.
2. Such publication shall be done in a timely manner so that all prospective candidates for elected or appointed positions within the Party will have full and adequate opportunity to compete for office.

#### **B. Precinct Committeepersons:**

1. Shall be selected at a county caucus including the registered Democratic voters of the county at a called and publicized meeting to be held between January 1 and April 1 of even-numbered years. In counties encompassing more than one district, individual caucuses may be held in each district under the direction of the district chair.
2. A current list of precinct committeepersons shall be provided to the state party office by the county party secretary or other official designated by the county executive board.

#### **C. County Central Committee:**

1. Shall meet at a public meeting between April 1 and May 31 of odd-numbered years, together with the elected Democratic County and legislative officeholders, to elect a county chair and vice chair, who should be of the differing genders if possible; a secretary-treasurer or a secretary and a treasurer; and two state central committeepersons, who should be of differing genders if possible.
2. The nominees for these offices need not be elected precinct committeepersons. A majority vote of those present shall constitute an election which shall be certified within 30 days to the county auditor, except that the election of the state committeepersons and the county chair shall be certified by the SD Secretary of State.

3. Election of the county officers as listed above shall be by a majority vote of the registered Democrats that are registered to vote in the county and attending a public meeting set between April 1 and May 31 of odd-numbered years.
  4. If a county party fails to have a county party election as called for in this constitution, the state party chair may deem that county inactive. In such cases, the state party chair may call a public meeting of registered Democrats in the county in order to recruit county officers and precinct committeepersons. Election of the county officers shall be by a majority vote of registered Democrats attending said public meeting. The state party chair may appoint a temporary county chair until such time as the new county officers are elected. The term of the appointed chair shall not exceed one (1) year.
- D. **Legislative District Chairs and Vice Chairs:** Shall be elected at a district caucus open to all registered Democrats living within the District. Such elections shall take place between April 1 and May 31 of odd-numbered years. The date and location shall be set by the district chair and the meeting shall be open to all registered Democrats within the district.
- E. **Regional Representatives:** State central committee members from within each region shall elect two regional representatives who should be of differing genders if possible. Regional representatives shall be elected between January 1 and April 30 of odd-numbered years. The terms of office for regional representatives shall be two years. Regional representatives shall take office on the first day of May following their election. In the event of a vacancy, successors will be elected and installed.
- F. **State Central Committee:** Shall be elected according to the procedure associated with their position. No party member should occupy more than one position within the party granting state central committee membership as described in Article IV, Section 2, except temporarily due to a recent election to a new position.
- G. **State Executive Board:** Shall be elected according to the procedure associated with their position.
- H. **State Party Officers:** State party officers shall be elected by the state central committee between January 1 and April 30 of odd-numbered years. The votes for the state party officers shall be weighted. Each county shall cast the number of votes equal to the county's proportionate vote for the Democratic candidate for governor in the last gubernatorial election. The county members of the state central committee (county chair, county vice chair, and two state central committeepersons) shall equally split the votes entitled to the county.
- I. **National Committeepersons:** Shall be elected at state convention in the year of the U.S. Presidential election by the state convention delegates.

#### **Section 4: Terms of Office**

- A. Precinct Committeepersons: Shall hold office for a term of two years.
- B. County Central Committee: Shall hold office for a term of two years.
- C. Legislative District Chairs and Vice Chairs: Shall hold office for a term of two years.
- D. Regional Representatives: Shall hold office for a term of two years.
- E. State Central Committee: Shall hold office for a term length defined by the member's qualifying position.
- F. State Executive Board: Shall hold office for a term length defined by the member's qualifying position.
- G. State Party Officers: The terms of office of the chair, vice-chair, secretary and treasurer shall be four years. Officers shall take offices on the first day of May following their election.
- H. National Committeepersons: The term of office for the national committeepersons shall be four years.

#### **Section 5: Responsibilities and Duties**

- A. **Precinct Committeepersons:** The duties of the precinct committeepersons shall be to:
  - 1. represent the precinct at county and district meetings,
  - 2. participate in the election of their county and district officers,
  - 3. actively work with the county and district officers to elect Democrats at the district, county, and statewide levels, and
  - 4. such other duties as requested or assigned by the county or district chairs.
- B. **County Central Committee:** The duties of the county central committee shall be to:
  - 1. comply with state laws regarding election oversight including appointments of election overseers,
  - 2. assist county and local Democratic candidates with campaigns,
  - 3. assist district and precinct chairs in grassroots organization, and organize fundraising activities,
  - 4. act as the policy-making body of the party at the county level, and
  - 5. assist in providing support for the state party.
- C. **Legislative District Chairs and Vice Chairs:** The duties of the legislative district chair and vice chair shall be to:
  - 1. serve on the state central Committee and vote at meetings in non-weighted votes,
  - 2. coordinate the recruiting and election of legislative candidates in the district, and
  - 3. assist all Democratic candidates with their general election campaigns within the district.
- D. **Regional Representatives:** The duties of regional representatives shall be to:
  - 1. work with the county and district chairs within the region to recruit persons to fill party positions at the county and district levels,

2. consult with the county and district chairs. They may call a pre-convention caucus of the region in even-numbered years for the purpose of proposing platform planks and nominating persons to the various platform committees. No action of a caucus will be final unless approved by the convention as a whole, and
  3. serve on the state executive board.
- E. **State Central Committee:** The duties of the state central committee shall be to:
1. act as the governing body of the Party and be responsible for the proper financing of the party,
  2. be responsible for the elections of the constitutional candidates,
  3. serve to communicate and act upon policies recommended by the executive board,
  4. represent the county at the state party meetings,
  5. serve on the county central committee,
  6. support the goals and policies of the state party, and,
  7. as prescribed in South Dakota law, may authorize the appointment of party positions.
- F. **State Executive Board:** The duties of the executive board shall be to:
1. supervise the expenditures and administration of the party between meetings of the state central committee,
  2. act upon policy decisions necessary for the functioning of the party until the next state central committee meeting, at which time such policy shall be subject to the approval of the state central committee, and
  3. submit to the state central committee for approval, the annual budget and recommendations of the party policy.
- G. **State Party Officers:**
1. **The State Party Chair shall**
    - a. preside at all meetings of the state central committee and state executive board,
    - b. serve as a member of the Democratic National Committee,
    - c. represent the Democratic Party of South Dakota at national, regional and other meetings of the Democratic Party,
    - d. perform such other duties as may be prescribed by state law,
    - e. act for the affairs of the party, within any limitations stated in this constitution, as its chief administrative officer,
    - f. consult with the state executive board and abide by the vote of the majority of such board on all major policy matters,
    - g. consult with the executive board of the state central committee as members of the board on all matters pertaining to the welfare of the party on the state and national levels,
    - h. appoint the executive director with the approval of the state executive board, and
    - i. as needed, recommend creation of committees, and appointments to committees and to the executive board, subject to approval by the state central committee.

2. **The State Party Vice Chair shall**
  - a. preside over the state central committee and state executive board meetings in the absence of the chair,
  - b. serve as a member of the Democratic National Committee,
  - c. represent the Democratic Party of South Dakota at national, regional and other meetings of the Democratic Party,
  - d. consult with the executive board of the state central committee as members of the board on all matters pertaining to the welfare of the party on the state and national levels,
  - e. act for the chair when the chair is absent from the state or otherwise disqualified,
  - f. act conjointly with the chair under the direction of the state central committee in the direction and control of all campaigns and in promotion of party policies and financial affairs, and
  - g. perform such other duties as may be prescribed by state law or assigned by the chair.
3. **The State Secretary shall**
  - a. maintain and keep records of the meetings of the state central committee and the state executive board, and
  - b. file such meeting records as permanent records in the party state headquarters.
4. **The State Treasurer shall**
  - a. receive and disburse all funds of the party,
  - b. make all necessary reports covering the financial conditions of the party, as required by state and federal law, and
  - c. make a bi-annual audit and prepare for presentation to the state central committee and the state executive board.
5. **The National Committeepersons shall**
  - a. represent the Democratic Party of South Dakota at national, regional and other meetings of the Democratic Party,
  - b. serve as members of the Democratic National Committee,
  - c. consult with the executive board of the state central committee on all matters pertaining to the welfare of the party, and
  - d. perform such other duties as may be prescribed by state law.

## **Section 6: State Party Personnel**

### **A. Staff**

1. The executive director shall be appointed by the state chair with the approval of the state executive board.

### **B. Executive Director**

1. The executive director shall manage the day-to-day operations of the organization and be subject to an annual review by the executive committee. The executive director shall not be an elected official of the Party at any level.

### **C. The State Party Chair**

1. The state party chair shall serve as the immediate supervisor and liaison with the executive director and may terminate the director with approval of the state executive committee (state party chair, vice chair, secretary and treasurer).

## **Article III: Meetings**

### **Section 1: Access and Governance**

All meetings of the Party at every level shall be open to all members of the Party. Such meetings shall be held in places accessible to all party members and large enough to accommodate all interested persons. Robert's Rules of Order shall govern such proceedings where no other provision exists in this constitution. Any Party unit may conduct their proceedings by electronic or hybrid means. The Constitution and the South Dakota Democratic Party policies, procedures and bylaws shall apply equally to meetings that are conducted in-person, electronically or hybrid.

### **Section 2: Publicly Publicized**

The time and place for all public meetings of the Party at all levels shall be publicized fully and in such a manner as to assure timely notice to all interested persons.

### **Section 3: Legislative District Meetings**

The legislative district chair may hold meetings of the county officers, elected Democratic State Legislators and precinct committee persons within the district for purposes of election planning, and the legislative district chair shall preside over those meetings. The legislative district vice chair, in the absence of the chair, shall preside at the district meetings.

### **Section 4: Regional Meetings**

The Regional representatives may call regional meetings during the year for the purposes of planning and sharing information regarding election strategies. Regional meetings shall include the regional representatives, district chairs and vice chairs, county chairs and vice chairs, and state legislators from within the region.

### **Section 5: State Central Committee Meetings**

- A. The state party chair may convene a meeting of the state central committee by electronic or hybrid means, in which members are connected by audio, video or both. The state central committee may use such meetings for all purposes in connection with any meeting within the committee's responsibilities.
- B. State central committee members representing at least eight counties may require the state party chair to call a state central committee meeting within 30 days after the chair receives notice of such action. Advance notice of 10 days shall be given to members of the state central committee.

- C. The state executive board of the party shall have the power to call a meeting of the state central committee whenever, in their discretion, the interest of the party may demand.
- D. Agendas shall be posted via the internet and shall provide information on how to access the meeting by electronic means. Notice may be given electronically as long as such notice is also published on the state party's website.
- E. During the meeting, at least a quorum of the members of the central committee shall participate from locations within the state.
- F. Each member present shall have one vote on any matter brought before such meeting, and a majority of those present carries any issue before the meeting. However, when voting for presidential electors, state party officers, and the national committeepersons, voting shall be as provided in this constitution.
- G. All votes taken during an electronic meeting shall be by roll call or another secure method to ensure votes are properly counted.
- H. The State Central Committee shall meet no less than once per quarter each calendar year to conduct the business of the party.

#### **Section 6: State Executive Board Meetings**

- A. The state executive board shall meet not less than four times each calendar year and shall otherwise meet at the call of the state party chair or at the call of any other three state executive board members.
- B. Any meeting called by the state party chair or three members of the state executive board shall be called by written or electronic notice to each member of the executive board at least five days in advance of the meeting. Said notice shall clearly state and describe the principal matter of business to be considered at said meeting; provided, however, that the notice requirement shall not restrict action on other business matters.

#### **Section 7: County Party Meetings**

- A. Each organized County Party shall meet no less than once per quarter each calendar year to conduct the business of the County Party.

### **Article IV: Quorum**

#### **Section 1: State Central Committee**

- A. A quorum of the state central committee meeting shall consist of not less than 14 counties. No business shall be conducted without the said quorum being present. For quorum purposes, every central committee member represents the county in which they are registered to vote.

#### **Section 2: State Executive Board**

- A. A quorum of the executive board shall consist of a majority of members and no business may be conducted without the said quorum being present.

**Article V: Committees**

**Section 1: Establishment**

- A. The state central committee may establish committees, councils, caucuses, task forces and partnerships to encourage constituent participation in the state central committee and state executive board.
- B. The state party chair may appoint a representative to the executive board from each of such groups subject to approval by the state central committee, each of whom shall hold their position for two years or until a successor is elected.

1. Such appointments shall regularly occur at the second state central committee meeting of each odd-numbered year, though appointments in recognition of new groups or to fill vacancies may occur in the interim.
  2. Any group seeking representation on the executive board must have bylaws on file with the Party detailing membership requirements, leadership election timelines and procedures, and a statement of purpose prior to a vote of approval from the state central committee.
- C. The Regional representatives may also meet upon call of the state party chair to serve as an elections advisory committee.

### **Section 2: Standing Committees**

- A. With consent of the state executive board, individuals will be appointed to standing committees in order to conduct the business of the party.
- B. The standing committees are the annual audit committee, the finance committee, and the coordinated campaign committee.
- C. Committee members are to be appointed at the beginning of each calendar year and will serve one year.
- D. All business conducted by the committee will be upon approval of the state executive board.

### **Section 3: DNC Groups**

- A. Groups established by the Democratic National Committee shall be represented on the state executive board in the same manner as they are represented at the Democratic National Committee.
- B. Appointed representatives shall have one vote on the executive board. Members so appointed by the authority under this section shall not be counted for the quorum requirement and shall serve until their successors are appointed.

## **Article VI: Suspension, Recall and Vacancies**

### **Section 1: Suspension**

- A. The state executive board, by a two-thirds vote of members present at an official meeting, may temporarily suspend a member of the Party from any party position and suspend all powers granted by such position for a period up to 30 days.
- B. By a majority vote, the executive board may extend the suspension for an additional 30 days if a formal disciplinary action or recall is pending.
- C. A majority vote of the executive board or state central committee, or a petition signed by a majority of voting members of either body presented in-person or virtually to any state party officer, shall end such suspension with immediate effect.

## **Section 2: Recall**

- A. Any elected officials of the party may be recalled by the following procedure:
  1. One-half of the members eligible to vote for the position must sign a recall petition and present it at an official meeting of the body of the elected party officer.
  2. A vote to recall the officer must be held within 30 days of the presentation of the petition and two-thirds vote of those eligible to vote and present are required for recall.

## **Section 3: Appeal of Recall or Vacancy**

- A. Appeal of a recall or declared vacancy may be brought before an appeals committee whose members shall be recommended by the state party chair and approved by the executive board.
- B. Members of the appeals committee shall serve until the appeal has been resolved.

## **Section 4: Vacancies**

- A. **Precinct:** Vacancies occurring in a precinct or other county position by reason of death, resignation, or otherwise, shall be filled by the county party members at-large.
  1. If vacancies remain subsequent to the election, they may be filled by the county central committee or from the county at-large.
  2. If no one is available from a precinct, person(s) from another precinct may be selected by the group as a whole, as long as all precinct representatives reside in the district and county in which the precinct is located.
  3. Public notice of the meeting where the vacancy will be filled, must be made 14 days prior to the scheduled meeting.
  4. Precinct committee persons are not subject to recall, but can be removed in accordance with this constitution.
- B. **Legislative Chair and Vice Chair:** Vacancies occurring in a legislative district chair or vice chair position by reason of death, resignation, or otherwise, shall be filled by a special meeting of the district caucus called by the state party chair.
  1. Such caucus shall include any registered Democrat living within the District.
  2. Public notice of the meeting where the vacancy will be filled, must be made 14 days prior to the scheduled meeting.
- C. **Regional Representatives:** A vacancy occurring in any of the fourteen regional representatives to the executive board positions shall be filled at a meeting called by the state party chair of the state central committee members of the region in which the vacancy occurs. Public notice of the meeting where the vacancy will be filled, must be made 14 days prior to the scheduled meeting.

- D. **State Positions:** A vacancy occurring in any state position, such as national committeeperson or state party chair, by reason of death, resignation, or otherwise, shall be filled by a vote of the state central committee.

## **Article VII: General Provisions**

### **Section 1: Voter Registration**

The Party at all levels shall support the broadest possible voter registration.

### **Section 2: Party Growth**

The Party in all its endeavors will strive to contribute to the growth and influence of the Party, to develop leadership, to increase party effectiveness, and to promote unity within the Party.

### **Section 3: Fostering Political Activity**

It shall further be the policy of this organization to foster and encourage political activity among the voters of this state and those approaching voting age and to acquaint all people with the programs and principles of the party. South Dakota voters registered as Democrat or Independent may cast a vote in the Democratic primary election.

### **Section 4: Voting Privileges for Elected Officials**

- A. In addition to the members listed previously, all Democrats who are currently serving as an elected statewide constitutional officer, an elected member of the public utilities commission, the floor leader of the South Dakota Senate and House, or as a member of the U. S. Congress shall have voting privileges on the executive board.
- B. Members listed in this section shall not be counted for the quorum requirement. The members listed in this section may appoint a designee to act on their behalf. If they desire to appoint a designee, the name of the designee shall be provided to the state party chair in writing.

### **Section 5: Representation and Geographic Diversity**

- A. Each county central committee shall attempt to achieve geographic diversity in the selection of state central committee members.
- B. The boundaries of and the number of districts shall be the same as the districts of the state legislature.
- C. The state executive board shall divide the state into seven regions after each legislative redistricting, with five districts in each region. In doing so, efforts shall be made to maintain each county within one region to the extent possible. The final division shall be determined by majority vote of the state executive board.

### **Section 6: Contested Election Endorsement**

Neither the state central committee, the state executive board nor any county central committee shall finance or endorse the candidacy of any person seeking the nomination of the Party in a contested primary election.

### **Section 7: Consultation with State Party Chair**

It is the policy of the Party to encourage all elected officials responsible for recommending or making policy-level appointments to consult with the state party chair, who shall in turn consult with the county or district chair concerning the qualifications of all such prospective appointees.

## **Article VIII: Guidance and Conflicts**

### **Section 1: Guidance**

The organization shall be guided, in all its operations, by the applicable laws of the state of South Dakota pertaining to political party organization; by the party in convention assembled; by state party officers, functioning with the advice and consent of the State Central Committee of the Party as provided by this Constitution and by the rules, bylaws and charter of the Democratic Party of the United States.

### **Section 2: Conflicts**

Any portion of this Constitution that conflicts with South Dakota law shall be deemed amended to conform to South Dakota law and the remainder of the Constitution shall remain in effect.

## **Article IX: Amendments**

### **Section 1: Amending the Constitution**

- A. This Constitution may be amended by a sixty percent vote of those present at a meeting of the State Central Committee of the party.
- B. Written notice shall have been given of such proposed change at least 30 days prior to the meeting. The Chair is authorized to make editorial revisions for purposes of grammar or style.

### **Section 2: Adoption**

If adopted, amendments shall not take effect until the Secretary certifies and files a copy of the Constitution and amendments with the South Dakota Secretary of State within 30 days of their approval by the State Central Committee.

## **Article X: Biennial State Party Convention**

### **Section 1: Date and Place**

- A. The State Democratic Party Convention shall be held within a reasonable time after each biennial primary election.
- B. The State Central Committee shall determine the date for holding the Convention.
- C. The convention shall be held in places accessible to all party members and large enough to accommodate all interested persons.

### **Section 2: Notification of the Convention**

- A. The State Party Chair or their designee shall notify the SD Secretary of State at least 30 days prior to the date chosen.